

read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

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

The bill (H.R. 4008) was ordered to a third reading, was read the third time, and passed.

Mr. SCHUMER. Mr. President, I am glad we have just passed H.R. 4008. I thank all of my colleagues and Representative MAHONEY in the House, who authored the Credit and Debt Card Receipt Clarification Act. I introduced an identical bill on the Senate side, which was S. 2978. The House passed this bill last week by the unanimous vote of 407 to 0.

H.R. 4008 is a narrow, commonsense bill that will smooth the transition to new rules for printing credit card receipts under the Fair and Accurate Credit Transaction Act, or FACTA.

FACTA says the credit card receipts can only display one of two things: either the last five digits of the credit card account number or the expiration date.

Unfortunately, the law was not as clear as it could have been, and many companies misunderstood this requirement. They redacted account numbers in order to comply with FACTA but mistakenly left expiration dates in place.

But unlike the State laws after which it is modeled, FACTA is tied to a statutory damages provision that sparked the filing of hundreds of class action lawsuits against companies whose sole error was printing expiration dates on receipts.

Let's be clear. These lawsuits are not alleging that consumers were harmed in any way. I will repeat that. The lawsuits are not alleging that consumers were harmed in any way. In fact, experts on identity theft will tell you that printing the expiration date doesn't present any risk of fraud or identity theft, as long as the account number is truncated.

Yet companies are facing sky-high liability of up to \$1,000 per receipt. Some of them are large retail businesses; most of them are small mom-and-pop stores. The damages in these cases are so huge that judges have refused to certify class actions because the lawsuits could actually destroy the companies—small and large.

The long list of defendants in these cases includes many major corporations—we have all heard of the hotels, restaurant chains, et cetera—as well as little mom-and-pop stores.

It is fair to say that these lawsuits will actually hurt consumers because companies will be forced to raise prices, or even close stores, in order to cover the cost of legal fees and expensive settlements. This is at a time when our economy and businesses—particularly those dealing with retail—are already struggling to rebound from tough times.

So the bill is a win-win proposition for everyone. It stops destructive lawsuits against companies that made a harmless error in the past, but it also ensures that consumers can still sue in any case where they were actually harmed.

Going forward, companies will still have to meet the same strict rules Congress originally passed in fact. I am glad the Senate was able to take quick action on this important bill.

EXECUTIVE SESSION

Mr. SCHUMER. Mr. President, I now ask unanimous consent that the Senate resume executive session.

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

The Senator from Florida.

Mr. MARTINEZ. Mr. President, I wish to speak on the executive business of the Senate. I am proud today to speak on behalf of my brother, Ralph Martinez, who has been nominated by the President.

The ACTING PRESIDENT pro tempore. The minority has no time remaining.

Mr. MARTINEZ. Mr. President, I ask unanimous consent that I be allowed 3 minutes.

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

Mr. MARTINEZ. Mr. President, my brother, Ralph Martinez, has been nominated by the President to be a member of the Foreign Claims Settlement Commission of the United States.

I am extremely proud of Ralph. He is someone, such as myself, who has adopted this country as his own and who, after the struggles of all immigrants, succeeded in life. He is the proud father of three wonderful children and has raised a wonderful family. He also has excelled in the practice of law in central Florida. I am delighted he is going to have an opportunity to serve this Nation in this very important capacity.

I am also delighted to thank Leader REID and Leader MCCONNELL for expediting his confirmation, as well as Chairman LEAHY and Ranking Member SPECTER for their courtesies throughout this process for Ralph Martinez.

I know he will serve this Nation well. I am proud to second his nomination and urge the Senate to confirm him swiftly.

Mr. President, I yield the floor. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. Will the Senator withhold?

Mr. MARTINEZ. Yes.

RECESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:31 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. CARPER).

EXECUTIVE SESSION

NOMINATION OF MICHAEL G. MCGINN TO BE UNITED STATES MARSHAL FOR THE DISTRICT OF MINNESOTA, RALPH E. MARTINEZ TO BE A MEMBER OF THE FOREIGN CLAIMS SETTLEMENT COMMISSION OF THE UNITED STATES, AND G. STEVEN AGEE TO BE UNITED STATES CIRCUIT JUDGE FOR THE FOURTH DISTRICT—Continued

The PRESIDING OFFICER. Under the previous order, there will be 15 minutes equally divided and controlled between the senior Senator from Virginia, Mr. WARNER, and the junior Senator from Virginia, Mr. WEBB, or their designees.

The Senator from Illinois is recognized.

Mr. DURBIN. Mr. President, I will take the time allotted on the Democratic side to Senator WEBB.

Mr. President, we have heard the sad news about our friend TED KENNEDY. Those of us who stood by his side know that there is no better ally and no more determined fighter. Now, as TED KENNEDY faces another great fight, we know he will bring the same courage and determination to the battle. We also know TED has spent his entire life caring for those in need. It is time for those of us who love TED and his family to care for them and join in prayer to give them strength.

Mr. President, at 2:30 we will consider the nomination of Steven Agee of Virginia to serve on the U.S. Court of Appeals for the Fourth Circuit. It is a lifetime appointment. He is a consensus nominee. Both Senators WARNER and WEBB support him. Of the 11 appellate court nominees pending before the Senate, only 6 can claim the same home State Senator support. That is one of the reasons some of them have been delayed. If we work more toward bipartisan consensus, more nominations would be approved.

Also, it is difficult to hear criticisms that these nominations have been delayed. The Republican minority has delayed so many bills and so many matters in this Congress, they have set a new record for filibusters and delay. That is a fact.

The Senate has confirmed 303 judges for lifetime appointments during the Bush Presidency. President Bush has had 86 percent of his judicial nominees confirmed; President Clinton, only 75 percent. When it comes to circuit court nominees, President Bush has even had a higher confirmation rate than President Clinton—71 percent to 57 percent. There has been no mistreatment here when it comes to the nominees sent to us by the Bush White House. Under

President Clinton, 61 judicial nominees were not even given the courtesy of a hearing and a vote.

One of the problems that faces the analysis on the Republican side is that there have been fewer judicial vacancies. President Clinton had 377 judges confirmed; President Reagan, 382, but at the present time, with the 303 already confirmed, if every vacancy were filled—every one of them—then President Bush would have fewer than President Clinton or President Reagan had confirmed. In other words, the fact that President Bush will have appointed fewer judges than his predecessors is a function of math, not political mischief.

Another complaint we have heard from my Republican colleagues is that we are moving on Sixth Circuit nominee Helene White ahead of three circuit court nominees whom they would prefer. Senator LEAHY, chairman of the Judiciary Committee, and the majority leader have already addressed this point, but I think the record should be abundantly clear. Helene White was originally nominated in January 1997 and was pending as a Clinton nominee for 1,532 days—over 4 years—until March 2001. You can even argue that she has been pending for over 11 years. So in terms of a place in line, she certainly deserves consideration for her patience.

I hope these battles will be resolved and resolved soon, but most importantly I hope they are resolved with good men and women who come to these lifetime appointments with the appropriate background and appropriate temperament to serve this Nation well. I hope the Senate will join on a bipartisan basis in approving this afternoon's pending nomination.

I reserve the remainder of my time.

Mr. WEBB. Mr. President, today it is my distinct pleasure to offer my support—along with my colleague, Senator WARNER—for the nomination of Justice G. Steven Agee to be a judge on the U.S. Court of Appeals for the Fourth Circuit.

Justice Agee is regarded as a jurist of superior intellect and judicial temperament who exhibits the highest degree of integrity and professionalism. After graduating law school, Justice Agee began his legal career as an associate with Martin, Hopkins & Lemon, 1977 to 1979. In 1979, Justice Agee joined Rocovich, Dechow, Parvin & Wilson, P.C., where he did additional work as an associate. From 1980 to 2000 Justice Agee was a shareholder and director with Osterhoudt, Ferguson, Natt, Aheron & Agee. In 2001, Justice Agee began serving as a judge on the Court of Appeals of Virginia and has been a justice on the Supreme Court of Virginia since 2003.

Justice Agee has unparalleled support from the entire legal community in the Commonwealth of Virginia. Justice Agee served for 12 years in the Virginia House of Delegates—1982 to 1994—and served as an appointed member of

the Virginia Criminal Sentencing Commission, 1997 to 2000. The ABA Standing Committee on the Federal Judiciary has rated Justice Agee “well qualified” to sit on the U.S. Court of Appeals for the Fourth Circuit. He is active in myriad community and civic organizations. Justice Agee received his B.A., magna cum laude, from Bridgewater College in 1974, his J.D. from the University of Virginia School of Law in 1977, and his L.L.M. in Taxation from New York University School of Law in 1978. He is married to Nancy Howell Agee, the chief operating officer and executive vice president of Carillon Clinic, and together they have one child.

I am acutely aware of the vitally important role that the Constitution assigns to the Senate in the advise and consent process related to Federal judges. Judgeships on our Nation's Circuit Courts of Appeal are critical to the American system of jurisprudence. Senator WARNER and I undertook a careful and deliberative process to find the most qualified nominees. Our collaborative process involved a thorough records review and rigorous interviews. We are of the opinion that Justice Agee not only met our high standards for selection but exceeded them. Justice Agee was on the joint list of recommended nominees that we submitted to President Bush last year. We are pleased that President Bush has chosen to respect our diligent bipartisan work.

I want to thank you for the opportunity to make these remarks about Justice Agee today and for the expeditious way the Senate has moved his nomination through the process during the 110th Congress. Again, it is with pride that I join Senator WARNER in commending Justice Agee to each of my colleagues in the Senate, and I ask my fellow Senators to vote to confirm his nomination to the U.S. Court of Appeals for the Fourth Circuit.

The PRESIDING OFFICER. Who seeks recognition? The Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, how much time remains that is controlled by the Senator from Vermont?

The PRESIDING OFFICER. The Senator has 3 minutes 40 seconds remaining.

Mr. LEAHY. Mr. President, I yield myself 30 seconds.

I would note, in all these numbers, we Democrats have worked very hard to erase what was done by the Republicans when there was a Democratic President. They pocket filibustered over 60 of President Clinton's nominees. They let one go through—actually voted for him in committee, one of the most distinguished African-American jurists in this country. Then, in lockstep, every single Republican voted against him—a humiliation for him. He went on to become chief justice of the Missouri Supreme Court.

We have not done that.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who seeks recognition?

Mr. WARNER. Mr. President, I rise to express my strong support for an extraordinary nominee to the federal bench. I welcome the opportunity today to vote in favor of confirmation for the Honorable G. Steven Agee to a seat on the U.S. Court of Appeals for the Fourth Circuit.

Justice Agee currently serves with distinction on the Supreme Court of Virginia. It was my privilege to introduce him to the Senate Judiciary Committee on May 1, and, as I expressed to the committee, Justice Agee's qualifications to serve on the Fourth Circuit are as impressive as any circuit court nominee for whom I have voted in my 30 years in the Senate.

Further, I am pleased to note that the American Bar Association concurs with my assessment of this nominee. The ABA gave Justice Agee its highest recommendation: unanimously well-qualified.

Justice Agee's nomination is a product of a collaborative process between the administration and Virginia's two U.S. Senators. In early 2007, Senator WEBB and I personally, extensively interviewed more than a dozen individuals to serve on the Fourth Circuit, and ultimately, in June 2007, we submitted to the President a list of five individuals that both of us would strongly support for confirmation. Justice Agee was one of those five individuals.

A magna cum laude graduate of Bridgewater College in Virginia, Steve Agee subsequently earned his law degree from the University of Virginia School of Law and an L.L.M. in Taxation from New York University. For the past 30 years, he has been engaged in the Virginia legal community as either a practicing lawyer or as a jurist.

In addition to his remarkable legal career, Justice Agee has been actively engaged in public service through the military, elected office, the state bench, and other civic and volunteer causes.

For 11 years during his career in private practice, he served in the U.S. Army Reserve, Judge Advocate General Corps, completing his service at the rank of major in 1997.

From 1982 to 1994, Steve Agee was a member of the Virginia House of Delegates, representing the city of Salem; the Counties of Craig, Montgomery, and Roanoke; and the towns of Christiansburg, New Castle, and Vinton to Virginia's General Assembly.

In 2000, the Virginia General Assembly unanimously confirmed Steve Agee to the Virginia Court of Appeals. In January 2003, the General Assembly once again unanimously confirmed Judge Agee—this time to one of seven seats on the Virginia Supreme Court.

For many years, he has been a member of the Board of Trustees for Bridgewater College; a member of the Board of Directors for the Bradley Free Clinic of Roanoke; a member of the Salem Rotary Club; and he has also contributed his time to the Western Virginia Foundation for the Arts and Sciences

and the Governor's Regional Economic Development Council for the New Century Region.

Justice Agee is obviously a very accomplished American. I appreciate the Senate Judiciary Committee's prompt consideration of this nominee, as the seat to which he has been nominated is designated as a judicial emergency by the Administrative Office of the United States Courts.

I am confident that Justice Steve Agee will serve on the Fourth Circuit with distinction, and I urge my colleagues to join me in voting in favor of his confirmation today.

I see my colleague. I would like to add just one more word, if I may.

We just received the news with regard to a dearly beloved Member of this Chamber, Senator KENNEDY of Massachusetts. It has been my privilege to know the Kennedy family for many years. In 1949, when I went to the University of Virginia Law School, his brother Bobby was there. I first met TEDDY KENNEDY in conjunction with the things we did in those days at Virginia Law School. We have been very close friends all these ensuing years.

I send forth my prayers for his recovery. You know, as Churchill once said in the darkest days of the Battle of Britain: Never, never, never give in. Those are the words that I know to be in TED KENNEDY's mind now. He will take on this challenge. How many times have we been privileged, in this Chamber, to listen to our colleague speak from that back row? He really doesn't need the microphone; his voice resonates to the rafters in this Chamber. That great strength that propels his voice to reverberate throughout the Senate Chamber will be the same strength that he will draw upon again in his recovery, for which we all pray.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, just before entering the Chamber, I heard the devastating news about Senator KENNEDY's diagnosis with a malignant brain tumor. I have been there. A few years back, I was diagnosed with a malignant brain tumor and given 3 to 6 weeks to live.

I note in the press release that it says:

How well patients fare depends on what specific tumor type is determined by further testing.

The diagnosis for me, for a malignant brain tumor, turned out to be incorrect.

I note Senator KENNEDY will be receiving chemotherapy and radiation. I know something about chemotherapy myself. I am in the middle of it right now for Hodgkin's.

But Senator KENNEDY is a real fighter. We all know that. I am betting on Senator KENNEDY. He has been such a champion on so many causes—civil rights, health, education, labor reform, and the judiciary, where he served as chairman of the Senate Judiciary Committee with great distinction.

It would be my hope that what has happened today would provide some motivation for both parties to find a bipartisan way to cross the aisle and to stop the bickering which has characterized the confirmation process for so many years. Senator KENNEDY has been an example, a shining example. He has crossed the aisle and sponsored so many legislative enactments. I have had the opportunity to cosponsor the Kennedy-Specter bill, for example, on hate crimes and the civil rights bill that has been so often cited.

I have said all I had to say about the current matter. I spoke at length yesterday and again today on Justice Agee. There is no doubt he is well qualified—the other two nominees are as well.

When you cite the statistics, you can cite them both ways. You can cite them in all directions. When you talk about fault, it is equal; the blame is on both sides. The conduct of both parties in this Chamber has been disgraceful in the last 20 years—both sides, first one side and then the other, and each time it exacerbates.

I worked very closely with Senator LEAHY over the years, and we have had some real bipartisan agreements. My hope is that he and I can get together again and find a way to solve this partisan morass and to establish a timetable that once a nomination comes in, so many days later, there is a hearing; so many days later, it comes out of committee; and so many days later, it comes to the floor.

In the middle of the battle over this so-called deal, which I have spoken on at length yesterday and today, the news of what has happened with Senator KENNEDY perhaps will give us some motivation to follow Senator KENNEDY's lead.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WEBB. Mr. President, I rise principally to associate myself with the remarks of Senator WARNER, our senior Senator from Virginia, and to recommend to this body the qualifications of Steven Agee for this position and to emphasize that I believe Senator WARNER and I have been able to accomplish some things in the last year and a half that I hope we can sort of spread out in a broader way to the body here. We found the issues on which we can work together in terms of governing this country in a responsible way. The judicial nominees are one of them. We have worked not only closely together, we worked in the same room, interviewing people who would be potential judges, recommending them jointly to the White House, and supporting them thereafter.

I highly recommend this candidate.

I also would like to take a moment and associate myself with the remarks of others who expressed their concern about Senator KENNEDY. He is truly a lion of the Senate.

Incidentally, I wish to also express my profound respect for the senior Sen-

ator from Pennsylvania for the way he has addressed his own health challenges over the years and the example he has set for all of us.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, may I say to my distinguished colleague, the junior Senator from Virginia, and my partner, I thank him so much for the way in which, from the moment he has arrived at the Senate, we have worked together on behalf of the interests of our Nation and our State. I think this is a very clear manifestation of how two Senators of different parties can come together and find that candidate they judge to be eminently qualified to serve—not only the State of Virginia but the other States served by the Fourth Circuit. As we know, circuit court opinions are binding on a wide realm of cases throughout the Nation.

I thank my colleague from Virginia for his participation with me as a full partner in bringing this nomination to the floor.

Mr. WEBB. I thank the Senator. I thank him also for the leadership and example he has set for this body over the 30 years.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. One and one half minute remains for Senators to speak.

Mr. LEAHY. Mr. President, I sat here, discussing with the distinguished ranking member, Senator SPECTER, health matters. Senator SPECTER is a longtime friend. He has gone through some terrible health issues. We were discussing that. I will not go further into that because it was a private conversation, except that he knows how much I pray for his well-being and his continued health.

I would also say I thank Senator WARNER and Senator DURBIN and Senator SPECTER and others for what they said about Senator KENNEDY.

We in New England especially feel extraordinarily close to Senator KENNEDY. I have known him for more than a third of a century. We have all heard bad news on the Senate floor. This is one of the most difficult things I have heard in my 34 years here. I said to the people in my office, this is one of the worst days I have spent in the Senate, to hear this news.

Marcella and I will keep not only Senator KENNEDY but his wonderful family in our prayers and will continue to pray for a full recovery.

The PRESIDING OFFICER. There is 22 seconds remaining under the control of the minority.

Mr. GREGG. I yield back the time and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays are ordered.

The question is, Will the Senate advise and consent to the nomination of G. Steven Agee, of Virginia, to be U.S. circuit judge for the Fourth Circuit?

The clerk will call the roll.

The assistant journal clerk called the roll.

Mr. DURBIN. I announce that the Senator from New York (Mrs. CLINTON), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 96, nays 0, as follows:

[Rollcall Vote No. 136 Ex.]

YEAS—96

Akaka	Dole	McConnell
Alexander	Domenici	Menendez
Allard	Dorgan	Mikulski
Barrasso	Durbin	Murkowski
Baucus	Ensign	Murray
Bayh	Enzi	Nelson (FL)
Bennett	Feingold	Nelson (NE)
Biden	Feinstein	Pryor
Bingaman	Graham	Reed
Bond	Grassley	Reid
Boxer	Gregg	Roberts
Brown	Hagel	Rockefeller
Brownback	Harkin	Salazar
Bunning	Hatch	Sanders
Burr	Hutchison	Schumer
Byrd	Inhofe	Sessions
Cantwell	Inouye	Shelby
Cardin	Isakson	Smith
Carper	Johnson	Snowe
Casey	Kerry	Specter
Chambliss	Klobuchar	Stabenow
Coburn	Kohl	Stevens
Cochran	Kyl	Sununu
Coleman	Landrieu	Tester
Collins	Lautenberg	Thune
Conrad	Leahy	Vitter
Corker	Levin	Voinovich
Cornyn	Lieberman	Warner
Craig	Lincoln	Webb
Crapo	Lugar	Whitehouse
DeMint	Martinez	Wicker
Dodd	McCaskey	Wyden

NOT VOTING—4

Clinton	McCain
Kennedy	Obama

The nomination was confirmed.

NOMINATIONS OF MICHAEL G. MCGINN AND
RALPH E. MARTINEZ

The PRESIDING OFFICER. Under the previous order, Calendar Nos. 537 and 538 are confirmed, and the motion to reconsider is considered made and laid upon the table.

Under the previous order, the President will be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will resume legislative session.

Who seeks recognition?

Mrs. MURRAY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant journal clerk proceeded to call the roll.

Mr. ENZI. I ask unanimous consent that the order for the quorum call be rescinded.

Mr. REID. I object.

The PRESIDING OFFICER. Objection is heard. The clerk will continue the call of the roll.

The assistant legislative clerk continued with the call of the roll.

Mr. ENZI. I ask unanimous consent that the order for the quorum call be rescinded.

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

NATIONAL DAY OF THE AMERICAN COWBOY

Mr. ENZI. Mr. President, I rise to talk about one of the great icons of the American West, the cowboy. The cowboy is an enduring symbol of strong character, honesty, integrity, respect, and patriotism. I am proud to carry on a tradition started by my late colleague and friend, Senator Craig Thomas, by sponsoring S. Res. 483 which honors the men and women called cowboys, designating July 26, 2008, as the national day of the American cowboy. I am an accountant and one of the few elected officials from Wyoming who isn't known for riding a horse. But when anyone mentions my home State, the first image that comes to mind is a cowboy and a horse.

For many of us in the Senate, no one fits that image as well as my friend Craig Thomas. As he went through his leukemia treatments and still worked, he showed us what it was to cowboy up, to focus around pain, and to do the job at hand. Having lived in Wyoming most of my life, I have gotten to know the best cowboys in our country, and Craig surely showed us what it meant to be a cowboy.

When Senator Thomas first began the tradition of designating a National Day of the American Cowboy in 2005, he told us "Cowboys come in any age, race, marital status, and gender." He knew the cowboy spirit was not about getting dressed in cowboy boots and a cowboy hat. He said:

Trying to define a cowboy is like trying to rope the wind, but you certainly recognize one when you see one.

We all recognized the cowboy spirit in Craig. It is about strength of character, sound family values, courage, respect, and good common sense.

Since it was first established in 2005, the National Day of the American Cowboy has been celebrated at rodeos across the Nation, including Cheyenne Frontier Days, known as the "daddy of 'em all."

Senator Thomas would find me remiss if I did not invite all of you to Cheyenne Frontier Days at the end of July—or call my office to know about other rodeos in our State.

Sadly, Senator Thomas passed away after finishing the resolution for the National Day of the American Cowboy last year. But I am proud to continue the tradition he started to recognize the accomplishments and contributions of all American cowboys.

The cowboy way of life has been passed down for generations, since the first cowboys settled the American West. They were true pioneers who came west to settle an untamed fron-

tier. Many of the cow towns that sprung up around the cattle business when the West was being settled are still there now. They continue to live their western heritage.

The first cowboys relied on hard work and persistence and loyalty to make their living in a tough country. Today's cowboys have not changed all that much from when the first wranglers and ranch hands started herding cattle on the Great Plains. Today's cowboys continue to rope and ride across the United States. There are about 720,000 ranchers in our Nation. They live and work in every State to manage nearly 100 million cattle. They are an integral part of Wyoming and many other Western States, and they undoubtedly improve our way of life.

Now, you can be assured that cowboys work hard, but they also play hard. Rodeo is a sport that tests skill with a rope or challenges a cowboy's ability to stay on the back of a bucking rough stock for 8 long seconds. One of the best parts of watching a rodeo is seeing the amazing partnership between the cowboy and the horse. Rodeos across the Nation, from big events such as Cheyenne Frontier Days and the National Finals Rodeo in Las Vegas, to weekly jackpots in rural communities such as Kaycee or Cody, WY, attract more than 27 million fans annually, making rodeo one of the most watched sports in America. The Professional Bull Riders circuit, with its TV coverage, has expanded the audience dramatically.

The cowboy legend still lives in our culture and our imaginations. John Wayne made cowboys larger than life in movies such as "How the West Was Won" and "She Wore a Yellow Ribbon," and "The Cowboys." Gene Autry, Roy Rogers, and Dale Evans entertained millions with their music, television, and movies, and Louis L'Amour's cowboy stories are read across the country. Audiences today continue to enjoy western novels, cowboy movies, and country music.

We look up to cowboys because they are examples of honesty, integrity, character, patriotism, and self-reliance. Cowboys have a strong work ethic, they are compassionate, and they are good stewards of the land. We look to cowboys as role models for how to live up to the best American qualities.

Craig Thomas told us that those of us from the West could always feel at home in Wyoming because we know it is, and always will be, cowboy country. I am proud to be from a State that continues to live the cowboy tradition every day. Their contributions have helped shape what it means to be an American and have created a high standard we can all strive to meet.

Senator Thomas left some big cowboy boots to fill, and I am proud to be able to continue his tradition of recognizing the many contributions cowboys have made to our country as we designate July 26 as National Day of the American Cowboy for 2008.

I thank Senator Thomas for living the legend and involving us and America.

I have a unanimous consent request to read.

Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of and the Senate now proceed to S. Res. 482.

The PRESIDING OFFICER (Mr. AKAKA). Without objection, it is so ordered. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 482) designating July 26, 2008, as "National Day of the American Cowboy."

There being no objection, the Senate proceeded to consider the resolution.

Mr. ENZI. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

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

The resolution (S. Res. 482) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 482

Whereas pioneering men and women, recognized as "cowboys", helped establish the American West;

Whereas the cowboy embodies honesty, integrity, courage, compassion, respect, a strong work ethic, and patriotism;

Whereas the cowboy spirit exemplifies strength of character, sound family values, and good common sense;

Whereas the cowboy archetype transcends ethnicity, gender, geographic boundaries, and political affiliations;

Whereas the cowboy is an excellent steward of the land and its creatures, who lives off of the land and works to protect and enhance the environment;

Whereas cowboy traditions have been a part of American culture for generations;

Whereas the cowboy continues to be an important part of the economy through the work of approximately 727,000 ranchers in all 50 of the United States that contribute to the economic well-being of nearly every county in the Nation;

Whereas annual attendance at professional and working ranch rodeo events exceeds 27,000,000 fans and rodeo is the 7th most-watched sport in the Nation;

Whereas membership and participation in rodeo and other organizations that promote and encompass the livelihood of a cowboy span every generation and transcend race and gender;

Whereas the cowboy is a central figure in literature, film, and music and occupies a central place in the public imagination;

Whereas the cowboy is an American icon; and

Whereas the ongoing contributions made by cowboys and cowgirls to their communities should be recognized and encouraged: Now, therefore, be it

Resolved, That the Senate—

(1) designates July 26, 2008, as "National Day of the American Cowboy"; and

(2) encourages the people of the United States to observe the day with appropriate ceremonies and activities.

Mr. ENZI. Mr. President, I yield the floor.

The PRESIDING OFFICER. The majority leader is recognized.

SENATOR TED KENNEDY

Mr. REID. Mr. President, first of all, let me say this, before we get into Senate business. I made some remarks outside the Senate Chamber, as I always do, following our Tuesday caucus. I had with me Senator CHRIS DODD and Senator JOHN KERRY. The purpose of our being there was to talk about Senator KENNEDY; and we did that.

Amidst the politics and partisanship that takes place in the Senate, the casual observer may not realize how the Senate is a family. We are 100 men and women who work hard during the day, each of us doing our very best to make the country a better place. We argue, we debate, but we approach each other with deep respect and friendship.

That is why, in the heat of battle, I always refer to my Republican counterpart as my friend. That is just not something we do for protocol. That is because MITCH MCCONNELL is my friend. We say that as we proceed through our debates.

But just as we, as Senators, celebrate joyous occasions—birthdays, weddings, new children and grandchildren—we also face hardship together.

Today, we learned the concerning news about our friend, an American icon, an American legend, Senator TED KENNEDY. I know I speak for every Senator that our thoughts and prayers are with TED and his family.

I had a conversation on the floor with Senator MCCONNELL. He told me during the Republican caucus today they paused to say a prayer for Senator KENNEDY, as we did in our caucus.

One of Senator KENNEDY's brothers was killed in combat in World War II. Of course, we all know his brother, President Kennedy, was assassinated. We all know Attorney General Robert Kennedy, Senator Robert Kennedy, was assassinated.

As I said outside, the thing I remember and will always remember about Senator TED KENNEDY is the speech he gave at his brother's funeral. I was not a Member of Congress at that time, but I watched on national television the speech he gave. It was remarkable what he said and how he delivered it. I will never forget that.

But in addition to that, we know one thing—all of us who know TED KENNEDY—he is a fighter. We have heard this lion roar on the Senate floor on so many occasions. His work ethic is unsurpassed. His effectiveness is legendary. The challenge Senator KENNEDY now faces will not be easy, but I think no one is more prepared to fight and beat it.

I spoke at 1 o'clock to Vicki, his wonderful wife, and she said he has approached this like he does everything: with determination that he is going to beat it. She said he has a bounce in his step today that he has not had in a long time.

So he is in good spirits. He is full of energy. If TED happens to be watching on C-SPAN, I want him to know all his brothers and sisters in the Senate are thinking of him, cheering, and praying for him.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. MCCONNELL. Mr. President, the Republican conference, at noon today, paused for a prayer for our friend and colleague, TED KENNEDY. As the majority leader has indicated, we are, in spite of our political differences, one large family.

Senator KENNEDY enjoys great respect and admiration on this side of the aisle. He is, indeed, one of the most important figures to ever serve in this body in our history, and Republican Senators recognize that as well.

On a personal basis, he came down to the University of Louisville, at my request, a couple years ago to speak to students and the general public on the campus. It was a speech of Presidential quality. He knew I had been an intern in the office of Senator John Sherman Cooper, who represented my State in the Senate for almost 20 years and who was a fast friend of his brother, President Kennedy, and of his. He brought down with him to U of L that day a framed picture of his brother with Senator Cooper, carefully inscribed at the bottom with the most appropriate inscription you can imagine. He did not miss a thing.

Our prayers go out to Vicki and to the family.

On behalf of every member of the Republican conference of the Senate, I say to you, TED, you enjoy our admiration and our respect, and our wishes for a speedy recovery.

I yield the floor.

The PRESIDING OFFICER. The majority leader is recognized.

MILITARY CONSTRUCTION AND VETERANS AFFAIRS APPROPRIATIONS ACT, 2008

Mr. REID. Mr. President, I ask the Chair to lay before the Senate a message from the House with respect to H.R. 2642, the supplemental appropriations bill.

The PRESIDING OFFICER. The clerk will report the message.

The assistant legislative clerk read as follows:

H.R. 2642

Resolved, That the House agree to the amendment of the Senate to the bill (H.R. 2642) entitled "An Act making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2008, and for other purposes", with the following House amendments to Senate amendment:

(1) Page 60 of the Senate engrossed amendment, after line 3, insert the following:

TITLE X—POLICY REGARDING OPERATIONS IN IRAQ

SENSE OF CONGRESS REGARDING UNITED STATES MILITARY PERSONNEL

SEC. 10001. It is the sense of the Congress that the performance of United States military personnel should be commended, their courage and