

Barbara L. McQuade, of Michigan, to be United States Attorney for the Eastern District of Michigan for the term of four years.

James L. Santelle, of Wisconsin, to be United States Attorney for the Eastern District of Wisconsin for the term of four years.

Christopher A. Crofts, of Wyoming, to be United States Attorney for the District of Wyoming for the term of four years.

NOMINATIONS PLACED ON THE SECRETARY'S DESK

IN THE COAST GUARD

PN1186 COAST GUARD nomination of Andrew G. Liske, which was received by the Senate and appeared in the Congressional Record of November 17, 2009.

PN1263 COAST GUARD nomination of Robert A. Moomaw, which was received by the Senate and appeared in the Congressional Record of December 9, 2009.

FOREIGN SERVICE

PN1009-1 FOREIGN SERVICE nominations (152) beginning Christopher William Dell, and ending Mark J. Steakley, which nominations were received by the Senate and appeared in the Congressional Record of September 24, 2009.

PN1017-1 FOREIGN SERVICE nominations (27) beginning Carleen H. Dei, and ending Robert E. Wuertz, which nominations were received by the Senate and appeared in the Congressional Record of September 25, 2009.

PN1157 FOREIGN SERVICE nominations (277) beginning Jeffrey D. Adler, and ending Conrad William Turner, which nominations were received by the Senate and appeared in the Congressional Record of November 9, 2009.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

PN1262 NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION nominations (16) beginning KEITH E. TUCKER, and ending JASON P.R. WILSON, which nominations were received by the Senate and appeared in the Congressional Record of December 9, 2009.

AMENDMENT NO. 3298—H.R. 3590

Mr. CARDIN. Mr. President, I ask unanimous consent that the title amendment No. 3298, which is at the desk, be considered and agreed to, and the motion to reconsider be laid upon the table.

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

The amendment (No. 3298) was agreed to, as follows:

Amend the title so as to read "An act entitled The Patient Protection and Affordable Care Act".

ORDER FOR PRINTING—H.R. 3590

Mr. CARDIN. Mr. President, I ask unanimous consent that H.R. 3590, as amended, be printed.

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

ORDER FOR APPOINTMENTS AUTHORITY

Mr. CARDIN. Mr. President, I ask unanimous consent that notwithstanding the upcoming recess or adjournment of the Senate, the President of the Senate, the President pro tempore, and the majority and minority leaders be authorized to make appointments to commissions, committees,

boards, conferences, or interparliamentary conferences authorized by law, by concurrent action of the two Houses or by order of the Senate.

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

MEASURES READ THE FIRST TIME—H.R. 3961 and H.R. 4154

Mr. CARDIN. Mr. President, I understand there are two bills at the desk, and I ask for their first reading en bloc.

The PRESIDING OFFICER. The clerk report the bills by title.

The assistant legislative clerk read as follows:

A bill (H.R. 3961) to amend title XVIII of the Social Security Act to reform the Medicare SGR payment system for physicians and to reinstitute and update the Pay-As-You-Go requirement of budget neutrality on new tax and mandatory spending legislation, enforced by the threat of annual, automatic sequestration.

A bill (H.R. 4154) to amend the Internal Revenue Code of 1986 to repeal the new carryover basis rules in order to prevent tax increases and the imposition of compliance burdens on many more estates than would benefit from repeal, to retain the estate tax with a \$3,500,000 exemption, to reinstitute and update the Pay-As-You-Go requirement of budget neutrality on new tax and mandatory spending legislation, enforced by the threat of annual, automatic sequestration, and for other purposes.

Mr. CARDIN. I now ask for a second reading en bloc, and I object to my own request en bloc.

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

PROVIDING FOR THE SINE DIE ADJOURNMENT OF THE FIRST SESSION OF THE ONE HUNDRED ELEVENTH CONGRESS

Mr. CARDIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 223, the adjournment resolution, received from the House and at the desk.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 223) providing for the sine die adjournment of the first session of the One Hundred Eleventh Congress.

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

Mr. CARDIN. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to and the motion to reconsider be laid upon the table.

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

The concurrent resolution (H. Con. Res. 223) was agreed to, as follows:

H. CON. RES. 223

*Resolved by the House of Representatives (the Senate concurring), That when the House ad-*

journs on any legislative day from Wednesday, December 16, 2009, through Saturday, January 2, 2010, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned sine die, or until the time of any reassembly pursuant to section 3 of this concurrent resolution; and that when the Senate adjourns on any day from Friday, December 18, 2009, through Saturday, January 2, 2010, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned sine die, or until the time of any reassembly pursuant to section 3 of this concurrent resolution.

SEC. 2. When the House adjourns on any legislative day of the second session of the One Hundred Eleventh Congress from Tuesday, January 5, 2010, through Saturday, January 9, 2010, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it shall stand adjourned until noon on Tuesday, January 12, 2010, or until the time of any reassembly pursuant to section 3 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns on any day of the second session of the One Hundred Eleventh Congress from Tuesday, January 5, 2010, through Saturday, January 9, 2010, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it shall stand recessed or adjourned until noon on Tuesday, January 19, 2010, or until such other time on that day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 3 of this concurrent resolution, whichever occurs first.

SEC. 3. The Speaker of the House and the Majority Leader of the Senate, or their respective designees, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble at such place and time as they may designate if, in their opinion, the public interest shall warrant it.

ORDERS THROUGH JANUARY 20, 2010

Mr. CARDIN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn sine die until noon on Tuesday, January 5, 2010, for a pro forma session only, with no business conducted, and under the provisions of H. Con. Res. 223; that following the pro forma session, the Senate adjourn until 11 a.m., Tuesday, January 19, 2010, for a pro forma session only, with no business conducted; further that the Senate adjourn until 10 a.m., Wednesday, January 20, 2010; that 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 be reserved for their use later in the day, and the Senate proceed to a period of morning business for 1 hour, equally divided between the two leaders or their designees, with Senators permitted to speak for up to 10 minutes each; that following morning business, the Senate proceed to executive session to consider the nomination of Beverly Baldwin Martin of Georgia to be a U.S. circuit judge for the Eleventh Circuit,

as provided under a previous order; further that the Senate recess on Wednesday from 12:30 to 2:15 p.m. for the weekly party conference lunches.

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

### PROGRAM

Mr. CARDIN. Mr. President, the next rollcall vote will be on the confirmation of the Martin nomination, and it is expected to occur prior to the caucus luncheons on Wednesday, January 20.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CARDIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. CARDIN. Mr. President, as I previously indicated, the next vote is expected to take place prior to the caucus luncheons on Wednesday, January 20.

### ADJOURNMENT SINE DIE

Mr. CARDIN. I again want to wish everyone a very happy holiday season. I know everybody has been looking forward to this particular request, and that is, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the provisions of H. Con. Res. 223.

There being no objection, the Senate, at 10:19 a.m., adjourned sine die.

### NOMINATIONS

Executive nominations received by the Senate:

#### THE JUDICIARY

TIMOTHY S. BLACK, OF OHIO, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF OHIO, VICE SANDRA S. BECKWITH, RETIRED.

GLORIA M. NAVARRO, OF NEVADA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF NEVADA, VICE BRIAN EDWARD SANDOVAL, RESIGNED.

### NOMINATIONS RETURNED TO THE PRESIDENT

Thursday, December 24, 2009

The following nominations transmitted by the President of the United States to the Senate during the first session of the 111th Congress, and upon which no action was had at the time of the sine die adjournment of the Senate, failed of confirmation under the provisions of Rule XXXI, paragraph 6, of the Standing Rules of the Senate.

#### DEPARTMENT OF JUSTICE

DAWN ELIZABETH JOHNSON, OF INDIANA, TO BE AN ASSISTANT ATTORNEY GENERAL.

MARY L. SMITH, OF ILLINOIS, TO BE AN ASSISTANT ATTORNEY GENERAL.

CHRISTOPHER H. SCHROEDER, OF NORTH CAROLINA, TO BE AN ASSISTANT ATTORNEY GENERAL.

#### NATIONAL LABOR RELATIONS BOARD

CRAIG BECKER, OF ILLINOIS, TO BE A MEMBER OF THE NATIONAL LABOR RELATIONS BOARD FOR THE TERM OF FIVE YEARS EXPIRING DECEMBER 16, 2009.

CRAIG BECKER, OF ILLINOIS, TO BE A MEMBER OF THE NATIONAL LABOR RELATIONS BOARD FOR THE TERM OF FIVE YEARS EXPIRING DECEMBER 16, 2014.

#### THE JUDICIARY

EDWARD MILTON CHEN, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF CALIFORNIA.

LOUIS B. BUTLER, JR., OF WISCONSIN, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF WISCONSIN.

#### IN THE ARMY

ARMY NOMINATION OF COL. DAVID A. TEEPLES, TO BE BRIGADIER GENERAL.

### CONFIRMATIONS

Executive nominations confirmed by the Senate, Thursday, December 24, 2009:

#### ENVIRONMENTAL PROTECTION AGENCY

PAUL T. ANASTAS, OF CONNECTICUT, TO BE AN ASSISTANT ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY.

ROBERT PERCIASEPE, OF NEW YORK, TO BE DEPUTY ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY.

#### EXECUTIVE OFFICE OF THE PRESIDENT

MIRIAM E. SAPIRO, OF THE DISTRICT OF COLUMBIA, TO BE A DEPUTY UNITED STATES TRADE REPRESENTATIVE, WITH THE RANK OF AMBASSADOR.

#### DEPARTMENT OF STATE

THOMAS ALFRED SHANNON, JR., OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE FEDERATIVE REPUBLIC OF BRAZIL.

ALAN D. SOLOMONT, OF MASSACHUSETTS, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO SPAIN, AND TO SERVE CONCURRENTLY AND WITHOUT ADDITIONAL COMPENSATION AS AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO ANDORRA.

#### FEDERAL ENERGY REGULATORY COMMISSION

JOHN R. NORRIS, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE FEDERAL ENERGY REGULATORY COMMISSION FOR THE REMAINDER OF THE TERM EXPIRING JUNE 30, 2012.

#### DEPARTMENT OF COMMERCE

SCOTT BOYER QUEHL, OF PENNSYLVANIA, TO BE CHIEF FINANCIAL OFFICER, DEPARTMENT OF COMMERCE.

SCOTT BOYER QUEHL, OF PENNSYLVANIA, TO BE AN ASSISTANT SECRETARY OF COMMERCE.

#### UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

RAJIV J. SHAH, OF WASHINGTON, TO BE ADMINISTRATOR OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT.

#### DEPARTMENT OF STATE

MARY BURCE WARLICK, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF SERBIA.

JAMES B. WARLICK, JR., OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF SERBIA.

JAMES B. WARLICK, JR., OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF SERBIA.

MARY BURCE WARLICK, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF SERBIA.

ALBERTO M. FERNANDEZ, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF HUNGARY.

LESLIE V. ROWE, OF WASHINGTON, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF MOZAMBIQUE.

ALBERTO M. FERNANDEZ, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF HUNGARY.

MARY JO WILLS, OF THE DISTRICT OF COLUMBIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF MAURITIUS.

ANNE SLAUGHTER ANDREW, OF INDIANA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF SEYCHELLES.

CHRISTOPHER H. SCHROEDER, OF NORTH CAROLINA, TO BE AN ASSISTANT ATTORNEY GENERAL.

#### NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

ADELE LOGAN ALEXANDER, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE NATIONAL COUNCIL

ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2014.

#### DEPARTMENT OF EDUCATION

LYNNAE M. RUTLEDGE, OF WASHINGTON, TO BE COMMISSIONER OF THE REHABILITATION SERVICES ADMINISTRATION, DEPARTMENT OF EDUCATION.

#### DEPARTMENT OF HOMELAND SECURITY

GRAYLING GRANT WILLIAMS, OF MARYLAND, TO BE DIRECTOR OF THE OFFICE OF COUNTERNARCOTICS ENFORCEMENT, DEPARTMENT OF HOMELAND SECURITY.

#### FEDERAL MARITIME COMMISSION

MICHAEL A. KHOURI, OF KENTUCKY, TO BE A FEDERAL MARITIME COMMISSIONER FOR A TERM EXPIRING JUNE 30, 2011.

#### DEPARTMENT OF TRANSPORTATION

DAVID L. STRICKLAND, OF GEORGIA, TO BE DIRECTOR OF THE NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION.

#### 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) STEVEN E. DAY

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

#### THE JUDICIARY

DOLLY M. GEE, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE CENTRAL DISTRICT OF CALIFORNIA.

RICHARD SEEBOORG, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF CALIFORNIA.

#### DEPARTMENT OF JUSTICE

SHARON JEANETTE LUBINSKI, OF MINNESOTA, TO BE UNITED STATES MARSHAL FOR THE DISTRICT OF MINNESOTA FOR THE TERM OF FOUR YEARS.

MARY ELIZABETH PHILLIPS, OF MISSOURI, TO BE UNITED STATES ATTORNEY FOR THE WESTERN DISTRICT OF MISSOURI FOR THE TERM OF FOUR YEARS.

SANFORD C. COATS, OF OKLAHOMA, TO BE UNITED STATES ATTORNEY FOR THE WESTERN DISTRICT OF OKLAHOMA FOR THE TERM OF FOUR YEARS.

STEPHEN JAMES SMITH, OF GEORGIA, TO BE UNITED STATES MARSHAL FOR THE SOUTHERN DISTRICT OF GEORGIA FOR THE TERM OF FOUR YEARS.

RICHARD G. CALLAHAN, OF MISSOURI, TO BE UNITED STATES ATTORNEY FOR THE EASTERN DISTRICT OF MISSOURI FOR THE TERM OF FOUR YEARS.

JOHN GIBBONS, OF MASSACHUSETTS, TO BE UNITED STATES MARSHAL FOR THE DISTRICT OF MASSACHUSETTS FOR THE TERM OF FOUR YEARS.

JOHN LEROY HAMMERZELL, OF COLORADO, TO BE UNITED STATES MARSHAL FOR THE DISTRICT OF COLORADO FOR THE TERM OF FOUR YEARS.

MARK ANTHONY MARTINEZ, OF NEBRASKA, TO BE UNITED STATES MARSHAL FOR THE DISTRICT OF NEBRASKA FOR THE TERM OF FOUR YEARS.

MICHAEL W. COTTER, OF MONTANA, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF MONTANA FOR THE TERM OF FOUR YEARS.

BARBARA L. MCQUADE, OF MICHIGAN, TO BE UNITED STATES ATTORNEY FOR THE EASTERN DISTRICT OF MICHIGAN FOR THE TERM OF FOUR YEARS.

JAMES L. SANTELLE, OF WISCONSIN, TO BE UNITED STATES ATTORNEY FOR THE EASTERN DISTRICT OF WISCONSIN FOR THE TERM OF FOUR YEARS.

CHRISTOPHER A. CROFTS, OF WYOMING, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF WYOMING FOR THE TERM OF FOUR YEARS.

#### IN THE COAST GUARD

COAST GUARD NOMINATION OF ANDREW G. LISKE, TO BE CAPTAIN.

COAST GUARD NOMINATION OF ROBERT A. MOOMAW, TO BE LIEUTENANT.

#### FOREIGN SERVICE

FOREIGN SERVICE NOMINATIONS BEGINNING WITH CHRISTOPHER WILLIAM DELLA AND ENDING WITH MARK J. STEAKLEY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 24, 2009.

FOREIGN SERVICE NOMINATIONS BEGINNING WITH CARLENE H. DEI AND ENDING WITH ROBERT E. WUERTZ, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 25, 2009.

FOREIGN SERVICE NOMINATIONS BEGINNING WITH JEFFREY D. ADLER AND ENDING WITH CONRAD WILLIAM TURNER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 9, 2009.

#### NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION NOMINATIONS BEGINNING WITH KEITH E. TUCKER AND ENDING WITH JASON P.R. WILSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON DECEMBER 9, 2009.