''(2) in the case of a subsequent violation by that person, regardless of the amount for which any good is offered or displayed for sale or sold—

''(A) in the case of an individual, be fined under this title, imprisoned for not more than 15 years, or both; and

''(B) in the case of a person other than an individual, be fined not more than $5,000,000.''; and

(2) in subsection (c), by striking paragraph (3) and inserting the following:

''(3) the term 'Indian tribe'—

''(A) has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b); and

''(B) includes, for purposes of this section only, an Indian group that has been formally recognized as an Indian tribe by—

''(i) a State legislature;

''(ii) a State commission; or

''(iii) another similar organization vested with State legislative tribal recognition authority; and''.

DESIGNATING AUGUST 8, 2009, AS NATIONAL MARINA DAY

Mr. REID. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 215 and that we now proceed to its immediate consideration.

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

The legislative clerk read as follows:

A resolution (S. Res. 215) designating August 8, 2009, as ''National Marina Day.''

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

Mr. REID. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements pertaining to the resolution be printed in the RECORD.

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

The resolution (S. Res. 215) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 215

Whereas the people of the United States highly value their recreational time and their ability to access the waterways of the United States for enjoyment in and on one of the Nation's greatest natural resources;

Whereas in 1928, the National Association of Engine and Boat Manufacturers first used the word ''marina'' to describe a recreational boating facility;

Whereas the United States is home to over 12,000 marinas that contribute substantially to their local communities by providing safe and reliable gateways to boating;

Whereas the marinas of the United States serve as stewards of the environment and actively seek to protect the waterways that surround them for the enjoyment of this generation and generations to come;

Whereas the Association of Marina Industries has joined with the National Youth Marine Alliance to offer youth service projects for the Preserve America's Waterways volunteer service initiative at marinas across the Nation;

Whereas the marinas of the United States provide their communities and visitors a place where friends and families, united by a passion for the water, can come together for recreation, rest, relaxation, and stewardship of the environment; and

Whereas the Association of Marina Industries has designated August 8, 2009, as ''National Marina Day'', to increase awareness among citizens, policymakers, and elected officials about the many contributions that marinas make to their communities: Now, therefore, be it

Resolved, That the Senate—

(1) designates August 8, 2009, as ''National Marina Day'';

(2) supports the goals of ''National Marina Day''; and

(3) urges that all marinas continue to provide environmentally friendly gateways to boating for all the people of the United States.

NATIONAL KOREAN WAR VETERANS ARMISTICE DAY

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 2632.

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

The legislative clerk read as follows:

A bill (H.R. 2632) to amend title IV, United States Code, to encourage the display of the flag of the United States on National Korean War Veterans Armistice Day.

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

Mr. REID. I ask unanimous consent that the bill be read three times, passed, and the motion to reconsider be laid upon the table; that there be no intervening action or debate, and any statements relating to the bill be printed in the RECORD.

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

The bill (H.R. 2632) was ordered to a third reading, was read the third time, and passed.

EXTENSION OF PROGRAMS UNDER THE SMALL BUSINESS ACT AND THE SMALL BUSINESS INVESTMENT ACT OF 1958

Mr. REID. Mr. President, I ask unanimous consent the Senate now proceed to S. 1513.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 1513) to provide for additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes.

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

Mr. REID. I ask unanimous consent the bill be read a third time and passed, the motion to reconsider be laid on the table, and any statements relating to this matter be printed in the RECORD.

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

The bill (S. 1513) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1513

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ADDITIONAL TEMPORARY EXTENSION OF AUTHORIZATION OF PROGRAMS UNDER THE SMALL BUSINESS ACT AND THE SMALL BUSINESS INVESTMENT ACT OF 1958.

(a) IN GENERAL.—Section 1 of the Act entitled ''An Act to extend temporarily certain authorities of the Small Business Administration'', approved October 10, 2006 (Public Law 109–316; 120 Stat. 1742), as most recently amended by section 1 of Public Law 111–10 (123 Stat. 990), is amended by striking ''July 31, 2009'' each place it appears and inserting ''September 30, 2009''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on July 30, 2009.

EXECUTIVE SESSION

EXECUTIVE CALENDAR—NOMINATION DISCHARGED

Mr. REID. Mr. President, I ask unanimous consent the Senate proceed to executive session to consider Calendars numbered 282, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 305, 306, 307, 308, and all nominations on the Secretary's desk in the Foreign Service; further, that the Agriculture Committee be discharged from Presidential Nomination 333, that the Senate then proceed to its consideration, the nominations be confirmed firmed en bloc, the motions to reconsider be laid on the table en bloc, no further motions be in order, and any statements relating to these matters be printed in the RECORD, and the President of the United States be immediately notified of the Senate's action and the Senate then resume legislative session.

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

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF STATE

Anne Elizabeth Derse, of Maryland, 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 Lithuania.

Kenneth H. Merten, of Virginia, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Haiti.

Donald Sternoff Beyer, Jr., of Virginia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Switzerland, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Principality of Liechtenstein.

John R. Nay, of Michigan, 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 Suriname.

Vinai K. Thummalapally, of Colorado, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Belize.

Nicole A. Avant, of California, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Commonwealth of The Bahamas.

Howard W. Gutman, of Maryland, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Belgium.

Vilma S. Martinez, of California, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Argentina.

David H. Thorne, of Massachusetts, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Italian Republic, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of San Marino.

DEPARTMENT OF TRANSPORTATION

Polly Trottenberg, of Maryland, to be an Assistant Secretary of Transportation.

Deborah A. P. Hersman, of Virginia, to be Chairman of the National Transportation Safety Board for a term of two years.

Deborah A.P. Hersman, of Virginia, to be a Member of the National Transportation Safety Board for a term expiring December 31, 2013.

FEDERAL MARITIME COMMISSION

Richard A. Lidinsky, Jr., of Maryland, to be a Federal Maritime Commissioner for the term expiring June 30, 2012.

FEDERAL COMMUNICATIONS COMMISSION

Meredith Attwell Baker, of Virginia, to be a Member of the Federal Communications Commission for the remainder of the term expiring June 30, 2011.

Mignon L. Clyburn, of South Carolina, to be a Member of the Federal Communications Commission for a term of five years from July 1, 2007.

DEPARTMENT OF EDUCATION

Anthony W. Miller, of California, to be Deputy Secretary of Education.

Thelma Melendez de Santa Ana, of California, to be Assistant Secretary for Elementary and Secondary Education, Department of Education.

NATIONAL MEDIATION BOARD

Harry R. Hoglander, of Massachusetts, to be a Member of the National Mediation Board for a term expiring July 1, 2011.

[NEW REPORTS]

DEPARTMENT OF THE TREASURY

Kim N. Wallace, of Texas, to be a Deputy Under Secretary of the Treasury.

DEPARTMENT OF THE TREASURY

William J. Wilkins, of the District of Columbia, to be Chief Counsel for the Internal Revenue Service and an Assistant General Counsel in the Department of the Treasury.

Rosa Gumataotao Rios, of California, to be Treasurer of the United States.

Daniel M. Tangherlini, of the District of Columbia, to be an Assistant Secretary to the Treasury.

Daniel M. Tangherlini, of the District of Columbia, to be Chief Financial Officer, Department of the Treasury.

NOMINATIONS PLACED ON THE SECRETARY'S DESK

FOREIGN SERVICE

PN682 FOREIGN SERVICE nominations (149) beginning Christopher L. Andino, and ending Holly Hope Zardus, which nominations were received by the Senate and appeared in the Congressional Record of June 25, 2009.

DEPARTMENT OF AGRICULTURE

Jonathan Steven Adelstein, of South Dakota, to be Administrator, Rural Utilities Service, Department of Agriculture.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will resume legislative session.

PROGRAM

Mr. REID. Mr. President, on Monday we are going to move to another appropriations bill. Senators DORGAN and BENNETT will manage that. I think it would be wise at this time for me to tell everyone that I think we will not have a vote Monday. There is a lot of work to do on that bill. We will have some votes before noon on Tuesday, but we will not have votes on Monday.

ORDERS FOR MONDAY, JULY 27, 2009

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 2 p.m. on Monday, July 27; 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 there be a period of morning business until 3 p.m. with Senators permitted to speak for up to 10 minutes each; further, that following morning business, the Senate proceed to the consideration of Calendar No. 116, H.R. 3183, the Energy and Water Appropriations Act for Fiscal Year 2010.

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

ADJOURNMENT UNTIL MONDAY, JULY 27, 2009, AT 2 P.M.

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 2:03 p.m., adjourned until Monday, July 27, 2009, at 2 p.m.

NOMINATIONS

Executive nomination received by the Senate:

DEPARTMENT OF COMMERCE

DENNIS F. HIGHTOWER, OF THE DISTRICT OF COLUMBIA, TO BE DEPUTY SECRETARY OF COMMERCE, VICE JOHN J. SULLIVAN, RESIGNED.

DISCHARGED NOMINATION

The Senate Committee on Agriculture, Nutrition, and Forestry was discharged from further consideration of the following nomination by unanimous consent and the nomination was confirmed:

JONATHAN STEVEN ADELSTEIN, OF SOUTH DAKOTA, TO BE ADMINISTRATOR, RURAL UTILITIES SERVICE, DEPARTMENT OF AGRICULTURE.

CONFIRMATIONS

Executive nominations confirmed by the Senate, Friday, July 24, 2009:

DEPARTMENT OF STATE

ANNE ELIZABETH DERSE, OF MARYLAND, 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 LITHUANIA.

KENNETH H. MERTEN, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF HAITI.

DONALD STERNOFF BEYER, JR., OF VIRGINIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO SWITZERLAND, AND TO SERVE CONCURRENTLY AND WITHOUT ADDITIONAL COMPENSATION AS AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE PRINCIPALITY OF LIECHTENSTEIN.

JOHN R. NAY, OF MICHIGAN, 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 SURINAME.

VINAI K. THUMMALAPALLY, OF COLORADO, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO BELIZE.

NICOLE A. AVANT, OF CALIFORNIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE COMMONWEALTH OF THE BAHAMAS.

HOWARD W. GUTMAN, OF MARYLAND, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO BELGIUM.

VILMA S. MARTINEZ, OF CALIFORNIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO ARGENTINA.

DAVID H. THORNE, OF MASSACHUSETTS, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE ITALIAN REPUBLIC, AND TO SERVE CONCURRENTLY AND WITHOUT ADDITIONAL COMPENSATION AS AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF SAN MARINO.

DEPARTMENT OF TRANSPORTATION

POLLY TROTTENBERG, OF MARYLAND, TO BE AN ASSISTANT SECRETARY OF TRANSPORTATION.

DEBORAH A. P. HERSMAN, OF VIRGINIA, TO BE CHAIRMAN OF THE NATIONAL TRANSPORTATION SAFETY BOARD FOR A TERM OF TWO YEARS.

DEBORAH A. P. HERSMAN, OF VIRGINIA, TO BE A MEMBER OF THE NATIONAL TRANSPORTATION SAFETY BOARD FOR A TERM EXPIRING DECEMBER 31, 2013.

FEDERAL MARITIME COMMISSION

RICHARD A. LIDINSKY, JR., OF MARYLAND, TO BE A FEDERAL MARITIME COMMISSIONER FOR THE TERM EXPIRING JUNE 30, 2012.

FEDERAL COMMUNICATIONS COMMISSION

MEREDITH ATTWELL BAKER, OF VIRGINIA, TO BE A MEMBER OF THE FEDERAL COMMUNICATIONS COMMISSION FOR THE REMAINDER OF THE TERM EXPIRING JUNE 30, 2011.

MIGNON L. CLYBURN, OF SOUTH CAROLINA, TO BE A MEMBER OF THE FEDERAL COMMUNICATIONS COMMISSION FOR A TERM OF FIVE YEARS FROM JULY 1, 2007.

DEPARTMENT OF EDUCATION

ANTHONY W. MILLER, OF CALIFORNIA, TO BE DEPUTY SECRETARY OF EDUCATION.

THELMA MELENDEZ DE SANTA ANA, OF CALIFORNIA, TO BE ASSISTANT SECRETARY FOR ELEMENTARY AND SECONDARY EDUCATION, DEPARTMENT OF EDUCATION.

NATIONAL MEDIATION BOARD

HARRY R. HOGLANDER, OF MASSACHUSETTS, TO BE A MEMBER OF THE NATIONAL MEDIATION BOARD FOR A TERM EXPIRING JULY 1, 2011.

DEPARTMENT OF THE TREASURY

KIM N. WALLACE, OF TEXAS, TO BE A DEPUTY UNDER SECRETARY OF THE TREASURY.

WILLIAM J. WILKINS, OF THE DISTRICT OF COLUMBIA, TO BE CHIEF COUNSEL FOR THE INTERNAL REVENUE SERVICE AND AN ASSISTANT GENERAL COUNSEL IN THE DEPARTMENT OF THE TREASURY.

ROSA GUMATAOTAO RIOS, OF CALIFORNIA, TO BE TREASURER OF THE UNITED STATES.

DANIEL M. TANGHERLINI, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT SECRETARY OF THE TREASURY.

DANIEL M. TANGHERLINI, OF THE DISTRICT OF COLUMBIA, TO BE CHIEF FINANCIAL OFFICER, DEPARTMENT OF THE TREASURY.

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

DEPARTMENT OF AGRICULTURE

JONATHAN STEVEN ADELSTEIN, OF SOUTH DAKOTA, TO BE ADMINISTRATOR, RURAL UTILITIES SERVICE, DEPARTMENT OF AGRICULTURE.

FOREIGN SERVICE

FOREIGN SERVICE NOMINATIONS BEGINNING WITH CHRISTOPHER L. ANDINO AND ENDING WITH HOLLY HOPE ZARDUS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 25, 2009.