

bill tonight, we could send it to conference over the recess, where the differences between the House bill could be resolved, and we could be assured of sending this bill to the President before we adjourn.

I understand that the reason they are not prepared to pass the legislation is because they have a large number of amendments they wish to offer. Some of these Democrat amendments are so-called killer amendments which, if adopted, would simply make this legislation unacceptable to the Indian government. Others of the Democrat amendments are not necessarily designed to kill the legislation, but their sheer volume will slow down this whole process considerably and could, as a practical matter, make it impossible for the Senate to consider this legislation this year.

I have worked with my colleague, Senator REID, to come up with some sort of unanimous-consent agreement that would enable us to consider this legislation in a reasonable period of time. We have not yet succeeded, but I will keep trying. We need to bring this matter to a resolution before we recess.

#### MEASURE PLACED ON CALENDAR—H.R. 5132

Mr. FRIST. Mr. President, I understand there is a bill at the desk that is due for its second reading?

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

The legislative clerk read as follows:

A bill (H.R. 5132) to direct the Secretary of Interior to conduct a special resource study to determine the suitability and feasibility of including in the National Park System certain sites in Monroe County, Michigan, relating to the battles of the River Raisin during the War of 1812.

Mr. FRIST. Mr. President, in order to place the bill on the calendar under rule XIV, I object to further proceedings.

The PRESIDING OFFICER. Objection is heard. The bill will be placed on the calendar.

#### MEASURES READ FIRST TIME— S. 3982, S. 3983, S. 3992, S. 3993

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

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

The legislative clerk read as follows:

A bill (S. 3982) to amend the Public Health Service Act to provide assured compensation for first responders injured by experimental vaccines and drugs.

A bill (S. 3983) to amend the Public Health Service Act to provide assured compensation for first responders injured by experimental vaccines and drugs and to indemnify manufacturers and health care professionals for the administration of medical products needed for biodefense.

A bill (S. 3992) to amend the Exchange Rates and International Economic Policy Coordination Act of 1988 to clarify the definition of manipulation with respect to currency, and for other purposes.

A bill (S. 3993) to amend title 18, United States Code, to provide penalties for aiming laser pointers at airplanes, and for other purposes.

Mr. FRIST. Mr. President, I now ask for a second reading and, in order to place the bills on the calendar under the provisions of rule XIV, I object to my own request, en bloc.

The PRESIDING OFFICER. Objection is heard. The bills will be placed on the calendar, en bloc.

#### REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENTS 109-13 AND 109-14

Mr. FRIST. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the following agreements transmitted to the Senate on September 28, 2006, by the President of the United States:

Mutual legal assistance agreement with the European Union, Treaty Document 109-13.

Extradition agreement with the European Union, Treaty Document 109-14.

I further ask that the agreements be considered as having been read the first time; that they be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's messages be printed in the RECORD.

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

The messages of the President are as follows:

#### MUTUAL LEGAL ASSISTANCE AGREEMENT WITH THE EUROPEAN UNION (TREATY DOC. NO. 109-13)

*To the Senate of the United States:*

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Agreement on Mutual Legal Assistance between the United States of America and the European Union (EU), signed on June 25, 2003, at Washington, together with 25 bilateral instruments that subsequently were signed between the United States and each European Union Member State in order to implement the Agreement with the EU, and an explanatory note that is an integral part of the Agreement. I also transmit, for the information of the Senate, the report of the Department of State with respect to the Agreement and bilateral instruments.

A parallel agreement with the European Union on extradition, together with bilateral instruments, will be transmitted to the Senate separately. These two agreements are the first law enforcement agreements concluded between the United States and the European Union. Together they serve to modernize and expand in important respects the law enforcement relationships between the United States and the 25 EU Member States, as well as formalize and strengthen the institu-

tional framework for law enforcement relations between the United States and the European Union itself.

The U.S.-EU Mutual Legal Assistance Agreement contains several innovations that should prove of value to U.S. prosecutors and investigators, including in counterterrorism cases. The Agreement creates an improved mechanism for obtaining bank information from an EU Member State, elaborates legal frameworks for the use of new techniques such as joint investigative teams, and establishes a comprehensive and uniform framework for limitations on the use of personal and other data. The Agreement includes a non-derogation provision making clear that it is without prejudice to the ability of the United States or an EU Member State to refuse assistance where doing so would prejudice its sovereignty, security, public, or other essential interests.

I recommend that the Senate give early and favorable consideration to the Agreement and bilateral instruments.

GEORGE W. BUSH.  
THE WHITE HOUSE, September 28, 2006.

#### EXTRADITION AGREEMENT WITH THE EUROPEAN UNION (TREATY DOC. NO. 109-14)

*To the Senate of the United States:*

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Agreement on Extradition between the United States of America and the European Union (EU), signed on June 25, 2003, at Washington, together with 22 bilateral instruments that subsequently were signed between the United States and European Union Member States in order to implement the Agreement with the EU, and an explanatory note that is an integral part of the Agreement. I also transmit, for the information of the Senate, the report of the Department of State with respect to the Agreement and bilateral instruments. The bilateral instruments with three EU Member States, Estonia, Latvia, and Malta, take the form of comprehensive new extradition treaties, and therefore will be submitted individually.

A parallel agreement with the European Union on mutual legal assistance, together with bilateral instruments, will be transmitted to the Senate separately. These two agreements are the first law enforcement agreements concluded between the United States and the European Union. Together they serve to modernize and expand in important respects the law enforcement relationships between the United States and the 25 EU Member States, as well as formalize and strengthen the institutional framework for law enforcement relations between the United States and the European Union itself.

The U.S.-EU Extradition Agreement contains several provisions that should

improve the scope and operation of bilateral extradition treaties in force between the United States and each EU Member State. For example, it requires replacing outdated lists of extraditable offenses included in 10 older bilateral treaties with the modern "dual criminality" approach, thereby enabling coverage of such newer offenses as money laundering. Another important provision ensures that a U.S. extradition request is not disfavored by an EU Member State that receives a competing request for the person from another Member State pursuant to the newly created European Arrest Warrant. Finally, the Extradition Agreement simplifies procedural requirements for preparing and transmitting extradition documents, easing and speeding the current process.

I recommend that the Senate give early and favorable consideration to the Agreement and bilateral instruments.

GEORGE W. BUSH.

THE WHITE HOUSE, September 28, 2006.

#### ORDERS FOR FRIDAY, SEPTEMBER 29, 2006

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m. on Friday, September 29. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate proceed to a period for the transaction of morning business, with the time equally divided between the two leaders or their designees until 10 a.m.; further, that at 10 a.m., the Senate proceed to a vote on the adoption of the conference report to accompany H.R. 5631, the Department of Defense appropriations bill.

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

#### PROGRAM

Mr. FRIST. Mr. President, today we had a very busy day. We passed the Military Commissions Act, the Terrorist Tribunal Act, and also invoked cloture on the border fence bill, another very important piece of legislation. This evening, we reached agreement to consider the Department of Defense appropriations bill conference report, and tomorrow morning at 10 o'clock the Senate will vote on that conference report, and then we will resume the postcloture debate on the border fence bill.

I remind my colleagues to be prepared for a busy day tomorrow, with votes throughout the day. Given the cloture vote this evening of 71 to 28, I hope we can expedite the border fence bill and finish it at an early hour tomorrow.

This is a very important bill that focuses on border security and border security first, recognizing we have a lot

more to do in the future, but it does give us that opportunity to address the fact that we have millions of people coming across the U.S. border every year illegally, and we need to start the enforcement of that border and that border security by a physical structure, UAVs, with cameras and sensors, specifically 700 miles of fence along that border.

Following that, we will have the cloture vote on the message on the Child Custody Act, a very important bill that addresses one of our major initiatives here; that is, to secure America's values and look at the issue of a young girl being taken for an abortion across State lines without parental permission. It is common sense. We passed it on the floor of the Senate not too long ago, and this is an amended version that came over from the House, and now is the time for us to pass it once again.

Beyond that, we have a number of other outstanding items that will need to be addressed before the recess. As we speak, issues surrounding our ports, again another part of that major thematic for this month of securing our homeland as we work on border security and funding the war on terror and giving our Government, our military, and our CIA the tools that we need to carry out this war on terror for our ports.

Our port security has to be addressed. It is being addressed in conference. Conferees were appointed by the House earlier tonight and that conference met tonight, so I am very hopeful that we will be able to address port security over the next 24, 36 hours.

In addition, we have nominations of the various judges that we need to consider before we leave. We have a treaty, U.S.-U.K. extradition that we need to address before we leave. There are other cleared items, including a large energy package. All of these are being held up tonight by the other side of the aisle, but I am very hopeful that we will be able to address these issues over the course of the next day or so.

If we are unable to complete all of our work tomorrow, Senators can expect a Saturday session. It is clear, as I set out really 2 weeks ago, that we have a large agenda. We are moving along very, very well, making real progress, as shown by the six votes that we had over the course of the day. But we have a lot more to do, and we will stay until we finish that work either late tomorrow or into Saturday.

#### ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. FRIST. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 9:42 p.m., adjourned until Friday, September 29, 2006, at 9:30 a.m.

#### NOMINATIONS

Executive nominations received by the Senate September 28, 2006:

##### DEPARTMENT OF THE TREASURY

MICHELE A. DAVIS, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF THE TREASURY, VICE ANTONIO FRATTO.

MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION

ERIC D. EBERHARD, OF WASHINGTON, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION FOR A TERM EXPIRING OCTOBER 6, 2012, VICE MALCOLM B. BOWEKATY, TERM EXPIRING.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

DANA GIOIA, OF CALIFORNIA, TO BE CHAIRPERSON OF THE NATIONAL ENDOWMENT FOR THE ARTS FOR A TERM OF FOUR YEARS. (REAPPOINTMENT)

##### FOREIGN SERVICE

THE FOLLOWING-NAMED CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE DEPARTMENT OF STATE FOR PROMOTION IN THE SENIOR FOREIGN SERVICE TO THE CLASSES INDICATED:

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF CAREER MINISTER:

WILLIAM R. BROWNFIELD, OF TEXAS  
KATHERINE H. CANAVAN, OF CALIFORNIA  
CHRISTOPHER ROBERT HILL, OF RHODE ISLAND  
CAMERON R. HUME, OF CONNECTICUT  
GEORGE MCDADE STAPLES, OF KENTUCKY

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF MINISTER-COUNSELOR:

ELIZABETH JAMESON AGNEW, OF VIRGINIA  
EDWARD M. ALFORD, OF VIRGINIA  
PETER K. AUGUSTINE, OF TEXAS  
CLYDE BISHOP, OF PENNSYLVANIA  
MICHELE THOREN BOND, OF NEW JERSEY  
GAYLEATHA BEATRICE BROWN, OF THE DISTRICT OF COLUMBIA

DAVID M. BUSS, OF TEXAS  
MARTHA LARZELERE CAMPBELL, OF NEW HAMPSHIRE  
JUDITH ANN CHAMMAS, OF VIRGINIA  
THOMAS MORE COUNTRYMAN, OF WASHINGTON  
BARBARA CECELIA CUMMINGS, OF ILLINOIS  
ELIZABETH LINK DIBBLE, OF VIRGINIA  
ROSEMARY ANNE DICARLO, OF THE DISTRICT OF COLUMBIA

LARRY MILES DINGER, OF VIRGINIA  
JANICE J. FEDAK, OF PENNSYLVANIA  
GERALD MICHAEL FEIERSTEIN, OF VIRGINIA  
JEFFREY DAVID FELTMAN, OF CALIFORNIA  
ALBERTO M. FERNANDEZ, OF VIRGINIA  
JUDITH G. GARBER, OF CALIFORNIA  
ROBERT F. GODEC, JR., OF VIRGINIA  
LLEWELLYN H. HEDGBETH, OF CALIFORNIA  
JAMES THOMAS HEG, OF WASHINGTON  
PAUL WAYNE JONES, OF NEW YORK  
SANDRA LYNN KAISER, OF WASHINGTON  
HANS GEORGE KLEMM, OF INDIANA  
THOMAS CHARLES KRAJESKI, OF VIRGINIA  
CHARLENE RAE LAMB, OF FLORIDA  
AN THANH LE, OF THE DISTRICT OF COLUMBIA  
JEFFREY DAVID LEVINE, OF CALIFORNIA  
PATRICK JOSEPH LINEHAN, OF CONNECTICUT  
MARY BLAND MARSHALL, OF VIRGINIA  
TERENCE PATRICK MCCULLEY, OF OREGON  
KEVIN CORT MILAS, OF CALIFORNIA  
PATRICK S. MOON, OF MARYLAND  
JAMES ROBERT MOORE, OF FLORIDA  
DAN W. MOZENA, OF MARYLAND  
ADRIENNE S. O'NEAL, OF MARYLAND  
PHYLLIS MARIE POWERS, OF TEXAS  
CHRISTOPHER R. RICHE, OF VIRGINIA  
THOMAS BOLLING ROBERTSON, OF VIRGINIA  
JOSIE SHUMAKE, OF MISSISSIPPI  
MADELYN ELIZABETH SPIRNAK, OF THE DISTRICT OF COLUMBIA  
STEVEN C. TAYLOR, OF ALASKA  
LINDA THOMAS-GREENFIELD, OF LOUISIANA  
THOMAS JOSEPH TIERNAN, OF ILLINOIS  
MARK A. TOKOLA, OF WASHINGTON  
PAUL A. TRIVELLI, OF CONNECTICUT

THE FOLLOWING-NAMED CAREER MEMBERS OF THE FOREIGN SERVICE FOR PROMOTION INTO THE SENIOR FOREIGN SERVICE, AND FOR APPOINTMENT AS CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE, AS INDICATED: CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR:

CYNTHIA HELEN AKUETTEH, OF MARYLAND  
RAYMOND R. BACA, OF FLORIDA  
CHRISTOPHER J. BEEDE, OF VIRGINIA  
JENNIFER V. BONNER, OF VIRGINIA  
MICHAEL J. BOYLE, OF WYOMING  
ROBERTO GONZALES BRADY, OF CALIFORNIA  
ANN KATHLEEN BREITER, OF CALIFORNIA  
PETER MEIER BRENNAN, OF OREGON  
FLETCHER MARTIN BURTON, OF TENNESSEE  
DUANE CLEMENS BUTCHER, JR., OF CALIFORNIA  
LAWRENCE N. CORWIN, OF TEXAS  
CHRISTOPHER RICHARD DAVIS, OF VIRGINIA