

winds reaching 35 miles per hour. As a result of his accomplishing this difficult drive, his story was picked up by the national news and Don was invited to appear in an episode of "Rawhide" which starred a young Clint Eastwood.

Don Hight displayed his strong patriotism following the September 11, 2001, terrorist attacks, when he sold 100 head of calves to the Fort Pierre Livestock and presented the check to the South Dakota Stock Growers to buy beef certificates, which were given to the Salvation Army for distribution to the victim's families.

Mr. Hight is truly a reflection of the American cowboy and proof that the cowboy way of life is still alive and well in South Dakota. He is a man dedicated to his country, and the values that this country represents such as bravery, honor and respect for his fellow man. It is people like Don that make the state of South Dakota such a great place to live.

It gives me pleasure to rise and pay tribute to Don Hight, a true American cowboy.●

#### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

#### EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

#### MESSAGES FROM THE HOUSE

At 10:36 a.m., a message from the House of Representatives, delivered by Mr. Hanrahan, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 3248. An act to amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users to make technical corrections, and for other purposes.

The message also announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 1495) to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes.

At 4:28 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed

the following bill, in which it requests the concurrence of the Senate:

H.R. 3159. An act to mandate minimum periods of rest and recuperation for units and members of the regular and reserve components of the Armed Forces between deployments for Operation Iraqi Freedom or Operation Enduring Freedom.

At 6:29 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has agreed to the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2272) to invest in innovation through research and development, and to improve the competitiveness of the United States.

#### MEASURES PLACED ON THE CALENDAR

The following bills were read the first and second times by unanimous consent, and placed on the calendar:

H.R. 2831. An act to amend title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, the Americans With Disabilities Act of 1990, and the Rehabilitation Act of 1973 to clarify that a discriminatory compensation decision or other practice that is unlawful under such Acts occurs each time compensation is paid pursuant to the discriminatory compensation decision or other practice, and for other purposes.

S. 1927. A bill to amend the Foreign Intelligence Surveillance Act of 1978 to provide additional procedures for authorizing certain acquisitions of foreign intelligence information and for other purposes.

#### MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 1974. A bill to make technical corrections related to the Pension Protections Act of 2006.

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-2767. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Black Stem Rust; Addition of Rust-Resistant Varieties" (Docket No. APHIS-2007-0072) received on July 31, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2768. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting, a report on the approved retirement of Lieutenant General John M. Curran, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC-2769. A communication from the General Counsel, Department of the Treasury, transmitting, the report of draft legislation intended to amend provisions that specify the weights and compositions of the dollar, half dollar, quarter dollar, dime, 5-cent, and

one-cent coins; to the Committee on Banking, Housing, and Urban Affairs.

EC-2770. A communication from the General Counsel, Federal Energy Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "FPA Section 203 Supplemental Policy Statement" (FERC Docket No. PL07-1-000) received on July 29, 2007; to the Committee on Energy and Natural Resources.

EC-2771. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Iowa; Clean Air Interstate Rule" (FRL No. 8450-1) received on August 1, 2007; to the Committee on Environment and Public Works.

EC-2772. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; State of Kansas" (FRL No. 8450-5) received on August 1, 2007; to the Committee on Environment and Public Works.

EC-2773. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; State of Missouri" (FRL No. 8450-7) received on August 1, 2007; to the Committee on Environment and Public Works.

EC-2774. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Determination of Attainment, Approval of Designation of Areas for Air Quality Planning Purposes; Indiana; Correction" (FRL No. 8450-3) received on August 1, 2007; to the Committee on Environment and Public Works.

EC-2775. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Dimethenamid; Pesticide Tolerance" (FRL No. 8138-2) received on August 1, 2007; to the Committee on Environment and Public Works.

EC-2776. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to the Arizona State Implementation Plan, Maricopa County" (FRL No. 8448-6) received on August 1, 2007; to the Committee on Environment and Public Works.

EC-2777. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a report relative to the authorized shore projection project for Lido Key Beach in Sarasota, Florida; to the Committee on Environment and Public Works.

EC-2778. A communication from the Regulations Coordinator, Center for Medicare Management, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare Program; Inpatient Rehabilitation Facility Prospective Payment System for Federal Fiscal Year 2008" ((RIN0938-AO63)(Docket No. CMS-1551-F)) received on August 1, 2007; to the Committee on Finance.

EC-2779. A communication from the Regulations Coordinator, Center for Medicare Management, Department of Health and

Human Services, transmitting, pursuant to law, the report of a rule entitled "Prospective Payment System and Consolidated Billing for Skilled Nursing Facilities—Update for Fiscal Year 2008" (RIN0938-AO64) received on August 1, 2007; to the Committee on Finance.

EC-2780. A communication from the Regulations Coordinator, Center for Medicare Management, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare Program; Changes to the Hospital Inpatient Prospective Payment Systems and Fiscal Year 2008 Rates" (RIN0938-AO70) received on August 1, 2007; to the Committee on Finance.

EC-2781. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Section 1248 Attribution Principles" (RIN1545-BA93)(TD 9345) received on July 29, 2007; to the Committee on Finance.

EC-2782. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Return Required by Subchapter T Cooperatives under Section 6012" ((RIN1545-BF82)(TD 9336)) received on July 29, 2007; to the Committee on Finance.

EC-2783. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a certification of a proposed technical assistance agreement for the export of technical data, defense services, and articles related to the Laser-based Directional Infrared Countermeasures System to the United Kingdom; to the Committee on Foreign Relations.

EC-2784. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to waiving the restrictions contained in the Cooperative Threat Reduction Act with respect to Uzbekistan; to the Committee on Foreign Relations.

EC-2785. A communication from the Under Secretary of Commerce (Intellectual Property), transmitting, pursuant to law, the report of a rule entitled "Miscellaneous Changes to Trademark Trial and Appeal Board Rules" (RIN0651-AB56) received on July 31, 2007; to the Committee on the Judiciary.

EC-2786. A communication from the Deputy Assistant Administrator, Office of Diversion Control, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Changes in the Regulation of Iodine Crystals and Chemical Mixtures Containing Over 2.2 Percent Iodine" (RIN1117-AA93) received on July 31, 2007; to the Committee on the Judiciary.

EC-2787. A communication from the Secretary, Federal Trade Commission, transmitting, pursuant to law, a report relative to statistics on the operation of the premerger notification program; to the Committee on the Judiciary.

EC-2788. A communication from the Secretary of Veterans Affairs, transmitting, the report of a draft bill intended to clarify the requirements for special monthly pension based on age and disability; to the Committee on Veterans' Affairs.

#### REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mrs. BOXER, from the Committee on Environment and Public Works, without amendment:

H.R. 50. A bill to reauthorize the African Elephant Conservation Act and the Rhinoceros and Tiger Conservation Act of 1994.

H.R. 465. A bill to reauthorize the Asian Elephant Conservation Act of 1997.

By Mrs. BOXER, from the Committee on Environment and Public Works, with an amendment in the nature of a substitute:

S. 742. A bill to amend the Toxic Substances Control Act to reduce the health risks posed by asbestos-containing products, and for other purposes.

S. 775. A bill to establish a National Commission on the Infrastructure of the United States.

S. 1785. A bill to amend the Clean Air Act to establish deadlines by which the Administrator of the Environmental Protection Agency shall issue a decision on whether to grant certain waivers of preemption under that Act.

#### EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. LEVIN for the Committee on Armed Services.

Air Force nomination of Lt. Gen. David A. Deptula, 6792, to be Lieutenant General.

Air Force nomination of Lt. Gen. Claude R. Kehler, 6600, to be General.

Army nomination of Maj. Gen. Kenneth W. Hunzeker, 4503, to be Lieutenant General.

Army nomination of Lt. Gen. James D. Thurman, 8182, to be Lieutenant General.

Army nomination of Lt. Gen. James J. Lovelace, 0304, to be Lieutenant General.

Army nomination of Maj. Gen. Carter F. Ham, 0921, to be Lieutenant General.

Army nomination of Col. Lawrence A. Haskins, 3608, to be Brigadier General.

Navy nomination of Rear Adm. Richard K. Gallagher, 9308, to be Vice Admiral.

Navy nomination of Rear Adm. Robert T. Moeller, 1217, to be Vice Admiral.

Navy nomination of Rear Adm. James A. Winnefeld, Jr., 5212, to be Vice Admiral.

Navy nomination of Adm. Michael G. Mullen, 9509, to be Admiral.

Marine Corps nomination of Gen. James E. Cartwright, 5961, to be General.

Mr. LEVIN. Mr. President, for the Committee on Armed Services I report favorably the following nomination lists which were printed in the RECORDS on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

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

Air Force nomination of Damion T. Gottlieb, 5640, to be Major.

Air Force nomination of Francis E. Lowe, 3894, to be Lieutenant Colonel.

Air Force nominations beginning with Lista M. Benson and ending with Karen L. Weis, which nominations were received by the Senate and appeared in the Congressional Record on July 25, 2007.

Air Force nominations beginning with Kevin C. Blakley and ending with Robert A. Tetla, which nominations were received by the Senate and appeared in the Congressional Record on July 25, 2007.

Air Force nominations beginning with Robert K. Abernathy and ending with Anthony J. Zucco, which nominations were received by the Senate and appeared in the Congressional Record on July 25, 2007.

Air Force nominations beginning with Mary Ann Behan and ending with Paul A. Willingham, which nominations were re-

ceived by the Senate and appeared in the Congressional Record on July 25, 2007.

Army nominations beginning with Dawud A. Agbere and ending with Edward J. Yurus, which nominations were received by the Senate and appeared in the Congressional Record on July 25, 2007.

Army nominations beginning with Blake C. Ortner and ending with Andrew S. Zeller, which nominations were received by the Senate and appeared in the Congressional Record on July 25, 2007.

Army nominations beginning with Julie A. Bentz and ending with Thomas L. Turpin, Jr., which nominations were received by the Senate and appeared in the Congressional Record on July 25, 2007.

Army nominations beginning with Larry L. Guyton and ending with Linda M. Williams, which nominations were received by the Senate and appeared in the Congressional Record on July 25, 2007.

Navy nominations beginning with Jose A. Acosta and ending with Lawrence A. Ramirez, which nominations were received by the Senate and appeared in the Congressional Record on July 25, 2007.

Navy nominations beginning with Douglas P. Barber, Jr. and ending with Thomas J. Welsh, which nominations were received by the Senate and appeared in the Congressional Record on July 25, 2007.

Navy nominations beginning with Susan D. Chacon and ending with Seung C. Yang, which nominations were received by the Senate and appeared in the Congressional Record on July 25, 2007.

Navy nominations beginning with Enein Y. H. Aboul and ending with Kimberly A. Zuzelski, which nominations were received by the Senate and appeared in the Congressional Record on July 25, 2007.

By Mr. INOUE for the Committee on Commerce, Science, and Transportation.

\*William G. Sutton, Jr., of Virginia, to be an Assistant Secretary of Commerce.

\*Ronald Spoehel, of Virginia, to be Chief Financial Officer, National Aeronautics and Space Administration.

\*Thomas J. Barrett, of Alaska, to be Deputy Secretary of Transportation.

\*Paul R. Brubaker, of Virginia, to be Administrator of the Research and Innovative Technology Administration, Department of Transportation.

Mr. INOUE. Mr. President, for the Committee on Commerce, Science, and Transportation I report favorably the following nomination list which was printed in the RECORD on the date indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that this nomination lie at the Secretary's desk for the information of Senators.

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

\*Coast Guard nomination of Kristine B. Neeley, 1750, to be Lieutenant.

By Mr. CONRAD for the Committee on the Budget.

\*Jim Nussle, of Iowa, to be Director of the Office of Management and Budget.

\*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)