COMMITTEE ON HEALTH, EDUCATION, LABOR AND PENSIONS: Mr. Harkin (Chairman), Mr. Dodd, Ms. Mikulski, Mr. Bingaman, Mrs. Murray, Mr. Reed, Mr. Sanders, Mr. Brown, Mr. Casey, Mrs. Hagan, Mr. Merkley, Mr. Franken, Majority Leader designee.

NOTICE OF HEARING

COMMITTEE ON INDIAN AFFAIRS

Mr. DORGAN. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Thursday, September 10, 2009, at 2:15 p.m. in Room 628 of the Dirksen Senate Office Building to conduct a business meeting on S. 797, a bill to amend the Indian Law Enforcement Reform Act, the Indian Tribal Justice Act, the Indian Tribal Justice Technical and Legal Assistance Act of 2000, and the Omnibus Crime Control and Safe Streets Act of 1968 to improve the prosecution of, and response to, crimes in Indian country, and for other purposes; S. 313, a bill to resolve water rights claims of the White Mountain Apache Tribe in the State of Arizona, and for other purposes; S. 375, a bill to authorize the Crow Tribe of Indians water rights settlement, and for other purposes; S. 965, a bill to approve the Taos Pueblo Indian Water Rights Settlement Agreement, and for other purposes; S. 1105, a bill to authorize the Secretary of the Interior, acting through the Commissioner of Reclamation, to develop water infrastructure in the Rio Grande Basin, and to approve the settlement of the water rights claims of the Pueblos of Nambe, Pojoaque, San Ildefonso, and Tesuque; and S. 1388, a bill to provide for equitable compensation to the Spokane Tribe of Indians of the Spokane Reservation for the use of tribal land for the production of hydropower by the Grand Coulee Dam, and for other purposes, to be followed immediately by a hearing to examine S. 1635, 7th Generation Promise: Indian Youth Suicide Prevention Act of 2009.

Those wishing additional information may contact the Indian Affairs Committee at 202–224–2251.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTY

Mr. BURRIS. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on Wednesday, September 9, 2009, at 10 a.m. in room 216 of the Hart Senate office building.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. BURRIS. Mr. President, I ask unanimous consent that the Committee of Foreign Relations be authorized to meet during the session of the Senate on Wednesday, September 9, 2009, at 10 a.m.

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

COMMITTEE ON THE JUDICIARY

Mr. BURRIS. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on September 9, 2009, at 10 a.m. in room SD–226 of the Dirksen Senate Office Building, to conduct a hearing entitled ''Strengthening Forensic Science in the United States.''

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

COMMITTEE ON THE JUDICIARY

Mr. BURRIS. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on September 9, 2009, at 2:30 p.m. in room SD–226 of the Dirksen Senate Office Building, to conduct a hearing entitled ''Nominations.''

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

AWARDING A GOLD MEDAL TO ARNOLD PALMER

Mr. DURBIN. Mr. President, I ask unanimous consent the Banking Committee be discharged from further consideration of H.R. 1243 and the Senate proceed to its immediate consideration.

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

The assistant legislative clerk read as follows:

A bill (H.R. 1243) to provide for the award of a gold medal on behalf of Congress to Arnold Palmer in recognition of his service to the Nation in promoting excellence and good sportsmanship in golf.

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

Mr. DURBIN. I ask unanimous consent the bill be read a third time and passed, the motion to reconsider be laid on the table, without any intervening action or debate, and any statements be printed in the RECORD.

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

The bill (H.R. 1243) was ordered to a third reading, was read the third time, and passed.

MAKING MAJORITY PARTY COMMITTEE ASSIGNMENTS

Mr. DURBIN. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of S. Res. 257, submitted earlier today.

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

The assistant legislative clerk read as follows:

A resolution (S. Res. 257) to constitute the majority party's membership on certain committees for the One Hundred Eleventh Congress, or until their successors are chosen.

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

Mr. DURBIN. Mr. President, I ask unanimous consent that the resolution be agreed to and the motion to reconsider be laid on the table without intervening action or debate.

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

The resolution (S. Res. 257) was agreed to, as follows:

S. RES. 257

Resolved, That the following shall constitute the majority party's membership on the following committees for the One Hundred Eleventh Congress, or until their successors are chosen:

COMMITTEE ON AGRICULTURE, NUTRITION AND FORESTRY: Mrs. Lincoln (Chairman), Mr. Harkin, Mr. Leahy, Mr. Conrad, Mr. Baucus, Mr. Stabenow, Mr. Nelson (Nebraska), Mr. Brown, Mr. Casey, Ms. Klobuchar, Mr. Bennet, Mrs. Gillibrand.

COMMITTEE ON HEALTH, EDUCATION, LABOR AND PENSIONS: Mr. Harkin (Chairman), Mr. Dodd, Ms. Mikulski, Mr. Bingaman, Mrs. Murray, Mr. Reed, Mr. Sanders, Mr. Brown, Mr. Casey, Mrs. Hagan, Mr. Merkley, Mr. Franken, Majority Leader designee.

DISCHARGE AND REFERRAL—S. 1599

Mr. DURBIN. Mr. President, I ask unanimous consent the Armed Services Committee be discharged from further consideration of S. 1599 and the bill be referred to the Committee on the Judiciary.

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

REMOVAL OF INJUNCTION OF SECRECY

Mr. DURBIN. As in executive session, I ask unanimous consent that the injunction of secrecy be removed from the following treaty transmitted to the Senate on September 9, 2009, by the President of the United States:

Protocol Amending the Tax Convention with France (Treaty Document No. 111–4).

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

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

The message of the President is as follows:

To the Senate of the United States:

I transmit herewith, for the advice and consent of the Senate to its ratification, the Protocol Amending the Convention between the Government of the United States of America and the Government of the French Republic for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income and Capital, signed at Paris on August 31, 1994, as Amended by the Protocol signed on December 8, 2004, signed January 13, 2009, at Paris, together with a related Memorandum of Understanding, signed

January 13, 2009 (the ''proposed Protocol''). I also transmit for the information of the Senate the report of the Department of State, which includes an overview of the proposed Protocol.

The proposed Protocol provides for the elimination of withholding taxes on certain cross-border direct dividend payments and on cross-border royalty payments.

The proposed Protocol also provides for mandatory arbitration of cases that the competent authorities of the countries have been unable to resolve after a reasonable period of time. The proposed Protocol contains a comprehensive provision designed to prevent ''treaty shopping,'' which is the inappropriate use of a tax treaty by third-country residents. It provides for the exchange of information between tax authorities of the two countries to facilitate the administration of each country's tax laws.

I recommend that the Senate give early and favorable consideration to the proposed Protocol and give its advice and consent to ratification.

BARACK OBAMA.

THE WHITE HOUSE, *September 9, 2009*.

APPOINTMENT CORRECTION

Mr. DURBIN. Mr. President, I ask unanimous consent that the Record reflect that the appointment of GEN Michael Hayden to the Public Interest Declassification Board made during the adjournment of the Senate was made by the Republican leader rather than the majority leader.

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

ORDER FOR RECESS AND ORDERS FOR THURSDAY, SEPTEMBER 10, 2009

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate recess until 7:30 p.m. tonight; that at 7:40 p.m. the Senate proceed as a body to the Hall of the House of Representatives for a joint session to hear the President of the United States; that at the close of the joint session, the Senate adjourn until 9:30 a.m. tomorrow, Thursday, September 10; 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 then be a period of morning business until 12:30 p.m., with the time equally divided and controlled between the two leaders or their designees; that following morning business the Senate proceed to executive session to resume consideration of Calendar No. 167, the nomination of Cass Sunstein; further, I ask that the time during any adjournment, recess or period of morning business count against the postcloture time.

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

PROGRAM

Mr. DURBIN. Mr. President, the time during morning business tomorrow will be dedicated for Senators to pay tribute to the late Senator Edward Kennedy.

Senators will be notified when the vote on the confirmation of the Sunstein nomination is scheduled. If all time is used, the vote would occur around 11:30 p.m. tomorrow night.

Finally, as a reminder to all Senators, at 2:45 p.m. tomorrow, George LeMieux will be sworn in as a Senator from the State of Florida.

RECESS

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

There being no objection, the Senate, at 6:43 p.m., recessed until 7:30 p.m. and reassembled when called to order by the Presiding Officer (Mr. BEGICH).

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

JOINT SESSION OF THE TWO HOUSES—ADDRESS BY THE PRESIDENT OF THE UNITED STATES (H. Doc. No. 111–62)

The PRESIDING OFFICER. Under the previous order, the Senate will proceed as a body to the Hall of the House of Representatives to receive a message from the President of the United States.

Thereupon, the Senate, preceded by the Deputy Sergeant at Arms, Drew Willison, the Secretary of the Senate, Nancy Erickson, and the Vice President of the United States, JOSEPH R. BIDEN, Jr., proceeded to the Hall of the House of Representatives to hear the address by the President of the United States, Barack H. Obama.

(The address delivered by the President of the United States to the joint session of the two Houses of Congress is printed in the proceedings of the House of Representatives in today's RECORD.)

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

At the conclusion of the joint session of the two Houses, and in accordance with the order previously entered, at 9:07 p.m., the Senate adjourned until Thursday, September 10, 2009, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

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

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. RALPH J. JODICE II

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. WILLIAM J. REW

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. CHRISTOPHER D. MILLER

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. BENJAMIN C. FREAKLEY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. JOHN D. GARDNER

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. FRANK G. HELMICK

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. MARK P. HERTLING

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COLONEL ROBIN B. AKIN
COLONEL ROBERT P. ASHLEY, JR.
COLONEL JEFFREY L. BANNISTER
COLONEL JOSEPH L. BASS
COLONEL LEWIS M. BOONE
COLONEL CLARENCE K. K. CHINN
COLONEL KENNETH R. DAHL
COLONEL GORDON B. DAVIS, JR.
COLONEL SCOTT F. DONAHUE
COLONEL EDWARD F. DORMAN III
COLONEL RANDAL A. DRAGON
COLONEL BILLY D. FARRIS II
COLONEL TERRY R. FERRELL
COLONEL PAUL E. FUNK II
COLONEL RICKY D. GIBBS
COLONEL HAROLD J. GREENE
COLONEL CHRISTOPHER K. HAAS
COLONEL WILLIAM C. HIX
COLONEL STEPHEN B. LEISENRING
COLONEL STEPHEN R. LYONS
COLONEL JONATHAN A. MADDUX
COLONEL MARK A. MCALISTER
COLONEL JOHN J. MCGUINESS
COLONEL MICHAEL K. NAGATA
COLONEL BRYAN R. OWENS
COLONEL JAMES F. PASQUARETTE
COLONEL VICTOR PETRENKO
COLONEL AUNDRE F. PIGGEE
COLONEL JOHN S. REGAN
COLONEL BRYAN T. ROBERTS
COLONEL JOHN G. ROSSI
COLONEL WILLIAM J. SCOTT
COLONEL THOMAS C. SEAMANDS
COLONEL CHARLES L. TAYLOR
COLONEL KELLY J. THOMAS
COLONEL STEPHEN M. TWITTY
COLONEL JEFFERY L. UNDERHILL
COLONEL DARRELL K. WILLIAMS
COLONEL PETER B. ZWACK