

The legislative clerk proceeded to call the roll.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SALAZAR). Without objection, it is so ordered.

RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. LEVIN. Mr. President, I ask unanimous consent that the Senate stand in recess subject to the call of the Chair.

There being no objection, the Senate, at 5:53 p.m., recessed subject to the call of the Chair and reassembled at 6:22 p.m., when called to order by the Presiding Officer (Mr. LEVIN).

ORDER OF BUSINESS

Mr. REID. Mr. President, when we come back in January—we are coming back on the 22nd—we are going to immediately move to the Indian Health Care Reauthorization Act. I have spoken to the chairman of the committee, Senator DORGAN. We are going to do everything we can to finish that legislation on January 22. If we can't finish it January 22 or early on January 23, we are going to move immediately to FISA. I have had a meeting today, for example, with General Hayden and Admiral McConnell, to talk about FISA. I have told them it is going to be very difficult to get this done. It expires on February 1. It is something we need to do. It would be in the interests of everyone to have that legislation extended for a year. I offered to do that earlier yesterday, and the White House said, no, that wasn't a good idea.

We are going to do everything we can to complete that legislation quickly when we get back, after we do the Indian Health Care Reauthorization Act.

Also, one of the things we are going to do is, there is one Senator who has held up scores of pieces of legislation that have already passed the House. These bills have all been reported out of the committee by Senators BINGAMAN and DOMENICI. They are very important pieces of legislation dealing with the jurisdiction of that committee. What we are going to do, and what we have done, is all those bills that have passed the House of Representatives, we put them into one vehicle over here so we will have one vote.

I have offered to Senator COBURN, who is holding these up—I said, I am willing to let you have two or three votes on these. We have been more than reasonable waiting to work through this, in my opinion. I think it is unreasonable that he has held these up. We are going to complete this legislation one way or the other as soon as we complete these other items I mentioned.

I will have more to say about this in a little while, but I spoke to the Repub-

lican leader today, and we both have a good feeling about how we have ended the session. Both of us didn't get exactly what we wanted, but there was a feeling of cooperation and bipartisanship. I hope that spills over into next year—I certainly hope so, and I know Senator MCCONNELL feels that way.

I would like to spend a minute on nominations.

My staff, Ron Weich, who does such a wonderful job for me, indicates I said FISA should be extended for 1 year. It should be extended for 30 days, so we have an opportunity to legislate that during that period of time. I appreciate my staff correcting that statement I made.

We have been working with the White House for the last several days in an effort to reach an agreement that works for both sides regarding nominations. We were unable to reach such an agreement before the Thanksgiving holiday. That led to my calling the Senate into pro forma sessions to avoid the President's very objectionable recess appointments. My hope was I could avoid that prospect for the coming holiday. I tried very hard to work with the President. But he indicated he would still use the period of time that we would be in recess to appoint objectionable nominees.

I said go ahead—here are some. We will give you these—for example, the head of the Federal Aviation Agency, somebody on the Board of Governors of the Federal Reserve Board, the Chemical Safety Board. Go ahead and do those recess appointments.

He wanted a person who cannot get through the Judiciary Committee to be Assistant Counsel to the Attorney General, a man by the name of Bradbury. I talked to various members of the Judiciary Committee yesterday. They don't think the man is somebody who should be confirmed by the Senate. I would say, without a lot of hesitation, there is no chance he would be confirmed. It is my understanding he has already been recess appointed. I can't understand why the President wouldn't do what we have suggested.

My only solution is to prevent this and call a pro forma session again. I thought these jobs—there are more than 50 of them, career-ending opportunities for a lot of these people. These are very important jobs. All of them have to be confirmed by the Senate. I could be a Grinch. I could tell the President I will not move any nominations given his demand to make controversial recess appointments. That would mean more than 50 Republican nominees would not move forward today. So during the holidays it would be: Well, maybe when we come back in a month we can do something.

The Republicans would get about 60 nominations. We would get eight.

But I am not going to do that. I am not going to be the Grinch. We are going to go into pro forma sessions so the President cannot appoint people we think are objectionable, but I am not

going to meet stubbornness with stubbornness. It is not good for the body politic; just because someone is being unreasonable means we have to be unreasonable.

Think about this. Because the President wants one person whom we cannot get out of the Judiciary Committee, he is willing to hold everything up. It doesn't sound like much of a compromise to me. I can't understand the rationale behind this.

I have spoken with Josh Bolton. Josh Bolton is a very pleasant person to deal with. He has a boss, and that is the President of the United States. So I called Josh Bolton and told him, as unreasonable as I think our President is being, I am not going to be unreasonable. We are going to confirm these appointments this evening; as I said, about 60 for the Republicans, 8 for the Democrats. And I will keep the Senate in pro forma session to block the President from doing an end run around the Senate and the Constitution with his controversial nominations.

I hope this is a Christmas present for these people. These are important jobs, and I wish them well in their jobs. I wish them all a Merry Christmas and a happy New Year with their new positions.

PROVIDING FOR A CONDITIONAL ADJOURNMENT OR RECESS OF THE SENATE AND THE HOUSE OF REPRESENTATIVES

Mr. REID. I ask the Chair to lay before the Senate a message from the House of Representatives on S. Con. Res. 61.

The Presiding Officer (Mr. SALAZAR) laid before the Senate the message from the House of Representatives:

S. CON. RES. 61

Resolved, That the resolution from the Senate (S. Con. Res. 61) entitled "Concurrent resolution providing for a conditional adjournment or recess of the Senate, and a conditional adjournment of the House of Representatives", do pass with amendments:

(1) Page 1, line 2, of the Senate engrossed amendment, strike "adjourns" and insert: *recesses or adjourns*

(2) Page 1, beginning on line 6, of the Senate engrossed amendment, strike "or until the time of any reassembly pursuant to section 3 of this concurrent resolution" and insert: *or until such day and time as may be specified 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*"

Mr. REID. I ask unanimous consent that the Senate concur in the House amendment to the concurrent resolution and the motion to reconsider be laid on the table.

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

MAKING FURTHER CONTINUING APPROPRIATIONS FOR FISCAL YEAR 2008

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed