

when lawsuits were brought by survivors of 9/11. Those are subjects I will discuss at a later time. The hour grows late this evening.

But these are issues which we have to grapple with because the doctrine of separation of powers is so important and, institutionally, the Congress ought to be assertive of our authority, when the authority is taken to the Court, which, in effect, is legislation illustrated by the two cases, the Garrett case and the Lane case, which I have discussed—same standard, congruency and proportionality—we can't get an answer from Ms. Kagan as to what standard she would apply, whether it would be the rational basis test which had been in effect until the Boerne case in 1997; not asking her how she would decide a case but what standard she would apply.

So these are issues I think that have to be very carefully considered by the Congress.

I have been speaking on the issue of televising the Court for a couple of decades now, and I tend to continue to acquaint the public as best we can through C-SPAN, through this medium. But if the public knew what was happening, I think we might meet the standard of Stuart Taylor on an infuriated public. I think it will take public concern to provide some accountability to restore the important balance on separation of powers.

I thank the Chair, I thank the staff for staying extra, and I yield the floor. I believe that is the curtain for the day.

ADJOURNMENT UNTIL 9:30 A.M.
TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 9:30 a.m. tomorrow.

There being no objection, the Senate, at 6:37 p.m., adjourned until Wednesday, July 28, 2010, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

NATIONAL BOARD FOR EDUCATION SCIENCES

ANTHONY BRYK, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL BOARD FOR EDUCATION SCIENCES FOR A TERM EXPIRING NOVEMBER 28, 2015. (REAPPOINTMENT)

LEGAL SERVICES CORPORATION

JULIE A. REISKIN, OF COLORADO, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE LEGAL SERVICES CORPORATION FOR A TERM EXPIRING JULY 13, 2013. (REAPPOINTMENT)

IN THE ARMY

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADES INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be major general

BRIGADIER GENERAL FRANK E. BATTS
BRIGADIER GENERAL MELVIN L. BURCH
BRIGADIER GENERAL JOHN E. DAVOREN
BRIGADIER GENERAL LESTER D. EISNER
BRIGADIER GENERAL ALLEN M. HARRELL
BRIGADIER GENERAL ROBERT A. HARRIS
BRIGADIER GENERAL ALBERTO J. JIMENEZ
BRIGADIER GENERAL THOMAS H. KATKUS
BRIGADIER GENERAL JAMES D. TYRE

To be brigadier general

COLONEL STEVEN W. ALTMAN
COLONEL DAVID B. ANDERSON
COLONEL DAVID N. AYCOCK
COLONEL DAVID S. BALDWIN
COLONEL JONATHAN T. BALL
COLONEL CRAIG E. BENNETT
COLONEL JULIE A. BENTZ

COLONEL VICTORIA A. BETTERTON
COLONEL VICTOR J. BRADEN
COLONEL DAVID R. BROWN
COLONEL FELIX T. CASTAGNOLA
COLONEL PETER L. COREY
COLONEL DONALD S. COTNEY
COLONEL STEPHANIE E. DAWSON
COLONEL CAROL A. EGGERT
COLONEL ALFRED C. FABER
COLONEL WILLIAM A. HALL
COLONEL RICHARD J. HAYES
COLONEL TIMOTHY E. HILL
COLONEL TIMOTHY J. HILTY
COLONEL JEFFREY H. HOLMES
COLONEL JANICE G. IGOU
COLONEL JAMES C. LETTKO
COLONEL TOM C. LOOMIS
COLONEL WESLEY L. MCCLELLAN
COLONEL JOHN K. MCGREW
COLONEL JOHNNY R. MILLER
COLONEL STEVEN R. MOUNT
COLONEL ERIC C. PECK
COLONEL CHARLES E. PETRARCA
COLONEL ANDREW P. SCHAFER
COLONEL RAYMOND F. SHIELDS
COLONEL LESTER SIMPSON
COLONEL PHILIP A. STEMPLE
COLONEL RANDY H. WARM
COLONEL CHARLES W. WHITTINGTON

IN THE NAVY

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

To be vice admiral

REAR ADM. DANIEL P. HOLLOWAY

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

To be vice admiral

REAR ADM. WALTER M. SKINNER

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

To be admiral

VICE ADM. SAMUEL J. LOCKLEAR III