

*Amendments Related to the Economic Growth Tax Relief Reconciliation Act of 2001*

Application of special elective deferral limit to designated Roth contributions (Act sec. 617).—Code section 402(g)(7) provides a special rule allowing certain employees to make additional elective deferrals to a tax-sheltered annuity, subject to (1) an annual limit of \$3,000, and (2) a cumulative limit of \$15,000 minus the amount of additional elective deferrals made in previous years under the special rule. Present law provides a rule to coordinate the cumulative limit with the ability to make designated Roth contributions, but inadvertently reduces the \$15,000 amount by all designated Roth contributions made in previous years. The provision clarifies that the \$15,000 amount is reduced only by additional designated Roth contributions made under the special rule.

Application of FICA taxes to designated Roth contributions (Act sec. 617).—Under Code section 3121(v)(1)(A), elective deferrals are included in wages for purposes of social security and Medicare taxes. The provision clarifies that wage treatment applies also to elective deferrals that are designated as Roth contributions.

*Amendments Related to the Tax Relief Extension Act of 1999*

Renewable electricity sold to utilities under certain contracts (Act sec. 507).—Code section 45(e)(7) provides that a wind energy facility placed in service by the taxpayer after June 30, 1999, does not qualify for the section 45 production tax credit if the electricity generated at the facility is sold to a utility pursuant to certain pre-1987 contracts. The provision clarifies that facilities placed in service prior to June 30, 1999, that sell electricity under applicable pre-1987 contracts are not denied the section 45 production tax credit solely by reason of a change in ownership after June 30, 1999.

Treatment of income and services provided by taxable REIT subsidiaries (Act sec. 542).—The provision clarifies that the transient basis language in the definition of a lodging facility applies only in determining whether an establishment other than a hotel or motel qualifies as a lodging facility.

*Amendment Related to the Internal Revenue Service Restructuring and Reform Act of 1998*

Redactions for background documents related to Chief Counsel Advice documents (Act sec. 3509).—The Internal Revenue Service Restructuring and Reform Act of 1998 established a structured process by which the IRS makes certain work products, designated Chief Counsel advice (“CCA”), open to public inspection. To afford additional protection for certain governmental interests implicated by CCAs, section 6110(i)(3) governs redactions that may be made to CCAs, including the exemptions or exclusions available under the Freedom of Information Act, 5 U.S.C. 552(b) and (c) (except that the provision for redaction under a Federal statute excludes Title 26), as well as the exemptions pertaining to taxpayer identity information described in section 6110(c)(1). Section 6110(i)(3) does not expressly address redactions to the “background file documents” related to a CCA. The provision clarifies that the CCA background file documents are governed by the same redactions as CCAs.

*Clerical corrections*

The bill includes a number of clerical and conforming amendments, including amendments correcting typographical errors.

Mr. REID. Mr. President, I ask unanimous consent that the bill be read three times, the motion to reconsider

be laid upon the table, and that any statements be printed in the RECORD.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The bill (H.R. 4389) was ordered to be read a third, was read the third time, and passed.

**AUTHORITY FOR COMMITTEES TO REPORT**

Mr. REID. Mr. President, I ask unanimous consent that during the recess or adjournment of the Senate, Senate committees may file committee-reported Legislative and Executive Calendar business on Tuesday, January 8, during the hours of 10 a.m. to 12 noon.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

**APPOINTMENT AUTHORIZATION**

Mr. REID. Mr. President, I ask unanimous consent that notwithstanding the recess or adjournment of the Senate, the President of the Senate, the President pro tempore, and the majority and minority leaders be authorized to make appointments to commissions, committees, boards, conferences, or interparliamentary conferences authorized by law, by concurrent action of the two Houses, or by order of the Senate.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

**UNANIMOUS CONSENT AGREEMENT—S. 1200**

Mr. REID. Mr. President, I ask unanimous consent that on Tuesday, January 22, 2008, following a period of morning business, the Senate then proceed to the consideration of Calendar No. 421, S. 1200, the Indian health legislation.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

**UNANIMOUS CONSENT AGREEMENT—S. 2483**

Mr. REID. Mr. President, I ask unanimous consent the Senate proceed to Calendar No. 546, S. 2483, the energy lands bills, at a time to be determined by the majority leader, following consultation with the Republican leader, and that when considered, it be considered under the following limitations: that the only amendments in order be five related amendments to be offered by Senator COBURN; that upon disposition of all amendments, the bill be read a third time, and the Senate proceed to vote on passage of the bill.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. I mentioned this morning that we are going to do Indian health,

FISA, and then we can go this bill that I just got consent on dealing with energy.

**MEASURE READ THE FIRST TIME—H.R. 4040**

Mr. REID. There is a bill at the desk due for its first reading. It is the consumer product commission.

The ACTING PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 4040) to establish consumer product safety standards and other safety requirements for children’s products and to reauthorize and modernize the Consumer Product Safety Commission.

Mr. REID. I now ask for its second reading and, in order to place the bill on the calendar under the provisions of rule XIV, I object to my own request.

The ACTING PRESIDENT pro tempore. Objection is heard.

The bill will receive its second reading on the next legislative day.

Mr. REID. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

**H.R. 1216 AND H.R. 1254**

Mr. REID. Mr. President, I have two consent requests that I have been asked to propound on behalf of Members on our side. These two bills are very important. There are objections on the Republican side. I would propound the requests, but I have been told the Republicans would have to bring somebody here, and there would be an objection, so I am not going to make that necessary.

The bills are H.R. 1216, Kids and Cars Safety Act of 2007, and H.R. 1254, the Presidential Library bill. These two pieces of legislation are important to Senators CLINTON and LIEBERMAN.

I would like to announce today that when the Senate returns for business in January, we will ask the consents again, and I hope at that time the minority, who are now objecting, will not be here to lodge those objections.

**THANKING SENATOR CASEY**

Mr. REID. Mr. President, so it does not pass my mind, I want to express the appreciation of everyone involved here for the Presiding Officer spending so much time here today. We thought we would be out of here by 3 o’clock this afternoon. It is 8:30, and we are still not finished our work.

I can remember when I was a new Member of the House of Representatives, and it was a time about like this,

and I was asked to preside. Now, remember, there are 435 Members of the House of Representatives, and I was a freshman. Oh, was I happy—a great big podium and a great big gavel, which I did not have to use. I would not have known how to anyway. But I look back with a lot of fond memories to that 25 years ago.

But we appreciate the Senator being here today. Most of this work of this Senate is completed, and we have to have someone who is presiding. The Senator has been very patient with all of us. We appreciate it very much. But this speaks of who you are. You are always a very patient person. I am grateful to you, as we all are.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### NOMINATIONS STATUS QUO

Mr. REID. Mr. President, as in executive session, I ask unanimous consent that, the provisions of rule XXXI notwithstanding, all nominations remain in status quo except the following: from the Armed Services Committee, Colonels Larry Arnett, Otis Morris, and Gilberto Pena to be brigadier generals; Colonel Marc L. Warren to be brigadier general; Colonel Mark W. Tillman to be brigadier general; Anita K. Blair, of Virginia, to be an Assistant Secretary of the Navy; from the Committee on the Judiciary, Steven G. Bradbury, of Maryland, to be an Assistant Attorney General.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

#### EXECUTIVE SESSION

##### EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider Executive Calendar Nos. 117, 372, 377, 393, 408, 409, 411, 412 through 427, 433 through 438, and all the nominations on the Secretary's desk; that the nominations be confirmed, the motions to reconsider be laid on the table, and the President be immediately notified of the Senate's action.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

The nominations considered and confirmed are as follows:

##### FEDERAL ENERGY REGULATORY COMMISSION

Joseph Timothy Kelliher, of the District of Columbia, to be a Member of the Federal Energy Regulatory Commission for the term expiring June 30, 2012.

##### DEPARTMENT OF HOMELAND SECURITY

Julie L. Myers, of Kansas, to be Assistant Secretary of Homeland Security.

##### FEDERAL EMERGENCY MANAGEMENT AGENCY

W. Ross Ashley, III, of Virginia, to be an Assistant Administrator of the Federal Emergency Management Agency, Department of Homeland Security.

##### DEPARTMENT OF COMMERCE

Todd J. Zinser, of Virginia, to be Inspector General, Department of Commerce.

##### DEPARTMENT OF HEALTH AND HUMAN SERVICES

Benjamin Eric Sasse, of Nebraska, to be an Assistant Secretary of Health and Human Services.

Christina H. Pearson, of Maryland, to be an Assistant Secretary of Health and Human Services.

##### FEDERAL ENERGY REGULATORY COMMISSION

Jon Wellinghoff, of Nevada, to be a Member of the Federal Energy Regulatory Commission for the term expiring June 30, 2013.

##### DEPARTMENT OF DEFENSE

James Shinn, of New Jersey, to be an Assistant Secretary of Defense.

Mary Beth Long, of Virginia, to be an Assistant Secretary of Defense.

John H. Gibson, of Texas, to be an Assistant Secretary of the Air Force.

Craig W. Duehring, of Minnesota, to be an Assistant Secretary of the Air Force.

##### 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 general

Lt. Gen. Roger A. Brady, 0000

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. Richard Y. Newton, III, 0000

The following named officer for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

##### To be brigadier general

Col. Walter D. Givhan, 0000

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 L. Shelton, 0000

The following Air National Guard of the United States officer for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., section 12203:

##### To be brigadier general

Col. Allyson R. Solomon, 0000

The following named officers for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

##### To be brigadier general

Col. Christopher F. Burne, 0000

Col. Dwight D. Creasy, 0000

##### IN THE ARMY

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 Robert B. Abrams, 0000

Colonel Ralph O. Baker, 0000

Colonel Allen W. Batschelet, 0000

Colonel Peter C. Bayer, Jr., 0000

Colonel Arnold N.G. Bray, 0000

Colonel Jeffrey S. Buchanan, 0000

Colonel Robert A. Carr, 0000

Colonel Gary H. Cheek, 0000

Colonel Kendall P. Cox, 0000

Colonel William T. Crosby, 0000

Colonel Anthony G. Crutchfield, 0000

Colonel Joseph P. Disalvo, 0000

Colonel Brian J. Donahue, 0000

Colonel Patrick J. Donahue, II, 0000

Colonel Peter N. Fuller, 0000

Colonel William K. Fuller, 0000

Colonel Walter M. Golden, Jr., 0000

Colonel Patrick M. Higgins, 0000

Colonel Frederick B. Hodges, 0000

Colonel Brian R. Layer, 0000

Colonel Richard C. Longo, 0000

Colonel Alan R. Lynn, 0000

Colonel David L. Mann, 0000

Colonel Lloyd Miles, 0000

Colonel Mark A. Milley, 0000

Colonel John W. Nicholson, Jr., 0000

Colonel Henry J. Nowak, 0000

Colonel Raymond P. Palumbo, 0000

Colonel Gary S. Patton, 0000

Colonel Mark W. Perrin, 0000

Colonel William E. Rapp, 0000

Colonel Thomas J. Richardson, 0000

Colonel Steven L. Salazar, 0000

Colonel Raymond A. Thomas, III, 0000

Colonel Paul L. Wentz, 0000

Colonel Larry D. Wyche, 0000

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. R. Steven Whitcomb, 0000

The following named officer for appointment in the United States Army to the grade indicated under title 10, U.S.C., section 624:

##### To be major general

Brig. Gen. John A. Macdonald, 0000

The following named officer for appointment in the United States Army to the grade indicated under title 10, U.S.C., sections 624 and 3064:

##### To be brigadier general

Col. Dana K. Chipman, 0000

The following Army National Guard of the United States officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

##### To be major general

Brig. Gen. Dennis L. Celletti, 0000

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. David P. Valcourt, 0000

##### DEPARTMENT OF TRANSPORTATION

Francis Mulvey, of Maryland, to be a Member of the Surface Transportation Board for a term expiring December 31, 2012.

Carl T. Johnson, of Virginia, to be Administrator of the Pipeline and Hazardous Materials Safety Administration, Department of Transportation.

##### 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) Michael R. Seward, 0000

The following named officers for appointment in the United States Coast Guard to