

only one new judicial nominee all year. I wish he would work with all Senators to fill those remaining vacancies rather than through his inaction and unnecessarily confrontational approach manufacture longstanding vacancies. It is as if the President and his most partisan supporters want to create a crisis.

Over the last weeks we have heard some extremists call for mass impeachments of judges, court-stripping and punishing judges by reducing court budgets. Now we are seeing an effort at religious McCarthyism by which Republican partisans inject religion into these matters. Rather than promote crisis and confrontation, I urge this President to disavow the divisive campaign and do what most others have and work with us to identify outstanding consensus nominees. It ill serves the country, the courts and most importantly the American people for this administration and the Senate Republican leadership to continue down the road to conflict.

The Seabright nomination shows how unnecessary that conflict really is. Let us join together to debate and confirm these consensus nominees to these important lifetime posts on the federal judiciary.

It is the Federal judiciary that is called upon to rein in the political branches when their actions contravene the Constitution's limits on governmental authority and restrict individual rights. It is the Federal judiciary that has stood up to the overreaching of this administration in the aftermath of the September 11 attacks.

It is more and more the Federal judiciary that is being called upon to protect Americans' rights and liberties, our environment and to uphold the rule of law as the political branches under the control of one party have overreached. Federal judges should protect the rights of all Americans, not be selected to advance a partisan or personal agenda. Once the judiciary is filled with partisans beholden to the administration and willing to reinterpret the Constitution in line with the administration's demands, who will be left to protect American values and the rights of the American people?

The Constitution establishes the Senate as a check and a balance on the choices of a powerful President who might seek to make the Federal judiciary an extension of his administration or a wholly owned subsidiary of any political party. Today, Republicans are threatening to take away one of the few remaining checks on the power of the executive branch by their use of what has become known as the nuclear option. This assault on our tradition of checks and balances and on the protection of minority rights in the Senate and in our democracy should be abandoned. Eliminating the filibuster by the nuclear option would destroy the Constitution's design of the Senate as an effective check on the Executive. The elimination of the filibuster would

reduce any incentive for a President to consult with home State Senators or seek the advice of the Senate on lifetime appointments to the Federal judiciary. It is a leap not only toward one-party rule but to an unchecked Executive.

Rather than blowing up the Senate, let us honor the constitutional design of our system of checks and balances and work together to fill judicial vacancies with consensus nominees. The nuclear option is unnecessary. What is needed is a return to consultation and for the White House to recognize and respect the role of the Senate appointments process.

The American people have begun to see this threatened partisan power grab for what it is and to realize that the threat and the potential harm are aimed at our democracy, at an independent and strong Federal judiciary and, ultimately, at their rights and freedoms.

HYDROGEN AND FUEL CELL TECHNOLOGY ACT OF 2005

Mr. HARKIN. Mr. President, I am pleased to announce my support for an important piece of legislation recently introduced by Senator DORGAN and Senator GRAHAM, the Hydrogen and Fuel Cell Technology Act of 2005.

This legislation lays out a bold vision for the energy future of our Nation. It takes steps to secure the research, development, demonstration and market transition necessary to deliver on the tremendous promise of a "hydrogen economy."

The economy of this country today depends heavily on oil, much of which we must import from countries with hostile and dangerous regimes. This dependence on foreign oil threatens our national security, our economy and the environment. We must take the steps now to find alternative sources of energy and new ways of powering everything from cell phones to cars. This bill does exactly that.

The Hydrogen and Fuel Cell Technology Act funds the research and demonstration needed to develop key aspects of a reliable, renewable hydrogen economy. The bill incorporates language from the Hydrogen Passenger Vehicle Act, which I introduced earlier in this Congress to provide funding for projects to demonstrate the cost-effective production and distribution of hydrogen from renewable sources, such as ethanol. The bill also adopts several proposals from my Hydrogen and Fuel Cell Energy Act, including support for hydrogen transportation corridor demonstrations, such as the Upper Midwest Hydrogen Initiative.

This legislation will fund development of better fuel cell technology, of lighter, more efficient ways to store hydrogen on board vehicles, and of less expensive ways of converting renewable energy to hydrogen fuel.

It updates the language and sets clearer priorities for the existing hy-

drogen research program under the Matsunaga Act, and adds important demonstration, commercialization, and market driver mechanisms, using Federal Government procurement to help drive demand for new technology.

In order to be most effective, however, we will need to enact the tax incentives necessary to encourage widespread investment, production and utilization of hydrogen. Tax credits for fuel cell vehicles, for hydrogen fueling infrastructure, for hydrogen fuel from renewable sources, and for stationary and portable fuel cells should all be considered as part of a package of support for the hydrogen economy.

The measures proposed in this legislation will require a significant Federal investment in our energy future, but with these measures, we can use hydrogen and fuel cell technologies to realize our vision of cars that do not pollute, of power that will not go out, and of true energy security. I urge the support of my colleagues for this visionary legislation.

Mr. DORGAN. Mr. President, Senator HARKIN has shown great leadership in the effort to create a hydrogen fuel-cell economy and I welcome his support and look forward to working with him and other cosponsors as we move this legislation forward.

90TH ANNIVERSARY OF THE ARMENIAN GENOCIDE

Mr. REED. Mr. President, I, along with the Armenians in Rhode Island and throughout the United States, as well as those around the world, recognize the 90th anniversary of the Armenian Genocide.

On the night of April 24, 1915, nationalists in the Ottoman Empire rounded up and executed 200 Armenian community leaders, sparking an 8-year campaign of tyranny that impacted the lives of every Armenian in Asia Minor. By 1923, an estimated 1.5 million Armenians were murdered, and another 500,000 were exiled.

The U.S. Ambassador to the Ottoman Empire, Henry Morgenthau, Sr., unsuccessfully pleaded with President Wilson to act. Morgenthau later remembered the events of the genocide. "I am confident that the whole history of the human race contains no such horrible episode as this," the Ambassador wrote in his memoir. "The great massacres and persecutions of the past seem almost insignificant when compared to the sufferings of the Armenian race in 1915."

Unfortunately, the United States, and the world, did not intervene.

Today, on the 90th Anniversary, I am proud to be one of 32 Senators who urged President Bush to refer to the mass murder of Armenians as genocide in his commemorative statement. Failing to do so, does not properly commemorate this tragedy. Accurate acknowledgment of this event in human history is a small, but necessary, step to take.