United States of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 109th CONGRESS, FIRST SESSION

Vol. 151 WASHINGTON, TUESDAY, SEPTEMBER 27, 2005 No. 122

# House of Representatives

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Mr. PETRI).

## DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
*September 27, 2005.*

I hereby appoint the Honorable THOMAS E. PETRI to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
*Speaker of the House of Representatives.*

## MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2005, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from California (Mr. DREIER) for 5 minutes.

## THE JUSTICE FOR PEACE OFFICERS ACT OF 2005

Mr. DREIER. Mr. Speaker, on April 29 of 2002, Los Angeles County Sheriff's Deputy David March was brutally slain execution-style during a routine traffic stop. Suspect Armando Garcia, an illegal immigrant, fled to Mexico within hours of Deputy March's murder and has avoided prosecution by U.S. authorities for over 3 years.

Mexico's refusal to extradite individuals who may face the death penalty or life imprisonment has hindered efforts to bring Armando Garcia back to the United States to face prosecution for his crime. The same border that Garcia illegally crossed to enter our country now serves as a wall of protection for him. This is an outrage. It is an unspeakable injustice to the loved ones of David March, and to all of the men and women who risk their lives each day so that we can live in safety.

When our peace officers patrol their beats, keep an eye on our neighborhoods and police the streets, they are walking the line, selflessly enforcing our laws and keeping our communities safe. When the very laws they have a duty to uphold are abused by fleeing murderers, justice is denied, the security of peace officers is placed in jeopardy, and the rule of law on which our great Nation is based is weakened.

Over the last 3 years, I have joined many of my colleagues in efforts to see that Armando Garcia and other fugitives accused in killings on our soil are returned to the United States to face justice. We have met with officials from the Department of Justice and the Department of State. We have urged President Bush to call for aggressive action to change Mexico's extradition policy. I have met with President Fox and other high officials of the Mexican government, including their Supreme Court, in an effort to impress upon our neighbor that its extradition policy is intolerable. However, 3 years later, Armando Garcia and thousands of other fugitives still are beyond the grasp of our legal system.

Recently, in a potentially critical turning point, the Mexican Supreme Court issued a decision that allowed consecutive prison terms for certain murders. This could have the effect of recognizing that life imprisonment does not constitute cruel and unusual punishment, a position previously held by the Mexican Supreme Court, as I said. Amid sensitive talks and signs of progress, I remain committed to working with the administration to bring Deputy March's murderer to justice. But until that is achieved, Congress has a duty to take action to ensure that what happened to Deputy March never happens again.

It was at the urging of Los Angeles County Sheriff Lee Baca that my friend from Pasadena (Mr. SCHIFF) and I introduced H.R. 2363, the Peace Officer Justice Act, to make it a Federal crime to kill a peace officer and flee the country to avoid prosecution. This bill ensures that criminals who murder law enforcement officials and escape to another country will have the full weight of the Federal Government on their trail. This legislation is supported by the Fraternal Order of Police, the National Sheriffs Association and Roy Burns, president of the Association of Los Angeles Deputy Sheriffs. After we introduced the bill, Mr. Speaker, Los Angeles County District Attorney Steve Cooley voiced concerns to me with several of its provisions. Specifically, he believed that making such a crime a violation of Federal law would provide exclusive jurisdiction for the Federal Government to pursue a cop-killer who flees the country.

I have reached out to Mr. Cooley on numerous occasions for suggestions on how to improve the bill. Having addressed every single issue that the District Attorney raised, I, along with the gentleman from Pasadena, am reintroducing this legislation. It is now going to be called the Justice for Peace Officers Act. Thanks to the input from Mr. Cooley, this is a stronger, better and more aggressive bill.

This bill makes it a Federal crime to kill a peace officer and flee the country. And it makes the crime for first degree murder punishable by the death penalty or life imprisonment. The bill also goes a step further by making murder in the second degree punishable by a mandatory minimum of 30 years in prison or life imprisonment.



Printed on recycled paper.

This legislation raises the penalty for those who help cop-killers flee the country from a maximum of 15 years in prison to a mandatory minimum sentence of 15 years behind bars.

Mr. Speaker, it will always be our preference for State and local prosecutors to go after cop-killers. Police keep our local communities safe and local prosecutors should have primary jurisdiction over these cases. That is why we included language to give priority to local prosecutors, and we have made clear that nothing in this bill would supersede that authority. In addition, the penalty under the bill would be a consecutive sentence to any other State or Federal punishment. This provision would ensure that any punishment on the local level would be enhanced by an additional Federal sentence.

Finally, we firmly believe that the Bush administration should use all tools available to bring about a change in Mexico's extradition policy. We included a provision directing the Secretary of State to enter into formal discussions with the Mexican government on the U.S.-Mexico extradition treaty.

Mr. Speaker, this legislation sends a powerful message to Mexico and any other country that refuses to extradite a fugitive cop-killer. It shows that the United States Congress considers this a crime against America. Passage of this bill will ensure that perpetrators of these heinous crimes will be brought to justice.

I urge my colleagues to join with us in cosponsoring this very important measure.

## RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 2 p.m. today.

Accordingly (at 12 o'clock and 37 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

## AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. BRADLEY of New Hampshire) at 2 p.m.

## PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord God, You are our refuge in trouble and the comforter of Your people. Natural disasters, civil strife, and all forms of suffering may cause Your people to feel vulnerable and become discouraged. But often, right in the midst of conflict or chaos, You reveal Your powerful grace which elevates and redeems.

As we hear the stories of brothers and sisters in distress, we also learn of their bravery, self-sacrifice and the goodness of others. Lord, lead us through present difficulties that we may find deeper solidarity with one another. Help us to shore up this Nation's infrastructure to serve the common good. Wipe away all disillusion so we make better plans for the future.

Lord, inspire all in public service and all citizens to be accountable to You, responsible for one another, and caring most for the weakest in our midst. Only then will we prove ourselves to be truly Your people both now and forever. Amen.

## THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

## PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from South Carolina (Mr. WILSON) come forward and lead the House in the Pledge of Allegiance.

Mr. WILSON of South Carolina led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

## MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment bills of the House of the following titles:

H.R. 2385. An act to extend by 10 years the authority of the Secretary of Commerce to conduct the quarterly financial report program.

H.R. 3784. An act to temporarily extend the programs under the Higher Education Act of 1965, and for other purposes.

## BLAIR STANDS FIRM AGAINST TERRORISM

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, although some war cynics continue to call for a ''retreat and defeat policy,'' Prime Minister Tony Blair has proven that he is committed to finishing the mission in Iraq.

Two weeks ago, Prime Minister Blair gave a scorching speech at the United Nations confirming U.S. and British intent to win the global war on terrorism.

According to The Post and Courier of Charleston, South Carolina, ''Mr. Blair's eloquence secured unanimous backing of the Security Council for a British resolution outlawing incitement to commit acts of terrorism.''

Prime Minister Blair clearly dismissed the argument that U.S. and British intervention in Iraq had spawned terrorism. As he said, Iraq is a pretext as the cause of terrorism, which actually is the doctrine of fanaticism.

''Terrorism won't be defeated until our determination is as complete as theirs; our defense of freedom as resolute as their fanaticism, our passion for democracy as great as their passion for tyranny,'' said Mr. Blair.

In conclusion, God bless our troops and we will never forget September 11.

## REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 438

Mr. RADANOVICH. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 438.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

## CONGRESS NEEDS TO TAKE THE WHEEL

(Mr. KUCINICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUCINICH. Mr. Speaker, the administration has the answer to the energy crisis. Drive less, they are telling the American people.

Drive less? Oil companies are making record profits, kids are not going to school in Georgia, gas lines are forming in the South, and here in the Nation's Capital, gas prices are over $3 a gallon.

Drive less? Since this administration moved from Texas to Washington, D.C., the top five oil companies earned $254 billion in pure profit. Think about it. These companies made $254 billion in profit from the last 5 years. The clean-up from Katrina will cost at least $200 billion.

What are we doing here? Drive less? The administration is asking every American to sacrifice mobility but not asking the oil companies to sacrifice a dime of their profit. The problem is not that the American people are driving too much. The problem is that the oil companies are driving our Nation's energy policies, driving up the cost of gasoline, natural gas and home heating oil, and every chance of driving themselves toward huge profits.

It is time for Congress to take back the wheel. It is time for a sustainable energy policy which puts consumers, the environment, human health and peace first.

## CONGRESSIONAL HURRICANE KATRINA INVESTIGATION

(Mr. BURGESS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURGESS. Mr. Speaker, in the aftermath of the two hurricanes,

Katrina and Rita, the question comes up, how do we evaluate the Federal response and how do we learn from the events of the past 4 weeks? How do we protect our country going forward?

There are some in this body who have called for a special commission to conduct that inquiry, a special commission as opposed to a congressional inquiry. But I believe that Congress not only has the duty, I believe Congress has the constitutional obligation to undertake that process. In fact, Mr. Speaker, this is one job that is too important for the other side to outsource.

In order for this to work, that is a Congressional inquiry, it is going to require participation from both sides of the aisle. It is not healthy for the country for one side to stand on the sidelines and point fingers.

And what about a special commission? Well, we saw that with the 9/11 Commission. Their former commission spokesman said that he could not evaluate the information on Able Data because the information provided did not mesh with the conclusions that they were drawing.

I submit, Mr. Speaker, it is appropriate for Congress to do this investigation and I look forward to the result.

## SUPPORT FEDERAL ASSISTANCE PROGRAMS

(Ms. EDDIE BERNICE JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today in strong opposition to any further potential cuts to Federal assistance programs.

The Census states that 13 percent of Americans live in poverty and we have seen the face of poverty more glaring recently. In Dallas, my hometown, 23 percent live in poverty, almost double the national average.

America's economy is weak. It is strong for the wealthy but it is weak for the poor. Gas prices are outrageous, the cost of this war is crippling, and continuing conflict is an embarrassment. Tax cuts to the rich are putting down the poor.

Since the current administration took over, there are 5.4 million more people in poverty, 6 million more without health insurance. Americans need jobs, a decent minimum wage and affordable health care.

Mr. Speaker, people living in poverty need help. We must strengthen Medicaid, Medicare, Social Security and temporary assistance programs, not cut them.

## BANNING EFFORTS OF FAITH-BASED GROUPS

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, the left is howling about how hurricane relief money is being spent. They want to stop money from going to certain groups. The government has offered to help defray the cost that faith-based groups have incurred in helping victims of the hurricanes. Many have been able to cover costs through donations of goods, money, and volunteers. But in many cases, these groups help more people than they were capable of helping because the government asked them to.

But to serve an extremist agenda, some have called on the government to ban faith-based groups from the publicly funded relief effort. Their call would shut out the poor in churches and synagogues and mosques simply to suit their erroneous reading of the Constitution and to pad their fundraising numbers.

First, they want to keep poor kids in big cities from going to good schools with scholarship vouchers, now they want to stop aid from going to the poor. So much for compassion.

## CONGRESS NEEDS TO SIT UP AND LISTEN

(Ms. WATSON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. WATSON. Mr. Speaker, this weekend, Cindy Sheehan and hundreds of thousands of opponents of the war in Iraq marched here in Washington, D.C. The massive outpouring of public demonstration against the war is reflected in national polls showing America's growing dissatisfaction with the President's Iraqi policy.

In the spring of 2003, the President pushed our Nation into a war in Iraq. The decision was not based on proven terrorist threat or WMDs, but President Bush's private agenda.

Two years ago, the American people had spent over $250 billion in Iraq. What do we have to show for it? Not much except for the growing insurgency, close to 2,000 American deaths, and untold innocent Iraqi lives.

Mr. Speaker, President Bush's adventure in Iraq has been an abysmal failure. People such as Cindy Sheehan, who have made a mother's ultimate sacrifice, are speaking out. The President will not listen, but it is time for Congress to sit up and listen.

## HURRICANE RESPONSE

(Mr. PRICE of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PRICE of Georgia. Mr. Speaker, this month of September 2005 has seen our Nation suffer the ravages of the largest natural disaster in our history and a second hurricane of remarkable power, Katrina and Rita. All Americans extend their hearts and their hands and their hopes to those whose lives have been so drastically disrupted.

In Congress, our responsibility must be to ensure that the money that we have provided for the relief efforts is spent only on relief and recovery efforts. That is why Congress will send a special team of investigators to the Gulf region to monitor disaster expenditures.

That is why Congress will convene oversight hearings to learn from high administration officials, State officials and local folks on the status of the relief efforts and where the funds are being expended. That is why weekly reports on expenditures are mandated by Congress and why ongoing audits and investigations on disaster assistance are being conducted.

Mr. Speaker, recovery efforts will take time and the Federal Government will be there to support the local and State leaders, but anything we do we must do so in a fiscally responsible way.

## HONORING BAILEY GOFORTH

(Ms. FOXX asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. FOXX. Mr. Speaker, I rise today to recognize a very special constituent of mine, Miss Bailey Goforth, a 7-year-old from Alexander County, North Carolina, a bright young lady who is wise far beyond her years.

On Saturday, July 16 of this year, Bailey's father, David, became pinned beneath a heavy farm implement while attempting to hook up a bush hog to his tractor. Bailey was the person who discovered him. Rather than panic at the sight of her injured father, she acted in a calm and collected manner. She and her younger sister, Ali, tried to phone their grandparents for help but unfortunately they could not reach them.

That is when Bailey sprinted to her family's garage, retrieved a car jack, and followed her father's instructions on how to free him from beneath the bush hog. Her father sustained a broken left leg, but his injuries could have been far worse if his brave young daughter had not come to his rescue.

Mr. Speaker, Bailey Goforth is to be commended for her bravery, determination and sound judgment. She is truly an inspiration for us all.

## TOUGH QUESTIONS FOR FEMA

(Mr. DREIER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DREIER. Mr. Speaker, over the past few minutes, beginning with the great prayer from our Chaplain, we have been talking about the devastation of Hurricanes Katrina and Rita. And we know that immediately following Hurricane Katrina, Speaker HASTERT called along with Senator

FRIST for the establishment of select committees that would deal with an analysis of what the problems were leading up to Hurricane Katrina and what took place in the aftermath of Hurricane Katrina. Unfortunately, the Democratic leadership chose to not appoint any Members to this select committee.

I have just been watching over the last while the hearings that have been taking place. Before they took place, the Democratic leader said that these hearings would be nothing but a whitewash. Well, having seen the questions raised by my Republican colleagues on the committee, they are tough, strong, hard questions that are being raised of the former FEMA administrator, Mr. Brown.

□ 1415

I believe, Mr. Speaker, that it is responsible to appoint the full complement of membership. It is imperative that the people who have been victimized by these tragedies are heard through their representatives on this select committee, and for those of us in the rest of the country who face the prospect of a disaster, in my State, earthquakes, fires, mudslides create the threat of really causing a tremendous loss of life, we need to figure out what the problems are at FEMA.

So, Mr. Speaker, let us see the leader appoint the full complement of membership to that committee so that their very important questions can be raised.

## SIGNIFICANT VICTORY IN IRAQ

(Mrs. BLACKBURN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BLACKBURN. Mr. Speaker, as my colleague was saying, we have talked quite a bit about Hurricanes Katrina and Rita today and over the past few weeks, and we do express our sympathies to all of those families that have been affected.

I had a colleague mention a moment ago something about Iraq, the war against terrorism, spoke about it from the negative. I want to highlight a positive and a real victory, a significant victory in Iraq.

Al Qaeda's second-highest ranking operative in Iraq was killed in a joint strike by U.S. and Iraqi forces. This is a huge win, Mr. Speaker, a huge win for our troops and for freedom; and it is another sign that we are taking al Qaeda and the terrorist organizations apart, piece by piece.

Whether they are in Iraq, Afghanistan, or working to infiltrate our borders, we are working to uncover and destroy the terrorists' network. We are being led in this effort by our men and women in uniform. God bless them and their good work, and bless those wonderful American-Iraqi forces who are leading in this war against terror.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. BRADLEY of New Hampshire). Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken after 6:30 p.m. today.

## NATURAL DISASTER STUDENT AID FAIRNESS ACT

Mr. JINDAL. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3863) to provide the Secretary of Education with waiver authority for the reallocation rules in the Campus-Based Aid programs, and to extend the deadline by which funds have to be reallocated to institutions of higher education due to a natural disaster, as amended.

The Clerk read as follows:

H.R. 3863

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE; REFERENCES.**

(a) SHORT TITLE.—This Act may be cited as the ''Natural Disaster Student Aid Fairness Act''.

(b) REFERENCES.—References in this Act to ''the Act'' are references to the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.).

**SEC. 2. ALLOCATION AND USE OF CAMPUS-BASED HIGHER EDUCATION ASSISTANCE.**

(a) WAIVER OF MATCHING REQUIREMENTS.—Notwithstanding sections 413C(a)(2), 443(b)(5), and 463(a)(2) of the Act (20 U.S.C. 1070b–2(a)(2); 42 U.S.C. 2753(b)(5); 20 U.S.C. 1087cc(a)(2)), with respect to funds made available for academic years 2004–2005 and 2005–2006—

(1) in the case of an institution of higher education located in an area affected by a Gulf hurricane disaster, the Secretary shall waive the requirement that a participating institution of higher education provide a non-Federal share or a capital contribution, as the case may be, to match Federal funds provided to the institution for the programs authorized pursuant to subpart 3 of part A, part C, and part E of title IV of the Act; and

(2) in the case of an institution of higher education that has accepted for enrollment any affected students, the Secretary may waive that matching requirement after considering the institution's student population and existing resources, using consistent and objective criteria.

(b) WAIVER OF REALLOCATION RULES.—

(1) AUTHORITY TO REALLOCATE.—Notwithstanding sections 413D(d), 442(d), and 462(i) of the Act (20 U.S.C. 1070b–3(d); 42 U.S.C. 2752(d); 20 U.S.C. 1087bb(i)), the Secretary shall—

(A) reallocate any funds returned under any of those sections that were allocated to institutions of higher education for award year 2004–2005 to an institution of higher education that is eligible under paragraph (2) of this subsection; and

(B) waive the allocation reduction for award year 2006–2007 for an institution returning more than 10 percent of its allocation under any of those sections.

(2) ELIGIBLE INSTITUTIONS FOR REALLOCATION.—An institution of higher education may receive a reallocation of excess allocations under this subsection if the institution—

(A) participates in the program for which excess allocations are being reallocated; and

(B)(i) is located in an area affected by a Gulf hurricane disaster; or

(ii) has accepted for enrollment any affected students in academic year 2005–2006.

(3) BASIS OF REALLOCATION.—The Secretary shall determine the manner in which excess allocations shall be reallocated to institutions under paragraph (1), and shall give additional consideration to the needs of institutions located in an area affected by a Gulf hurricane disaster.

(4) ADDITIONAL WAIVER AUTHORITY.—Notwithstanding any other provision of law, in order to carry out this subsection, the Secretary may waive or modify any statutory or regulatory provision relating to the reallocation of excess allocations under subpart 3 of part A, part C, or part E of title IV of the Act in order to ensure that assistance is received by affected institutions for affected students.

(c) AVAILABILITY OF FUNDS DATE EXTENSION.—Notwithstanding any other provision of law—

(1) any funds available to the Secretary under sections 413A, 441, and 461 of the Act (20 U.S.C. 1070b; 42 U.S.C. 2751; 20 U.S.C. 1087aa) for which the period of availability would otherwise expire on September 30, 2005, shall be available for obligation by the Secretary until September 30, 2006 for the purposes of the programs authorized pursuant to subpart 3 of part A, part C, and part E of title IV of the Act, respectively; and

(2) the Secretary may recall any funds allocated to an institution of higher education for award year 2004–2005 under section 413D, 442, or 462 of the Act that, if not returned to the Secretary as excess allocations pursuant to any of those sections, would otherwise lapse on September 30, 2005, and reallocate those funds in accordance with subsection (b)(1).

**SEC. 3. EMERGENCY DESIGNATION.**

Section 2 of this Act is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress).

**SEC. 4. TERMINATION OF AUTHORITY.**

The provisions of this Act shall cease to be effective one year after the date of the enactment of this Act.

**SEC. 5. DEFINITIONS.**

In this Act:

(1) SECRETARY.—The term ''Secretary'' means the Secretary of Education.

(2) AFFECTED STUDENT.—The term ''affected student'' means an individual who has applied for or received student financial assistance under title IV of the Act, and who—

(A) was enrolled or accepted for enrollment, as of August 29, 2005, at an institution of higher education in an area affected by a Gulf hurricane disaster;

(B) was a dependent student enrolled or accepted for enrollment at an institution of higher education that is not in an area affected by a Gulf hurricane disaster, but whose parents resided or were employed, as of August 29, 2005, in an area affected by a Gulf hurricane disaster; or

(C) suffered direct economic hardship as a direct result of a Gulf hurricane disaster, as determined by the Secretary using consistent and objective criteria.

(3) GULF HURRICANE DISASTER.—The term ''Gulf hurricane disaster'' means a major disaster that the President declared to exist, in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170), and that was caused by Hurricane Katrina or Hurricane Rita.

(4) AREA AFFECTED BY A GULF HURRICANE DISASTER.—The term ''area affected by a Gulf hurricane disaster'' means a county or

parish, in an affected State, that has been designated by the Federal Emergency Management Agency for disaster assistance for individuals and households as a result of Hurricane Katrina or Hurricane Rita.

(5) AFFECTED STATE.—The term ''affected State'' means the State of Alabama, Louisiana, Mississippi, or Texas.

(6) INSTITUTION OF HIGHER EDUCATION.—The term ''institution of higher education'' has the meaning given that term in section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Louisiana (Mr. JINDAL) and the gentleman from Massachusetts (Mr. TIERNEY) each will control 20 minutes.

The Chair recognizes the gentleman from Louisiana (Mr. JINDAL).

GENERAL LEAVE

Mr. JINDAL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 3863.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. JINDAL. Mr. Speaker, I yield myself such time as I may consume, and I rise in support of H.R. 3863.

In my home State of Louisiana, several institutions of higher education have been impacted by both Hurricanes Katrina and Rita, literally dozens across the entire State.

The bill we are discussing today addresses an approaching deadline for the Department of Education that requires the Department to redistribute campus-based aid funds.

Currently, campus-based aid funds include the Federal Work Study program, Perkins loans, and Supplemental Educational Opportunity Grants.

Currently, schools that have additional campus-based aid funds are required to return those funds to the Department. Under current law, after September 30, the Department is required to redistribute the funds to schools all over the country.

This bill we are discussing today would extend the September 30 deadline to allow the Department to recapture unspent funds and reallocate them to the institutions that have taken in students from Louisiana, from Mississippi, from Alabama, and from Texas.

In addition, the bill would allow the Department to give additional campus-based aid funds to colleges in the affected States when they got up and running again.

Waiving the Federal matching requirements will assist the financially strapped institutions since the affected schools do not have matching funds that are currently required to receive this funding.

The authority granted to the Secretary in this bill is important to ensure that the affected institutions in the gulf coast region do not experience additional financial strain and provides assistance to get them back on their feet.

As the former president of the University of Louisiana system, a system that comprises universities and colleges that have been impacted directly by the storm, I truly understand the need to be flexible and responsive and to help the neediest students in the affected institutions in their time of need.

Mr. Speaker, I reserve the balance of my time.

Mr. TIERNEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 3863 is, in fact, a good bill, and I want to congratulate my colleague for filing this bill and working on it.

Obviously, as he stated, the bill directs the Secretary of Education to waive an institution's match requirement and to redistribute millions of dollars in unused campus-based aid funds such as work study and Supplemental Educational Opportunity Grants to students and colleges that are impacted by Hurricanes Katrina and Rita.

The bill in the first instance states that the Secretary shall waive those match requirements if, in fact, an institution is located in the gulf area that is affected by the hurricanes, and it may waive them for institutions that accept for enrollment any affected students after considering an institution's student population, existing resources, and applying objective and consistent criteria. That makes great sense.

Under current law already, colleges that participate in the campus-based aid programs have to return any unused aid to the Secretary of Education at the end of the year. Then the Secretary can reallocate those funds to colleges that have an additional need or return the money to the Treasury.

This bill gives the Secretary the instruction and the latitude to take that money and redistribute it where it is most needed at this particular time after the devastation of the storms. The Department of Education estimates that this change could result in an additional $36 million of student aid to help affected students and colleges this year.

I support this commonsense step and believe that it will provide immediate relief to the affected colleges and students.

Mr. Speaker, I reserve the balance of my time.

Mr. JINDAL. Mr. Speaker, I reserve the balance of my time.

Mr. TIERNEY. Mr. Speaker, I yield as much time as she may consume to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Speaker, this bipartisan bill could result in an additional $36 million in aid this year for students and colleges impacted by Hurricane Katrina and Hurricane Rita. It is a commonsense bill, and I am proud to rise in support of H.R. 3863; but we cannot stop here.

Congress must do more to make college affordable for all students, including victims of the hurricanes.

Unfortunately, the House probably will vote next month on H.R. 609, a Republican bill that would increase the cost to students of Federal aid by billions of dollars.

Ironically, one of the provisions of the Republican H.R. 609 legislation would change the formula for distributing campus-based aid while not increasing the amount of that aid.

Earlier this summer, the gentleman from Massachusetts (Mr. TIERNEY) and the gentleman from Wisconsin (Mr. KIND) offered an amendment in committee that would have ensured that changes in the formula were not tied to full increases but to real increases in aid; but the amendment was defeated by the Republicans in our committee.

H.R. 609 simply would rob Peter to pay Paul, rather than address the real problem, which is the Republican refusal to significantly increase Pell grants and other grant aid to make colleges more affordable for low- and middle-income families.

Of course, Mr. Speaker, I support what Congress is doing today because it will help college students in the gulf region, but I encourage everyone to keep an eye on what Congress does next month because that will change what we do to help college students nationwide.

Mr. TIERNEY. Mr. Speaker, assuming that my colleague has no other speakers, I yield myself such time as I shall consume.

I just want to, Mr. Speaker, highlight the point that the gentlewoman from California (Ms. WOOLSEY) finished with in her remarks.

If this bill is enacted, that she was talking about, H.R. 609, which, in fact, redistributes the campus-based aid formula, these very States that we are trying to help today, this afternoon, would be harmed. If it was enacted and those funds were redistributed without adding additional funds to protect schools that now receive assistance under that provision, Louisiana would lose almost $1.2 million in work study funds under the plan. Alabama would lose $1.3 million. Mississippi would lose nearly $2.5 million in work study. So almost $4.5 million in all the three campus-based aid programs.

This clearly does not make sense. Rearranging the deck chairs on a sinking ship is not going to save that ship from going down.

In higher education, we have a tremendous obligation now to have more children take advantage of college and graduate. It used to be a high school education was enough to catapult a son or daughter into the middle class. We all know today that that is not enough any longer, that we really need to encourage 2 to 4 years beyond high school; and in doing that, campus-based aid plays a very significant and important role.

Redistributing the funds in such a way that you are taking them away

from some campuses and then putting them on other campuses is, in fact, as the gentlewoman from California (Ms. WOOLSEY) said, taking from Peter to pay Paul.

The fact of the matter is we ought to increase the funding so that no student loses current assistance and new students who should be getting it do indeed receive the assistance that they need.

A reallocation of campus-based funds must include a significant boost in that funding in order to continue our efforts here so we give more children the responsibility and the opportunity to complete a college degree.

The gentleman from Wisconsin (Mr. KIND) and I had offered that amendment in committee. It failed on a tie vote, 24 to 24. We got significant bipartisan support. In fact, a number of schools would be impacted. More than 80 Members of Congress have signed a letter to the committee asking them to take that offending provision that would redistribute the funds without adding additional money, to take that out of the bill.

Mr. Speaker, I will place in the RECORD at this point a list of each of the States and how much money they would lose on campus-based aid if that redistributed formula under H.R. 609 passed without adding more funds in.

ESTIMATED CHANGE IN CAMPUS-BASED AID FUNDING—BASE GUARANTEE ELIMINATION PROPOSAL

| | SEOG change in allocation | FWS change in allocation | Perkins change in allocation | Total change | % Change |
|---|---|---|---|---|---|
| Alabama | $319,328 | −$1,366,249 | $193,908 | −$853,013 | −2.9 |
| Alaska | −357,194 | −292,672 | 0 | −649,866 | −39.1 |
| Arizona | 184,692 | 191,795 | 495,118 | 871,605 | 3.5 |
| Arkansas | −109,651 | −847,811 | −223,204 | −1,180,666 | −8.8 |
| California | 5,346,622 | 6,981,497 | 1,367,670 | 13,695,789 | 7.0 |
| Colorado | 354,210 | −35,688 | −224,410 | 94,112 | 0.4 |
| Connecticut | 68,743 | 744,203 | −2,244 | 810,702 | 3.8 |
| Delaware | 184,837 | 170,007 | −4,868 | 349,976 | 10.5 |
| District of Columbia | 17,425 | 1,884,291 | 240,916 | 2,142,632 | 11.3 |
| Florida | 1,894,571 | 2,956,506 | 1,975,050 | 6,826,127 | 9.1 |
| Georgia | 1,172,369 | −896,299 | 414,028 | 690,098 | 1.7 |
| Hawaii | −109,763 | −161,240 | −16,180 | −287,183 | −7.4 |
| Idaho | −68,365 | 276,785 | −146,554 | 61,866 | 1.2 |
| Illinois | 1,582,535 | 1,975,747 | −703,749 | 2,854,533 | 3.0 |
| Indiana | 875,175 | 1,201,143 | −164,648 | 1,911,670 | 5.0 |
| Iowa | 268,598 | 1,088 | −391,244 | −121,558 | −0.5 |
| Kansas | −609,378 | −821,312 | −693,636 | −2,124,326 | −14.6 |
| Kentucky | 803,328 | −1,518,496 | −11,330 | −726,498 | −3.2 |
| Louisiana | 915,018 | −1,193,153 | 99,218 | −178,917 | −0.7 |
| Maine | −3,346,280 | −3,425,036 | −460,794 | −7,232,110 | −46.5 |
| Maryland | −262,256 | 272,230 | 43,102 | 53,076 | 0.2 |
| Massachusetts | −4,398,750 | −4,886,369 | −96,665 | −9,381,784 | −11.7 |
| Michigan | −1,798,914 | 752,152 | −1,213,575 | −2,260,337 | −4.0 |
| Minnesota | −2,377,299 | −1,248,027 | −452,806 | −4,078,132 | −11.1 |
| Mississippi | −1,282,404 | −2,487,498 | −700,467 | −4,470,369 | −20.0 |
| Missouri | 923,933 | 945,748 | −63,658 | 1,806,023 | 5.0 |
| Montana | 241,460 | −378,709 | −177,076 | −314,325 | −5.2 |
| Nebraska | 52,045 | −138,681 | −268,659 | −355,295 | −3.1 |
| Nevada | 195,286 | 295,456 | 66,199 | 556,941 | 13.2 |
| New Hampshire | −769,185 | −1,502,087 | −156,759 | −2,428,031 | −18.7 |
| New Jersey | 501,889 | 450,066 | 106,108 | 1,058,063 | 2.8 |
| New Mexico | −586,005 | −2,183,573 | −204,870 | −2,974,448 | −26.2 |
| New York | 7,189,176 | 7,766,963 | 3,204,027 | 18,160,166 | 9.7 |
| North Carolina | −1,820,724 | −1,384,785 | −88,970 | −3,294,479 | −8.0 |
| North Dakota | −965,544 | −577,921 | 2,866,841 | 1,323,376 | 19.9 |
| Ohio | 775,727 | 46,677 | 620,384 | 1,442,788 | 2.0 |
| Oklahoma | 36,553 | −619,493 | −456,089 | −1,039,029 | −5.3 |
| Oregon | −1,738,961 | −889,047 | −185,769 | −2,813,777 | −11.2 |
| Pennsylvania | 2,514,303 | 4,595,845 | 1,265,707 | 8,375,855 | 7.5 |
| Puerto Rico | 1,650,308 | 432,023 | 442,540 | 2,524,871 | 7.1 |
| Rhode Island | 21,779 | −533,551 | 36,572 | −475,200 | −2.8 |
| South Carolina | 100,627 | −789,970 | 97,811 | −591,532 | −2.5 |
| South Dakota | −635,011 | −1,360,964 | −234,921 | −2,230,896 | −27.7 |
| Tennessee | 5,768 | −452,951 | −6,719 | −453,902 | −1.4 |
| Texas | 647,894 | 1,103,488 | −1,236,695 | 514,687 | 0.5 |
| Utah | −422,039 | 214,156 | −477,662 | −685,545 | −6.4 |
| Vermont | −2,382,485 | −1,778,571 | −264,202 | −4,425,258 | −37.7 |
| Virginia | 854,144 | −174,968 | 12,640 | 691,816 | 2.0 |
| Washington | −844,292 | 771,689 | −229,162 | −301,765 | −1.0 |
| West Virginia | −76,805 | −302,606 | −127,184 | −506,595 | −4.1 |
| Wisconsin | −4,769,861 | −1,419,305 | −1,192,894 | −7,382,060 | −19.3 |
| Wyoming | 16,325 | 112,844 | −80,097 | 49,072 | 1.9 |

NOTE.—Total 29 states would lose funding under this proposal.
Source: American Council on Education, Center for Policy Analysis.

My colleagues will see that 29 States lose money overall, and in fact, every State loses some aid through some of its campuses in one of those three programs.

I just say again, we have an agreement on this particular bill today. It makes sense to do what we are doing to help those affected in the areas that were hurt by Hurricanes Rita and Katrina; but it makes little sense to go through that effort to do that and at the same time, in a week or two or from now, pass a bill that is going to rob them of money of campus-based aid and leave them set back even further.

We can have it both ways. We can help them now through the legislation that is currently on the floor, and we can do a better job with H.R. 609 when it comes to the floor by adding in resources so that existing student aid does not go down on campuses that are using it and projected aid for those campuses that need additional funds, those needs can be met, and all students and more students will have the opportunity to have a college education so that they, too, can go into the middle class and help make this country strong and its economy strong as well.

Mr. Speaker, I yield back the balance of my time.

Mr. JINDAL. Mr. Speaker, I yield myself such time as I may consume.

I am certainly sympathetic to what the gentleman and my colleague have both referred to in terms of the provision in H.R. 609. Indeed, I was one of the Republicans that actually voted for his amendment.

However, my understanding from the majority on the committee, the rationale for the current language in H.R. 609, is that right now campuses are keeping the financial aid they receive regardless of the number of needy students they have enrolled on campus. The intent behind H.R. 609 is, over a number of years, phase this out and allow the funds to actually follow the needy students to whatever campuses they may be on.

Regardless of the merits of both sides of this issue, certainly today we are here to talk about a provision that will help those institutions impacted by Hurricanes Katrina and Rita. I want to, first of all, thank my colleagues both in the majority and across the aisle for their support for today's legislation.

Certainly, nobody thinks today's legislation will solve all the problems facing institutions of higher education in Louisiana, in Texas, and Mississippi and Alabama; but today, with consideration of this legislation, I do think we are taking an important step forward.

I also want to thank the Members across the aisle and the members of my committee and the chairman in particular for not only moving so quickly on this legislation but for, lastly, moving so quickly on another piece of legislation that helps students directly, waiving some of the requirements that they repay their Pell grants and their other financial assistance if their studies were interrupted by Hurricane Katrina.

□ 1430

I certainly think with the steps we are taking today, we are providing quick, flexible relief, both to students in great need, but also their institutions of higher education.

I have literally spent hours visiting with the leaders of these various institutions, campus presidents, with students visiting some of the impacted campuses, and there are questions in their minds regarding how they are to continue their studies, how are they going to continue their payrolls, how are they going to get their facilities back in preparation for welcoming students back to continuing their studies and their research as the rebuilding process continues.

Again, as a former president of a university system, I know how important these institutions are to the vitality, the economic growth, and the well-being of the region and the families that have been so devastated by these hurricanes. So I certainly thank my colleagues on both sides of the aisle for their bipartisan support for this legislation, and I want to thank the chairman and the House for moving so quickly.

Again, this is not a comprehensive solution, but it is, again, a very important first step forward.

Mr. BOEHNER. Mr. Speaker, I rise in support of this bill to protect financial aid opportunities for students and schools affected by the recent hurricanes in the gulf coast region.

I would like to thank my friend from Louisiana, Representative BOBBY JINDAL, for his ongoing efforts to provide higher education assistance to the victims of Hurricanes Katrina and Rita. I would also like to thank Representatives MILLER, KILDEE, and HINOJOSA for working with us in a bipartisan manner to provide critical higher education relief.

The Natural Disaster Student Aid Fairness Act protects financial aid opportunities for students and schools affected by the recent hurricanes by providing needed flexibility for the campus based aid programs.

The three campus based aid programs—Supplemental Educational Opportunity Grants (SEOG), Federal Work Study, and the Perkins Loan program—provide valuable financial assistance to low- and middle-income students.

The funds are allocated to colleges and universities, which then combine Federal funds with their own dollars and award financial aid to their students. Because the campus based aid programs are awarded to institutions and require institutional matching funds, colleges and universities impacted by the hurricanes are facing additional challenges in maintaining these programs.

The Natural Disaster Student Aid Fairness Act allows the Secretary of Education to waive the institutional matching requirements for institutions affected by the gulf coast hurricanes and for institutions whose financial aid budgets have been stretched more than anticipated as they open their doors to affected students.

This flexibility will ensure colleges and universities are still able to participate in the campus based aid programs as they work to rebuild their campuses and serve their students.

The bill also extends the deadline for the Department of Education to reallocate excess funds for these programs to provide ample time to assess the needs of all participating institutions.

Moreover, the bill allows these excess funds to be targeted to the institutions located in the affected regions or to the institutions that have accepted displaced students.

The campus based aid programs have always been aimed at meeting the needs of disadvantaged students. For the students and schools impacted by the gulf coast hurricanes, the time of need is now. This bill will provide much needed flexibility to ensure these funds are available to the students and schools that need them the most.

Once again, I would like to thank the sponsor of this bill, Representative JINDAL, and members on both sides of the aisle for working quickly on this bill to protect financial aid opportunities for students and schools impacted by Hurricanes Katrina and Rita.

I urge my colleagues to support this bill.

COMMITTEE ON EDUCATION AND THE WORKFORCE, HOUSE OF REPRESENTATIVES,
*Washington, DC, September 27, 2005.*

Hon. JIM NUSSLE,
*Chairman, Committee on the Budget, Cannon House Office Building, Washington, DC.*

DEAR CHAIRMAN NUSSLE: I am writing concerning H.R. 3863, the ''Natural Disaster Student Aid Fairness Act,'' which is scheduled for floor consideration today. Section 3 of the bill designates that any provision of Section 2 affecting receipts, budget authority, or outlays in the bill will be for emergency purposes pursuant to the budget resolution of this year (H. Con. Res. 95). Thus, the Committee on Education and the Workforce shares the jurisdiction with the Committee on the Budget on this provision.

I recognize the Committee on the Budget's jurisdictional interest in Section 3 of the bill, but ask that you allow H.R. 3863 to go forward. I agree that by allowing the bill to be considered, the Committee on the Budget does not relinquish any jurisdiction over H.R. 3863 or similar legislation. I would also support your request to be represented on a conference on H.R. 3863, if one should become necessary.

Finally, I will include my letter and your response in the Congressional Record during floor consideration of the measure.

Sincerely,

JOHN A. BOEHNER,
*Chairman.*

---

COMMITTEE ON THE BUDGET, HOUSE OF REPRESENTATIVES,
*Washington, DC, September 27, 2005.*

Hon. JOHN A. BOEHNER,
*Chairman, Committee on Education and the Workforce, Rayburn House Office Building, Washington, DC.*

DEAR CHAIRMAN BOEHNER: In recognition of the desire to expedite floor consideration of H.R. 3863, the Natural Disaster Student Aid Fairness Act, the Committee on the Budget agrees to waive its right to consider this legislation. H.R. 3863, as introduced on September 22, 2005, contains subject matter that falls within the legislative jurisdiction of the Committee on the Budget pursuant to rule X of the Rules of the House of Representatives. Section 3 of the bill, relating to the designation of provisions of the bill as emergency requirements pursuant to section 402 of H. Con. Res. 95, is of jurisdictional and substantive interest to this Committee.

The Committee on the Budget appreciates the Education and Workforce Committee's recognition of our jurisdictional interest in section 3. The Budget Committee also appreciates your offer to support any request we might make to be represented on the conference for H.R. 3863. Finally, the Committee on the Budget recognizes that the Committee on Education and the Workforce retains sole jurisdiction over all provisions of H.R. 3863 other than section 3.

Thank you for including our letters in the Congressional Record during floor consideration.

Sincerely,

JIM NUSSLE,
*Chairman.*

Mr. BISHOP of New York. Mr. Speaker, I rise in strong support of the Natural Disaster Student Aid Fairness Act.

Hurricane Katrina and Hurricane Rita have caused destruction of monumental proportions. First and foremost, our priority should remain delivering food, water and other aid to those most in need. During this time of national crisis we should tap every available resource of the Federal Government to make sure that we are providing relief in every corner of the devastated Gulf Coast region. This relief extends to the colleges and universities that work so hard to provide our young people with the skills they need to succeed.

This important legislation would allow the Secretary of Education to grant waivers to colleges and universities affected by these disasters that participate in Federal Campus-Based Aid programs such as SEOG and Federal Work-Study. This would waive the requirement that participating institutions of higher education provide matching Federal funds provided to the institution for these programs.

I am pleased to see the speed at which legislation is being considered to help students in the affected regions and applaud the spirit of bipartisanship in addressing these important issues. I commend the gentleman from Louisiana (Mr. JINDAL) for introducing this legislation, and I thank the leadership for calling this legislation to the floor so quickly.

Mr. Speaker, this is a good bill in a difficult hour. I strongly encourage my colleagues to vote for it.

Mr. JINDAL. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. BRADLEY of New Hampshire). The question is on the motion offered by the gentleman from Louisiana (Mr. JINDAL) that the House suspend the rules and pass the bill, H.R. 3863, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

SUPPORTING THE GOALS AND IDEALS OF ''LIGHTS ON AFTER-SCHOOL!''

Mr. EHLERS. Mr. Speaker, I move to suspend the rules and pass the joint resolution (H.J. Res. 66) supporting the goals and ideals of ''Lights on Afterschool!'', a national celebration of after-school programs.

The Clerk read as follows:

H.J. RES. 66

Whereas high-quality after-school programs provide safe, challenging, engaging, and fun learning experiences to help children and youth develop their social, emotional, physical, cultural, and academic skills;

Whereas high-quality after-school programs support working families by ensuring that their children are safe and productive after the regular school day ends;

Whereas high-quality after-school programs build stronger communities by involving the Nation's students, parents, business leaders, and adult volunteers in the lives of the Nation's young people, thereby promoting positive relationships among children, youth, families, and adults;

Whereas high-quality after-school programs engage families, schools, and diverse community partners in advancing the well-being of the Nation's children;

Whereas ''Lights On Afterschool!'', a national celebration of after-school programs on October 20, 2005, promotes the critical importance of high-quality after-school programs in the lives of children, their families, and their communities;

Whereas more than 28,000,000 children in the United States have parents who work outside the home, and 14,300,000 children have no place to go after school; and

Whereas many after-school programs across the Nation are struggling to keep their doors open and their lights on: Now, therefore, be it

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Congress supports the goals and ideals of ''Lights On Afterschool!'', a national celebration of after-school programs.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. EHLERS) and the gentlewoman from California (Ms. WOOLSEY) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan (Mr. EHLERS).

GENERAL LEAVE

Mr. EHLERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.J. Res. 66.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. EHLERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.J. Resolution 66, offered by my colleague, the gentlewoman from New York (Mrs. LOWEY). This resolution seeks to support the goals and ideals of ''Lights on Afterschool!'', a national celebration of after-school programs.

This year's Lights on Afterschool rally, taking place October 20, 2005, is expected to include more than 7,000 events in the United States and at military bases around the world. This event is aimed at bringing attention to the need for high-quality, after-school programs that keep kids safe, help working families, and improve academic achievement.

I support this resolution, because after-school programs are an important part of many American students' lives. High-quality after-school programs provide safe, challenging, and fun learning experiences that help children and youth develop their social, emotional, physical, cultural, and academic skills.

In my hometown of Grand Rapids, Michigan, after-school programs have proven to be highly beneficial. For example, the LOOP after-school program has shown that students who participated 3 or more days a week did better academically and had better attendance in school than students who did not participate.

I am pleased we are able to bring attention to the critical importance of after-school programs in the lives of children, their families, and their communities. I commend the communities across the Nation that engage in innovative after-school programs and activities and ensure that the doors stay open and the lights stay on for all children after school.

This resolution is simple and straightforward. It supports the goals and ideals of ''Lights on Afterschool!'', a nationwide celebration of after-school programs. I commend my colleague, the gentlewoman from New York (Mrs. LOWEY), for her leadership in offering House Joint Resolution 66 and urge all my colleagues to support it.

Mr. Speaker, I reserve the balance of my time.

Ms. WOOLSEY. Mr. Speaker, I yield myself such time as I may consume, and I want to first thank the gentlewoman from New York (Mrs. LOWEY) and the gentlewoman from Florida (Ms. ROS-LEHTINEN) for introducing this resolution.

Mr. Speaker, supporting after-school programs is one of the most important things that we in Congress and the people around the country can do to improve our children's lives and ensure that they have bright futures. High-quality after-school programs provide children with safe, enriching activities, a place to be where they are welcome and where they are comfortable. Without these programs, the hours between the end of the school day, actually between the school bell and the dinner bell, become the time that children are most likely to get into trouble.

So while these programs are important to all families, they are particularly important and invaluable to working families. Good after-school programs build stronger communities by involving parents, community leaders, business leaders, and adult volunteers in the lives of young people. That is why I am delighted to support ''Lights on Afterschool!'', a national celebration of after-school programs.

On October 20, 2005, as many as 1 million people around the country will attend events to spread the word about the critical importance of high-quality, after-school programs. But we also have to remember that resolutions are not enough. As this resolution notes, there are more than 14 million children in the United States of America who do not have a place to go after school. Yet in recent years, this President and Congress have cut funding for after-school programs.

So by all means, let us resolve today to support these programs, but when it comes time to put our money where our mouths are, let us support them financially also.

Mr. Speaker, I yield such time as she may consume to the gentlewoman from California (Mrs. LOWEY), the sponsor of this resolution.

Mrs. LOWEY. Mr. Speaker, I thank the gentlewoman for yielding me this time, and I rise in strong support of H.J. Res. 66, which I introduced with my friend and colleague from Florida (Ms. ROS-LEHTINEN) to highlight the goals of the sixth annual ''Lights on Afterschool!'' celebration.

This event, organized by the After-school Alliance and sponsored by the J.C. Penney Afterschool Fund is the only national celebration of after-school programs and the important role they play in the lives of children, families, and communities.

On October 20, more than 1 million Americans, representing thousands of after-school initiatives across the country, including 166 programs in my home State of New York, are expected to open their doors to parents, neighbors, business leaders, and elected officials to showcase their accomplishments. In my own district, events will take place in New Rochelle, Mamaroneck, Ossining, and Yonkers, and more programs are registering every day.

In spite of the growing enthusiasm for this year's ''Lights On!'' celebration, we do need more than just one day a year to highlight the importance of after-school programs. That is why I joined with other representatives, the gentlewoman from Florida (Ms. ROS-LEHTINEN), the gentleman from Michigan (Mr. KILDEE), and the gentleman from California (Mr. CUNNINGHAM), and I thank also my colleagues on both sides of the aisle, the gentleman from Michigan (Mr. EHLERS), who I did not mention before for supporting this program, as well as the gentlewoman from California (Ms. WOOLSEY). We formed the bipartisan Congressional After-School Caucus earlier this year. Our mission is simple: Build support for these programs within Congress and to translate that support into sufficient funding to meet the growing demand for after-school initiatives.

For years, we have known that what our kids do after school can have as great an impact as what they do in school. In 1996, from my seat on the Committee on Appropriations, I helped create the 21st Century Community

Learning Centers, the first ever Federal after-school initiative. Since then, we have watched it grow from a $1 million demonstration project to a $1 billion permanent program today because there is astonishing demand and tremendous unmet need for it.

In fact, according to a study conducted by the Afterschool Alliance, 40 percent of middle school children, the age when kids are most vulnerable to engaging in dangerous activities, are unsupervised for a good portion of the day. Parents need safe, structured environments where their kids can learn and play, make friends, and develop new interests, yet Congress is not doing what we should to ensure that our kids are safe and engaged while their parents are at work.

The Congressional After-School Caucus and the ''Lights On!'' celebration will focus on changing that. We will share the lessons we have learned to make sure after-school does not become an after-thought in our Federal education priorities. I urge my colleagues to support this resolution, join the Caucus, and fight tooth and nail for every dollar available so that kids and their parents have access to these desperately needed programs.

Mr. EHLERS. Mr. Speaker, I reserve the balance of my time.

Ms. WOOLSEY. Mr. Speaker, I yield such time as he may consume to the gentleman from Washington (Mr. LARSEN), an original cosponsor of the resolution.

Mr. LARSEN of Washington. Mr. Speaker, I rise today in strong support of ''Lights on Afterschool!'', and House Joint Resolution 66, which recognizes the goals and ideals of ''Lights on Afterschool!''

''Lights on Afterschool!'' started in 2000, celebrating the importance of after-school programs, and it continues to grow 6 years later. This year's celebration is scheduled for October 20, and roughly 1 million Americans are expected to participate.

After-school programs play an important role in keeping many kids safe and engaged in positive activities. The hours between 3 and 6 p.m. on school days represent the peak times for juvenile crime. During those few hours after school, kids are most likely to experiment with drugs, alcohol and cigarettes.

Today, there are currently over 6 million students, kindergarten through grade 12 participating in after-school programs, and these children are growing and learning in a safe and healthy environment. Congress must protect this opportunity for kids. Congress must do more to give families and children who are not currently participating the chance to do so.

''Lights on Afterschool!'' reminds us all of our obligation to give children the resources they need to succeed in school and to succeed in the future. I urge my colleagues to support this resolution.

Ms. WOOLSEY. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, this resolution fits directly into my legislation, the Balancing Act, legislation that is intended to help working families bridge their responsibilities of work and their responsibilities to their families.

As this resolution notes, there are more than 14 million children in the United States who do not have a place to go after school. Yet in recent years, this President and this Congress have cut funding for after-school programs. So by all means, let us resolve today to support these programs, but when it comes time to put our money where our mouths are, let us support them financially as well.

Mr. Speaker, I yield back the balance of my time.

Mr. EHLERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I grew up in a small farming village in Minnesota. There was no need for after-school programs because after school, everyone went back home to the farms to milk the cows, feed the animals, and so forth. We live in a different world today, and it is absolutely essential that children have appropriate, meaningful, and useful activities after school in today's world.

This resolution commemorates a very good program, the ''Lights on Afterschool'' program, which has been invaluable in many communities, and I am pleased to join in this resolution to honor that effort and to recognize it.

Mr. HOLT. Mr. Speaker, I rise in support of H.J. Res 66, which recognizes the fifth annual celebration of Lights on Afterschool! on October 20 and honors the contributions of after-school programs to our communities.

As a former educator, I understand the importance of after-school programs. These programs enrich children's lives with artistic, athletic, and educational activities. They support working parents who want to know that their children are in safe, nurturing environments. After-school programs reduce crime by giving young people positive outlets for the energy. Schools, community members, volunteers and families come together every school day to make these programs successful.

Over six million students across the country benefit from after-school programs, and in New Jersey, there are 28,000 students attending these programs. Many after-school programs are federally funded including the 21st Century Community Learning Centers.

My district is fortunate to have several of these centers. The Trenton Public Schools have partnered with several organizations, including the Boy Scouts, Imani Community Center and Passage Theatre Company, to integrate after-school, summer and adult education programs to better serve students. The Middlesex County Educational Services Commission provides educational and social activities for students with multiple disabilities, including autism. And the Princeton Regional Schools' after-school program benefits from its designation as a 21st Century Community Learning Center.

These programs, and others in my district, strengthen our communities and improve our children's lives. But we can do better. If the No Child Left Behind Act were fully funded, another 64,000 students in New Jersey alone would have a safe place to go after school.

I applaud the staff and volunteers of after-school programs, and I am glad to join the one million Americans expected to celebrate Lights on Afterschool! on October 20th.

Mr. EHLERS. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. EHLERS) that the House suspend the rules and pass the joint resolution, H.J. Res. 66.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. EHLERS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

□ 1445

## STAFF SERGEANT MICHAEL SCHAFER POST OFFICE BUILDING

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3703) to designate the facility of the United States Postal Service located at 8501 Philatelic Drive in Spring Hill, Florida, as the ''Staff Sergeant Michael Schafer Post Office Building''.

The Clerk read as follows:

H.R. 3703

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. STAFF SERGEANT MICHAEL SCHAFER POST OFFICE BUILDING.**

(a) DESIGNATION.—The facility of the United States Postal Service located at 8501 Philatelic Drive in Spring Hill, Florida, shall be known and designated as the ''Staff Sergeant Michael Schafer Post Office Building''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the ''Staff Sergeant Michael Schafer Post Office Building''.

The SPEAKER pro tempore (Mr. BRADLEY of New Hampshire). Pursuant to the rule, the gentlewoman from Florida (Ms. GINNY BROWN-WAITE) and the gentlewoman from California (Ms. WATSON) each will control 20 minutes.

The Chair recognizes the gentlewoman from Florida (Ms. GINNY BROWN-WAITE).

GENERAL LEAVE

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 3703. I introduced this bill to honor the life of fallen U.S. Army Staff Sergeant Michael Schafer. On July 25 this year, while fighting extremist forces in Afghanistan, Sergeant Schafer made the ultimate sacrifice for our great Nation that he loved so dearly.

I sincerely appreciate leadership's willingness to schedule this legislation for consideration today. I can only hope that with the enactment of H.R. 3703, Michael's widow, parents, and family will be comforted by this small token on behalf of a Nation that is eternally grateful for Michael's service.

Michael Schafer, a native of the beautiful town of Spring Hill in my district, answered the call to service by enlisting in the Army in 1998. At the age of 25, Michael had already served tours of duty in Kosovo, Iraq, and Afghanistan. He became the team leader of the Chosen Company, 2nd Battalion, 503rd Regiment, 173rd Airborne Brigade. In addition to being an excellent soldier, he was a model citizen, a dutiful son, and a very caring husband.

Tragically, enemy combatants ambushed Sergeant Schafer and his squad in Oruzgan, Afghanistan, on July 25, 2005. They fired shots at the American forces. One shot struck Sergeant Schafer. Although wounded, he still managed to alert the rest of his team to the imminent danger and ordered them to evacuate the area. However, another shot then killed him.

The Army posthumously awarded Sergeant Schafer the Silver Star and Purple Heart. The Army recognized that his last act saved the lives of at least two of his own soldiers. I am deeply humbled by the brave and selfless actions of this young hero.

I urge my distinguished colleagues to join me in honoring the sacrifice made by Michael Schafer to defend the freedom of our great Nation, and I thank the gentleman from Virginia (Mr. TOM DAVIS) for making possible House passage of this legislation.

Mr. Speaker, I reserve the balance of my time.

Ms. WATSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as a member of the Committee on Government Reform, I am pleased to join the gentlewoman from Florida (Ms. GINNY BROWN-WAITE) in consideration of H.R. 3703, legislation naming a postal facility in Spring Hill, Florida, after Staff Sergeant Michael Schafer, a courageous soldier who was killed in Afghanistan.

This measure, which was introduced by the gentlewoman from Florida on September 8, 2005, and unanimously reported by the Committee on Government Reform on September 15, 2005, enjoys the support and cosponsorship of many Members, including the entire Florida delegation.

Staff Sergeant Michael Schafer grew up in Spring Hill and enlisted in the Army in 1998, serving tours of duty in Kosovo, Iraq, and Afghanistan. Sergeant Schafer was the team leader of the Chosen Company, 2nd Battalion, 503rd Regiment, 173rd Airborne Brigade.

On July 25, 2005, Staff Sergeant Schafer was killed in action while leading his team on patrol in Oruzgan, Afghanistan. Enemy combatants ambushed his squad and wounded him with a bullet. Before the second fatal shot was fired, Sergeant Schafer alerted his team to the imminent danger and ordered them to run. The Army awarded him both the Silver Star and the Purple Heart, recognizing that his last actions saved the lives of at least two of his soldiers at the sacrifice of his own life.

Mr. Speaker, I commend my colleague for seeking to honor the legacy of Staff Sergeant Michael Schafer whose loyalty to his company saved his soldiers' lives. I urge the swift passage of this bill.

Mr. Speaker, I yield back the balance of my time.

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I have no additional requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Florida (Ms. GINNY BROWN-WAITE) that the House suspend the rules and pass the bill, H.R. 3703.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

## RANDALL D. SHUGHART POST OFFICE BUILDING

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2062) to designate the facility of the United States Postal Service located at 57 West Street in Newville, Pennsylvania, as the ''Randall D. Shughart Post Office Building''.

The Clerk read as follows:

H.R. 2062

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. RANDALL D. SHUGHART POST OFFICE BUILDING.**

(a) DESIGNATION.—The facility of the United States Postal Service located at 57 West Street in Newville, Pennsylvania, shall be known and designated as the ''Randall D. Shughart Post Office Building''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the ''Randall D. Shughart Post Office Building''.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Florida (Ms. GINNY BROWN-WAITE) and the gentlewoman from California (Ms. WATSON) each will control 20 minutes.

The Chair recognizes the gentlewoman from Florida (Ms. GINNY BROWN-WAITE).

GENERAL LEAVE

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 2062 honors a soldier of the highest distinction, Sergeant First Class Randall Shughart of the U.S. Army's Special Operations Command. Along with my distinguished colleague from Pennsylvania (Mr. SHUSTER), I strongly support H.R. 2062 which designates this post office in Newville, Pennsylvania, as the Randall D. Shughart Post Office Building.

On October 3, 1993, while serving as a sniper team member with the Special Operations Command with Task Force Ranger in Mogadishu, Somalia, Sergeant Shughart embarked on a mission that would leave him fatally wounded.

While performing precision sniper fires at a helicopter crash site, Sergeant Shughart and his team leader, Master Sergeant Gary Gordon, volunteered to be inserted into the crossfire in order to save a wounded soldier below, knowing that there were no ground troops available to secure the area. After having to abort the first mission due to enemy ground fire, Sergeant Shughart descended 100 meters south of the crash site. Only armed with a long-range rifle and sidearm, SFC Shughart fought his way to the fallen helicopter facing tremendous opposition.

Upon arriving at the site, Sergeant Shughart secured the perimeter by offering protective fire for the pilot of the aircraft so he could escape to safety. Sadly, upon the depletion of his ammunition, Sergeant Shughart was killed in the crossfire. The unmistaken and important heroic acts by Sergeant First Class Randall Shughart were later depicted in the feature film ''Blackhawk Down'' in 2001.

I certainly want to thank the gentleman from Pennsylvania (Mr. SHUSTER) for his work on this very important issue, recognizing the courageous actions of a true American hero. The men and women who protect our country deserve appropriate recognition for their service and commitment to their country, and that is just what this bill does: it recognizes Sergeant First Class Randall Shughart, whose courageous actions in combat cost him his life, by naming a post office after him. This will serve as a constant reminder to the entire community of his brave actions when his Nation called.

At this moment, the gentleman from Pennsylvania, because of his role on the Select Bipartisan Committee Investigating the Response to and Preparation for Hurricane Katrina, is unable to be with us here. Nevertheless, I thank the gentleman from Pennsylvania again for his leading effort on this legislation that honors one of America's great heroes, Randall Shughart.

Mr. Speaker, I reserve the balance of my time.

Ms. WATSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to join my colleague in support of naming a post office after Sergeant Shughart, and we join the entire Pennsylvania delegation in support of this measure.

Mr. Speaker, Sergeant First Class Randall D. Shughart was an exemplary member of America's Armed Forces who went above the call of duty to save his team member's life. I commend my colleague for sponsoring this measure, and I urge the swift passage of the bill.

Mr. Speaker, as a member of the Government Reform Committee, I am pleased to join my colleague in the consideration of H.R. 2062, legislation naming a postal facility in Newville, Pennsylvania, after the late Sergeant First Class Randall D. Shughart. This measure, which was introduced by Representative BILL SHUSTER (R–PA) on May 3, 2005, and unanimously reported by the Committee on Government Reform on September 15, 2005, enjoys the support and co-sponsorship of the entire Pennsylvania delegation.

Sergeant First Class Randall D. Shughart, born in Newville, Pennsylvania, served in the U.S. Army Special Operations Command, Task Force Ranger in Mogadishu, Somalia. On October 3, 1993, Shughart provided precision sniper fire from the lead helicopter at an assault on a building and at two Black Hawk helicopter crash sites. Sergeant Shughart and his team leader, Master Sergeant Gary Gordon, learned that ground forces weren't available to secure the crash site and protect four critically injured crew members. Shughart and his team leader unhesitatingly volunteered to be inserted for an on-the-ground rescue, well aware of the growing number of enemy personnel closing in on the site.

After three requests, Shughart received permission to perform this volunteer mission. Once inserted, Sergeant Shughart and his team leader fought their way through intense enemy fire to reach the critically injured crew members. Shughart pulled the pilot and the other crew members from the aircraft and killed an undetermined number of attackers while protecting the downed crew. He continued his protective fire until his ammunition was depleted and he was fatally wounded. For his heroic actions, Sgt. First Class Shughart was posthumously awarded the Congressional Medal of Honor in 1994 by President Bill Clinton.

Mr. Speaker, designating the post office in Newville, Pennsylvania is an excellent way to honor the memory of Sergeant First Class Randall D. Shughart. Sergeant Shughart was an exemplary member of America's armed forces who went above the call of duty to save his team member's life.

I commend my colleague for sponsoring this measure and I urge the swift passage of this bill.

Mr. SHUSTER. Mr. Speaker, I rise today to honor and commemorate Sergeant First Class Randall Shughart, a central Pennsylvanian who received the military's highest decoration—the Medal of Honor—posthumously for his service in Mogadishu, Somalia. He is from Newville, Pennsylvania, and served as a Sniper Team Member under United States Army Special Operations Command. He was deployed with Task Force Ranger to Mogadishu and his heroic actions were highlighted in the movie "Black Hawk Down." This bill will name a Newville post office after this American hero whose selfless duty cost him his life but saved another.

During a combat mission, a helicopter was shot down leaving critically injured soldiers vulnerable. Sergeant First Class Shughart and his team leader, without hesitation, volunteered to be reinserted to protect the four critically wounded personnel, despite knowing a growing number of combatants were closing in on the site. They were not granted permission, but knowing their fellow soldiers needed help, they continued to make the request. On their third attempt, they received permission for this volunteer operation and headed back into combat.

Shughart and his team leader were inserted one hundred meters south of the crash site. Equipped with only a sniper rifle and a pistol, Shughart and his team leader fought their way through a dense urban neighborhood to reach the critically injured crew members. Shughart pulled the pilot and the other crew members from the aircraft and established a perimeter. However, they were in a very vulnerable position as the insurgents continued their assault on the site. Shughart used his long-range rifle and side arm to kill an undetermined number of attackers to protect the downed crew. Randall Shughart continued his fire until he depleted his ammunition and was fatally wounded, but his actions saved the pilot's life.

Shughart's extraordinary heroism, commitment to duty and devotion to his fellow soldiers is just one example of the amazing work of the U.S. military—naming a post office after this American hero is the least we can do. The men and women of our armed forces are fighting abroad today so we do not have to fight them here. It is only appropriate that we honor their services and sacrifices. And today, we are moving forward in naming a post office in Newville, Pennsylvania, after this defender of freedom who volunteered for a dangerous mission to save his fellow soldier's life. Not every town is privileged to have a Medal of Honor recipient—in fact it is rare. Now, the entire Newville community will have a reminder of Randall Shughart, a recipient of the military's highest honor and an American hero to everyone.

Ms. WATSON. Mr. Speaker, I yield back the balance of my time.

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Florida (Ms. GINNY BROWN-WAITE) that the House suspend the rules and pass the bill, H.R. 2062.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

## MAUDELLE SHIREK POST OFFICE BUILDING

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 438) to designate the facility of the United States Postal Service located at 2000 Allston Way in Berkeley, California, as the "Maudelle Shirek Post Office Building".

The Clerk read as follows:

H.R. 438

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. MAUDELLE SHIREK POST OFFICE BUILDING.**

(a) DESIGNATION.—The facility of the United States Postal Service located at 2000 Allston Way in Berkeley, California, shall be known and designated as the "Maudelle Shirek Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the Maudelle Shirek Post Office Building.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Florida (Ms. GINNY BROWN-WAITE) and the gentlewoman from California (Ms. WATSON) each will control 20 minutes.

Mr. KING of Iowa. Mr. Speaker, I seek to claim time in opposition to the motion.

The SPEAKER pro tempore. Is the gentlewoman from California in favor of the motion?

Ms. WATSON. Yes, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Iowa (Mr. KING) will control 20 minutes in opposition.

The Chair recognizes the gentlewoman from Florida (Ms. GINNY BROWN-WAITE).

GENERAL LEAVE

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

□ 1500

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 438 would name this post office building after long-time Berkeley, California resident Maudelle Shirek. The author of this legislation is the gentlewoman from California (Ms. LEE), who seeks to recognize Ms. Shirek.

Mr. Speaker, I reserve the balance of my time.

Mr. KING of Iowa. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, normally I would not come to the floor to oppose a bill naming a post office in someone else's district. I am confident I speak on behalf of some of the west coast Members of Congress, as well as the mainstream American values and certainly have no personal animosity towards the lady for whom this post office is named in this bill.

However, there is a plethora of information on the record that sets her apart from, I will say, the most consistent of American values. And rather than read those into the RECORD, Mr. Speaker, I just wish to voice my objection.

Mr. Speaker, I reserve the balance of my time.

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I yield 10 minutes to the gentlewoman from California (Ms. WATSON).

Ms. WATSON. Mr. Speaker, as a member of the Committee on Government Reform, I am pleased to join my colleagues in consideration of H.R. 438, legislation naming a postal facility in Berkeley, California, after Maudelle Shirek. This measure was introduced by the gentlewoman from California (Ms. LEE) on February 1, 2005.

Maudelle Shirek, the granddaughter of slaves, was born in Jefferson, Arkansas, before moving to the Bay Area over 60 years ago. She became an activist and a community leader. Certainly emblematic of her community, Ms. Shirek has spent a lifetime fighting against injustice, poverty, and housing discrimination. She is now 94 years old.

In the 1960s and 1970s, she was active in the anti-war movement. She founded two senior centers, was one of the first elected officials to address the AIDS epidemic, and helped organize the ''Free Mandela Movement.''

A well-known and outspoken former member of the Berkeley City Council and former Berkeley vice mayor, Maudelle Shirek was instrumental in encouraging former Congressman Ron V. Dellums to enter politics and has served as a role model for many people in the community, especially the gentlewoman from California (Ms. LEE).

Earlier this year the Young Adult Project 2005, Black History Month Celebration honored Maudelle Shirek's ''Life, Legacy and Service.''

Mr. Speaker, I commend the gentlewoman from California (Ms. LEE) for seeking to honor her constituent in her community, a former member of the city council, in this manner and urge swift passage of this measure.

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. KING of Iowa. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, just to make a couple of gentle points, the effort has been, at least on the record, as not, I do not want to say fighting against injustice, but a record of fighting against justice, particularly in the case of the effort to free Mumia Abu-Jamal. I think most of us know about that particular case. And I am concerned about a role model. I am concerned about young people a generation or two from now. When they go back by that post office in Berkeley and look at the name on the post office, they are going to ask what were the principles that brought this about? And I contend that those principles would be running contrary to American values.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. BRADLEY of New Hampshire). The question is on the motion offered by the gentlewoman from Florida (Ms. GINNY BROWN-WAITE) that the House suspend the rules and pass the bill, H.R. 438.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. KING of Iowa. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

## SUPPORTING THE GOALS AND IDEALS OF DOMESTIC VIOLENCE AWARENESS MONTH

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 209) supporting the goals and ideals of Domestic Violence Awareness Month and expressing the sense of Congress that Congress should raise awareness of domestic violence in the United States and its devastating effects on families.

The Clerk read as follows:

H. CON. RES. 209

Whereas since the Violence Against Women Act was passed in 1994, the rate of domestic violence has diminished; the rate of family violence fell between 1993 and 2002 from 5.4 victims to 2.1 victims per 1,000 United States residents age 12 or older;

Whereas although great strides have been made toward breaking the cycle of violence, much work remains to be done;

Whereas domestic violence affects women, men, and children of all racial, social, religious, ethnic, and economic groups in the United States;

Whereas family violence accounted for 11 percent of all reported and unreported violence between 1998 and 2002;

Whereas about 22 percent of murders in 2002 were family murders;

Whereas family members were responsible for 43 percent of murders of females in 2002;

Whereas of the nearly 500,000 men and women in State prisons for a violent crime in 1997, 15 percent were there for a violent crime against a family member;

Whereas the average age for a child killed by a parent is 7 years old and 4 out of 5 victims killed by a parent were younger than 13 years old;

Whereas there is a need to increase the public awareness and understanding of domestic violence and the needs of battered women and children;

Whereas the month of October, 2005, has been recognized as an appropriate month for activities furthering awareness of domestic violence; and

Whereas the dedication and success of those working tirelessly to end domestic violence and the strength of the survivors of domestic violence should be recognized: Now, therefore, be it

*Resolved by the House of Representatives (the Senate concurring),* That it is the sense of Congress that Congress should raise awareness of domestic violence in the Nation by supporting the goals and ideals of National Domestic Violence Awareness Month.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Florida (Ms. GINNY BROWN-WAITE) and the gentlewoman from California (Ms. WATSON) each will control 20 minutes.

The Chair recognizes the gentlewoman from Florida (Ms. GINNY BROWN-WAITE).

GENERAL LEAVE

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the concurrent resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H. Con. Res. 209.

This concurrent resolution, introduced by the distinguished gentleman from Texas (Mr. AL GREEN), supports the goals and ideals of Domestic Violence Awareness Month. According to the American Bar Association, nearly one in three women experience at least one physical assault by a partner during their lifetime. Consequently, in October, 1981, the National Coalition Against Domestic Violence found a way to connect both victims of domestic violence with battered women's advocates by instituting a National Day of Unity. The establishment of this day of recognition involve community activities at the national, State, and local levels. The program was successful in heightening awareness and empowering women in violent relationships.

In October, 1987, the first Domestic Violence Awareness Month was observed. Because of this national movement, the first national toll-free hotline was created. In 1989 legislation commemorating ''Domestic Violence Awareness Month'' was first adopted by Congress and has been adopted every year since. This recognition has helped to bring domestic violence to the forefront of public debate. The awareness has contributed to the expansion of public education campaigns, victim services, recognition activities, and community outreach programs.

I certainly hope that my colleagues will join me in recognizing victims of

domestic violence through the adoption of this concurrent resolution.

Mr. Speaker, I congratulate the distinguished gentleman from Texas (Mr. AL GREEN) for authoring this thoughtful resolution. I am proud to be an original cosponsor of this resolution.

Mr. Speaker, I reserve the balance of my time.

Ms. WATSON. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. AL GREEN).

Mr. AL GREEN of Texas. Mr. Speaker, I am honored that our leadership has chosen to bring this concurrent resolution, House Concurrent Resolution 209, before this august body. This concurrent resolution highlights the need to focus on and end domestic violence.

First, Mr. Speaker, I would like to thank the gentleman from Virginia (Mr. TOM DAVIS), chairman of the Committee on Government Reform; and the gentleman from California (Mr. WAXMAN), ranking member, for bringing this important piece of legislation to the House floor.

I would also like to take this opportunity to thank the gentlewoman from Florida (Ms. GINNY BROWN-WAITE), the co-chair of the Congressional Caucus for Women's Issues, who has worked with me as the Republican lead on this legislation. I am proud to say that this is a bipartisan effort. Her work on behalf of ending domestic violence and violence against women is commendable, and her leadership in this effort is invaluable.

My heartfelt thanks also goes out to my 73 colleagues on both sides of the aisle who have cosponsored this resolution. I am pleased that this bill has received such strong bipartisan support because domestic violence transcends party affiliation; it transcends ethnicity; it transcends gender. Simply put, it transcends the boundaries of human decency that human beings owe each other.

House Concurrent Resolution 209 is intended to support the goals and ideals of Domestic Violence Awareness Month this October. As our Nation strives to persevere in the aftermath of both Hurricanes Katrina and Rita, it is important that we not lose sight of the issues that have continually plagued Americans for decades.

Our Nation faces a distressing crisis that affects women, men, and children regardless of race, ethnicity, or religion. I have seen firsthand some of the dreadful and vile effects of domestic violence. I have seen the blackened eyes, the broken noses, and the broken limbs.

The crisis of domestic violence is one that should not go unnoticed, especially because it is a crisis in which violations typically occur in places where we believe we have a safe haven: in our homes.

Between 1998 and 2002, family violence accounted for 11 percent of all reported and unreported violence. Nearly 22 percent of murders in 2002 were family murders, and women have suffered disproportionately with 43 percent of murders occurring by family perpetrators.

I am deeply saddened that domestic violence continues to occur in our backyards. In my city of Houston, Texas, over 31,000 incidents of family violence were reported in 2004. That is an astounding average of 88 incidents a day. That is more than three family violence incidents an hour. In fact, 34 confirmed deaths in Houston in 2004 were as a result of family violence, many of whom were children under the age of 16 years.

Such horrendous statistics are jarring, but I take great pride in the efforts of the Houston Police Department to combat domestic violence. The police department took the initiative to begin a program known as ''Houston Men Against Family Violence.'' This initiative, which is run jointly by the Houston Police Department and other community partners including the Houston Area Women's Center, works to express the message that ending domestic violence is a responsibility that should be shared equally by all people. It educates and encourages men in the community to volunteer as leaders in the effort to end domestic violence by reducing the part men play as the primary perpetrators of family violence.

I think that it is of utmost importance, utmost necessity, that we all work together to have a chance at effectively eradicating this appalling crime. So I want to commend the Houston Police Department, all law enforcement agencies, and all other organizations that work to make our homes and families safer.

I would like to thank several organizations for their commitment to ending domestic violence and for their endorsements of this concurrent resolution. I appreciate the efforts and support of the Harris County District Attorney's Office, the National Center on Domestic and Sexual Violence, the YWCA, the Institute on Domestic Violence in the African American Community, the Montana State Attorney General's Office, and the Utah State Attorney General's Office.

These organizations work tirelessly every day to combat the epidemic of domestic violence that has ravaged this country.

□ 1515

I commend them and hope that we in this body will continue to support their efforts. It is my wish that we can continue to work together to bring an end to the pervasive and damaging crime of domestic violence through the future legislative efforts of this august body.

The month of October provides us with an opportunity to recognize the dedication and success of those working tirelessly to end domestic violence and the strength of the survivors, but our efforts and awareness should continue beyond October. Every day ought to be End Domestic Violence Day. Domestic violence knows no boundaries of time or space or place.

I urge all of my distinguished colleagues to support the adoption of H. Con. Res. 209. Doing this will show the American public that we stand united against domestic violence.

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I am pleased to yield such time as he may consume to the distinguished gentleman from Pennsylvania (Mr. FITZPATRICK), another cosponsor of H. Con. Res. 209.

Mr. FITZPATRICK of Pennsylvania. Mr. Speaker, last week I had the great honor of hosting the Soroptimist International, the Indian Rock Chapter of Pennsylvania, here in the Nation's Capital, a women's organization devoted to improving the lives of women and families across the globe. I was also honored to have the distinguished gentlewoman from New York (Mrs. KELLY) joining me to address the group on a variety of issues important to women and their families.

The Soroptimists do great work by serving as an international voice in advancing the need for improved medical care, poverty relief, and job training for women everywhere. However, during our discussion, one issue took precedence, the need to recognize the plight of victims of domestic violence and to increase the Federal Government's responsibility to support its victims and to punish its abusers.

Domestic violence is a scourge on our social fabric. Although much has been done since the enactment of the Violence Against Women Act in 1994 to reduce domestic abuse, more must be done to break the cycle of violence that has affected the lives of millions of women and children across the Nation.

According to the Department of Justice, each year 1 million women suffer nonfatal violence by an intimate partner. The American Psychological Association reports that nearly one in three adult women experience at least one physical assault by a partner during adulthood. These are statistics that cannot stand in a civil society in the 21st century. We must do more to increase awareness of the needs of battered women and their families. We must do more to stop domestic violence before it begins through education at an early age for boys and girls, and we must make sure that battered women and families receive adequate assistance through shelters, transitional housing assistance and other Federal programs.

Mr. Speaker, I am a proud supporter and sponsor of this bill. Domestic Violence Awareness Month is an important time for women, men, parents, teachers, for all of us, to recognize a problem that continues to plague our society. As Americans, we owe a shared responsibility to help our neighbors and our communities. Let us all take this time to help victims of domestic violence and finally end this cycle which destroys lives and families.

Ms. WATSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, October 1 will mark the 18th annual observation of Domestic Violence Awareness Month. Domestic Violence Awareness Month has its genesis in 1981 when advocates for battered women across the country observed a day of unity in order to publicize domestic violence. Over the next 6 years, the day of unity evolved into a week of activities and in 1987 into Domestic Violence Awareness Month.

In 1989, Congress recognized the tragedy of domestic violence in our country by passing commemorative legislation that honored victims of domestic violence and marked the observance of Domestic Violence Awareness Month. Congress has since passed similar legislation each year to bring added exposure to this issue.

In 1994, through the coordinated efforts of advocacy groups such as the National Coalition Against Domestic Violence, the California Alliance Against Domestic Violence, and the National Organization of Women, Congress passed the landmark Violence Against Women Act. President Clinton signed the VAWA to shine a bright light on an issue that had loomed in the shadows for far too long.

The act provided help to victims who seek justice within the legal system and a refuge from abusive and dangerous domestic situations. To victims of domestic violence and advocates fighting to educate the public, this was truly a momentous occasion; and in the decade that followed the signing of the bill, violence in American homes dropped significantly. Indeed, the rate of family violence fell from 5.4 victims to 2.1 victims per 1,000 United States residents age 12 or older from the year 1993 to 2002.

Since then, other entities of the Federal Government have lent their support. In October 2003, the U.S. Postal Service issued its Stop the Family Violence semi-postal stamp to raise funds for the Department of Health and Human Services' domestic violence programs. To date, the postal service has sold more than 30 million of these stamps and generated $1.8 million for domestic violence programs.

As more Americans become aware of domestic violence, they learn that such violence knows no bounds and affects all parts of society. No race, economic class, or education level is immune from this home-grown tragedy. However, communities of color and Native American communities remain at higher risks of domestic violence. They also have fewer services than other communities to deal with the violence and negative economic consequences that frequently result.

While great strides have been made, an intolerable level of domestic violence still exists in the United States. Indeed, in 2002, nearly one-quarter of all murders in the United States took place within a family setting.

In observing Domestic Violence Awareness Month, we must bear in mind the plight of hundreds of thousands of domestic violence victims and the work of those who continue to dedicate their energy and resources to eradicating domestic violence. As has occurred every year since 1989, I urge this body to pass this commemorative legislation and to mark the observance of Domestic Violence Awareness Month.

Mr. Speaker, I yield 3 minutes to the gentlewoman from Indiana (Ms. CARSON).

(Ms. CARSON asked and was given permission to revise and extend her remarks.)

Ms. CARSON. Mr. Speaker, I thank the gentlewoman for yielding me time and thank the gentleman from Texas (Mr. AL GREEN) for promoting this issue before this country.

Violence itself is all too prevalent among us. Domestic violence in particular is devastating. It was not long ago that we were able to get the ears and the eyes of those who make a difference, the lawyers, the judiciary, the courts, who understood what it meant to be victims of violence.

I rise today on behalf of the victims who no longer have a voice, on behalf of victims who are weary and too afraid to speak out for fear that speaking out will entrap them even further if they do, speaking on behalf of the millions of women and children who suffer daily from the silent epidemic of domestic violence. This societal ill envelops all socio-economic groups, regardless of race, ethnicity, or education. It does not matter whether you live in the suburbs, a city, or more remote rural areas. It touches all of our communities.

The numbers of domestic violence are staggering. You have heard it from my counterpart, the gentlewoman from California (Ms. WATSON). Surveys conducted over and over again show that one-third of women are at some time in their lives victims of domestic violence.

Regrettably, this violence against women often escalates to homicide. In Indiana there were 60 reported deaths due to domestic violence in 2003. Nationally, 1,880 women were murdered by men in 2002. I realize that sometimes the coin flips and there are women who are perpetrators of violence. We have to, as a body, as a country, address domestic violence from all sides; and I applaud the creators of this resolution to keep it before the ears and eyes of America, and would encourage the support of everyone in this body of good will, of common sense, and of understanding.

Mr. Speaker, I rise today on behalf of victims who no longer have a voice, on behalf of victims who are weary and too tired to speak out or fear what will happen to them if they do. I am speaking for the millions of women and children who suffer daily from the silent epidemic of domestic violence. This societal ill envelops all socio-economic groups regardless of race, ethnicity or education. It does not matter whether you live in the suburbs, the city or more remote rural areas; it touches all of our communities.

The number of domestic violence victims in our country is staggering. A survey conducted by the Commonwealth Fund, found that "One-third (31%) of all women have been kicked, hit or punched, choked, or otherwise physically abused by a spouse or partner in their lifetimes. Three percent—a figure representing more than 3 million women in the U.S.—reported domestic abuse during that year."

Each year in my home State of Indiana, thousands of women and children fall victim to domestic violence. From July of 2003 through June of 2004, 37,396 adults and 12,032 children were served in residential and nonresidential programs for domestic violence.

Domestic violence continues to be the leading cause of injury to women in this country. The agony is augmented by the fact that a great number of victims personally know their perpetrators. Sixty-four percent of women who reported being raped, physically assaulted, and/or stalked since age 18, were victimized by a current or former husband, cohabitating partner, boyfriend or date.

Regrettably, this violence against women often escalates to homicide. In Indiana, there were 60 reported deaths due to domestic violence in 2003.

Nationally, 1,880 women were murdered by men in 2002. The statistics further indicate that of these women who were murdered, 1,587 were killed by a man they knew as compared to 168 who were killed by strangers. These horrific assaults are occurring in our homes and in environments with people we know and should be able to trust.

Given these statistics, it is imperative that we reauthorize, build upon and support the Violence Against Women Act, which has paved the way for significant gains in the fight against domestic violence. Over the last 10 years VAWA has helped to decrease the incidence of domestic violence, improve services for victims, and implement positive institutional changes.

However, there is still much work to be done in our country where on average nearly 3 women a day are murdered by abusive boyfriends or husbands and up to 10 million children a year witness this violence.

We must hold legislative and judicial bodies accountable to promote and enforce laws that protect the victim and respond appropriately to the perpetrators. We must find ways to strengthen our health care response; protect the economic security of victims; ensure safe, decent and affordable housing for victims; provide additional prevention programs; support the particular needs of communities of color and native American women; address the special needs of immigrant women; provide enhanced services for military victims of domestic and sexual violence; and target resources toward children and adolescents who have witnessed or experienced domestic violence.

Since coming to Congress in 1997, I have sought to raise awareness about this silent epidemic and to encourage and support legislation preventing these abuses and violations against humanity. In order for us to put an end to violence against women we must address and educate all audiences; women, men and children. We must support the reauthorization of VAWA, ensure that it is well-funded and expand its reach.

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I yield such time as

he may consume to the gentleman from Washington (Mr. REICHERT), the former sheriff of King County, who knows a great deal about combating violent crime.

Mr. REICHERT. Mr. Speaker, I thank the gentlewoman and also thank the gentleman from Texas for introducing this resolution.

As has been said already this afternoon, Mr. Speaker, this is an important issue; and I come before this House to talk about this issue because it is a passion that I share with all Americans across this country to eliminate, eventually, domestic violence. As a young person growing up and experiencing domestic violence in my own household, and then also as the sheriff of King County and a law enforcement officer for 33 years, I have a great deal of experience in witnessing the effects and impacts that domestic violence has on our own personal lives and on our communities and our Nation as a whole.

I am proud to be a cosponsor of this resolution and recognize Domestic Violence Awareness Month and to be an original cosponsor of the Violence against Women Act of 2005, which will be considered in the full House tomorrow. The Violence Against Women Act has provided Federal resources and protections for victims of domestic violence and sexual assault. It is crucial that Congress reauthorize this program.

I want to take a moment just to share maybe a story or two, to draw a picture for those who may be listening, about what domestic violence really does. It takes lives, it takes families, it takes communities. I have seen it.

Go to a police call, go to a domestic violence call as a police officer and walk into a home and tell me you will not be impacted and affected by children who are hiding and cowering in a corner, and witness two adults screaming and yelling, and maybe one has a knife, maybe one has a gun. Children witnessing violence in their own home, against people who supposedly love them. It is sad. It is not only sad; it is tragic.

Domestic violence can lead to all sorts of other issues that affect and impact our children: alcoholism; drug abuse; emotional, physical abuse; sexual abuse in the family; and it drives children from their homes and on to the streets. I have seen that too. I have seen them driven on to the streets and into the arms of people who want to do them harm.

The month of October is designated as Domestic Violence Awareness Month. It is good that we have a month where we can think back and look at where we came from. In 1972 when I started out as a police officer and you got a call to a family fight, that is what they called it then, a family fight, you would drive up and meet the people standing in the yard or screaming in their house and the kids in the corner cowering because they are afraid that their mom or dad might be hurt, their mom or dad might go to jail, or they might be hurt.

□ 1530

The police officer back then only would separate the parties and wish them well and they would be on their way; no counseling, nobody went to jail, nobody held accountable, nobody held responsible in 1972 in Seattle. Today, we now have many, many laws in place that hold people accountable who commit these crimes. It is about time.

We need to do this. We need to remember. We need to remember the crimes of domestic violence because it will rip our Nation apart. It rips families apart, it will rip our Nation apart, and I look forward to continuing my work in stomping out domestic violence.

Ms. WATSON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I yield myself such time as I may consume.

Many law enforcement officers will tell us that responding to a domestic violence call is one of the most dangerous crimes to be called to investigate. My husband was a law enforcement officer for 20 years, and they were the calls that he felt threatened by and that he always felt so sorry for the family members involved, and certainly for the children.

I have served on several boards of domestic violence shelters, and I know how important it is to shine that light, the public light of scrutiny on the victim, to bring information about victims, how they are abused, and also, the perpetrator, so that by shining this light on domestic violence and having Domestic Violence Awareness Month, that the public will be better informed, and that we will continue to see a reduction in the number of abusive situations.

Mr. Speaker, I urge all Members to support the adoption of House Concurrent Resolution 209.

Mr. HOLT. Mr. Speaker, I rise today in support of H. Con. Res. 209 recognizing October as Domestic Violence Awareness Month. I would like to thank my colleague from Texas for offering this important resolution.

In 2002, family members were responsible for 43 percent of murders of females. Twenty-two percent of murders in 2002 were by family members. The average age for a child killed by a parent is 7 years old and four out of five victims killed by a parent were younger than 13 years old. I could go on for hours with alarming and truly sad statistics similar to these. As a Member of Congress, I believe it is my duty to stand here on the House floor and draw attention to these startling statistics. It is important to keep reiterating these numbers because they aren't just statistics—they are women, men, and children. They are our mothers, sisters, daughters, aunts, cousins and nieces. In some cases they are our fathers, brothers and sons.

Across the country, day in and day out, individuals work tirelessly to eradicate domestic violence by not only participating in domestic violence help and support groups but by educating those on domestic abuse prevention. In central New Jersey, there are many exemplary organizations that provide valuable services to victims of domestic violence.

One organization in Monmouth County, New Jersey is 180 Turning Lives Around which provides training and education to both victims and offenders of domestic violence. Some of the many services provided by the group are a School-Based Abuse Prevention Program designed to raise the awareness of abuse among adolescents and provide tools to reduce the risk of teens entering into abusive relationships, a temporary Safe House for women and children who are forced out of their homes because of violence and a 180's Families in Transition Program aimed at providing longer term housing for women and children who face economic instability if they leave their abusive relationship permanently. At these homes, counseling services and training is provided to get women who have been abused on their feet again.

Womanspace is a similar organization aimed at serving all victims of domestic and sexual assault in Mercer Country, New Jersey. Womanspace provides counseling and support services, emergency services designed to assist victims immediately following the initial crisis through hotlines, Domestic Violence Victim Response Teams and a confidential and secure short term shelter.

Since we passed the Violence Against Women Act (VAWA) in 1994 the number of reported incidences of domestic violence has decreased. In New Jersey the cases of reported domestic violence decreased by 2 percent from 2004. Although these figures are encouraging, we cannot reduce our attention to this problem. We must continue to support organizations that work day in and day out to educate others on the dangers of domestic violence and counsel those who are already victims. We can do this by reauthorizing full funding for the VAWA which should come to the House floor soon.

I also hope that we will have the opportunity to consider other important legislative measures that will combat this problem. For example, Rep. CAPPS, offered in the 108th Congress the Domestic Violence Screening, and Treatment Act of 2003 that gave States the option to cover domestic violence screening and treatment services under Medicaid. One hundred and twenty two of our colleagues supported this bill, yet it was never brought to the House floor for consideration. Rep. ROTHMAN offered in the 108th Congress the Domestic Violence Victim Protection Act that among other things would allow States that authorize law enforcement to confiscate guns in certain domestic violence to receive Federal grants. As legislators, we must be leaders and take sensible and needed actions to renew our commitment to eliminate domestic violence.

Recognizing October as Domestic Violence Awareness Month is an important first step but it should not be only action in the 109th Congress. I urge my colleagues to support this necessary resolution and by supporting this resolution today make, a commitment to taking even more steps to eliminating domestic violence.

Mr. DICKS. Mr. Speaker, I would like to join my colleagues today speaking in support of H.

Con. Res. 209, a Resolution supporting the goals and ideals of Domestic Violence Awareness Month and helping to raise awareness of the impact of domestic violence on families across the nation.

The National Coalition Against Domestic Violence began to observe the concept of Domestic Violence Awareness Month in 1987—the year that the first national toll-free telephone line was established. In 1989, Congress passed the first legislative recognition of Domestic Violence Awareness Month, expressing the importance of awareness and education and encouraging preventative actions in every community around the Nation. And each year since that time, we have renewed the commitment of Congress and the Federal Government to those goals, as we are doing today in passing H. Con. Res. 209.

This legislation is also particularly timely because we are now in the process of renewing the Violence Against Women Act as part of the Justice Department reauthorization. That legislation, originally passed and signed into law in 1994, allocated a substantial amount of Federal funding for prevention efforts, and it broadened the range of services and counseling available to women who become victims of abuse. In 2000, Congress reauthorized the bill and strengthened it, as we must again this year, driven by the goal of eliminating entirely the scourge that still wrecks far too many families across America including, tragically, many innocent children who witness the violence.

One such tragic example occurred in my congressional district in April 2003, when the troubled Chief of Police of Tacoma, Washington, murdered his wife in the parking lot of a suburban shopping center just a few feet away from the couple's two young children. This man, Chief David Brame, ultimately took his own life that day, but he left those two kids with scars that will remain with them for the entirety of their lives. He also left the community questioning why and how such a tragedy could have occurred. An investigation later uncovered serious problems within the Tacoma Police Department which not only allowed the hiring of this individual with a history of domestic violence but continued to promote him despite serious and repeated violent acts against his wife, Crystal Judson Brame. Clearly, something was wrong here. The Tacoma Police Department lacked a strong and enforceable policy to address domestic violence committed by a member of its own—in fact the Chief. And this was not a deficiency exclusive to Tacoma. As a result, the Washington State Legislature passed a law establishing strong standards for law enforcement agencies within the state to prevent and punish future incidents of domestic violence committed by law enforcement officers. We can and we should do more to call attention to the problems, to address the deficiencies that exist, and to stop these pernicious instances of domestic violence from ever occurring.

It is in this spirit that I am pleased today to join my colleagues in supporting H. Con. Res. 209, and in working later this week and this month to improve and strengthen the provisions of the Violence Against Women Act which expire at the end of this year.

Mr. GINNY BROWN-WAITE of Florida. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. BRADLEY of New Hampshire). The question is on the motion offered by the gentlewoman from Florida (Ms. GINNY BROWN-WAITE) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 209.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. AL GREEN of Texas. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

## RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6:30 p.m.

Accordingly (at 3 o'clock and 34 minutes p.m.), the House stood in recess until approximately 6:30 p.m.

□ 1831

## AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. GILCHREST) at 6 o'clock and 31 minutes p.m.

## FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment bills of he House of the following titles:

H.R. 3667. An act to designate the facility of the United States Postal Service located at 200 South Barrington Street in Los Angeles, California, as the ''Karl Malden Station''.

H.R. 3767. An act to designate the facility of the United States Postal Service located at 2600 Oak Street, in St. Charles, Illinois, as the ''Jacob L. Frazier Post Office Building''.

The message also announced that the Senate has passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 3200. An act to amend title 38, United States Code, to enhance the Service members' Group Life Insurance program, and for other purposes.

The message also announced that the Senate has passed bills of the following titles in which concurrence of the House is requested:

S. 1017. An act to reauthorize grants for the water resources research and technology institutes established under the Water Resources Research Act of 1984.

S. 1709. An act to provide favorable treatment for certain projects in response to Hurricane Katrina, with respect to revolving loans under the Federal Water Pollution Control Act, and for other purposes.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H.J. Res. 66, by the yeas and nays;

H.R. 438, by the yeas and nays;

H. Con. Res. 209, by the yeas and nays.

The first and third electronic votes will be conducted as 15-minute votes. The second vote in this series will be a 5-minute vote.

## SUPPORTING THE GOALS AND IDEALS OF ''LIGHTS ON AFTER-SCHOOL!''

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the joint resolution, H.J. Res. 66.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. EHLERS) that the House suspend the rules and pass the joint resolution, H.J. Res. 66, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 403, nays 0, not voting 30, as follows:

[Roll No. 494]

YEAS—403

| | | |
|---|---|---|
| Abercrombie | Butterfield | Diaz-Balart, L. |
| Ackerman | Buyer | Diaz-Balart, M. |
| Aderholt | Calvert | Dicks |
| Akin | Camp | Dingell |
| Alexander | Cannon | Doggett |
| Allen | Cantor | Doolittle |
| Andrews | Capito | Doyle |
| Baca | Capuano | Drake |
| Bachus | Cardoza | Dreier |
| Baird | Carnahan | Duncan |
| Baker | Carson | Edwards |
| Baldwin | Carter | Ehlers |
| Barrett (SC) | Case | Emanuel |
| Barrow | Castle | Emerson |
| Bartlett (MD) | Chabot | Engel |
| Barton (TX) | Chandler | English (PA) |
| Bass | Chocola | Eshoo |
| Bean | Clay | Etheridge |
| Beauprez | Cleaver | Evans |
| Becerra | Clyburn | Everett |
| Berkley | Coble | Farr |
| Berman | Cole (OK) | Feeney |
| Berry | Conaway | Ferguson |
| Biggert | Conyers | Filner |
| Bilirakis | Cooper | Fitzpatrick (PA) |
| Bishop (GA) | Costa | Flake |
| Bishop (NY) | Costello | Foley |
| Bishop (UT) | Cramer | Forbes |
| Blackburn | Crenshaw | Ford |
| Blunt | Crowley | Fortenberry |
| Boehlert | Cubin | Fossella |
| Boehner | Cuellar | Foxx |
| Bonilla | Cummings | Frank (MA) |
| Bonner | Cunningham | Franks (AZ) |
| Bono | Davis (AL) | Frelinghuysen |
| Boozman | Davis (CA) | Gallegly |
| Boren | Davis (IL) | Garrett (NJ) |
| Boucher | Davis (KY) | Gerlach |
| Boyd | Davis (TN) | Gibbons |
| Bradley (NH) | Davis, Jo Ann | Gilchrest |
| Brady (PA) | Davis, Tom | Gillmor |
| Brown (OH) | Deal (GA) | Gingrey |
| Brown (SC) | DeFazio | Gohmert |
| Brown, Corrine | DeGette | Gonzalez |
| Brown-Waite, Ginny | Delahunt | Goode |
| | DeLauro | Goodlatte |
| Burgess | DeLay | Gordon |
| Burton (IN) | Dent | Granger |

Graves
Green (WI)
Green, Al
Green, Gene
Gutknecht
Hall
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris
McNulty
Meehan
Meeks (NY)
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Norwood
Nunes
Nussle
Oberstar
Obey
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—30

Blumenauer
Boswell
Boustany
Brady (TX)
Capps
Cardin
Culberson
Davis (FL)
Fattah
Grijalva
Gutierrez
Harman
Hinojosa
Hunter
Kaptur
McDermott
McKinney
Meek (FL)
Melancon
Menendez
Murtha
Northup
Olver
Ros-Lehtinen
Rush
Ryan (OH)
Shadegg
Strickland
Watt
Weller

□ 1852

So (two-thirds having voted in favor thereof) the rules were suspended and the joint resolution was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. HINOJOSA. Mr. Speaker, on rollcall No. 494, had I been present, I would have voted "yes".

## MAUDELLE SHIREK POST OFFICE BUILDING

The SPEAKER pro tempore (Mr. GILCHREST). The pending business is the question of suspending the rules and passing the bill, H.R. 438.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Florida (Ms. GINNY BROWN-WAITE) that the House suspend the rules and pass the bill, H.R. 438, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 190, nays 215, not voting 28, as follows:

[Roll No. 495]

YEAS—190

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Boehlert
Bono
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Crowley
Cubin
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Filner
Ford
Fossella
Frank (MA)
Gilchrest
Gonzalez
Gordon
Green, Al
Green, Gene
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McCrery
McGovern
McNulty
Meehan
Meeks (NY)
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Waxman
Weiner
Woolsey
Wu
Wynn

NAYS—215

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Boozman
Boren
Bradley (NH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Cramer
Crenshaw
Cunningham
Davis (KY)
Davis, Jo Ann
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McHenry
McHugh
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schmidt
Schwarz (MI)
Sensenbrenner
Sessions
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—28

Blumenauer
Boswell
Boustany
Brady (TX)
Cardin
Culberson
Davis (FL)
Fattah
Grijalva
Gutierrez
Harman
Hunter
McDermott
McIntyre
McKinney
Meek (FL)
Melancon
Menendez
Murtha
Northup
Pombo
Ros-Lehtinen

Rush
Ryan (OH)
Shadegg
Strickland
Watt
Weller

□ 1901

Mr. ENGLISH of Pennsylvania and Mr. KIRK changed their vote from ''yea'' to ''nay.''

So (two-thirds not having voted in favor thereof) the motion was rejected.

The result of the vote was announced as above recorded.

## SUPPORTING THE GOALS AND IDEALS OF DOMESTIC VIOLENCE AWARENESS MONTH

The SPEAKER pro tempore (Mr. GILCHREST). The pending business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 209.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Florida (Ms. GINNY BROWN-WAITE) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 209, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 404, nays 0, not voting 29, as follows:

[Roll No. 496]

YEAS—404

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehlert
Bonilla
Bonner
Bono
Boozman
Boren
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Everett
Farr
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Gutknecht
Hall
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris
McNulty
Meehan
Meeks (NY)
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—29

Blumenauer
Boehner
Boswell
Boustany
Brady (TX)
Cardin
Culberson
Davis (FL)
Fattah
Gordon
Grijalva
Gutierrez
Harman
Hunter
Marshall
McDermott
McKinney
Meek (FL)
Melancon
Menendez
Millender-McDonald
Murtha
Northup
Ros-Lehtinen
Rush
Shadegg
Strickland
Watt
Weller

□ 1918

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

## PERSONAL EXPLANATION

Mr. GUTIERREZ. Mr. Speaker, I was unavoidably absent from this Chamber today. I would like the RECORD to show that, had I been present, I would have voted ''yea'' on rollcall votes Nos. 494, 495 and 496.

## PERSONAL EXPLANATION

Mr. GRIJALVA. Mr. Speaker, I was unable to cast rollcall votes 494, 495, and 496 on September 27, 2005, because I was unavoidably detained on official business.

Had I been present I would have cast the following votes: on rollcall vote No. 494, I would have voted ''yea''; on rollcall vote No. 495, I would have voted ''yea''; and on rollcall vote No. 496, I would have voted ''yea''.

## REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3824

Mr. OWENS. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 3824.

The SPEAKER pro tempore (Mr. GILCHREST). Is there objection to the request of the gentleman from New York?

There was no objection.

## SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. GUTKNECHT) is recognized for 5 minutes.

(Mr. GUTKNECHT addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

## EXCHANGE OF SPECIAL ORDER TIME

Mr. OSBORNE. Mr. Speaker, I ask unanimous consent to claim the time of the gentleman from Minnesota (Mr. GUTKNECHT).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

## PARITY WITH THE EUROPEAN UNION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Nebraska (Mr. OSBORNE) is recognized for 5 minutes.

Mr. OSBORNE. Mr. Speaker, later this year, another round of World Trade Organization talks will be held. Those talks will be pivotal for the

United States economy, especially for our agriculture sector. Of critical importance will be the role the European Union plays in these negotiations along with the United States.

I would like to point out some things, Mr. Speaker, regarding our situation with the European Union. First of all, as far as the economy of both the United States and the European Union is concerned, they are fairly equal. We have an economy of $11.7 trillion, European Union is $9.4 trillion. And in spite of that equality, our tariffs are very different. Those commodities from the European Union coming into the United States are tariffed at 12 percent. Our commodities going into the European Union are tariffed at 30 percent. So it is more than double. It is hard to understand why with roughly equivalent economies, we have this disparity.

The agriculture trade deficit, partly because of this and some other things I am going to discuss in a minute, for the United States last year was a minus $6.3 billion. The European Union obviously benefited to the tune of $6.3 billion in trade.

Now, the interesting thing is that the European Union provides $3 billion in export subsidies. The United States provides $31.5 million. These are subsidies that enhance the opportunity to trade with other countries. So that difference is 90 to 1. They spend 90 times more money to export subsidies than we do, and of course this apparently is allowed under WTO rules. This is one of the major complaints that other countries have about the whole trade situation internationally.

Another issue that is of some interest to those of us in the United States is the fact that we subsidize our agriculture to the tune of $38 per acre. By contrast, the European Union subsidizes their agriculture $295 per acre. Now, the reason this is important is that within the next year, we are going to start rewriting the farm bill and we will have tremendous pressure, particularly from the European Union, to do away with these subsidies here that amount to $38 an acre, even though they are providing $295 an acre.

The reason for that is they are priding themselves on the fact that they have gone with what they call decoupled payments in the past year. This means their payment is not linked to production. It is simply a payment to the farmers. Our payments are largely linked to production. It will be interesting to see what impact this has on our farm bill because we may be forced to some degree to go away from some of our subsidies as we now provide them, even though they are much less than what the European Union provides.

Another issue that is rather interesting is that the United States has had a total of two cases of BSE, or what is commonly referred to as ''mad cow disease.'' In contrast, the European Union has 189,102 cases of BSE. Now the reason that is interesting is they have effectively eliminated our beef exports into the European Union even though we have demonstrated that we have probably the safest beef supply in the world.

You say, how in the world can they do this? Last year in 2004, they had 756 cases of BSE where we had one this last year. And so the reason is that they simply have said, Well, you are using hormones with your beef and, therefore, it is unsafe. And, of course, the WTO has filed a suit against them and they are paying a fine, but it is just the cost of doing business.

In addition to this, they are also disallowing our imports of pork, our imports of poultry and also genetically modified corn and genetically modified soybeans. So in every one of these cases, they have used various means and methods to keep our products out.

So what we are seeing here is in this next round of talks, if the European Union is not brought around to the point where our farmers feel they are being fairly treated, we are going to have a hard time getting any kind of a trade agreement through this body.

You often hear our farmers say, we like free trade, but we especially want fair trade. I would say right now the biggest obstacle to what appears to be fair trade within the WTO framework is our relationship with the European Union. So we certainly think that these things need to be pointed out. We would like to see those things addressed in the next round of talks.

## NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Mrs. McCARTHY) is recognized for 5 minutes.

Mrs. McCARTHY. Mr. Speaker, on March 8, 2002, Peter Troy purchased a .22 caliber semi-automatic rifle with no questions asked.

The seller ran his name through the Federal background check system and nothing came up. However, Peter Troy had a history of mental health problems and his own mother filed a restraining order against him because of his violent background.

It was illegal for him to purchase a gun, but he, like so many others, he simply slipped through the cracks in our background check system. Four days later, Peter Troy walked into Our Lady of Peace Church in Lynbrook in my district, opened fire, and killed Reverend Lawrence Penzes and Eileen Tosner.

Peter Troy had no business buying a gun, and the system created to prevent him from doing so has failed. It is only a matter of time before the system's failings provoke larger tragedies.

Earlier today, I submitted an amendment to the Department of Justice authorization bill that will help ensure that others will not be victimized because of our flawed background check system.

NICS, the National Instant Criminal Background Check System, is the database used to check potential firearm buyers for any criminal record or history of mental illness. In large, NICS has been a great success.

Since 1994, more than 700,000 individuals have been denied a gun because of a felony conviction or other qualifying item on their background check. However, the NICS system is only as good as the information that it has. 25 States have automated less than 60 percent of their felony convictions into the NICS system. In these States, many felons will not turn up on the NICS system and would be able to purchase guns with no questions asked. For example, if someone is convicted of a crime in Texas, that disqualifying offense might not appear on a background check conducted in New York.

In 13 States, domestic violence restraining orders are not accessible through NICS. Common sense would tell you and dictate to you that you do not sell a gun to someone who has been served a restraining order.

□ 1930

Thirty-three States do not have automated or do not share mental health records that would disqualify certain individuals from purchasing a gun.

This amendment is similar to the stand-alone legislation that I have introduced. This amendment would require all States to provide the FBI with all of the relevant records needed to conduct effective background checks.

It is the State's responsibility to ensure this information is current and accurate. However, I recognize many State budgets are already overburdened. This legislation would provide grants to States to update their NICS system. States would get the funds they need to make sure records relevant to NICS are up to date.

We need the NICS Improvement Act to become law, and we need more bills like this to pass. These are ideas that impose no new restrictions on gun owners, but give the government tools to ensure existing laws are effective and enforceable. In fact, the NICS Improvement Act already passed this House in the 107th Congress by a voice vote. The bill had the endorsement of the National Rifle Association. Unfortunately, the other body never acted on the bill.

This is common-sense gun legislation we can all agree on. This bill will save lives while not infringing on anybody's second amendment rights.

Mr. Speaker, I hope the Committee on Rules accepts my amendment and we pass it on the floor tomorrow by a voice vote. If we can prevent another tragedy like the one that occurred at the Our Lady of Peace church, and those that are happening around this country, with a simple voice vote, we should do it right away.

We can make a difference in this country in reducing gun violence for

over 30,000 people that are killed a year and for those that are injured, not to say how much it would save on our health care costs. We have the laws on the books. We must enforce them, but we need the tools to do so.

## THE LADIES OF THE GULF

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Mr. Speaker, the second lady of the gulf named Rita came across the shore of Texas and Louisiana, howling her winds and bringing her thundering rain this past weekend. Like her sister storm, Katrina, she took aim at the low-lying towns and the energy capital of the world that is located in southeast Texas and southwest Louisiana.

Nine of the 26 refineries in Port Arthur, Texas, alone were shut down. These refineries in and around Port Arthur refine 27 percent of the Nation's gasoline. Sixty percent of the Nation's gasoline is refined from New Orleans to Corpus Christi, Texas. Offshore drilling rigs were also shut down, and the start-up time is still undetermined.

Being a target in the hurricane alley, these refineries and oil rigs are vulnerable to nature. That is one reason why the United States must explore opening up new oil and gas leases in the Gulf of Mexico, off the coast of Florida, off the coast of California.

This is a national security issue; and we must, with proper environmental safeguards, drill in these areas so that the energy does not cease because of the anger of the ladies of the gulf.

## POLITICAL APPOINTEES

The SPEAKER pro tempore (Mr. GILCHREST). Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

Mr. DEFAZIO. Mr. Speaker, words that will be remembered for a long time, unless the White House can erase them: ''Brownie, you're doing a heck of a job.'' That was the President to Michael Brown, the political appointee head of FEMA, while people were drowning in New Orleans and in the southeast. The President was apparently unaware of the lack of assistance being provided by FEMA. Mr. Brown was shortly thereafter sent back to Washington and then resigned.

That might be good if it was an isolated instance. Unfortunately, it is not. This permeates the entire 3,000 so-called plum jobs that the President gets to appoint without any regard to qualification.

I mean, Mr. Brown's predecessor was the President's campaign manager who downgraded, demeaned, and ultimately submerged a previously very functional agency, FEMA, into the Homeland Security bureaucracy. Since then, many of the top people have left, and the agency has become totally demoralized, although we do find with new focus in the last week. Hopefully, that will last.

Just about the same time that Mr. Brown was going down, the government's top procurement official, that is the person in charge of all purchasing by the Federal Government, $300 billion a year of taxpayers' money, a gentleman by the name of Safavian, was being led off in handcuffs by the FBI, but not before he had let out a few more billion dollars in no-bid contracts to the usual suspects in the wake of the Katrina disaster.

He has been found to have not only perjured himself but has taken illegal gratuities and bribes from the now-infamous lobbyist Mr. Abramoff. That was the top procurement official appointed by George Bush.

Beyond that, he also, of course, like Mr. Brown, had no qualifications for the job. He once had interned as a law student, helping in some minor way on a helicopter purchase at the Pentagon, and he jumped from there to his political associations with the President, to being head of all purchasing for the Federal Government.

Basically, we have here a government run by people who disrespect government. They do not like government. They do not believe in government. Their spiritual mentor, Mr. Norquist, says he wants government so small that he can strangle it in a bathtub. We find out that people drown when government starts to get kind of small because government is not there to respond. Now they are backpeddling and they are trying to pretend, oh, that is not really what it is all about, but it has been.

Incompetence threads through so many agencies, conflict of interest, and there might be other things. The one thing they do respect government for is its ability to extract money from all the working people of the United States of America and put it in a place, the Federal Treasury, that they can raid to benefit a very few people and major corporations. Government is a profit center is the way they see it, and they have a wonderful revolving door.

They have a fellow over at the FDA in charge of reviewing medical safety, 33 years old, who is a former columnist in The Wall Street Journal, stock analyst, right-wing think tank guru, attacking the FDA who is not supposed to be in charge of new drug approvals; but when a few very potentially profitable drugs did not get approved, he, as the Assistant Secretary, started leaning on the bureaucrats, the professionals, to say why do you disapprove that drug. Pfizer is going to make $1 billion a year on it; it is a great drug. So what if a couple of people died? They probably would have died anyway.

So there is another fellow, Mr. Gottlieb, yet another outstanding appointment. Unfortunately, the government is rife with these people. There are too many to document, and what they are engaged in is the systematic looting of the Treasury of the United States to benefit a few, to make government less functional so it cannot serve the needs of the many in times of need, like Katrina, or even in less routine times of need, like education, health care, border control.

They have got a beauty here. They have got a woman they want to put in charge of the border control of the United States of America who even the Republican Senators have questioned whether or not she has any capability, a woman named Julie Myers, another political hack. Ohio Republican Senator GEORGE VOINOVICH said he would really like to hear from Mr. Chertoff, the head of Homeland Security, come spend a little time with us, tell us personally why he thinks she is qualified for the job, because based on the résumé, I do not think you are. That is a Republican Senator. This is the woman who would be charged with keeping terrorists out of the United States of America, and that is a dysfunctional bureaucracy and has been for a long time.

That is new to the administration, but it is more essential today than ever. We need to clean house at this administration, put competent people in charge so government is there when the American people need it and stop looting the Treasury.

The SPEAKER pro tempore (Mr. POE). Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

(Mr. JONES of North Carolina addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. BROWN) is recognized for 5 minutes.

(Mr. BROWN of Ohio addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

## ORDER OF BUSINESS

Ms. WOOLSEY. Mr. Speaker, I ask unanimous consent to speak out of order.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

## IRAQ AND THE MARCH IN WASHINGTON, D.C.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, Cindy Sheehan, who was arrested yesterday for simply exercising her constitutional right to freedom of speech outside the White House, has awoken a

sleeping American public. She deserves a great deal of credit for her tireless campaign against the Bush administration's lies and abuses which have governed the war in Iraq from the very beginning. Her campaign awakened the American people to realize just how awful this war truly is.

This weekend over 300,000 Americans, and I know it was more than 100,000 as reported by the press because I was there, over 300,000 Americans demonstrated the same resolve as Cindy Sheehan by showing up in force at a rally in Washington, D.C. It was one of the first times since the 1970s that so many people had descended on the Nation's capital to protest a war.

If strength of numbers demonstrates the injustice of a particular policy, then the thousands who participated in Saturday's march depicted the wrongness of the Iraq war.

Most Americans know that the war in Iraq is not increasing our national security, that by continuing to fight an unwinnable war the President is ensuring our national insecurity.

Most Americans know that the Bush administration had no plan for how to conduct the war. They had no plan for securing the country once Saddam was deposed; and now they have no plan for ending the war.

Most Americans know the terror and chaos that plague Iraq cannot be resolved simply by staying the course. I am sure the families of the 2,000 American soldiers and countless thousands of innocent Iraqi civilians killed in this war would argue that the last 2-plus years of fighting have not brought much stability to Iraq or to their lives.

Let us not forget about the thousands of American soldiers who were not killed in Iraq, but whose lives will nonetheless be changed forever as a result of injuries sustained during the war: arms and legs lost, shrapnel wounds cutting into every body part, emotional trauma. How will these wounds ever heal?

The thousands of Americans who bravely serve in our Nation's military deserve better. In fact, all Americans deserve better. They deserve better than an endless war that is slowly draining our national coffers. They deserve better than $9 billion of congressionally appropriated funds being lost; $9 billion lost. That is really pretty hard to imagine. Lost under the Coalition Provisional Authority's watch, or the new $1 billion that has gone missing to the Iraqi Government, U.S. money intended for training of Iraqi security forces.

While the Bush administration is failing the American people through its foreign policies, they are also neglecting priorities at home. Just take the recent hurricanes that have bombarded the southeastern United States over the past month.

If anything, Katrina and Rita have demonstrated just how skewed our national priorities have become. The Federal Government failed to assist thousands of Americans, mostly poor, mostly underprivileged, mostly African American during their great time of need.

What we need now is an independent commission to investigate how the hurricane response was botched so badly. Unfortunately, the Bush administration's response to the failures at home is just like his response given to its failures in Iraq: deflection and misdirection of any blame whatsoever.

President Bush has announced that he will establish a partisan, congressionally appointed oversight committee; but that is not what the American people need. That is not what the American people deserve. We need an impartial, independent commission to get to the bottom of why the National Guard was in Iraq and not in the United States to protect its citizens.

Mr. Speaker, it is clear that we need a drastic change in policies, both at home and in Iraq. The American people know when they are being lied to, when they are being misled.

It is time that Congress started doing what it was created to do: represent the will of the American people, rescue victims of natural disasters, and rescue our troops by bringing them home.

## REPUBLICAN COMMITMENT TO THE VIOLENCE AGAINST WOMEN ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Ms. ROS-LEHTINEN) is recognized for 5 minutes.

Ms. ROS-LEHTINEN. Mr. Speaker, this evening, many of my colleagues, with the gentlewoman from Florida (Ms. GINNY BROWN-WAITE), who will be our leader, will be rising tonight on the floor to speak in strong support of the reauthorization of the Violence Against Women Act.

Violence against women is a horrific epidemic that continues to plague our world; and as a wife, as a mother, and a female Member of Congress, I realize the profound responsibility that all of us have to work together with our colleagues to pass legislation that would speak to the very heart of each and every woman.

As a result, thanks to the leadership of the gentlewoman from Florida (Ms. GINNY BROWN-WAITE), we have consistently supported legislation that protects women from the grave attacks on human rights that they face.

□ 1945

It is vital to understand that to promote the welfare of women is also to support the subsistence of mankind.

Domestic violence is not just a woman's issue. It is a national issue that demands our utmost attention and it demands to be a priority. Legislation passed in 1994 and reauthorized in the year 2000 will expire on September 30 of this year, crippling the fight to protect women from domestic abuse. The programs funded by the Violence Against Women Act have had a profound impact on many women who are victims of domestic violence, dating violence, sexual assault, and stalking.

Sexual violence in our colleges and universities has reached epidemic proportions. It is appalling to imagine that when our precious children go to school to learn they are at risk for violence. This bill would provide additional funding for the training of campus law enforcement and campus judicial boards so that universities can focus on the critical task of educating our students.

Violence against women creates significant barriers to equity for women. The Violence Against Women Act would authorize critical programs and develop new services that respond to the needs of our communities. This bill recognizes the importance of cooperation between local law enforcement agencies and the courts and court-related personnel.

Violence against women cuts across racial and ethnic lines. In fact, minority women often face additional hardships which could in turn delay the healing process. Therefore, effective community developed programs that incorporate culturally specific services can break down some of these barriers that often isolate survivors. This bill provides support to local law enforcement, prosecutors, and to victim assistance programs to both stop violence against women and help the survivors so that they can start a new life.

We have to continue to work together to ensure that a culture of equality is cultivated, where the woman's role is increasingly recognized within society. Women make an indispensable contribution to the growth of our culture and their extraordinary presence permeates every aspect of our society. Without the contribution of women, society is less alive, culturally impoverished, and peace is made less stable.

As Vice Chair of the bipartisan Congressional Women's Caucus, I have consistently fought to protect women from domestic and sexual abuse, and I am so glad that we are joined not only by my colleague, the gentlewoman from Florida (Ms. GINNY BROWN-WAITE), but the gentlewoman from West Virginia (Mrs. CAPITO), who has been a leader in our women's caucus on this issue.

So we are talking about American women here, not Republican women, not Democrat women, but American women. The Violence Against Women Act is too important an issue for it to be left to partisan politics.

## FEDERAL RESPONSE TO ENERGY EMERGENCIES

The SPEAKER pro tempore (Mr. POE). Under a previous order of the House, the gentleman from Michigan (Mr. STUPAK) is recognized for 5 minutes.

Mr. STUPAK. Mr. Speaker, in the wake of Hurricane Katrina and Rita,

Americans are pulling together, donating to relief organizations and giving their time to help the people of the gulf coast region. That is how the American people react when they see their fellow citizens in need. Unfortunately, some people have looked at Katrina not as a chance to give, but as an opportunity for excessive profits. Some have decided to take this terrible tragedy and line their own pockets by price gouging the American people at the gas pump.

At a time when many Americans are choosing between filling their gas tanks or filling their prescriptions, oil companies are reaping record profits. People are rightly angry and frustrated with high gas prices, and they deserve to have someone on their side fighting to ensure that they do not get mugged at the gas pump. Sadly, this administration's answer has been to sit on its hands while consumers get the shakedown from the oil companies.

Eight governors, including Governor Granholm of Michigan, sent a letter to the President and Senate and House leadership urging Congress to act immediately by putting forth legislation that would return excessive, unconscionable collected profits to the consumers. As the governor stated, and I quote, ''To price gouge consumers under normal circumstances is dishonest enough, but to make money off the severe misfortune of others is downright immoral.''

It is obvious to me that Congress needs to protect the American people from price gouging and market manipulations. The Democratic bill, free from price gouging, is the Federal Response to Energy Emergencies bill. The FREE bill, as we call it, as authored by myself, the gentlewoman from South Dakota (Ms. HERSETH), and the gentleman from North Carolina (Mr. ETHERIDGE) is our answer to our Nation's record high gas prices and oil prices.

If you look at this chart right here, from 2002 when gas was $1.34 a gallon, all the way up to September 12, 2005, where it is up to $2.96, that more than double. Just take it from 2004, when gas was $1.58. It has doubled in less than a year.

Currently, only 28 States have laws on the books that define price gouging and that have enforcement mechanisms to go after those found ripping off consumers. At the Federal level, there is no oversight to protect consumers from this predatory pricing. That is why we need our legislation now, the ''free from price gouging'' legislation. No American should have to pay too much for gas because oil companies are rigging prices.

Our bill would give the President authority to take immediate action in the face of an energy crisis by declaring a national energy emergency. Under our bill, for the first time ever, the Federal Government would have a guideline, a definition of price gouging. Our bill would also provide the FTC, the Federal Trade Commission and the Department of Justice with the authority to investigate and prosecute those that engage in predatory pricing, from oil companies all the way down to the local gas stations, with an emphasis on those who profit the most. This includes the gouging of gasoline, home heating oil, propane, and natural gas.

Our legislation expands the FTC's authority to more aggressively pursue instances of market manipulation, such as geographic price setting and territorial restrictions imposed by refineries.

If we look at the second chart, Mr. Speaker, which appeared this weekend in The Washington Post, just look at what has happened in 1 year. As of September 5, 2005 of this year, from last September, we see a 46 percent increase from the crude oil producer; a 255 percent increase at the refinery level; a 5 percent increase for distributors and retailers, and taxes remain at 2 cents difference, with a 64-cent increase to the consumer. This is price manipulation. This is the market setting not the price, but the opportunity to manipulate and, as they call it, to game the system.

So with our legislation, we want not only to stop price gouging, but also we want transparency. How does the consumer know when he is being charged a fair price for oil and gas when you see statistics like this? How is the price set? That is what the American people want to know. They want to make sure they are not being gouged or unduly taken advantage of by the oil companies, or the refineries in this case.

Our bill empowers the Federal Government to impose tough civil penalties up to triple the damages of all excessive profits of oil companies that have cheated consumers. It also imposes tough criminal penalties of up to $100 million on corporations, and fines of up to $1 million plus jail sentences of up to 10 years for individuals caught in manipulating the price of gas, home heating oil, or natural gas.

This bill would provide relief to those paying skyrocketing energy and transportation costs and it would expand the Low-Income Home Energy Assistance Program through fines for those caught price gouging.

Our bill would protect consumers from unfair gas prices and punish those who think the time of a tragedy is the right time to rob Americans of their hard-earned money. It is the right thing to do for consumers and for our Nation. I urge support of the free from price gouging bill.

---

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

(Mr. BURTON of Indiana addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

## VIOLENCE AGAINST WOMEN ACT REAUTHORIZATION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentlewoman from Florida (Ms. GINNY BROWN-WAITE) is recognized for 60 minutes as the designee of the majority leader.

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, it is often said by politicians of both parties that Members of Congress must act with compassion and legislate from the heart. It is my strong and fervent belief that there are few pieces of legislation that this body will consider that are more relevant to the hearts and souls of our constituents than the passage of the Violence Against Women Act.

I have looked into the eyes of women beaten by men. Those women thought that that person was their partner for life, their soulmate and their lover. I have seen the pain and rejection and the hurt on their faces as these women struggle to recover their dignity and their strength.

I have spent a great deal of my public life being involved in raising money for domestic violence shelters. In the small county where I lived and was first a county commissioner, I raised money, because I saw the need. I was involved in the board of the domestic violence shelter. For years, the Founding Fathers of the county, the power brokers, were in denial that domestic violence actually occurred in the county. When I finally got elected to the Florida State Senate, I fought long and hard to get funding for domestic violence shelters so that women and their children would have a place to go.

The purpose of this hour this evening is to highlight the Violence Against Women Act, which was first passed in 1994 and which will be on the House floor tomorrow. Before I go into any more detail, however, I would like to yield to my colleague, the gentlewoman from West Virginia (Mrs. CAPITO), a woman with whom I have worked closely over the 3 short years I have been here on issues affecting women and the former Chair of the Congressional Caucus for Women's Issues.

Mrs. CAPITO. Mr. Speaker, I thank the gentlewoman from Florida (Ms. GINNY BROWN-WAITE) for yielding to me, and for her steadfast support of women's issues, and particularly the reauthorization of the Violence Against Women Act. She has been a leader in this area and, as she said, she legislates from the heart on this issue. I appreciate her and all of the bipartisanship that has been shown in the reauthorization of this bill.

In the 5 years since the Violence Against Women Act of 2000 was enacted, we have made remarkable gains towards stopping domestic and sexual violence. But the Violence Against Women Act is due to expire at the close of September and it is time for Congress to renew its commitment.

Since its inception in 1994, VAWA funding has provided tremendous resources and protections for victims of domestic violence and sexual assault in my home State of West Virginia and nationally. Violence against women programs provide increased training for police, prosecutors, and court officials, and greatly improves the response of the criminal justice system to victims of domestic violence and sexual assault. These programs have been successful at providing victims with emergency shelters, hotlines, and supportive services.

In my hometown of Charleston, West Virginia, we have a domestic violence shelter that is run very well by the YWCA of Charleston, West Virginia. It is professional, it is safe, and it is that harbor for women and families who are subjected to the violence that occurs in so many of our families and in domestic situations.

Due to the Violence Against Women Act's worthy accomplishments, many more victims are now referred for services, and demand has steadily risen for the services provided by the grants. The Violence Against Women Act has helped transform the perception of domestic abuse as a situation that should be dealt with in the home. It has moved it to a serious crime that should be addressed in the courtroom. What used to be considered a family matter is now a crime. This bill is a crucial part of this perception change.

At issue now is more than just a reauthorization. Rather, Congress has an opportunity to make a statement by expanding and improving VAWA Acts passed in 1994 and 2000. This year's reauthorization builds on the successes, just what we want to see when we are reauthorizing legislation; to find out what is working, build on that, and remove those elements of a law that maybe are not working or not working as we had thought they might.

Reauthorization of VAWA will improve the help victims receive from the Department of Justice in several ways. One of its more important provisions gives grants to States to ensure victims have better access to trained attorneys and lay advocacy services, such as the one at the YWCA in Charleston, West Virginia. This means grief-stricken victims of violence, stalking and sexual assault will receive vital professional support in the moment they need it the most. This support can make all the difference in the time of tragedy.

Domestic violence, unfortunately, strikes everywhere, among the rich, the poor, within urban and rural communities. As a West Virginian, I have been especially sensitive to the needs of rural communities. That is why I am pleased that the reauthorization of VAWA will expand assistance to rural areas through amendments made to the rural domestic violence and child abuse enforcement assistance program. The Department of Justice is authorized to award 3-year grants for education, training, and services to combat violence against women in rural areas.

All told, $50 million in funding each year from 2006 to 2010 is authorized and will go to VAWA programs that address rural domestic violence, dating violence, and sexual assault. And when it comes to grants that address sexual assault, rural communities are guaranteed to receive a minimum of 25 percent of the funds allotted.

In addition, when we reauthorize VAWA, the Federal Government will be sending a strong message to the criminals who have committed violence against women. Reauthorization will permit the doubling of applicable penalties for repeat Federal domestic violence offenders.

This bill also addresses the accessibility of funding and program dollars for colleges. As the mother of a college student, a young woman college student, I know that the area of sexual assault and dating violence is something that is ever present on the mind of every mother of a young daughter in college.

□ 2000

So this bill recognizes that and will help strengthen our institutions to deal with this problem.

This October will be the 19th annual Domestic Violence Awareness Month. I cannot wait for the day we no longer need a month to recognize domestic violence. For years, we in Congress have told women that domestic violence is not their fault and is no cause for shame. I believe we have the opportunity this year to redouble our efforts, to say that domestic violence is not just the victim's problems, it is America's problems. That means we in Congress must demonstrate to all Americans that it is incumbent on us as a Nation to stop this violence.

This year, let us usher in Domestic Violence Awareness Month by reauthorizing the Violence Against Women Act.

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I thank the gentlewoman from West Virginia (Mrs. CAPITO). Certainly hearing the story about the domestic violence shelter close to her home is one that many Members of Congress certainly can relate to, and I appreciate her sharing that with us tonight.

Whether the victim's name is Mary, Laurie, Kate, Stephanie or Florence, they are all victims. Let me tell about a woman I know who was a victim named Florence. She found herself pregnant at the age of 17. She went on to have several other relationships and a total of four children, all daughters. Those daughters grew up seeing their mother being a victim. These children believed that abuse was normal because all of Florence's partners were abusive. Three of her four daughters turned out to be victims or abusers themselves. It is true that children learn what they live.

Given that story and my background of advocacy for victims, I know how important it is for Congress to recognize that there are millions of Americans out there who have had similar harrowing experiences. I rise this evening to highlight the Violence Against Women Act, which we will be discussing on the floor tomorrow. VAWA, as it is commonly known, is landmark legislation that provides real solutions to reduce the incidence of violence against women.

Mr. Speaker, domestic violence affects our most vulnerable constituents: battered women and their families. I think that every Member of Congress has heard stories of women who wish to leave an abusive situation and face threats, severe physical harm, and in some cases even death. Evidence suggests that the past incarnations of VAWA have been effective in reducing the violence.

I am delighted to see that I am joined by a fellow Floridian this evening, the gentlewoman from Florida (Ms. HARRIS).

Ms. HARRIS. Mr. Speaker, today much attention is focused on our ability as a Nation to respond to the events, natural or unnatural, which have emerged on a visibly grand scale. Mother Nature's naked fury, clothed in hurricanes Katrina and Rita, exposed our vulnerability to her indiscriminate forces and its cruelty, but also its charity, exhibited by thousands of citizens who reached out to the victims' grasping hands. We also continue to respond to terrorism by engaging in a vigilant battle against religious and ideological extremism at home and abroad.

No less vital to the security of our society is our response to the perniciously pervasive scourge of domestic violence. In 1994, this Congress recognized the threat posed by violence against women to the fabric of our society when it passed the Violence Against Women Act, VAWA.

Set to expire in October, I strongly support the reauthorization of VAWA, which has made a valuable contribution to declining rates of violent crime. Yet it is not enough to simply herald the falling violent crimes rates for both males and females since 1984. It is not enough to celebrate the fact the number of total domestic violence cases in Florida started to decline in 1998 and, in 2004, fell a further 3.3 percent.

For the 119,772 Floridians who were victims of abuse or violence in 2004, statistics provide neither comfort nor shelter. By reauthorizing and reinforcing the provision of VAWA, we demonstrate to those victims and their families that we have not lost focus or lost sight of them.

By strengthening the enforcement provisions of VAWA and by making it gender-neutral, I believe it will serve to protect not only women but all victims of domestic abuse and those who suffer its effects. The effects of domestic violence are neither discriminatory nor confined to the bruises of the body.

According to the Child Welfare League, between 3.3 million and 10 million children witness some form of violence in the home each year and children from violent homes exhibit more aggressive or delinquent behavior compared to their peers of nonviolent homes. Furthermore, it has been reported that between 50 and 70 percent of men who abuse their partners also abuse their children. And the cycle continues.

Tomorrow I will proudly lend my support to extending the lifeline VAWA provides to thousands of families and the community organizations which provide them safety and refuge each year. I will reaffirm my support for putting the full force of the law behind the enforcement of our criminal laws while placing my full faith in the families and communities this program serves.

I would also encourage my colleagues to offer the same support to language in the overall measure to prohibit the personal information of victims of domestic violence from being entered into the Homeless Management Information Systems Database. This would permit the use of nonpersonally identifying information for data collection and statistical purposes while safeguarding the identities of women who are most vulnerable to the violence and often dangerous ramifications of reporting domestic abuse. Our Nation faces many challenges, but few are more important than providing shelter for the body and hope for the soul.

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I thank the gentlewoman from Florida (Ms. HARRIS). She and I worked together on both funding issues and strengthening Florida's laws to protect the victims and to make sure that the perpetrators were swiftly and adequately punished for their deeds.

She cited the rate of violence against females declining between 1993 and 2004. It has declined and we are glad that that occurred. However, until the violence is entirely wiped out, I do not think there is a person in this body on either side of the aisle who will rest.

Too many people continue to be abused and victimized by family members whom they should be able to trust. Before we voted this evening, I spoke to a person in Tallahassee who confided about the abuse that the daughters in the family sustained. When you realize it has absolutely no economic boundaries, that it happens in the best of families, the wealthiest of families, those middle-class families and those families who are on the lower economic spectrum, you realize how pervasive, unfortunately, it is in our society.

A study was released by the U.S. Department of Justice in June 2005 that reports that roughly 22 percent of murders in 2002 were perpetrated by family members actually against family members. This study also shows that women are much more likely than men to be victims of domestic violence. In fact, three-quarters of violence victims are female while three-quarters of domestic violence perpetrators are male. The study also found that family members are also responsible for the murders of an astounding 43 percent of female victims.

I think we can all agree that these statistics are totally unacceptable. Love should not hurt, nor should it kill innocent victims.

Sometimes we are in a grocery store or at an event and you come across a woman who you may see bruises on and a black eye, and there are some warning signs that I think every American should be looking for. Some of these warning signs are, for example, if the person's partner acts controlling and puts her down in front of others. That is one sign. Another sign is that he is extremely jealous of any attention she gets or perhaps she may get quiet when he is around and seem afraid of making him angry.

Your friend or the person that you may know casually may become increasingly isolated and is seeing less and less of friends and family. Your friend may cancel plans at the very last minute. The perpetrator may also control her finances and her behavior and also her social life. You sometimes see him violently lose his temper, striking or breaking objects. Sometimes she has unexplained injuries or the explanations she offers just do not add up. Sometimes she has mentioned violent behavior that she has experienced, but she kind of laughs it off.

When I am back in the district, I carry a card with me that gives the telephone number of the domestic violence shelter. I will give it to people when I suspect a case of domestic violence. No one has ever been embarrassed that I gave it to them. Some women just quietly and discreetly tuck it in their purse, and I can only pray that they use it at a later time. We are fortunate that we do have some excellent domestic violence shelters in Florida. They are run very, very well. Of course, they are always running low on money, especially around the holiday times because that is when the domestic violence has a tendency to increase as a result of the stresses of the holidays. Very often those domestic violence shelters can use financial support from members of the community.

Over the last 10 years, we have learned from VAWA what methods are effective in combating violence against women. That learning process is why VAWA of 2005 not only reauthorizes the effective provisions of the existing law but it adds some new provisions to strengthen and improve the law.

VAWA 2005 incorporates the best practices of States and expert opinions. The provisions in this new bill include new grants for court training and improvements. This program improves the court's response to adult youth and minor domestic violence, dating violence, sexual assault, and also stalking cases. There is a provision for access to justice for teens. This program encourages crosstraining and collaboration between the courts, domestic violence and sexual assault service providers, youth organizations, violence prevention programs, and law enforcement agencies so they may establish and implement policies serving youths age 12 to 24.

□ 2015

There are additionally in this excellent legislation new penalties for stalking violations. The measure strengthens anti-stalking laws by including stalking over the Internet to the current list of violations and doubles the prison sentence for repeat offenders of interstate domestic violence violations. Interstate violation of protection orders or interstate stalking violations. Certainly, the Internet can be used these days to benefit a stalker and this portion of the legislation is long overdue. The national stalker database is also reauthorized through 2010.

VAWA reauthorizes grants to combat violent crimes on campuses. So many times we hear of young women who go away to college who are the victims of date rape. Additionally, VAWA 2005 creates new grant programs aimed at mitigating the effects on children exposed to domestic violence, dating violence, sexual assault, and stalking.

A while ago, I mentioned the story about Florence, who had four children and who was always in abusive relationships, and how three of her four children ended up being either an abuser or a victim. It is important to remember that children who experience this phenomena of domestic violence in their childhood often think that this is normal. Clearly the majority of families know that this is abnormal, that this is not the way that families should get along or that children should be treated or that children be exposed to this violence.

In order to continue the learning process, VAWA 2005 requires a government accountability office, or GAO, as most people know it as, study to determine the extent to which men, women, youth, and children are victims of domestic violence, dating violence, sexual assault, and stalking. The report also should examine the availability of shelter, counseling, legal representation, and all other services to all victims.

I, today, submitted an amendment to the Violence Against Women Act also calling for a study to be done correlating the instance of perpetrator's abuse of substance, whether it is alcohol or whether it is drug abuse, and the fact that he was a violent person and committed a violent act on a woman. I know in Florida we did such a study, and we were amazed that the very strong correlation was there. I think once we are armed with this information, we will be able to provide a lot more funding and assistance for drug prevention and alcoholism treatment programs and not just throwing money

at the issue, but supporting those programs which truly are effective, not those that just take the money and have no efficacy to them.

Mr. Speaker, as the Members can see from these new programs highlighted here tonight, this VAWA reauthorization is a step forward for victims of domestic violence as well as their families and loved ones. It is frustrating for policymakers to know that we cannot just wave a magic wand and eradicate violence in our society. Yet, Mr. Speaker, it is comforting to know that there are wonderfully generous people who dedicate their careers to making the lives of their fellow man better.

I have been privileged to personally witness the generosity of spirit at the Dawn Center, a domestic violence shelter in my district. I also regularly visit the one in Pasco County. The Dawn Center happens to be in Hernando County, and Sunrise is in Pasco County.

I will tell the Members a little bit about the director of Sunrise, whom I have known for about 18 years now. Penny was a nurse, and certainly as part of her training being a nurse, as nurses tend to be very caring and very nurturing, she learned that there was an opening as the director of Sunrise and applied for the directorship. Penny has risen in the ranks of directors of domestic violence shelters over the years to be one of the absolute premier shelter directors. She is innovative, she has fundraisers in the community which are fun. This past weekend, as a matter of fact, she had a lobster bake where they sold tickets and had lobsters flown in from Maine so that they could have a really upscale party to raise funds and also raise awareness for domestic violence and the need for the shelters.

Penny is certainly indicative of the commitment that many people make once they enter into the field of being a staff person or a director or a counselor or a caseworker at a domestic violence shelter.

The domestic violence shelters throughout our Nation depend a lot on State and Federal moneys for their support. In addition, certainly they are great at fundraising in the community. It seems like every maybe 4, 5 months, I get a solicitation letter from one of the domestic violence shelters.

I would ask the viewing public that as the holidays approach, that they remember the domestic violence shelters. Government cannot do it all, and to remember that the violence does escalate during time of the holidays. So having a generous spirit of the public who can afford to help these centers is a very important.

My husband was a law enforcement officer for over 20 years, and years ago a domestic violence call was one that too many times law enforcement officers kind of did a wink and a nod at. Why? Because too many times women were forced into changing their mind the next day, or when the law enforcement officer got there, they would say do not press charges because they were stay at home moms and realized that if he spent a couple of nights in jail, he might very well lose his job.

Thankfully, we have come a long way from that time and domestic violence is no longer given a wink and a nod by law enforcement. As a matter of fact, I am very proud to say that in most of the counties I represent, the sheriffs' offices actually have a member of their staff, if not the sheriff or first deputy, actually serving on the boards of the domestic violence shelters. This is a message that is being sent, and that message is a strong one. That message is that law enforcement is serious about cracking down on those who would perpetrate harm on women and children. That cycle of abuse, unless it is stopped, unless women have a place to go to with their children, unless the Violence Against Women Act is reauthorized, women and children certainly will be in jeopardy.

In conclusion, Mr. Speaker, I want to remind Members that domestic violence is not just a man against woman phenomenon. When a man hits a woman or a woman hits a man, oftentimes it is the lasting impression of that violence that affects the children and the young adults that are witness to the abuse. Studies show that young men exposed to domestic abuse are more likely to be abusers themselves in the future.

As a matter of fact, I counseled a young woman to that very effect. I knew her family, and I said to her, ''I know you did not grow up in this kind of a violent situation and you have sons. Why would you want your sons to grow up to be abusers? Because if they see your husband abusing you, they are going to think that that is okay, and that cycle of abuse will never stop.''

She sought counseling. She ended up turning this marriage around, and her husband received extensive counseling. Thankfully, that was a success story where the abuse did stop. And he also taught his sons that abuse is wrong and that he was man enough to say, hey, I was absolutely wrong in what I did.

This vicious cycle is one that can be combated, Mr. Speaker, effectively through education, support networks, increased law enforcement programs, and family counseling programs.

Mr. Speaker, once again, I would urge my colleagues to support the reauthorization of the Violence Against Women Act.

□ 2030

## RECESS

The SPEAKER pro tempore (Mr. POE). Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 8 o'clock and 31 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 2139

## AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. DREIER) at 9 o'clock and 39 minutes p.m.

## REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3402, DEPARTMENT OF JUSTICE APPROPRIATIONS AUTHORIZATION ACT, FISCAL YEARS 2006 THROUGH 2009

Mr. GINGREY, from the Committee on Rules, submitted a privileged report (Rept. No. 109–236) on the resolution (H. Res. 462) providing for consideration of the bill (H.R. 3402) to authorize appropriations for the Department of Justice for fiscal years 2006 through 2009, and for other purposes, which was referred to the House Calendar and ordered to be printed.

## LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. CARDIN (at the request of Ms. PELOSI) for today.

Ms. HARMAN (at the request of Ms. PELOSI) for today and the balance of the week on account of official business.

Ms. MCKINNEY (at the request of Ms. PELOSI) for today on account of official business in the district.

Mr. MENENDEZ (at the request of Ms. PELOSI) for today.

Mr. RYAN of Ohio (at the request of Ms. PELOSI) for today before 7:00 p.m. on account of attending the funeral for the son of a district staff member.

Mr. GRIJALVA (at the request of Ms. PELOSI) for today.

Mr. CULBERSON (at the request of Mr. DELAY) for today and September 28 on account of business in the district.

## SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Mrs. MCCARTHY, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. STUPAK, for 5 minutes, today.

(The following Members (at the request of Mr. OSBORNE) to revise and extend their remarks and include extraneous material:)

Mr. OSBORNE, for 5 minutes, today.

Mr. POE, for 5 minutes, September 28.

Mr. JONES of North Carolina, for 5 minutes, September 29.

Ms. ROS-LEHTINEN, for 5 minutes, today.

## SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1017. An act to reauthorize grants for the water resources research and technology institutes established under the Water Resources Research Act of 1984; to the Committee on Resources.

S. 1709. An act to provide favorable treatment for certain projects in response to Hurricane Katrina, with respect to revolving loans under the Federal Water Pollution Control Act, and for other purposes; to the Committee on Transportation and Infrastructure; in addition to the Committee on Energy and Commerce for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

## ENROLLED BILLS SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 2385. An act to extend by 10 years the authority of the Secretary of Commerce to conduct the quarterly financial report program.

H.R. 3784. An act to temporarily extend the programs under the Higher Education Act of 1965, and for other purposes.

## ADJOURNMENT

Mr. GINGREY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 40 minutes p.m.), the House adjourned until tomorrow, Wednesday, September 28, 2005, at 10 a.m.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

4195. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Tebuconazole; Pesticide Tolerances for Emergency Exemptions [OPP-2005-0208; FRL-7727-5] received August 2,2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4196. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Fenpropathrin; Pesticide Tolerance [OPP-2005-0133; FRL-7738-7] received September 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4197. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Kasugamycin; Pesticide Tolerance [OPP-2005-0017; FRL-7736-4] received September 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4198. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Muscodor albus QST 20799 and the Volatiles Produced on Rehydration; Exemption from the Requirement of a Tolerance [OPP-2005-0244; FRL-7739-5] received September 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4199. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Pesticides; Removal of Expired Time-Limited Tolerance Exemptions [OPP-2005-0238; FRL-7735-8] received September 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4200. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Pyridaben; Pesticide Tolerance [OPP-2005-0267; FRL-7738-6] received September 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4201. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Pyriproxyfen; Pesticide Tolerance [OPP-2005-0246; FRL-7737-8] received September 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4202. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Myclobutanil; Pesticide Tolerances for Emergency Exemptions [OPP-2005-0225; FRL-7731-2] received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4203. A letter from the Chairman, Securities and Exchange Commission, transmitting the annual report of the Securities Investor Protection Corporation for the year 2004, pursuant to 15 U.S.C. 78ggg(c)(2); to the Committee on Financial Services.

4204. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Revisions to the State of Hawaii State Implementation Plan, Update to Materials Incorporated by Reference [HI 125-NBK; FRL-7946-7] received August 2, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4205. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Hazardous Waste Management System; Modification of the Hazardous Waste Program; Mercury Containing Equipment [RCRA-2004-0012; FRL-7948-1] (RIN: 2050-AE52) received August 2, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4206. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Revisions to the Commonwealth of the Northern Mariana Islands State Implementation Plan, Update to Materials Incorporated by Reference [CMNI 124-NBK; FRL-7938-6] received August 2, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4207. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; Texas; Transportation Control Measures in the Dallas/Fort Worth Ozone Nonattainment Area [TX-126-1-7691; FRL-7947-7] received September 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4208. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; Indiana; Lake County Sulfur Dioxide Regulations, Redesignation and Maintenance Plan [R05-OAR-2005-IN-0004; FRL-7972-6] received September 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4209. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—North Dakota; Final Authorization of State Hazardous Waste Management Program Revision [FRL-7974-3] received September 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4210. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Ocean Dumping; Site Designation [FRL-7973-8] received September 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4211. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Texas; Dallas-Fort Worth Voluntary Mobile Emission Reduction Program [TX 126-1-7690; FRL-7960-4] received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4212. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Chattanooga, Tennessee; Revised Format for Materials Being Incorporated by Reference [TN-200524-FRL-7952-3] received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4213. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Knox County, Tennessee; Revised Format for Materials Being Incorporated by Reference [TN-2000506; FRL-7952-2] received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4214. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; Wallula, Washington, Area [R10-OAR-2005-WA-0005; FRL-7959-6] received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4215. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans for Kentucky; Regulatory Limit on Potential to Emit [R04-OAR-2003-KY-0001-200410(a); FRL-7958-8] received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4216. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Extension of the Deferred Effective Date for 8-hour Ozone National Ambient Air Quality Standards for Early Action Compact Areas [OAR-2003-0090; FRL-7959-2] received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4217. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Limited Approval and Promulgation of Implementation Plans; Texas;

Excess Emissions During Startup, Shutdown and Malfunction Activities [R06-OAR-2005-TX-0022; FRL-7959-5] received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4218. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Standards of Performance for New and Existing Stationary Sources; Electric Utility Steam Genrating Units [OAR-2002-0056; FRL-7960-1] (RIN: 2060-AJ65) received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4219. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Stay of the Findings of Significant Contribution and Rulemaking for Georgia for Purposes of Reducing Ozone Interstate Transport [Docket No. OAR-2004-0440; FRL-7960-2] (RIN: 2060-AN06) received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4220. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting transmitting the 2004 Report on CFE Compliance pursuant to the resolution of advice and consent to ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe of November 19, 1990, (''the CFE Flank Document''); to the Committee on International Relations.

4221. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting the designation as ''foreign terrorist organization'' pursuant to Section 219of the Immigration and Nationality Act; to the Committee on the Judiciary.

4222. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Mentor Harbor Offshore Powerboat Race, Mentor, Ohio [CGD09-05-026] (RIN: 1625-AA00) received August 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4223. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Security Zones; Port of Fredericksted, Saint Croix, U.S. Virgin Islands [COTP SAN JUAN 04-138] (RIN: 1625-AA87) received May 11, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4224. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Security Zone; Savannah River, Savannah, GA [COTP Savannah-05-022] (RIN: 1625-AA00) received May 11, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4225. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Security Zone; Atchafalaya River, Eugene Island Sea Buoy to Mile Marker 119.8, Berwick, LA [COTP Morgan City-04-015] (RIN: 1625-AA87) received May 11, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4226. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Security Zone; Bayou Grande, Pensacola, FL [COTP Mobile-05-003] (RIN: 1625-AA87) received May 11, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4227. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Security Zone; Bayou Chico, Pensacola, FL [COTP Mobile-05-004] (RIN: 1625-AA87) received May 11, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4228. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Security Zone; Captain of the Port Detroit Zone, Detroit River, Detroit, MI [CGD09-05-0002] (RIN: 1625-AA87) received May 11, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4229. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Security Zone; Ohio River, Mile 602.0 to 606.0, in Louisville, KY [COTP Louisville-05-006] (RIN: 2115-AA87) received May 11, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4230. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; St. Johns River, Palatka, FL [COTP Jacksonville 05-050] (RIN: 1625-AA00) received August 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4231. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Jones Beach Air Show, Jones Beach, NY [CGD01-05-033] (RIN: 1625-AA00) received August 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4232. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Tampa Bay, FL [COTP TAMPA 05-062] (RIN: 1625-AA00) received August 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4233. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Captain of the Port Detroit Zone [CGD09-05-022] received August 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4234. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Indian River, New Smyrna, FL. [COTP Jacksonville 05-076] (RIN: 1625-AA00) received August 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4235. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Tacoma Tall Ships 2005, Commencement Bay, Washington [CGD13-05-021] (RIN: 1625-AA00) received August 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4236. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; St. Johns River, Jacksonville, FL. [COTP Jacksonville 05-051] (RIN: 1625-AA00) received August 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4237. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zones; Fireworks displays in the Captain of the Port Portland Zone. [CGD13-05-022] (RIN: 1625-AA00) received August 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4238. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone Regulations, Freedom Fair Air Show Performance, Commencement Bay, WA [CGD13-05-024] (RIN: 1625-AA00) received August 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4239. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone: Independance Day Celebration Fireworks—Ipswich, Massachusetts. [CGD01-05-053] (RIN: 1625-AA00) received August 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4240. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Tank Level or Pressure Monitoring Devices on Single-hull Tank Ships and Single-Hull Tank Barges Carrying Oil or Oil Residue as Cargo [USCG-2001-9046] (RIN: 1625-AA94) received August 2, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4241. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—IFR Altitudes; Miscellaneous Amendments [Docket No. 30448; Amdt. No. 455] received August 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4242. A letter from the Administrator, National Aeronautics and Space Administration, transmitting the Administration's report on the Exploration Systems Architecture Study; to the Committee on Science.

4243. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule—Treatment of Certain Amounts Paid to Section 170(c) Organizations under Certain Employer Leave-Based Donation Programs [Notice 2005-68] received September 19, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4244. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule—Sherwin-Williams Co. Employee Health Plan Trust v. Commissioner, 330 F.3rd 449 (6th Cir. 2003), rev'g 115 T.C. 440 (2000) received September 19, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4245. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule—Returns Prepared For or Executed by Secretary (Rev. Rul. 2005-59) received September 2, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4246. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule—Determination of Interest Rate (Rev. Rul. 2005-62) received September 2, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4247. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule—Updating Estimated Income Tax Regulations Under Section 6654 [TD 9224] (RIN: 1545-BD17) received September 2, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4248. A letter from the Assistant Secretary for Health Affairs Under Secretary for Benefits, Departments of Defense and Veterans Affairs, transmitting the Departments' report entitled, ''VA/DOD Single Seperation Examinations at Benefits Delivery at Discharge Sites,'' pursuant to Public Law 107—107, section 734; jointly to the Committees on Armed Services and Veterans' Affairs.

4249. A letter from the Regulations Coordinator, CMS, Department of Health and Human Services, transmitting the Department's final rule—Medicare Program; Conditions for Payment of Power Mobility Devices, including Power Wheelchairs and Power-Operated Vehicles [CMS-3017-IFC] (RIN: 0938-AM74) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and Ways and Means.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BARTON of Texas: Committee on Energy and Commerce. H.R. 2491. A bill to amend the Solid Waste Disposal Act to authorize States to restrict receipt of foreign municipal solid waste and implement the Agreement Concerning the Transboundary Movement of Hazardous Waste between the United States and Canada, and for other purposes; with an amendment (Rept. 109–235). Referred to the Committee of the Whole House on the State of the Union.

Mr. GINGREY: Committee on Rules. House Resolution 462. Resolution providing for consideration of the bill (H.R. 3402) to authorize appropriations for the Department of Justice for fiscal years 2006 through 2009, and for other purposes (Rept. 109–236). Referred to the House Calendar.

Mr. POMBO: Committee on Resources. H.R. 3824. A bill to amend and reauthorize the Endangered Species Act of 1973 to provide greater results conserving and recovering listed species, and for other purposes; with an amendment (Rept. 109–237). Referred to the Committee of the Whole House on the State of the Union.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. RADANOVICH:

H.R. 3897. A bill to authorize the Secretary of the Interior, acting through the Bureau of Reclamation to enter into a cooperative agreement with the Madera Irrigation District for purposes of supporting the Madera Water Supply and Groundwater Enhancement Project; to the Committee on Resources.

By Mr. AKIN:

H.R. 3898. A bill to direct the Administrator of the Small Business Administration to establish Veterans Business Outreach Centers and Technical Mentoring Assistance Committees; to the Committee on Small Business.

By Mr. ANDREWS (for himself and Mr. NUSSLE):

H.R. 3899. A bill to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to provide for the combination of defined benefit plans and deferred compensation arrangements in a single plan, and for other purposes; to the Committee on Education and the Workforce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DREIER (for himself, Mr. SCHIFF, Mr. HERGER, Mr. WILSON of South Carolina, Mr. RUPPERSBERGER, Mr. TERRY, Mr. GARY G. MILLER of California, Mrs. BONO, Mr. MCCAUL of Texas, Mr. ISSA, and Mr. MCKEON):

H.R. 3900. A bill to amend title 18, United States Code, to increase the penalty on persons who are convicted of killing peace officers and who flee the country, and to express the sense of Congress that the Secretary of State should renegotiate the extradition treaty with Mexico; to the Committee on the Judiciary, and in addition to the Committee on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ANDREWS:

H.R. 3901. A bill to amend title XVIII of the Social Security Act to provide certain Medicare beneficiaries living abroad a special Medicare part B enrollment period during which the late enrollment penalty is waived and a special Medigap open enrollment period during which no underwriting is permitted; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BILIRAKIS:

H.R. 3902. A bill to require proper and accurate labeling for products identified, described or sold as ''chamois''; to the Committee on Energy and Commerce.

By Mrs. BLACKBURN (for herself, Mr. CANTOR, and Mr. HENSARLING):

H.R. 3903. A bill to make 1 percent across-the-board rescissions in non-defense, non-homeland-security discretionary spending for fiscal year 2006; to the Committee on Appropriations.

By Mrs. BLACKBURN (for herself, Mr. CANTOR, and Mr. HENSARLING):

H.R. 3904. A bill to make 2 percent across-the-board rescissions in non-defense, non-homeland-security discretionary spending for fiscal year 2006; to the Committee on Appropriations.

By Mr. KIND (for himself, Mrs. JOHNSON of Connecticut, Mrs. TAUSCHER, Mr. BROWN of Ohio, Mr. GRIJALVA, Mr. MEEHAN, and Mr. SIMMONS):

H.R. 3905. A bill to amend the Internal Revenue Code of 1986 to allow individuals to designate income tax overpayments to support relief efforts in response to Hurricane Katrina; to the Committee on Ways and Means.

By Mrs. BLACKBURN (for herself, Mr. CANTOR, and Mr. HENSARLING):

H.R. 3906. A bill to make 5 percent across-the-board rescissions in non-defense, non-homeland-security discretionary spending for fiscal year 2006; to the Committee on Appropriations.

By Mrs. BLACKBURN (for herself and Mr. NORWOOD):

H.R. 3907. A bill to provide for the creation of an additional category of laborers or mechanics known as helpers under the Davis-Bacon Act; to the Committee on Education and the Workforce.

By Mr. BLUNT (for himself, Mr. AKIN, Mr. BACHUS, Mr. BARTLETT of Maryland, Mr. BISHOP of Georgia, Mr. BOOZMAN, Mr. CANTOR, Mr. CULBERSON, Mr. DOOLITTLE, Mr. DUNCAN, Mr. EMANUEL, Mr. FOLEY, Mr. FORD, Mr. FOSSELLA, Mr. FRANKS of Arizona, Mr. GARRETT of New Jersey, Mr. GILLMOR, Mr. GRAVES, Mr. GREEN of Wisconsin, Ms. HARRIS, Ms. HART, Mr. HASTERT, Mr. HAYES, Ms. HOOLEY, Mr. HOSTETTLER, Mr. HULSHOF, Mr. KENNEDY of Minnesota, Mr. KING of Iowa, Mr. KINGSTON, Mr. MCCOTTER, Mr. MILLER of Florida, Mr. MORAN of Kansas, Ms. NORTON, Mr. OTTER, Mr. PAUL, Mr. PENCE, Mr. PITTS, Mr. RAMSTAD, Mr. REGULA, Mr. RENZI, Mr. ROGERS of Michigan, Mr. SESSIONS, Mr. SHAYS, Mr. SMITH of Texas, Mr. SOUDER, Mr. STEARNS, Mr. TIAHRT, Mr. WAMP, Mr. WELDON of Florida, Mr. WILSON of South Carolina, Mr. REICHERT, Mr. SHAW, Mr. GORDON, Mr. RUPPERSBERGER, Mr. REYNOLDS, Mr. SWEENEY, Ms. GINNY BROWN-WAITE of Florida, Mr. FERGUSON, Mr. PICKERING, Mr. MCCAUL of Texas, Mr. BROWN of South Carolina, Mr. ROGERS of Alabama, Mr. CRENSHAW, Mr. DELAY, Mr. ISSA, Mr. HERGER, Mrs. BIGGERT, and Mr. WICKER):

H.R. 3908. A bill to amend the Internal Revenue Code of 1986 to provide incentives for charitable contributions by individuals and businesses, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. GINNY BROWN-WAITE of Florida (for herself, Ms. HOOLEY, Mr. BACHUS, and Mr. BAKER):

H.R. 3909. A bill to provide emergency authority for the Federal Deposit Insurance Corporation and the National Credit Union Administration, in accordance with guidance issued by the Board of Governors of the Federal Reserve System, to guarantee checks cashed by insured depository institutions and insured credit unions for the benefit of noncustomers who are victims of certain 2005 hurricanes, and for other purposes; to the Committee on Financial Services.

By Mr. FEENEY (for himself, Mr. KING of Iowa, Mr. BISHOP of Utah, Mr. BARTLETT of Maryland, Mr. CHABOT, Mr. ISSA, and Mr. WESTMORELAND):

H.R. 3910. A bill to amend the Help America Vote Act of 2002 to require individuals to present a government-issued photo identification as a condition of voting in elections for Federal office, to prohibit any individual from tabulating votes in an election for Federal office unless the individual has been subject to a criminal background check, and for other purposes; to the Committee on House Administration.

By Mr. GERLACH:

H.R. 3911. A bill to amend the Immigration and Nationality Act to exempt members of the Armed Forces from naturalization requirements relating to English language, knowledge of government, good moral character, and period of service; to the Committee on the Judiciary.

By Mrs. JOHNSON of Connecticut (for herself, Mrs. JONES of Ohio, and Mr. ENGLISH of Pennsylvania):

H.R. 3912. A bill to amend the Internal Revenue Code of 1986 to encourage guaranteed lifetime income payments from annuities

and similar payments of life insurance proceeds at dates later than death by excluding from income a portion of such payments; to the Committee on Ways and Means.

By Mr. KUHL of New York:

H.R. 3913. A bill to provide for investment and protection of the Social Security surplus; to the Committee on Ways and Means, and in addition to the Committees on the Budget, and Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LAHOOD:

H.R. 3914. A bill to suspend temporarily the duty on 2 Benzylthio-nicotinic acid; to the Committee on Ways and Means.

By Mr. LEWIS of Kentucky:

H.R. 3915. A bill to resolve the structural indebtedness of the Black Lung Disability Trust Fund, and for other purposes; to the Committee on Ways and Means.

By Ms. MCCOLLUM of Minnesota (for herself, Mr. BLUMENAUER, and Mr. HINCHEY):

H.R. 3916. A bill to amend the Millennium Challenge Act of 2003 to promote environmental sustainability in the implementation of programs and activities carried out under such Act, and for other purposes; to the Committee on International Relations.

By Mr. PALLONE:

H.R. 3917. A bill to provide for payment by large employers for employees, and spouses and dependents of employees, who are covered under the Medicaid Program or SCHIP; to the Committee on Energy and Commerce.

By Mr. PETERSON of Pennsylvania (for himself, Mr. COLE of Oklahoma, Mr. DOOLITTLE, Mr. ABERCROMBIE, Mr. REGULA, Mr. KING of Iowa, Mrs. EMERSON, Mr. BISHOP of Utah, Mr. DUNCAN, Mr. WICKER, Mr. OSBORNE, Mr. EDWARDS, Mrs. CUBIN, Mr. ISTOOK, Mr. PEARCE, Mr. FLAKE, Mr. YOUNG of Alaska, Mr. MICA, and Mr. GENE GREEN of Texas):

H.R. 3918. A bill to terminate the effect of all provisions of existing Federal law prohibiting the spending of appropriated funds to conduct natural gas leasing and preleasing activities, to revoke Presidential withdrawals from disposition of areas of the Outer Continental Shelf with respect to natural gas, and for other purposes; to the Committee on Resources.

By Mr. SHADEGG:

H.R. 3919. A bill to amend the Federal Land Policy and Management Act to enhance the reliability of the electricity grid and reduce the threat of wildfires to electric transmission and distribution facilities on Federal lands by authorizing vegetation management on such lands; to the Committee on Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. SOLIS (for herself, Mrs. CAPITO, and Mrs. CAPPS):

H.R. 3920. A bill to authorize the establishment of domestic violence court systems from amounts available for grants to combat violence against women; to the Committee on the Judiciary.

By Ms. SOLIS (for herself, Mrs. CAPITO, and Mrs. CAPPS):

H.R. 3921. A bill to provide grants for public information campaigns to educate racial and ethnic minority communities and immigrant communities about domestic violence; to the Committee on the Judiciary.

By Mr. TAYLOR of Mississippi (for himself, Mr. MELANCON, Mr. FRANK of Massachusetts, Mr. BLUMENAUER, Mr. BOYD, Mr. BUTTERFIELD, Mr. CARDOZA, Mr. CASE, Mr. FORD, Ms. KAPTUR, Mr. PETERSON of Minnesota, Mr. ROSS, Mr. SCOTT of Georgia, Mr. ACKERMAN, Mr. COSTA, Mr. THOMPSON of Mississippi, Mr. JEFFERSON, Mr. BARROW, Mr. BERRY, Mr. MOORE of Kansas, Mr. MICHAUD, Mr. CRAMER, Mr. HOLDEN, Mr. ISRAEL, Mr. MATHESON, Mr. DAVIS of Tennessee, Mr. MCINTYRE, Mr. SCHIFF, Mr. BOREN, and Mr. POMEROY):

H.R. 3922. A bill to strengthen the national flood insurance program, encourage participation in the program, and provide owners of properties not located in flood hazard zones that, therefore, were not subject to the mandatory purchase requirements of the national flood insurance program, but which suffered flood damage resulting from Hurricane Katrina or Hurricane Rita and were covered by windstorm insurance, a one-time opportunity to purchase flood insurance coverage for a period covering such hurricane; to the Committee on Financial Services.

By Mr. TIAHRT:

H.R. 3923. A bill to provide for streamlining the process of Federal approval for construction or expansion of petroleum refineries, and for other purposes; to the Committee on Energy and Commerce.

By Mr. TIAHRT:

H.R. 3924. A bill to amend the Internal Revenue Code of 1986 to provide tax incentives for oil refineries, oil and gas pipelines, and petroleum storage facilities; to the Committee on Ways and Means.

By Mr. WAXMAN (for himself, Ms. PELOSI, and Mr. LANTOS):

H.R. 3925. A bill to provide that a Federal public safety position may not be held by any political appointee who does not meet certain minimum requirements; to the Committee on Government Reform.

By Mr. WYNN:

H.R. 3926. A bill to prohibit certain transfers or assignments of franchises, and to prohibit certain fixing or maintaining of motor fuel prices, under the Petroleum Marketing Practices Act; to the Committee on Energy and Commerce.

By Mr. LEWIS of California:

H.J. Res. 68. A joint resolution making continuing appropriations for the fiscal year 2006, and for other purposes; to the Committee on Appropriations, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ISSA (for himself, Mr. LEVIN, Mr. BURTON of Indiana, Ms. DELAURO, and Ms. HARRIS):

H. Con. Res. 250. Concurrent resolution supporting the goals and ideals of Gynecologic Cancer Awareness Month; to the Committee on Energy and Commerce.

By Mr. BACHUS (for himself, Mr. MOORE of Kansas, Mrs. TAUSCHER, and Mr. WILSON of South Carolina):

H. Con. Res. 251. Concurrent resolution regarding the awarding of contracts with respect to the recovery from the devastation caused by Hurricane Katrina and Hurricane Rita; to the Committee on Government Reform.

By Mr. BURTON of Indiana (for himself, Mr. MENENDEZ, Ms. HARRIS, Mr. WELLER, Ms. ROS-LEHTINEN, Mr. MACK, and Mr. ROHRABACHER):

H. Con. Res. 252. Concurrent resolution expressing the sense of Congress that the Government of the United States should actively support the aspirations of the democratic political and social forces in the Republic of Nicaragua toward an immediate and full restoration of functioning democracy in that country; to the Committee on International Relations.

By Mr. BONILLA (for himself, Mr. REYES, Mr. NORWOOD, Mr. SAM JOHNSON of Texas, Mr. MCCAUL of Texas, Mr. CARTER, Mr. SESSIONS, Mr. BURGESS, Mr. FORTUÑO, Mr. NEUGEBAUER, Mr. MARCHANT, Mr. HALL, Ms. GRANGER, and Mr. MORAN of Kansas):

H. Con. Res. 253. Concurrent resolution expressing the sense of the Congress that reciting the pledge of allegiance by students attending public schools contributes to the moral foundation of our Nation and urging the Supreme Court to uphold the pledge's constitutionality; to the Committee on the Judiciary.

By Mr. SMITH of New Jersey (for himself, Mr. DOYLE, Mr. BURTON of Indiana, Mr. WELDON of Florida, Mr. KING of New York, Mr. LANTOS, Mr. CROWLEY, Mr. WOLF, Mr. MCDERMOTT, Mr. VAN HOLLEN, Mr. HINCHEY, Mr. REYES, Mr. MORAN of Virginia, Mr. KIND, Mr. MOORE of Kansas, Mr. PETERSON of Minnesota, Ms. ROS-LEHTINEN, Mr. WILSON of South Carolina, Mr. KLINE, and Mr. PUTNAM):

H. Con. Res. 254. Concurrent resolution honoring the Autism Society of America on the occasion of its 40th anniversary; to the Committee on Energy and Commerce.

By Ms. SLAUGHTER:

H. Res. 460. A resolution providing for consideration of the bill (H.R. 3764) to establish a National Independent Inquiry Commission on Disaster Preparedness and Response to examine and evaluate the Federal Government's response to Hurricane Katrina and assess its ability to respond to future large-scale disasters; to the Committee on Rules.

By Mr. SMITH of New Jersey (for himself, Mr. PAYNE, Mr. ROYCE, Mr. FLAKE, and Mr. MEEKS of New York):

H. Res. 461. A resolution encouraging the accelerated removal of agricultural subsidies of industrialized countries to alleviate poverty and promote growth, health, and stability in the economies of African countries; to the Committee on International Relations.

By Mr. BLUMENAUER (for himself, Mr. HOLDEN, Ms. HOOLEY, Mr. WATT, Mr. COOPER, Mr. DEFAZIO, Mr. WU, Mr. LEWIS of Georgia, Mr. MENENDEZ, Mr. FORD, Mr. SNYDER, Mr. GRIJALVA, Mr. PASTOR, and Mr. TERRY):

H. Res. 463. A resolution of inquiry directing the Secretary of Homeland Security to provide certain information to the House of Representatives relating to the reapportionment of airport screeners; to the Committee on Homeland Security.

By Mr. ISRAEL (for himself and Ms. DELAURO):

H. Res. 464. A resolution supporting the goals and ideals of National Ovarian Cancer Awareness Month; to the Committee on Government Reform.

By Ms. EDDIE BERNICE JOHNSON of Texas (for herself, Mr. MEEKS of New York, Mr. HONDA, Mr. LANTOS, Mr. CONYERS, Mrs. JONES of Ohio, Mr. GRIJALVA, Mr. ROTHMAN, Ms. MCCOLLUM of Minnesota, Mr. BURTON of Indiana, Ms. BERKLEY, Mr. HOLT, Ms. JACKSON-LEE of Texas, Mr. DINGELL, Mr. FILNER, Mr. ABERCROMBIE, Mr. SERRANO, and Ms. SCHAKOWSKY):

H. Res. 465. A resolution recognizing the commencement of Ramadan, the Islamic holy month of fasting and spiritual renewal, and commending Muslims in the United States and throughout the world for their faith; to the Committee on International Relations.

By Mr. MARKEY (for himself, Mr. SMITH of New Jersey, Ms. PELOSI, and Mr. BOOZMAN):

H. Res. 466. A resolution expressing the sense of the House of Representatives that the United States Postal Service should issue a semipostal stamp relating to Alzheimer's disease; to the Committee on Government Reform, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GEORGE MILLER of California (for himself, Mr. OWENS, Ms. WOOLSEY, Mr. BISHOP of New York, Mrs. MCCARTHY, Mr. GRIJALVA, Mr. VAN HOLLEN, Mr. KUCINICH, Mr. DAVIS of Illinois, Mr. HINOJOSA, Ms. MCCOLLUM of Minnesota, Mr. TIERNEY, Mr. WU, Mr. SCOTT of Virginia, Mr. KILDEE, Mr. HOLT, Mrs. DAVIS of California, Mr. RYAN of Ohio, Mr. PAYNE, Mr. ANDREWS, Mr. BARROW, and Mr. KIND):

H. Res. 467. A resolution requesting that the President transmit to the House of Representatives information in his possession relating to contracts for services or construction related to Hurricane Katrina recovery that relate to wages and benefits to be paid to workers; to the Committee on Education and the Workforce.

## PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. LINDER introduced a bill (H.R. 3927) for the relief of Sung Hee Kim; which was referred to the Committee on the Judiciary.

## ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 19: Mr. BURGESS.
H.R. 87: Mr. PALLONE.
H.R. 97: Mr. HIGGINS and Mr. DICKS.
H.R. 114: Mr. NADLER.
H.R. 268: Mr. SCHWARZ of Michigan.
H.R. 302: Mr. BURTON of Indiana.
H.R. 341: Ms. MCCOLLUM of Minnesota.
H.R. 363: Mr. MENENDEZ.
H.R. 371: Mr. PRICE of North Carolina, Mr. NADLER, and Mr. GRIJALVA.
H.R. 376: Ms. SOLIS.
H.R. 398: Mr. SANDERS.
H.R. 543: Mr. GUTIERREZ.
H.R. 550: Mr. CARDIN.
H.R. 583: Mr. MENENDEZ and Mr. KANJORSKI.
H.R. 595: Mr. NADLER.
H.R. 657: Mr. ABERCROMBIE, Ms. BALDWIN, Mr. BERMAN, Mr. BERRY, Mr. BISHOP of Georgia, Mr. BOYD, Mr. CARDIN, Mr. CLYBURN, Mr. Cooper, Mr. COSTA, Mr. COSTELLO, Mr. DELAHUNT, Mr. DICKS, Mr. DINGELL, Mr. Emanuel, Mr. GENE GREEN of Texas, Mr. HONDA, Mr. LEWIS of Georgia, Mr. MEEK of Florida, Mr. RUSH, Ms. SCHWARTZ of Pennsylvania, Mr. SNYDER, Mr. STRICKLAND, Mr. OBERSTAR, Mr. KENNEDY of Rhode Island, and Mr. ROTHMAN.
H.R. 699: Mr. SNYDER, Mr. BERRY, and Mrs. DAVIS of California.
H.R. 735: Mr. BISHOP of Georgia.
H.R. 791: Mr. HONDA.
H.R. 818: Mr. BRADY of Pennsylvania, Ms. SOLIS, and Mr. UDALL of New Mexico.
H.R. 823: Mr. MURPHY and Mr. CHANDLER.
H.R. 874: Ms. GINNY BROWN-WAITE of Florida.
H.R. 920: Mr. PUTNAM.
H.R. 926: Mr. KLINE.
H.R. 944: Mr. DAVIS of Tennessee.
H.R. 968: Mr. CARTER.
H.R. 986: Mr. JOHNSON of Illinois and Mr. OTTER.
H.R. 997: Mr. MCKEON.
H.R. 1000: Mr. PALLONE.
H.R. 1002: Mr. CAPUANO, Mr. WELDON of Pennsylvania, and Mr. NEY.
H.R. 1010: Mr. NEY.
H.R. 1016: Mr. REHBERG.
H.R. 1070: Mr. DUNCAN and Mr. SHIMKUS.
H.R. 1106: Mr. WALSH.
H.R. 1150: Mr. BARTLETT of Maryland.
H.R. 1202: Ms. MOORE of Wisconsin and Mr. SENSENBRENNER.
H.R. 1241: Mr. HERGER.
H.R. 1246: Mr. EVERETT, Mr. THOMPSON of California, Mr. LYNCH, Mr. OXLEY, Mr. GREEN of Wisconsin, Mr. KIND, and Mr. JACKSON of Illinois.
H.R. 1251: Mr. ROTHMAN.
H.R. 1287: Mr. JACKSON of Illinois.
H.R. 1298: Mr. DAVIS of Florida, Mr. HONDA, Mr. HOBSON, Mr. PICKERING, and Mr. REICHERT.
H.R. 1310: Mr. PASTOR.
H.R. 1322: Mr. STUPAK.
H.R. 1329: Ms. CARSON.
H.R. 1345: Mr. ALLEN.
H.R. 1353: Mr. ROGERS of Michigan.
H.R. 1380: Ms. MCKINNEY, Mr. RYAN of Ohio, Mr. GERLACH, Mr. LARSEN of Washington, and Mr. AKIN.
H.R. 1402: Mr. THOMPSON of California, Mr. MILLER of North Carolina, and Mr. WILSON of South Carolina.
H.R. 1424: Mr. ANDREWS.
H.R. 1438: Mr. MANZULLO and Mr. PLATTS.
H.R. 1449: Mr. MANZULLO.
H.R. 1549: Ms. VELÁZQUEZ, Mr. VAN HOLLEN, Mr. JOHNSON of Illinois, Ms. MILLENDER-MCDONALD, Mr. GOODE, and Mr. MCKEON.
H.R. 1588: Mr. NADLER.
H.R. 1595: Mr. BRADY of Pennsylvania, Ms. HERSETH, Mr. MOORE of Kansas, and Mr. SCHIFF.
H.R. 1607: Mr. PENCE.
H.R. 1615: Mr. KUCINICH, Mr. PAYNE, Mr. BISHOP of New York, Ms. MATSUI, and Mr. LARSON of Connecticut.
H.R. 1636: Mr. BLUMENAUER and Mr. LYNCH.
H.R. 1665: Mr. PRICE of North Carolina.
H.R. 1671: Mr. EVERETT.
H.R. 1689: Mr. MARIO DIAZ-BALART of Florida and Mr. ROTHMAN.
H.R. 1736: Mr. BRADLEY of New Hampshire and Mr. ROGERS of Michigan.
H.R. 1749: Mr. CONAWAY.
H.R. 1861: Mr. MOORE of Kansas.
H.R. 1872: Mr. BARRETT of South Carolina.
H.R. 1898: Mr. DOOLITTLE, Mr. PETRI, Mr. BACHUS, Mr. PEARCE, and Mr. TOM DAVIS of Virginia.
H.R. 1956: Mr. BROWN of South Carolina.
H.R. 2045: Mr. CHOCOLA.
H.R. 2061: Mr. RUPPERSBERGER and Mr. PUTNAM.
H.R. 2112: Mr. ADERHOLT, Mr. CONAWAY, and Mr. SESSIONS.
H.R. 2231: Ms. JACKSON-LEE of Texas.
H.R. 2233: Mr. SHERMAN.
H.R. 2237: Mr. MOORE of Kansas.
H.R. 2238: Mr. SCOTT of Georgia and Mr. EVANS.
H.R. 2251: Mr. KING of Iowa, Mr. ALEXANDER, and Mr. SOUDER.
H.R. 2339: Mr. PLATTS and Mr. MCCOTTER.
H.R. 2357: Mr. ENGLISH of Pennsylvania.
H.R. 2389: Mr. GREEN of Wisconsin and Mr. OXLEY.
H.R. 2470: Ms. GINNY BROWN-WAITE of Florida, Mr. MORAN of Kansas, Mr. MICA, Mr. BISHOP of Utah, Mr. BURTON of Indiana, Mr. SHAW, Mr. FORBES, Mr. GARRETT of New Jersey, Ms. HART, Mr. MCKEON, Mr. BLUNT, Mr. BASS, Mr. HALL, Mr. WILSON of South Carolina, Mr. MANZULLO, Mr. SESSIONS, Mr. HOEKSTRA, Mr. ADERHOLT, Mrs. MYRICK, Mrs. JO ANN DAVIS of Virginia, Mr. GOODE, Mr. FLAKE, Mr. LEWIS of Kentucky, Mr. BRADLEY of New Hampshire, Mr. FRANKS of Arizona, Mr. GILLMOR, Mr. TANCREDO, Mr. BARRETT of South Carolina, Mr. SHADEGG, Mr. NEUGEBAUER, Mr. MILLER of Florida, and Mr. CHOCOLA.
H.R. 2533: Mr. INSLEE, Mr. JOHNSON of Illinois, Mr. BRADY of Pennsylvania, Mr. KENNEDY of Minnesota, and Mr. HOLT.
H.R. 2562: Mr. WAXMAN and Mr. WEXLER.
H.R. 2646: Mr. GIBBONS and Mr. BOUSTANY.
H.R. 2682: Mr. BARTLETT of Maryland.
H.R. 2695: Mr. MCNULTY.
H.R. 2717: Mr. LEWIS of Georgia, and Mr. LARSON of Connecticut.
H.R. 2730: Mr. INSLEE.
H.R. 2786: Mr. UDALL of New Mexico.
H.R. 2804: Mr. FRANKS of Arizona.
H.R. 2926: Mr. GRIJALVA.
H.R. 2941: Mr. RAMSTAD, Mr. DENT, and Mr. MCHUGH.
H.R. 2943: Mr. MOORE of Kansas.
H.R. 2989: Mr. CALVERT, Mr. LANGEVIN, Mr. TURNER, Mr. JOHNSON of Illinois, Mr. NEY, and Mr. PUTNAM.
H.R. 3008: Mr. CANTOR.
H.R. 3042: Mr. FILNER.
H.R. 3050: Mr. BOREN and Mr. CRAMER.
H.R. 3096: Mr. REICHERT.
H.R. 3111: Mr. CANTOR.
H.R. 3128: Mr. SABO.
H.R. 3137: Mr. MILLER of Florida, Mr. ROGERS of Michigan, and Mr. UPTON.
H.R. 3147: Mr. BOUCHER, Mr. GOODE, and Mr. MORAN of Kansas.
H.R. 3162: Mr. JACKSON of Illinois.
H.R. 3191: Mr. ENGEL and Mr. JEFFERSON.
H.R. 3192: Ms. SOLIS and Ms. SCHAKOWSKY.
H.R. 3300: Mr. KING of Iowa.
H.R. 3301: Mrs. BIGGERT, Mr. BARRETT of South Carolina, Mr. BEAUPREZ, Mr. BOOZMAN, and Mr. WESTMORELAND.
H.R. 3334: Mr. LEVIN, Ms. NORTON, Mr. MCNULTY, and Mr. ANDREWS.
H.R. 3352: Mr. STRICKLAND.
H.R. 3359: Mr. MCHUGH.
H.R. 3361: Mrs. MCCARTHY.
H.R. 3385: Mr. CANNON.
H.R. 3420: Mr. WAXMAN.
H.R. 3478: Mr. KLINE, Mr. MILLER of Florida, Mr. MCCOTTER, and Mrs. CAPITO.
H.R. 3505: Mr. PENCE and Mr. RUPPERSBERGER.
H.R. 3532: Mr. STUPAK.
H.R. 3546: Mr. OWENS, Mr. MCNULTY, Ms. SOLIS, and Mr. CONYERS.
H.R. 3565: Mr. GRIJALVA.
H.R. 3579: Mr. PETERSON of Minnesota, Mr. HOLDEN, Mr. FRANK of Massachusetts, and Mr. STRICKLAND.
H.R. 3586: Mr. TERRY and Mr. PAUL.
H.R. 3599: Mr. CANNON.
H.R. 3616: Mrs. DAVIS of California, Mr. GOODLATTE, and Mr. VAN HOLLEN.
H.R. 3617: Mr. FARR and Ms. HARMAN.
H.R. 3639: Ms. HARRIS and Mr. GUTIERREZ.
H.R. 3662: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. LANTOS, and Mr. EVANS.
H.R. 3665: Mr. DAVIS of Kentucky and Mr. SCHIFF.
H.R. 3666: Mr. LANTOS and Mr. NADLER.
H.R. 3670: Mr. LANTOS and Mr. NADLER.
H.R. 3680: Mr. BRADY of Texas, Mr. SIMPSON, Mr. CONAWAY, Mr. SAM JOHNSON of Texas, and Mr. OTTER.
H.R. 3683: Mr. SWEENEY.
H.R. 3684: Ms. GINNY BROWN-WAITE of Florida.
H.R. 3693: Mr. MILLER of Florida and Mr. JONES of North Carolina.
H.R. 3696: Mr. BERRY.
H.R. 3698: Mr. OBERSTAR.
H.R. 3711: Ms. SOLIS, Mr. BROWN of Ohio, Mr. CARDIN, Ms. SCHAKOWSKY, and Mr. CONYERS.
H.R. 3714: Mr. PAUL.
H.R. 3727: Mr. LANTOS and Mr. NADLER.
H.R. 3731: Ms. LEE and Mr. FILNER.

H.R. 3748: Mrs. NAPOLITANO, Ms. WATSON, Mr. MOORE of Kansas, Mr. CLYBURN, Mr. BISHOP of Georgia, and Mr. WAXMAN.

H.R. 3749: Ms. MCCOLLUM of Minnesota.

H.R. 3763: Mr. DAVIS of Florida, Mr. BARROW, Mr. WATT, Mr. SPRATT, Mr. CUELLAR, Mr. BOREN, Mr. BOUCHER, Mr. ETHERIDGE, Mr. MARSHALL, Ms. MCKINNEY, and Mr. BISHOP of Georgia.

H.R. 3764: Ms. LINDA T. SÁNCHEZ of California, Ms. HERSETH, and Mr. BOREN.

H.R. 3769: Mr. MCDERMOTT, Mr. WEXLER, Ms. SCHAKOWSKY, and Mr. GRIJALVA.

H.R. 3774: Mr. CLAY, Mr. KUCINICH, Mr. BROWN of Ohio, Mr. DOGGETT, Mrs. MCCARTHY, Mr. HASTINGS of Florida, Mr. HONDA, Mr. MEEHAN, and Ms. BALDWIN.

H.R. 3782: Mr. SWEENEY and Ms. HARRIS.

H.R. 3787: Ms. SCHAKOWSKY and Mr. WEXLER.

H.R. 3788: Mr. GEORGE MILLER of California and Mr. KILDEE.

H.R. 3791: Mr. BISHOP of New York.

H.R. 3792: Mr. BISHOP of New York.

H.R. 3800: Mr. HIGGINS, Mr. REYES, and Mr. CLAY.

H.R. 3811: Mr. BROWN of South Carolina and Mr. KING of Iowa.

H.R. 3813: Mr. ADERHOLT, Mr. BARRETT of South Carolina, Mr. CHABOT, Mrs. CUBIN, Mr. CULBERSON, Mr. FEENEY, Mr. FLAKE, Mr. FORD, Ms. FOXX, Mr. GARRETT of New Jersey, Mr. GOODE, Mr. GUTKNECHT, Mr. HENSARLING, Mr. HERGER, Mr. MARCHANT, Mr. PITTS, Mr. RYAN of Wisconsin, Mr. TANCREDO, Mr. TERRY, and Mr. WELDON of Florida.

H.R. 3824: Mr. BRADY of Texas, Mr. CALVERT, Mr. CUNNINGHAM, Mr. DOOLITTLE, Mr. DUNCAN, Mrs. EMERSON, Mr. FLAKE, Mr. Fortuño, Mr. HAYWORTH, Mr. HUNTER, Mr. ISSA, Mr. KING of Iowa, Mr. LUCAS, Mr. DANIEL E. LUNGREN of California, Mr. MCKEON, Mrs. MUSGRAVE, Mr. NEUGEBAUER, Mr. NUNES, Mr. PEARCE, Mr. RENZI, Mr. SHADEGG, Mr. SULLIVAN, Mr. TANCREDO, Mr. THOMAS, Mr. THORNBERRY, Mr. WELDON of Florida, Mr. YOUNG of Alaska, Mr. ROHRABACHER, Mr. HERGER, Mr. SCOTT of Georgia, Mr. KLINE, Mr. FALEOMAVAEGA, MR. KENNEDY of Minnesota, Mr. MCCAUL of Texas, Mr. MELANCON, Mr. GARY G. MILLER of California, Mr. SIMPSON, Mr. SHUSTER, Mr. KINGSTON, Mr. SOUDER, Mr. NORWOOD, Mr. JENKINS, Mr. SHERWOOD, Mr. FRANKS of Arizona, Mr. BOOZMAN, Mr. COLE of Oklahoma, Mr. BARTON of Texas, Mr. PICKERING, Mr. ORTIZ, Mr. BACHUS, Mr. EDWARDS, Mr. EVERETT, Mr. BONNER, Mr. GINGREY, Mr. ADERHOLT, Mr. DAVIS of Alabama, Mr. RYUN of Kansas, Mr. BAKER, Mr. ROGERS of Alabama, Mr. SMITH of Texas, Mr. MCINTYRE, Mr. CRAMER, Mr. HINOJOSA, Mr. OSBORNE, Ms. GINNY BROWN-WAITE of Florida, Ms. EDDIE BERNICE JOHNSON of Texas, and Ms. JACKSON-LEE of Texas.

H.R. 3838: Ms. SCHAKOWSKY, Mr. CARDIN, Mr. MOORE of Kansas, Mrs. MCCARTHY, Mrs. CAPPS, Mr. MEEHAN, Mr. VAN HOLLEN, Mr. SCOTT of Georgia, Mr. SCOTT of Virginia, Mr. KILDEE, Mr. AL GREEN of Texas, Ms. WOOLSEY, Mr. EVANS, Mr. BISHOP of Georgia, Mr. BRADY of Pennsylvania, Mr. PRICE of North Carolina, Mr. ACKERMAN, Mr. BACA, Mr. SERRANO, Mr. CASE, Mr. CARDOZA, Mr. HINCHEY, Ms. BERKLEY, Mr. MARKEY, and Mr. BLUMENAUER.

H.R. 3860: Mr. PITTS.

H.R. 3861: Mr. LEWIS of Georgia, Mr. DOGGETT, Mr. NEAL of Massachusetts, Mr. FARR, Mr. MCDERMOTT, Mr. JEFFERSON, Mr. EMANUEL, Mr. BRADY of Pennsylvania, Mr. FRANK of Massachusetts, and Mr. MCNULTY.

H.R. 3864: Mr. PAUL, Mr. BACHUS, and Mr. PICKERING.

H.R. 3872: Mr. TERRY.

H.R. 3873: Mr. TERRY.

H.R. 3876: Mr. MOORE of Kansas and Mr. MCNULTY.

H.R. 3883: Mr. PETERSON of Minnesota.

H.R. 3888: Mr. AL GREEN of Texas, Mr. STARK, Ms. VELÁZQUEZ, Mr. CARDIN, Mr. CLEAVER, and Mr. DICKS.

H.R. 3889: Mr. BOOZMAN, Ms. FOXX, Mr. MICA, Mr. COSTA, Mr. SMITH of Washington, Mr. ADERHOLT, Mr. ROGERS of Michigan, and Mr. WESTMORELAND.

H.J. Res. 38: Mr. HOLT, Mr. ANDREWS, and Mr. ROTHMAN.

H.J. Res. 53: Mr. ROGERS of Michigan.

H.J. Res. 64: Mr. SCOTT of Georgia.

H.J. Res. 65: Mr. ABERCROMBIE, Mr. FITZPATRICK of Pennsylvania, Mr. SMITH of New Jersey, and Mr. SCOTT of Georgia.

H.J. Res. 66: Mr. MENENDEZ, Mrs. CUBIN, Mr. GORDON, and Ms. MCCOLLUM of Minnesota.

H. Con. Res. 38: Mr. SHERMAN and Mr. BARROW.

H. Con. Res. 42: Mr. SNYDER.

H. Con. Res. 85: Mr. HULSHOF.

H. Con. Res. 88: Mr. CROWLEY.

H. Con. Res. 90: Mr. ROHRABACHER.

H. Con. Res. 108: Mr. SHERMAN.

H. Con. Res. 137: Mr. SCHIFF.

H. Con. Res. 178: Ms. BALDWIN, Ms. MOORE of Wisconsin, Mr. OWENS, and Mr. KUHL of New York.

H. Con. Res. 190: Mr. ENGEL and Mr. MCCOTTER.

H. Con. Res. 192: Ms. SCHAKOWSKY, Mr. ANDREWS, and Mr. KUCINICH.

H. Con. Res. 230: Mr. PENCE, Mr. WAXMAN, Mr. JENKINS, Mr. CONYERS, Mr. WILSON of South Carolina, Mr. SCHIFF, Mr. WHITFIELD, Mr. GALLEGLY, Mr. FOLEY, and Mr. SIMPSON.

H. Con. Res. 231: Mr. SNYDER.

H. Con. Res. 248: Mr. MCCOTTER, Ms. LINDA T. SÁNCHEZ of California, Mr. Wynn, Mr. SERRANO, and Mr. ISRAEL.

H. Res. 123: Mr. TANCREDO.

H. Res. 192: Mr. FARR.

H. Res. 215: Mr. BARRETT of South Carolina.

H. Res. 229: Mr. ANDREWS.

H. Res. 335: Mr. KILDEE, Mrs. MCCARTHY, and Ms. BALDWIN.

H. Res. 382: Ms. HART and Mr. AL GREEN of Texas.

H. Res. 388: Mr. CHANDLER.

H. Res. 430: Mr. SULLIVAN and Mr. BOREN.

H. Res. 458: Mr. CAPUANO, Mr. MCDERMOTT, Ms. KILPATRICK of Michigan, Mr. OBERSTAR, Mr. MORAN of Virginia, Mr. GRIJALVA, Mrs. MALONEY, Mr. SNYDER, Mr. CONYERS, and Mr. EVANS.

## DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 438: Mr. RADANOVICH.

H.R. 3824: Mr. OWENS.

United States of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 109th CONGRESS, FIRST SESSION

Vol. 151 WASHINGTON, TUESDAY, SEPTEMBER 27, 2005 No. 122

# Senate

The Senate met at 9:45 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Almighty and everlasting God, the center of our joy, give us this day what we need to honor Your Name. Provide us with a steadfastness of purpose that will enable us to accomplish shared objectives. Strengthen us with the willingness to bear burdens and the courage to persevere. Impart to us the wisdom to know what is right and the strength to do it. Empower us to forget our failures and to press toward the prize of becoming more like You.

Give our Senators a faith that will not shrink though pressed by many a foe. As they seek to do Your will, direct their paths. Grant us the vision and the power to transform dark yesterdays into bright tomorrows.

We pray in Your Holy Name. Amen.

## PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

## RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

## EXECUTIVE SESSION

### NOMINATION OF JOHN G. ROBERTS, JR., TO BE CHIEF JUSTICE OF THE UNITED STATES—Resumed

The PRESIDENT pro tempore. Under the previous order, the Senate will proceed to executive session for the consideration of Calendar No. 317, which the clerk will report.

The legislative clerk read the nomination of John G. Roberts, Jr., of Maryland, to be Chief Justice of the United States.

The PRESIDENT pro tempore. Under the previous order, the time from 10 a.m. until 11 a.m. will be under the control of the majority leader or his designee.

RECOGNITION OF THE ACTING MAJORITY LEADER

The acting majority leader is recognized.

Mr. MCCONNELL. Thank you, Mr. President.

SCHEDULE

Mr. President, shortly, we will resume consideration of John Roberts to be Chief Justice of the United States. Last night, we locked in a consent which provides for the final vote on confirmation. That vote will occur at 11:30 a.m. on Thursday.

Today, we have controlled time to allow Senators to come to the Chamber to give their statements on this extremely important nomination. As usual, we will recess from 12:30 until 2:15 for the weekly policy luncheons.

As mentioned last night, the Appropriations Committee is expected to report the Defense appropriations bill tomorrow. We expect the Senate to begin consideration of that bill on Thursday following the Roberts nomination.

I also remind my colleagues that we need to pass a continuing resolution by the close of business this week.

Finally, I once again alert all Members that we are working under a very compressed schedule. Next week, we will need to accommodate the Rosh Hashanah holiday, and therefore we will be stacking rollcall votes for midweek. Given this schedule, it is extremely important that we use our time wisely, both this week and obviously next week as well. Therefore, Members should anticipate busy sessions Thursday and Friday of this week. Friday will be a working day as we make progress on the Defense appropriations bill. Senators should plan their schedules accordingly.

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

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

The legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

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

Mr. DURBIN. Mr. President, I ask unanimous consent to speak as if in morning business.

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

DISASTER ASSISTANCE

Mr. DURBIN. Mr. President, it is very clear from Hurricane Rita and Hurricane Katrina that America is now learning how to be prepared for disasters. Many more positive things happened as a result of the threat of Hurricane Rita than happened just a few weeks before in Louisiana, Mississippi, and Alabama. We now know that it is not a question of pointing the finger of blame, but those of us in leadership in Washington need to get to the bottom of this—not so we can decide who was wrong in days gone by but, frankly, to make sure this doesn't happen again.

The American people do not want to know who wins the game of ''gotcha'' here; they want to know if America is ready for the next disaster. We were clearly not prepared for Hurricane Katrina. The scenes we all saw night and day on television of helpless victims in New Orleans and other communities remind us over and over again that the Federal Emergency Management Agency was not prepared for this challenge. We came to that realization when Mr. Brown was asked to leave FEMA. I believe that was the right decision.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



Printed on recycled paper.

But I was stunned to learn that he is still on the payroll. It is hard to imagine that this man who was at FEMA with such a thin résumé and such limited experiences dealing with disasters was asked to leave and be replaced and then continues on as a consultant to FEMA. He is going to be scrutinized today by a panel in the House of Representatives that may ask him some questions about what he did. The first thing they should ask him is by what standard is he still on the Federal payroll. Why is this man still being paid by the Federal Government? The administration clearly cannot investigate itself when it comes to Hurricane Katrina, and this decision to keep Mr. Brown on the payroll reflects on what he did in the past but, more importantly, what he might do in the future. He doesn't have the skill set needed for the disasters that could come as soon as tomorrow. Why is he still there? I don't believe this is the right way to approach a natural disaster or a terrorist disaster. We need to put people in place who understand how to deal with it.

I believe the President was right in removing Mr. Brown and putting in his place Commander Allen from the Coast Guard. I have met with him in New Orleans. He is a man who apparently takes control of the situation and does it very well, and I believe we should give him a chance to lead—to make certain that we handle that past disaster but also that we are prepared for the next one.

But this is a recurring problem. It isn't just a question of Michael Brown being replaced by Commander Allen. It is a question of whether there are people in other key spots in this Government who do not have the qualifications to lead.

Make no mistake about it: Every President brings in people of their own political persuasion and friendship. This happened from time immemorial. It is understandable that sometimes these people do an excellent job. I can recall when President Clinton suggested that Jamie Lee Witt from Arkansas, his emergency management director, was coming up to run FEMA in Washington. I want to tell you that when I heard that, I thought: Here we go again, an old political friend is going to come up here and run this important agency. This could be awful. I am happy to report I was wrong. Jamie Lee Witt did an extraordinary job. I never heard a word of criticism about the job he did for 8 years in Washington. He had skills, extraordinary skills, and brought them to the job. But we need at this moment in time to ask critical questions as to whether there are men and women in this administration such as Michael Brown who are not prepared to deal with the next challenge to the United States.

I ask unanimous consent to have printed in the RECORD an article from Time magazine of this week entitled ''How Many More Mike Browns Are Out There?''

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From TIME Magazine, Sep. 25, 2005]

HOW MANY MORE MIKE BROWNS ARE OUT THERE?

(By Mark Thompson, Karen Tumulty, and Mike Allen)

In presidential politics, the victor always gets the spoils, and chief among them is the vast warren of offices that make up the federal bureaucracy. Historically, the U.S. public has never paid much attention to the people the President chooses to sit behind those thousands of desks. A benign cronyism is more or less presumed, with old friends and big donors getting comfortable positions and impressive titles, and with few real consequences for the nation.

But then came Michael Brown. When President Bush's former point man on disasters was discovered to have more expertise about the rules of Arabian horse competition than about the management of a catastrophe, it was a reminder that the competence of government officials who are not household names can have a life or death impact. The Brown debacle has raised pointed questions about whether political connections, not qualifications, have helped an unusually high number of Bush appointees land vitally important jobs in the Federal Government.

The Bush Administration didn't invent cronyism; John F. Kennedy turned the Justice Department over to his brother, while Bill Clinton gave his most ambitious domestic policy initiative to his wife. Jimmy Carter made his old friend Bert Lance his budget director, only to see him hauled in front of the Senate to answer questions on his past banking practices in Georgia, and George H.W. Bush deposited so many friends at the Commerce Department that the agency was known internally as ''Bush Gardens.'' The difference is that this Bush Administration had a plan from day one for remakmg the bureaucracy, and has done so with greater success.

As far back as the Florida recount, soon-to-be Vice President Dick Cheney was poring over organizational charts of the government with an eye toward stocking it with people sympathetic to the incoming Administration. Clay Johnson III, Bush's former Yale roommate and the Administration's chief architect of personnel, recalls preparing for the inner circle's first trip from Austin, Texas, to Washington: ''We were standing there getting ready to get on a plane, looking at each other like: Can you believe what we're getting ready to do?''

The Office of Personnel Management's Plum Book, published at the start of each presidential Administration, shows that there are more than 3,000 positions a President can fill without consideration for civil service rules. And Bush has gone further than most Presidents to put political stalwarts in some of the most important government jobs you've never heard of, and to give them genuine power over the bureaucracy. ''These folks are really good at using the instruments of government to promote the President's political agenda,'' says Paul Light, a professor of public service at New York University and a well-known expert on the machinery of government. ''And I think that takes you well into the gray zone where few Presidents have dared to go in the past. It's the coordination and centralization that's important here.''

The White House makes no apologies for organizing government in a way that makes it easier to carry out Bush's agenda. Johnson says the centralization is ''very intentional, and it starts with the people you pick . . . They're there to implement the President's priorities.'' Johnson asserts that appointees are chosen on merit, with political credentials used only as a tie breaker between qualified people. ''Everybody knows somebody,'' he says. ''Were they appointed because they knew somebody? No. What we focused on is: Does the government work, and can it be caused to work better and more responsibly? . . . We want the programs to work.'' But across the government, some experienced civil servants say they are being shut out of the decision making at their agencies. ''It depresses people, right down to the level of a clerk-typist,'' says Leo Bosner, head of the Federal Emergency Management Agency's (FEMA's) largest union. ''The senior to mid-level managers have really been pushed into a corner career-wise.''

Some of the appointments are raising serious concerns in the agencies themselves and on Capitol Hill about the competence and independence of agencies that the country relies on to keep us safe, healthy and secure. Internal e-mail messages obtained by TIME show that scientists' drug-safety decisions at the Food and Drug Administration (FDA) are being second-guessed by a 33-year-old doctor turned stock picker. At the Office of Management and Budget, an ex-lobbyist with minimal purchasing experience oversaw $300 billion in spending, until his arrest last week. At the Department of Homeland Security, an agency the Administration initially resisted, a well-connected White House aide with minimal experience is poised to take over what many consider the single most crucial post in ensuring that terrorists do not enter the country again. And who is acting as watchdog at every federal agency? A corps of inspectors general who may be increasingly chosen more for their political credentials than their investigative ones.

Nowhere in the federal bureaucracy is it more important to insulate government experts from the influences of politics and special interests than at the Food and Drug Administration, the agency charged with assuring the safety of everything from new vaccines and dietary supplements to animal feed and hair dye. That is why many within the department, as well as in the broader scientific community, were startled when, in July, Scott Gottlieb was named deputy commissioner for medical and scientific affairs, one of three deputies in the agency's second-ranked post at FDA.

His official FDA biography notes that Gottlieb, 33, who got his medical degree at Mount Sinai School of Medicine, did a previous stint providing policy advice at the agency, as well as at the Centers for Medicare and Medicaid Services, and was a fellow at the American Enterprise Institute, a conservative think tank. What the bio omits is that his most recent job was as editor of a popular Wall Street newsletter, the Forbes/Gottlieb Medical Technology Investor, in which he offered such tips as ''Three Biotech Stocks to Buy Now.'' In declaring Gottlieb a ''noted authority'' who had written more than 300 policy and medical articles, the biography neglects the fact that many of those articles criticized the FDA for being too slow to approve new drugs and too quick to issue warning letters when it suspects ones already on the market might be unsafe. FDA Commissioner Lester Crawford, who resigned suddenly and without explanation last Friday, wrote in response to e-mailed questions that Gottlieb is ''talented and smart, and I am delighted to have been able to recruit him back to the agency to help me fulfill our public-health goals.'' But others, including Jimmy Carter-era FDA Commissioner Donald Kennedy, a former Stanford University president and now executive editor-in-chief

of the journal Science, say Gottlieb breaks the mold of appointees at that level who are generally career FDA scientists or experts well known in their field. ''The appointment comes out of nowhere. I've never seen anything like that,'' says Kennedy.

Gottlieb's financial ties to the drug industry were at one time quite extensive. Upon taking his new job, he recused himself for up to a year from any deliberations involving nine companies that are regulated by the FDA and ''where a reasonable person would question my impartiality in the matter.'' Among them are Eli Lilly, Roche and Proctor & Gamble, according to his Aug. 5 ''Disqualification Statement Regarding Former Clients,'' a copy of which was obtained by TIME. Gottlieb, though, insists that his role at the agency is limited to shaping broad policies, such as improving communication between the FDA, doctors and patients, and developing a strategy for dealing with pandemics of such diseases as flu, West Nile virus and SARS.

Would he ever be involved in determining whether an individual drug should be on the market? ''Of course not,'' Gottlieb told TIME. ''Not only wouldn't I be involved in that . . . But I would not be in a situation where I would be adjudicating the scientific or medical expertise of the [FDA] on a review matter. That's not my role. It's not my expertise. We defer to the career staff to make scientific and medical decisions.''

Behind the scenes, however, Gottlieb has shown an interest in precisely those kinds of deliberations. One instance took place on Sept. 15, when the FDA decided to stop the trial of a drug for multiple sclerosis during which three people had developed an unusual disorder in which their bodies eliminated their blood platelets and one died of intracerebral bleeding as a result. In an e-mail obtained by TIME, Gottlieb speculated that the complication might have been the result of the disease and not the drug. ''Just seems like an overreaction to place a clinical hold'' on the trial, he wrote. An FDA scientist rejected his analysis and replied that the complication ''seems very clearly a drug-related event.'' Two days prior, when word broke that the FDA had sent a ''non-approvable'' letter to Pfizer Inc., formally rejecting its Oporia drug for osteoporosis, senior officials at the FDA's Center for Drug Evaluation and Research received copies of an e-mail from Gottlieb expressing his surprise that what he thought would be a routine approval had been turned down. Gottlieb asked for an explanation.

Gottlieb defends his e-mails, which were circulated widely at the FDA. ''Part of my job is to ask questions both so I understand how the agency works, and how it reaches its decisions,'' he told TIME. However, a scientist at the agency said they ''really confirmed people's worst fears that he was only going to be happy if we were acting in a way that would make the pharmaceutical industry happy.''

The Oporia decision gave Pfizer plenty of reason to be unhappy: the drug had been expected to produce $1 billion a year in sales for the company. Pfizer's stock fell 1.4% the day the rejection was announced. The FDA has not revealed why it rejected the drug, and Pfizer has said it is ''considering various courses of action'' that might resuscitate its application for approval.

Health experts note that Gottlieb's appointment comes at a time of increased tension between the agency and drug companies, which are concerned that new drugs will have a more difficult time making it onto the market in the wake of the type of safety problems that persuaded Merck to pull its best-selling painkiller Vioxx from the market last year. The agency's independence has also come under question, most recently with its decision last month to prevent the emergency contraceptive known as Plan B from being sold over the counter, after an FDA advisory panel recommended it could be. That Gottlieb sits at the second tier of the agency, critics say, sends anything but a reassuring signal.

David Safavian didn't have much hands-on experience in government contracting when the Bush Administration tapped him in 2003 to be its chief procurement officer. A law-school internship helping the Pentagon buy helicopters was about the extent of it. Yet as administrator of the Office of Federal Procurement Policy, Safavian, 38, was placed in charge of the $300 billion the government spends each year on everything from paper clips to nuclear submarines, as well as the $62 billion already earmarked for Hurricane Katrina recovery efforts. It was his job to ensure that the government got the most for its money and that competition for federal contracts—among companies as well as between government workers and private contractors—was fair. It was his job until he resigned on Sept. 16 and was subsequently arrested and charged with lying and obstructing a criminal investigation into Republican lobbyist Jack Abramoff's dealings with the Federal Government.

Safavian spent the bulk of his pregovernment career as a lobbyist, and his nomination to a top oversight position stunned the tightly knit federal procurement community. A dozen procurement experts interviewed by TIME said he was the most unqualified person to hold the job since its creation in 1974. Most of those who held the post before Safavian were well-versed in the arcane world of federal contracts. ''Safavian is a good example of a person who had great party credentials but no substantive credentials,'' says Danielle Brian, executive director of the Project on Government Oversight, a nonprofit Washington watchdog group. ''It's one of the most powerful positions in terms of impacting what the government does, and the kind of job—like FEMA director—that needs to be filled by a professional.'' Nevertheless, Safavian's April 2004 confirmation hearing before the Senate Governmental Affairs Committee (attended by only five of the panel's 17 members) lasted just 67 minutes, and not a single question was asked about his qualifications.

The committee did hold up Safavian's confirmation for a year, in part because of concerns about work his lobbying firm, Janus-Merritt Strategies, had done that he was required to divulge to the panel but failed to. The firm's filings showed that it represented two men suspected of links to terrorism (Safavian said one of the men was ''erroneously listed,'' and the other's omission was an ''inadvertent error'') as well as two suspect African regimes. Ultimately, the committee and the full Senate unanimously approved Safavian for the post.

His political clout, federal procurement experts say privately, came from his late-1990s lobbying partnership with Grover Norquist, now head of Americans for Tax Reform and a close ally of the Bush Administration. Norquist is an antitax advocate who once famously declared that his goal was to shrink the Federal Government so he could ''drag it into the bathroom and drown it in the bathtub.'' As the U.S. procurement czar, Safavian was pushing in that direction by seeking to shift government work to private contractors, contending it was cheaper. Federal procurement insiders say his relationship with Norquist gave Safavian the edge in snaring the procurement post. But Norquist has ''no memory'' of urging the Administration to put Safavian in the post, says an associate speaking on Norquist's behalf. A White House official said Norquist ''didn't influence the decision.'' Clay Johnson, who was designated by the White House to answer all of TIME's questions about administration staffing issues and who oversaw the procurement post, says Safavian was ''by far the most qualified person'' for the job. Perhaps it also didn't hurt that Safavian's wife Jennifer works as a lawyer for the House Government Reform Committee, which oversees federal contracting.

In addition, Safavian had worked at a law firm in the mid-'90s with Jack Abramoff, one of the capital's highest-paid lobbyists, a top G.O.P. fund raiser and a close friend of House majority leader Tom DeLay. Abramoff was indicted last month on unrelated fraud and conspiracy charges. In 2002, Abramoff invited Safavian on a weeklong golf outing to Scotland's famed St. Andrews course (as Abramoff had done with DeLay in 2000). Seven months after the trip, an anonymous call to a government hotline said lobbyists had picked up the tab for the jaunt. That wasn't true; Safavian paid $3,100 for the trip. But the government alleges that he lied when he repeatedly told investigators that Abramoff had no business dealings with the General Services Administration, where Safavian worked at the time. Prosecutors alleged last week, however, that Safavian worked closely with Abramoff—identified only as ''Lobbyist A'' in the criminal complaint against Safavian—to give Abramoff an inside track in his efforts to acquire control of two pieces of federal property in the Washington area. Safavian, who is free without bail, declined to be interviewed for this story. His attorney, Barbara Van Gelder, said the government is trying to pressure her client to help in its probe of Abramoff. ''This is a creative use of the criminal code to secure his cooperation,'' she said.

Three days after the Sept. 12 resignation of FEMA's Michael Brown, Julie Myers, the Bush Administration's nominee to head Immigration and Customs Enforcement (ICE) came before the Senate Homeland Security and Governmental Affairs Committee. The session did not go well. ''I think we ought to have a meeting with [Homeland Security Secretary] Mike Chertoff,'' Ohio Republican George Voinovich told Myers. ''I'd really like to have him spend some time with us, telling us personally why he thinks you're qualified for the job. Because based on the résumé, I don't think you are.''

Immigration and Customs Enforcement is one of 22 agencies operating under the umbrella of the Department of Homeland Security, but its function goes to the heart of why the department was created: to prevent terrorists from slipping into the U.S. If that weren't enough, the head once must also contend with money launderers, drug smugglers, illegal-arms merchants and the vast responsibility that comes with managing 20,000 government employees and a $4 billion budget. Expectations were high that whoever was appointed to fill the job would be, in the words of Michael Greenberger, head of the University of Maryland's Center for Health and Homeland Security, ''a very high-powered, well-recognized intelligence manager. ''

Instead the Administration nominated Myers, 36, currently a special assistant handling personnel issues for Bush. She has experience in law enforcement management, including jobs in the White House and the Commerce, Justice and Treasury departments, but she barely meets the five-year minimum required by law. Her most significant responsibility has been as Assistant Secretary for Export Enforcement at the Commerce Department, where, she told Senators, she supervised 170 employees and a $25 million budget.

Myers may appear short on qualifications, but she has plenty of connections. She

worked briefly for Chertoff as his chief of staff at the Justice Department's criminal division, and two days after her hearing, she married Chertoff's current chief of staff, John Wood. Her uncle is Air Force General Richard Myers, the outgoing Chairman of the Joint Chiefs of Staff. Julie Myers was on her honeymoon last week and was unavailable to comment on the questions about her qualifications raised by the Senate. A representative referred TIME to people who had worked with her, one of whom was Stuart Levey, the Treasury Department's Under Secretary for Terrorism and Financial Crime. ''She was great, and she impressed everyone around her in all these jobs,'' he said. ''She's very efficient, and she's assertive and strong and smart, and I think she's wonderful.''

To critics, Myers' appointment is a symptom of deeper ills in the Homeland Security Department, a huge new bureaucracy that the Bush Administration resisted creating. Among those problems, they say, is a tendency on the part of the Administration's political appointees to discard in-house expertise, particularly when it could lead to additional government regulation of industry. For instance, when Congress passed the intelligence reform bill last year, it gave the Transportation Security Administration (TSA) a deadline of April 1, 2005, to come up with plans to assess the threat to various forms of shipping and transportation—including rail, mass transit, highways and pipelines—and make specific proposals for strengthening security. Two former high-ranking Homeland Security officials tell TIME that the plans were nearly complete and had been put into thick binders in early April for final review when Deputy Secretary Michael Jackson abruptly reassigned that responsibility to the agency's policy shop. Jackson was worried that presenting Congress with such detailed proposals would only invite it to return later and demand to know why Homeland Security had not carried them out. ''If we put this out there, this is what we're going to be held to,'' says one of the two officials, characterizing Jackson's stance. Nearly six months after Congress's deadline, in the wake of the summer's subway bombings in London, TSA spokeswoman Amy Von Walter says the agency is in the process of declassifying the document and expects to post a short summary on its website soon.

In the meantime, Myers' nomination could be in trouble. Voinovich says his concerns were satisfied after a 35-minute call with Chertoff, in which the Homeland Security Secretary argued forcefully on Myers' behalf. But other senators are raising questions, and Democrats have seized on Myers' appointment as an example of the Bush Administration's preference for political allies over experience.

The Post-Watergate law creating the position of inspector general (IG) states that the federal watchdogs must be hired ''without regard to political affiliation,'' on the basis of their ability in such disciplines as accounting, auditing and investigating. It may not sound like the most exciting job, but the 57 inspectors general in the Federal Government can be the last line of defense against fraud and abuse. Because their primary duty is to ask nosy questions, their independence is crucial.

But critics say some of the Bush IGs have been too cozy with the Administration. ''The IGs have become more political over the years, and it seems to have accelerated,'' said A. Ernest Fitzgerald, who has been battling the Defense Department since his 1969 discovery of $2 billion in cost overruns on a cargo plane, and who, at 79, still works as a civilian Air Force manager. A study by Representative Henry Waxman of California, the top Democrat on the House Government Reform Committee, found that more than 60% of the IGs nominated by the Bush Administration had political experience and less than 20% had auditing experience—almost the obverse of those measures during the Clinton Administration. About half the current IGs are holdovers from Clinton.

Johnson says political connections may be a thumb on the scale between two candidates with equal credentials, but rarely are they the overriding factor in a personnel decision. Speaking of all such appointments, not just the IGs, he said, ''I am aware of one or two situations where politics carried the day and the person was not in the job a year later.''

Still, several of the President's IGs fit comfortably into the friends-and family category. Until recently, the most famous Bush inspector general was Janet Rehnquist, a daughter of the late Chief Justice. Rehnquist had been a lawyer for the Senate Permanent Subcommittee on Investigations and worked in the counsel's office during George H.W. Bush's presidency before becoming an IG at the Department of Health and Human Services. In that sense, she was qualified for the job. But a scathing report by the Government Accountability Office asserted that she had ''created the perception that she lacked appropriate independence in certain situations'' and had ''compromised her ability to serve as an effective leader.'' Rehnquist also faced questions about travel that included sightseeing and free time, her decision to delay an audit of the Florida pension system at the request of the President's brother, Governor Jeb Bush of Florida, and the unauthorized gun she kept in her office. She resigned in June 2003 ahead of the report.

Three weeks ago, however, Joseph Schmitz supplanted Rehnquist as the most notorious Bush IG. Schmitz, who worked as an aide to former Reagan Administration Attorney General Ed Meese and whose father John was a Republican Congressman from Orange County, Calif., quit his post at the Pentagon following complaints from Senate Finance Committee chairman Charles Grassley, Republican of Iowa. In particular, Grassley questioned Schmitz's acceptance of a trip to South Korea, paid for in part by a former lobbying client, according to Senate staff members and public lobbying records, and Schmitz's use of eight tickets to a Washington Nationals baseball game. But those issues aren't the ones that led to questions about his independence from the White House. Those concerns came to light after Schmitz chose to show the White House his department's final report on a multiyear investigation into the Air Force's plan to lease air-refueling tankers from Boeing for much more than it would have cost to buy them. After two weeks of talks with the Administration, Schmitz agreed to black out the names of senior White House officials who appeared to have played a role in pushing and approving what turned out to be a controversial procurement arrangement. Schmitz ultimately sent the report to Capitol Hill, but Senators are irked that they have not yet received an original, unredacted copy.

Congressional aides said they are still scratching their heads about how Schmitz got his job. He now works for the parent company of Blackwater USA, a military contractor that, in his old job, he might have been responsible for investigating.

Mr. DURBIN. Mr. President, I will tell you, when we hear about the contracts that are being let for Hurricane Katrina and other natural disasters, it raises similar questions. Just last week, the head of procurement in the White House, Mr. Safavian, was arrested. He was the top man in the White House when it came to procurement and contracts. Because of some misrepresentations that he apparently made—it has been alleged that he made these misrepresentations—he has been asked to step down from this spot in the White House.

But we have to ask about the contracts that are being let now for Hurricane Katrina. The Senate and House approved some $60 billion for emergency aid. So far, 80 percent of the contracts that FEMA has let are no-bid contracts. They have just awarded them to companies without any competitive bidding whatsoever.

The New York Times on September 26 said as follows:

> More than 80 percent of the $1.5 billion of contracts signed by FEMA alone were awarded without bidding, or with limited competition, government records show, provoking concerns among auditors and government officials about the potential for favoritism and abuse. Already questions have been asked about the political connection of major contracts.

And the article goes on:

> Questions are being raised as to whether this money is actually going to the victims and is actually being well spent. It raises a question of compensation, not just to make certain these victims and communities get back on their feet as quickly as possible but to make certain we are prepared for the next disaster that may face the United States. We have seen and read of serious problems which have occurred with Hurricane Katrina. Some of the same occurred with Hurricane Rita.

In Texas, in Express News on September 26, it is written that:

> Jefferson County Texas Judge Carl Griffith said the county has encountered problems gaining access to troops, equipment and supplies needed to help rebuild the storm-battered region. The judge said local authorities weren't able to use about 50 generators the State had prepositioned at an entertainment complex until late Sunday night because no clearance had been given to release them. Mr. Johnson, Jefferson County Administrator, said he had asked for generators to supply power to St. Elizabeth's Hospital and was told there were none available. Then he said, ''I had to show the FEMA representatives the generators were sitting in the parking lot.''

So there clearly is a need for us to increase the level of competency and performance when it comes to dealing with these disasters.

The bottom line is this: If we want to find out what went wrong and learn how to avoid it in the future, there is one thing that we can do and do now as a Congress which will reach that goal—an independent, nonpartisan commission, not a commission created by Republicans or Democrats in Congress of their own Members, nor an investigation initiated by the administration to look at wrongdoing that it might have committed itself, but an independent, nonpartisan commission. Some have argued against it, saying we waited a year for the 9/11 Commission, why shouldn't we wait a year to look into the problems of Katrina? We waited a year because the White House opposed

the creation of that Commission. Ultimately, it was created and did a great service to this country.

The force that kept the 9/11 Commission moving—this independent, nonpartisan commission—was the families who were victims of 9/11. That same force needs to come forward here. The victims of Hurricane Katrina and Hurricane Rita should be the moving force for the creation of an independent, nonpartisan commission.

The Republican leadership in Congress and the Democratic leadership in Congress should acknowledge the obvious: If we are going to get clear answers as to what went wrong so those mistakes will not be made again, we need an independent, nonpartisan commission. We shouldn't be fearful of them. If they point a finger of blame at Congress, so be it. If they point a finger of blame at State and local leaders, so be it. The important thing is not who was wrong before, the important thing is let us make certain that America is safe in the future.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. HATCH. Mr. President, what is the time allocation?

The PRESIDING OFFICER. The time between 10 a.m. and 11 a.m. is under the control of the majority leader or his designee.

Mr. HATCH. Thank you.

Mr. President, I rise once again to speak in favor of the nomination of John Roberts. I urge all of my colleagues in the Senate to vote to make John Roberts the next Chief Justice of the United States.

The central focus this week is properly on the nomination of Judge Roberts. In addition, the manner in which the Senate acts on this nomination also will be subject to public scrutiny. In this regard, I join those who have commended Senator SPECTER and Senator LEAHY and other members of the Judiciary Committee for working together to plan and carry out a fair series of hearings on the Roberts nomination.

This week, the full Senate faces the challenge of debating the merits of John Roberts to serve as our Nation's 17th Chief Justice. A widely respected journalist, David Broder, observed about the Roberts nomination:

> He is so obviously ridiculously well equipped to lead government's third branch that it is hard to imagine how any Democrat can justify a vote against his confirmation.

To put a fine point on it, if Democrats do not vote for John Roberts, is it fair to ask whether some Democrats will ever give a fair shake to any Republican Supreme Court nominee?

I recognize that many leftwing special interest groups are putting a lot of pressure on Democratic Senators to vote against this extraordinarily qualified nominee. For example, last Wednesday, September 21, 2005, the newspaper Rollcall contained an article with the headline ''Liberal Groups Lecture Democrats on Roberts.'' Let me read a portion of this article:

> . . . Sens. Dick Durbin and Charles Schumer received a sharp rebuke at a weekend meeting in Los Angeles from wealthy activists such as television producer Norman Lear over Roberts' glide path to confirmation.
>
> At an event on behalf of People for the American Way, the first of the major liberal groups to announce opposition to Roberts, Lear lashed out at the Democrats for not mounting more determined resistance to the nomination, according to several sources familiar with the event.
>
> Schumer, chairman of the Democratic Senatorial Campaign Committee, confirmed that the event included a 'frank discussion' between activists and the Senators.

That says it all, the pressure on our colleagues on the other side: lectures, sharp rebukes, frank discussions. It sounds as if there may be some dissension in ''All in the Family.'' One can only wonder if ''the Meathead'' took part in this harangue against the Senators. I have no doubt that pressure from some liberal groups was substantial.

There are compelling reasons why the health of both the Senate and Judiciary require that this vote should be about, and only about, John Roberts' qualification to serve as Chief Justice. Some leftwing special interest groups seem to be urging a ''no'' vote on this highly qualified nominee in large part to somehow send a message to President Bush, as he deliberates on how to fill the remaining vacancy on the Supreme Court. If that is the case, it is a garbled, misguided message.

I understand the political fact of life that some outside interest groups normally affiliated with the Republican side of the aisle might have preferred that Republican Senators would have voted against the Supreme Court nominees of President Clinton. But I also respect the political reality that he who wins the White House has the right under the Constitution to nominate judicial nominees, including filling Supreme Court vacancies.

In undertaking our advice and consent role, the Senate, due to the Constitution, prudence, and tradition, owes a degree of deference to Presidential nominees. This helps explain why the two Supreme Court nominations made by President Clinton were given broad bipartisan support by the Senate once they were found to possess the intellect, integrity, character, and mainstream judicial philosophy necessary to serve on the Court. When the votes were counted for these two Clinton nominees, both of whom were known as socially liberal, Justice Breyer was confirmed by 87 to 9, and Justice Ruth Bader Ginsburg was approved by a 96-to-3 vote. Given the already stated opposition of both the minority leader and the assistant minority leader and many other Democratic Senators, it does not appear likely that Judge Roberts will receive the same level of support from Democrat Senators as Republican Senators provided for the last two Democrat nominees. This is unfortunate, unjustified, and unfair. Comity must be a two-way street.

At least during the debate of this extremely well-qualified nominee the distinguished Senator from Massachusetts has not renewed his over-the-top pledge ''to resist any Neanderthal that is nominated by this President of the United States.''

Frankly, I do not think that much of the opposition against the nominee can be wholly explained by anything that Judge Roberts said or did or did not say over the course of his exemplary 25-year career as a lawyer.

I commend the growing number of Democrats, including the ranking Democrat member of the Senate Judiciary Committee, Senator LEAHY, for their decisions to support Judge Roberts. I hope many others across the aisle will join them.

I also commend President Bush for consulting closely with the Senate and for sending a truly outstanding nominee in John Roberts. By all accounts, the President is continuing his practice of consulting widely with the Senate in filling the remaining vacancy on the Court.

Turning to the merits of this nomination, I take a few moments to briefly discuss John Roberts' education and experience to help explain why so many think so highly of this nominee. Too often in this debate, Judge Roberts' opponents quickly acknowledged his brilliance and qualifications before launching into a series of speculative if's, and's, or but's that somehow justify a vote against the confirmation in their eyes.

The American public realizes John Roberts has the right stuff. John Roberts graduated from Harvard College summa cum laude in 3 years. He went on to Harvard Law School where he graduated magna cum laude and was managing editor of the Harvard Law Review.

Judge Roberts began his career by clerking for two leading Federal appellate judges, Judge Henry Friendly and Justice William Rehnquist. Judge Roberts began his career in the executive branch by serving as a Special Assistant to Attorney General William French Smith. Next, he was Associate Counsel in the White House Counsel's Office.

In the administration of President George H.W. Bush, John Roberts served as Principal Deputy Solicitor General of the Department of Justice. Upon departing Government and moving back into private practice, he was justifiably recognized as one of the leading appellate lawyers in the country. He has argued an almost astounding number of 39 cases before the Supreme Court.

John Roberts has represented a diverse group of clients, including environmental, consumer, and civil rights interests and has taken seriously his obligation to provide voluntary legal services to the poor, including criminal defendants.

Just 2 years ago, John Roberts was confirmed in the Senate without objection; not one Senator raised an objection to his nomination for a seat on the U.S. Court of Appeals for the District of Columbia Circuit. The American Bar Association evaluated Judge Roberts four times in the last 4 years, and each time he earned the highest ABA rating of ''well-qualified.'' And four times in a row this ''well-qualified'' rating was unanimous. This must be some kind of a record for ABA ratings.

John Roberts has the temperament, integrity, intelligence, judgment, and judicial philosophy to lead the Supreme Court and Federal Judiciary well into the 21st century.

The Senate and the American public heard directly from John Roberts as he testified for over 20 hours before the Judiciary Committee. Most of us liked what we saw and heard. Judge Roberts told us he would bring back to the Supreme Court no agenda—political, personal, or otherwise. He told us he would consider each case based solely on the merits of the relevant facts and the applicable laws. With Judge Roberts, all litigants will continue to receive the bedrock American right of equal justice under the law.

Here is what Judge Roberts said about the rule of law during his hearing:

> Somebody asked me, ''Are you going to be on the side of the little guy?'' And you want to give an immediate answer. But if you reflect on it, if the Constitution says the little guy should win, the little guy should win in court before me. But if the Constitution says the big guy should win, well, the big guy should win, because my obligation is to the Constitution. . . .The oath that a judge takes is not that ''I'll look out for special interests'' . . . the oath is to uphold the Constitution and laws of the United States and that's what I would do.

It seems to me that Judge Roberts got it exactly right. I cannot say the same thing about those, including the distinguished Senator from Massachusetts and the distinguished Senator from California, Mrs. BOXER, who embraced results-oriented litmus tests when they repeatedly asked just whose side will Judge Roberts be on in deciding cases. As Judge Roberts explained, a judge has to hear the case and consider the law before he or she decides who should prevail under the law.

I also greatly appreciated Judge Roberts' comments on judicial activism and judicial restraint. Judge Roberts believes that in our system of government, judges ''do not have a commission to solve society's problems, but simply to decide cases before them according to the rule of law.''

I found enlightening Judge Roberts' description about how he decides cases through a careful process of reviewing briefs, participating in oral arguments, conferring with other judges at conference, and, finally, writing the decision. He noted that he often adjusts his view of the case throughout the course of the deliberative process.

Both in his opening testimony and in answering questions, Judge Roberts stressed the response of judges exercising institutional and personal modesty and humility. I have no doubt that this view is genuinely held by this nominee. I can say that an overwhelming majority of my fellow Utahans say they are fairly impressed with Judge Roberts' attitude toward the law and the role of judges.

Some, particularly many leftwing special interest groups, do not share my enthusiasm for Judge Roberts. Despite the fact that Judge Roberts answered dozens of questions on many topics, some complain that Judge Roberts did not answer all the questions.

Let us be clear. Under the Cannons of Judicial Ethics, it would have been inappropriate for Judge Roberts to comment on matters that could come before the Court. These liberal groups apparently have forgotten that back in 1993 when Democrat nominee, Ruth Bader Ginsburg, appeared before the Judiciary Committee in connection with her 96-to-3 confirmation to the Supreme Court, she took a position of ''no hints, no forecasts, no previews,'' on many questions.

This was consistent with what the distinguished Senator from Massachusetts, Mr. KENNEDY, said back in 1967 with respect to the Supreme Court nomination of Thurgood Marshall. He said:

> We have to respect that any nominee to the Supreme Court would have to defer any comments on any matters which are either before the court or very likely to appear before the court.

Some critics argue that the administration should have turned over memos that Judge Roberts wrote in his former capacity as Deputy Solicitor General, when the fact is that several years ago a bipartisan group of seven former Solicitors General, four of whom were Democrats, wrote to the Judiciary Committee to tell us that, generally, providing these documents to the Senate and making them public was a bad idea given the unique role of the Solicitor General's Office.

Some critics assert that Judge Roberts is insufficiently sensitive to their views in some areas of the law, including civil rights, voting rights, women's rights, and abortion, Presidential power and the commerce clause. A careful analysis of Judge Roberts' professional record over the last 25 years, coupled with the rigorous review of the hearing transcript, leads to the conclusion that Judge Roberts is well within the mainstream on his general perspectives on these issues and has pledged to be fair and openmined on any future litigation involving these and other areas. I take him at his word.

For example, the distinguished Senator from Massachusetts has attempted to suggest that Judge Roberts is somehow against voting rights and other civil rights. Yet in response to questions from Senator KENNEDY, Judge Roberts clearly stated that he believed that voting is the preservative of all other rights. It is this principle that undergirds the leading case of Baker v. Carr that brought us into the one man-one vote era that changed the political landscape of America.

Moreover, Judge Roberts acknowledges the importance of the Voting Rights Act, and he has supported its reauthorization and said he is unaware of any fundamental legal deficiency in the statute.

While in the Solicitor General's Office, John Roberts joined several briefs urging the Supreme Court to adopt broad interpretations of the Voting Rights Act. For example, in the 1993 case of Voinovich v. Quilter, Roberts successfully argued in a brief on behalf of the United States for a reading of the Ohio redistricting plan that made it easier to create minority legislative districts. The Supreme Court concurred.

To claim John Roberts is hostile to voting rights is simply not true. Nor is he hostile to, or predisposed against, any other rights, interests, or legal claims. John Roberts is committed to hearing every case in a fair, unbiased manner.

Let me conclude by saying that some, including some members of the Judiciary Committee, having failed to make a substantial case against this stellar nominee, have resorted to suggesting we are somehow ''rolling the dice'' or ''betting the house'' with this nominee.

To me, supporting John Roberts is a sound investment and, I will say, a sound investment in our Nation's future, not some long-shot bet.

John Roberts' long and distinguished record as an advocate and judge over the past 25 years, buttressed by his recent confirmation hearing testimony, demonstrates he is a bright, careful, and thoughtful legal professional of the highest integrity and character. He is not an ideologue inclined to, or bent on, high court mischief.

I think it likely one day historians will conclude that in making John Roberts our 17th Chief Justice, the President and Senate made a wise choice that helped maintain and advance the rule of law for all present and future citizens of the United States.

Mr. President, I will vote aye to confirm Judge Roberts, and I hope the vast majority of Senators will do likewise.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I ask unanimous consent that I be allowed to speak for a minute as in morning business.

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

(The remarks of Mr. STEVENS are printed in today's RECORD under ''Morning Business.'')

Mr. STEVENS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. GRAHAM. Mr. President, I would like to be recognized to speak on behalf of Judge Roberts.

The PRESIDING OFFICER. The Senator is recognized.

Mr. GRAHAM. Mr. President, as Senator HATCH indicated, I do not think we are ''rolling the dice'' at all to vote for this uniquely qualified man. It is not about whether he gets confirmed. He will be confirmed in the Senate by the close of business on Thursday, unless something major happens that no one anticipates now. Judge Roberts will then become the 17th Chief Justice of the U.S. Supreme Court, and his confirmation will receive somewhere in the range of 70-plus votes probably. So his nomination is not in doubt.

But I think this whole process will be viewed by scholars of the Court and those who follow the confirmation process, in the Senate particularly, in a very serious way because the vote totals do matter. He will get well over 50 votes, but the reasons being offered to vote ''no'' I think suggest a change in standard from the historical point of view of how the Senate approaches a nominee.

One of the things I think they will look at in the Roberts confirmation process is: What is the standard? If it is an objective standard of qualifications, character, integrity, has the person lived their life in such a way as to be able to judge fairly, not to be ideologically driven to a point where they cannot see the merits of the case, then Judge Roberts should get 100 votes. The reason I say that is, not too long ago in the history of our country President Clinton had two Supreme Court vacancies occur on his watch. One was Justice Ginsburg, who sits on the Court now. I believe she received 96 votes. The other was Justice Breyer, who sits on the Court now, who received well over 90 votes. Shortly before that, under President Bush 1's watch, Justice Scalia—a very well-known conservative—received 98 votes.

What is the difference between then and now? I think that is a very important point for the country to spend some time talking about. If he receives 70 or 75 votes, then, obviously, there has been a reduction in the vote total for someone who I think is obviously qualified. But in terms of qualifications, I am going to read some excerpts from what some Senators have said about Judge Roberts.

Senator BIDEN: Incredible. Probably one of the most schooled appellate lawyers . . . at least in his generation.

Senator BOXER: A brilliant lawyer. Well qualified. Well spoken. Affable. Unflappable.

Senator CORZINE: Eloquen[t]. A great lawyer. A great litigator.

Senator DURBIN: A judge [who] will be loyal and faithful to the process of law, to the rule of law. A great legal mind.

Senator FEINSTEIN: Very full and forward-speaking. Eloquent. Very precise.

Senator KENNEDY: An outstanding lawyer. A highly intelligent nominee. Well-educated and serious. A very pleasant person. Intelligent.

Senator KERRY: Obviously qualified in his legal education and litigation experience. Earnest. Friendly. Incredibly intelligent. A superb lawyer.

Senator LANDRIEU: Very well credentialed.

Senator OBAMA: Qualified to sit on the highest court in the land. Humble. Personally decent. Very able. Very intelligent. Unflappable.

Senator REID: A very smart man. An excellent lawyer. A very affable person. A thoughtful mainstream judge on the D.C. Circuit Court of Appeals.

Senator SCHUMER: Brilliant. Accomplished. Clearly brilliant. A very bright and capable man. Very, very smart man. Outstanding lawyer. Without question, an impressive, accomplished and brilliant lawyer. A decent and honorable man.

There is more, and I will read those later. I would hope half that could be said about me in any job I pursued. The reason those testimonials were offered is, it is obvious to anyone who has been watching the hearings and paid any attention to what has gone on here in the last week or so that we have in our midst one of the most well-qualified people in the history of our Nation to sit on the Supreme Court—probably the greatest legal mind of his generation or maybe of any other generation. I think when history records President Bush's selection of Judge Roberts, it will be seen historically as one of the best picks in the history of this country.

The man is a genius. I was there in his presence a whole week. He never took a note. He never asked anybody how to say something or what to say, or get any advice from anyone as to how to answer a question. He had almost complete total recall of memos from 20-some years in the past. Not only did he understand every case he was questioned upon without notes, he understood how the dissenting opinions did not reconcile themselves. I have been around a lot of smart people. I have never been around anyone as capable as Judge Roberts.

Now, why would he not get 96 or 98 or 100 votes? Well, some people have said all these glowing things but said that is not enough. There comes the problem. If him being intelligent, brilliant, a superb lawyer, the greatest legal mind of our generation, and well qualified is not enough, what is? What are some of the reasons that have been offered in terms of why anyone could not support this eminently qualified man?

Most of the reasons I think have to do with a subjective analysis of the nominee that apparently was not used before. Because if a conservative went down the road of something other than qualifications, character, and integrity, I doubt if a conservative could have voted for Justice Ginsburg or Justice Breyer, if you wanted to use some subjective test as to how they might vote on a particular case or if you had a philosophical test in place of a qualifications test. I will talk about that a bit later.

One of the reasons people have offered for a ''no'' vote is that during the questioning period he would not give complete answers to constitutional issues facing the country. I think Senator KERRY said: He is a superb, brilliant lawyer, but I can't vote for him because I don't know how he will come out on the great constitutional issues of our time.

Well, I would say that is good. You are not supposed to know how he is going to decide the great constitutional questions of our time because that is done in a courtroom with litigants before the judge. It is not done in a confirmation process where you have to tell people before you go on the Court how you are going to rule.

At least one Senator has said: I can't vote for this man because he won't tell me if he will buy into the right of privacy and uphold Roe v. Wade. If that becomes the standard, the hearing could be limited to one question: Will you uphold Roe v. Wade, yes or no? And that is the end of the deal.

I would argue if we go down that road as a nation, using one case, an allegiance to one line of legal reasoning, or a particular case, whether you uphold it or whether you will reverse it, then you have done a great disservice to the judiciary because we are not looking for judges to validate our pet peeves as Senators in terms of law. We are looking for judges to sit in judgment of our fellow citizens who will wait until the case is being litigated, listen to the arguments, read the briefs, and then decide.

That is not unknown to the Senate. The idea that Court nominees in the past would refuse to give specific answers to specific cases is not unknown at all.

Mr. President, I have excerpts from past nominees and questions that were asked.

I will read some of these excerpts.

This is an abortion question by Senator Metzenbaum to Justice Ginsburg: After the Casey decision, some have questioned whether the right to choose is still a fundamental right. In your view, does the Casey decision stand for the proposition that the right to choose is a fundamental constitutional right?

That is a very direct question: Do you buy into the precepts of Roe v. Wade?

Ginsburg: What regulations will be permitted is certainly a matter likely to be before the Court. Answers depend in part, Senator, on the kind of record presented to the Court. It would not be appropriate for me to go beyond the Court's recent reaffirmation that abortion is a woman's right guaranteed by

the 14th amendment. It is part of the liberty guaranteed by the 14th amendment.

She recited the current law and said: There will be lines of attack on the right to privacy. I am going to wait until the record is established.

Good answer.

Voting rights. Senator Moseley-Braun: I guess my concern in Presley really is a matter of your view of the language of the statute, the specific language of section 5 of the Voting Rights Act, and given the facts of that case whether or not the Court gave too narrow an interpretation of the language in such a way that essentially frustrated the meaning of the statute as a whole.

That is a topic before the Senate now.

Ginsburg: I avoided commenting on Supreme Court decisions when other Senators raised that question, so I must adhere to that position.

The death penalty. Senator SPECTER: Let me ask you a question articulated the way we ask jurors, whether you have any conscientious scruple against the imposition of the death penalty.

Ginsburg: My own view of the death penalty I think is not relevant to any question I would be asked to decide as a judge. I will be scrupulous in applying the law on the basis of the Constitution, legislation, and precedent.

Who does that sound like?

Ginsburg: As I said in my opening remarks, my own views and what I would do if I were sitting in the legislature are not relevant to the job for which you are considering me, which is the job of a judge.

A very good answer.

Ginsburg: So I would not like to answer that question any more than I would like to answer the question of what choice I would make for myself, what reproductive choice I would make for myself. It is not relevant to what I will decide as a judge.

Now, within that answer she does two things that I think are important. She refuses to give a personal view of the death penalty based on the idea that: My personal views are not going to decide how I will judge a particular case. And for me to start commenting in that fashion will compromise my integrity as a judge. She also said: I am not going to play the role of being a legislator because that is not what judges do.

So I would argue not only did she give the right answers, but that is all Judge Roberts has done. When he is advising the President of the United States about conservative policies initiated by the Reagan administration, he is doing so as a lawyer, advising a client. He several times indicated that his personal views about matters are not going to dictate how he decides the case. What will dictate how he decides the case are the facts presented, the law in question, and the record.

All right, more about the death penalty.

Senator HATCH: But do you agree with all the current sitting members that it is constitutional, it is within the Constitution?

Again, talking about the death penalty. This is Senator HATCH trying to get Judge Ginsburg to comment on sitting members of the Court.

Ginsburg: I can tell you that I agree that what you have stated is the precedent and clearly has been the precedent since 1976. I must draw the line at that point and hope you will respect what I have tried to tell you, that I am aware of the precedent and equally aware of the principle of stare decisis.

Now, who does that sound like? That sounds like Roberts on Roe v. Wade, but she is talking about the death penalty.

HATCH: It isn't a tough question. I mean I am not asking——

Ginsburg: You asked me what was in the fifth amendment. The fifth amendment used the word ''capital.'' I responded when you asked me what is the state of current precedents. But if you want me to take a pledge that there is one position I am not going to take, that is what you must not ask a judge to do.

So Senator HATCH was trying to draw her out on the death penalty and follow a particular line of reasoning. She says, no, I am not going to pledge to get on the Court to tip my hand there.

HATCH: But that is not what I asked you. I asked you, is it in the Constitution, is it constitutional?

Again, he was talking about the death penalty.

Ginsburg: I can tell you the fifth amendment reads, no person shall be held to answer for a capital or otherwise infamous crime unless, and the rest. But I am not going to say to this committee that I reject the position out of hand in a case as to which I have never expressed an opinion. I have never ruled on a death penalty case. I have never written about it. I have never spoken about it in a classroom.

SPECTER, on women's rights: Would you think it is appropriate for the court to employ in general terms the original understanding of the 14th amendment which you wrote about in the Washington University Law Quarterly as interpretive to women's rights?

Ginsburg: I have no comment on that, Senator SPECTER. I have said that these issues will be coming before the Court. I will not say anything in the legislative Chamber that will hint or forecast how I will vote in cases involving particular classifications.

It goes on and on. I have 30 pages here. I will put them in the RECORD. The idea that Judge Roberts, during his time before the committee, was evasive or unresponsive, different than people who came before him, is not supported by the record. What we have in this confirmation process is a frontal assault on the nominee in terms of pledging allegiance to Roe v. Wade, something that didn't happen to Ginsburg as directly.

There is at least one Senator who appears to be basing her vote on the idea that he won't tell me whether he will uphold Roe v. Wade; therefore, I can't vote for Judge Roberts. Again, I argue if that is the standard for a yes or no vote, the standard has changed dramatically. It will be unhealthy for the country as a whole. It will do great damage to the judiciary. It will be a standard Democrats would not want to be applied in the future, I can assure my colleagues.

The other issue is about the idea of civil rights, that somehow Judge Roberts' position during the Reagan administration was unfriendly to civil rights to the point that we can't vote for him. Bottom line is, of all the reasons given, that is the most distorted. That is a reason, that is a cut-and-paste job we have seen too much of to try to cast someone in a bad light for doing what their job required of them. John Roberts was in his 20s, working for the Reagan administration. The idea that he would be advising President Reagan about conservative policy initiatives shouldn't surprise anyone. That was his job.

The issue of civil rights is important to all of us. One of the worst things you can do is try to question someone's character, integrity, to the point that it puts a shadow of who they are in terms of being sensitive to other people based on race or any other difference. The idea that John Roberts, when he was working for the Reagan administration, showed a hard heart and insensitivity to people's ability to fairly vote is a shameful attack, not supported by the record. It is a cut-and-paste job. It is a distortion of what he said then, what he said now, and we ought to reject it.

The issue that was being discussed was whether Ronald Reagan's position of reauthorizing the Civil Rights Voting Act as written was extreme. The Reagan administration said: We will reauthorize the Voting Rights Act as written. The problem in the early 1980s was that you had a Supreme Court decision, the Boulder case, where the Supreme Court said that when it comes to section 2, where you look at the effects of voting patterns and whether there is discrimination being applied based on race and voting and representation, the test to determine that would be the intent test. Did the people who drew the lines setting up the voting procedures and the voting districts, was it their intent to racially discriminate and undermine African-American voting rights in the States in question. That was the test the Supreme Court applied.

Senator KENNEDY and others wanted to change that test to the effects test, where you would look at the effects of how the lines were drawn and how the districts were set up. It was an honest debate.

The third concept no one has talked much about is proportionality. The Reagan administration was against

proportional representation which is basically an electoral quota. You look at a district based on race, and you come to the conclusion that the elected officials within that district have to mirror the population. In other words, you will have a racial quota. If 40 percent of the district is of a particular race, then 40 percent of the people have to be of that race. I don't think most Americans want that. What we want is people to have a chance to run for office, be successful and vote their conscience, without anything interfering and without bad forces standing in the way. I don't think most Americans want to decide the election based on race before you cast any ballot.

That was the debate in the 1980s. The Reagan administration was against proportionality. They were standing for the Civil Rights Act as written in the 1960s. Then you had the Supreme Court case that interjected a new concept. What Judge Roberts, then a lawyer in the Reagan administration, was advising was that the current law was the intent test. The Reagan administration was supporting the Supreme Court's intent test. How that has been twisted and turned to show or to make the argument that John Roberts is insensitive to people's ability to vote and has stood in the way of people having their fair day at the ballot box, to me is a complete distortion of who he is and the position he took.

At the end of the day, here is what happened. There was a legislative compromise. The Supreme Court intent test was replaced by a totality of the circumstances test which is somewhere between the effects and intent test. I know this is a bit hard to follow, but the bottom line is, there was a compromise legislatively dealing with a Supreme Court decision. John Roberts' legal advice to the Reagan administration was very much in the mainstream of where America is, very much in the mainstream of the Reagan position. To say his legal memos arguing that proportionality was inappropriate and the intent test was based on sound legal reasoning, to somehow go from that legal reasoning to the idea that the man, the person, is insensitive to people's voting rights, again, is quite shameful.

He said in the hearing, it is the right of which everything else revolves around, the ability to go to the ballot box and express yourself.

This has happened to Judge Pickering, and it is going to happen to the next nominee. I will put the Senate on record from my point of view, coming from the South, there have been plenty of sins where I live in the South. The Voting Rights Act has cured a lot of those sins. But one of the things we should not lay on John Roberts is the idea that because he represented the Reagan administration, arguing that the Supreme Court was right, somehow he, as a person, is insensitive to minority rights.

The reason that is a bogus argument is because there is not one person who came before the Senate Judiciary Committee or otherwise to say John Roberts has ever lived his life in a way that would suggest he is insensitive to people's rights based on race. As a matter of fact, one of the witnesses before the committee analyzed the cases Judge Roberts presented to the Supreme Court dealing with civil rights. They found out he won 71 percent of his cases dealing with civil rights issues. That says not only does he understand civil rights law well, he is arguing mainstream concepts. When he looked at how Justices agreed or disagreed with him, apparently Thurgood Marshall agreed with John Roberts, the advocate, over 60 something percent of the time. So if you look at the way he has lived his life, the way he has argued the law and who he has represented, there is not one ounce of evidence to suggest John Roberts the man is in any way insensitive to people's ability to vote based on race.

Tomorrow we will come back and we will look at the other reasons to say no to this fine man. I think we are getting into a dicey area, if we are going to play this game of voting no based on ''you won't tell me how you will vote on a particular case'' or that we take someone's legal advice and use the client's position against that person, that you are going to set a standard that will chill out a lot of people wanting to be members of the Court. There are other things being said about this fine man that would be dangerous if the Senate adopted as the test in the future. I will talk next time about how the sitting Justices would not fare so well. The bottom line is there is a reason that Scalia, Ginsberg, and Breyer received well over 90 votes apiece. They were well qualified. They were people of good character and good integrity.

If this man, John Roberts, after all that has been said about him in terms of his qualifications, doesn't get 90-plus votes, the Senate needs to do some self-evaluation because we have gone down the wrong road.

I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, let me associate myself with the remarks of the Senator from South Carolina. He so clearly lays out the foundational basis by which we ought to be reviewing nominees to our highest Court. At the same time, he brings a lot of valid criticism to those who would choose to be tremendously selective not by character but by philosophy of those who are sent to us to consider.

Like many of our colleagues engaged in the confirmation process of John Roberts to the position of the Chief Justice of the Supreme Court, I have been here before. Maybe that is one way of saying it. The last time John Roberts came before the Senate, he was confirmed for his position by unanimous consent. He was placed on the District of Columbia's Circuit Court of Appeals, the second highest in the land as it relates to our judicial system. However, unlike most of our colleagues, I was a member of the Senate Committee on the Judiciary at that time, and his was one of the first confirmations before the committee that session. That only increased my sense of duty to thoroughly review his fitness for a lifetime appointment to the court.

Undoubtedly, one of the most serious duties of a Senator is the constitutional obligation and opportunity to confirm the President's judicial nominees. At that time I was satisfied that John Roberts was a superior candidate for the job. A review of his record for the past 20 months only proves that decision to have been the correct one. Not a single question has been raised as to his competence or his character during that time serving on the DC Circuit. Furthermore, in his time on the court, John Roberts has shown he does not bring an agenda to work with him in the morning. Rather, he takes an intellectual approach to each case, basing his rulings on the facts and the law, not any personal bias.

To the extent there has been a debate over the nomination, it has not been about Judge Roberts' qualifications to sit on the Supreme Court. Rather, he has been subject to an ideological litmus test.

I submit that this is not the job of the Senate. We are not social engineers, even though some of my colleagues might like to be, and it is not our role to pack the courts with members of certain ideologies.

Judge Roberts points out that he is not standing for election, and appropriately so. I agree with this critical distinction. We are not here to debate his politics or whether we agree with them. Our duty is to give advice and consent to our President's nominations.

To politicize this duty of supreme importance, I think is fundamentally wrong, but it is occurring with this nominee. For the last 2 weeks, we have been subjected to some of that rhetoric coming out of the Judiciary Committee which is purely political and an attempt to politicize the process. Politicizing the confirmation hearings runs contrary to the idea of an unbiased judiciary. As Judge Roberts himself has suggested, it undermines the integrity of that judicial process.

That being the case, we must ask why anyone would want to bring issues of politics to the process. The simple answer is that opponents of Judge Roberts are not looking impartially. They want a nominee who will agree with their beliefs. Judge Roberts has said, time and time again, he would not engage in bargaining or state his beliefs on specific issues.

Let me suggest that a Member who votes against this nominee because he will not state his position on a specific case or ruling is voting against an unbiased judiciary. In other words, they want a bias in the Court to fit their political beliefs instead of the unbiased

Court that our Founding Fathers envisioned.

While some seem bound and determined to inject politics into the Court and have applied intense pressure to secure his assistance in that effort, Judge Roberts has stood by his commitment to the rule of law, and that is what a judge should do.

This speaks highly of his integrity, but again his integrity is not in question. No one had brought forth any evidence to suggest that he is not a person of high moral character. In fact, many of the Members who say they will vote against his confirmation say that he appears to be a very fine fellow—smart, witty, thoughtful. So where are they going and what are they attempting to dredge up? His judicial demeanor is also not in question.

The overwhelming assessment of Judge Roberts' performance before the Senate Committee on the Judiciary is that he did an outstanding job. He remained calm, thoughtful, impartial, and unshaken. In a word, he was judicial.

I said during my tenure on that committee and during confirmation processes, while I may agree or disagree, what I was looking for was the character of the individual, the judicial demeanor: How would he or she perform on the court? Would they bring integrity to the court in those kinds of rulings to which they would be subjecting their mind and their talent?

Some believe that all documents related to Judge Roberts during his service as Deputy Solicitor General should be disclosed even though this would violate attorney-client and deliberate process privileges. He will not infringe upon past employers' rights and privileges. He knows this would discourage consultation and new ideas and reduce the effectiveness of the Office of Solicitor General. This is a man who truly exemplifies integrity. Although he is criticized for not releasing some documents, it is his integrity that will not allow that to happen. If it were not unethical to disclose these documents, I am sure the judge would release them. In fact, those that would not infringe upon his integrity have been released.

We have reviewed some 76,000 pages of documents, including documents for more than 95 percent of the cases he worked on in the Solicitor General's Office. Our access has been restricted to a mere 16 out of 327 cases. Finding Judge Roberts unfit to be Chief Justice on the grounds of undisclosed privileged internal deliberations is not only unfair, I believe it is illegal and, at any test, it is ludicrous.

Judge Roberts' competence is not being called into question, not in any sense by any Senator. It would be very difficult to find a better candidate anywhere to serve as Chief Justice. He seems to have done extremely well in whatever he has undertaken. Graduating summa cum laude says that this man is bright. Managing editor of the Harvard Law Review—that only comes to the top of the class. Later, he clerked for Judge Friendly of the U.S. court of appeals in Manhattan and for Supreme Court Justice William Rehnquist. He has tried 39 cases before the Supreme Court, both as a private litigant and as a Government litigant while serving as the Deputy Solicitor General. Judge Roberts now serves, as I mentioned, on the U.S. Court of Appeals for the DC Circuit.

His credentials are impeccable. This man deserves a unanimous vote, as he received 20 months ago. But that will not be the case today because some have chosen to inject politics into this process. Thank goodness Judge Roberts has stood unwaveringly not allowing that to happen when it comes to himself. His integrity is not in question. That is why he was nominated by the President of the United States to serve as the Chief Justice of our highest Court.

He deserves my vote. He will get my vote. He deserves the vote of every Senator serving in the Senate.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky.

SENATOR BILL FRIST

Mr. MCCONNELL. Mr. President, I first met BILL FRIST 11 years ago when he was a world-renown heart transplant surgeon from the neighboring State of Tennessee. He was considering a career change to public service in the Senate. Then, as now, I believe he was one of the most gifted, hard-working, and honest people I had ever met. He is a bit of a rarity in this town. He has more talent and less ego than almost anyone I can think of.

There has been this question raised about the sale of some stock. Of course, a bit lost in this dustup is the simple fact that the Senate Ethics Committee preapproved the sale. However, this is Washington, and sometimes even honest actions are questioned.

I have absolutely no doubt that the facts will demonstrate that Senator FRIST acted in the most professional and the most ethical manner, as he has throughout his distinguished medical and Senate career.

Senator FRIST has been clear that he welcomes the opportunity to meet with the appropriate authorities and put this situation in its proper context as a completely—a completely—appropriate transaction.

Furthermore, Senator FRIST has my full and unconditional support. He is a great majority leader. I find myself agreeing with my good friend from Nevada, the Democratic leader, HARRY REID, who said he knew Senator FRIST would not do anything wrong. Senator REID has it right.

Finally, I think there are few settled facts in this contentious capital of ours, but there is one fact of which I am completely certain: BILL FRIST is a decent, honest, hard-working man who puts public service before private gain.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ISAKSON). The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. LEAHY. Mr. President, we have had several people on the Senate floor this morning speaking of the Roberts nomination. I understand that we have several Senators on this side of the aisle who are going to speak in a few minutes, and I will yield the floor when they arrive.

I hope the American people will listen to this discussion. The outcome is sort of foreordained because we know the number of people who are going to vote for Judge Roberts, as am I. The reason it is important to hear all the different voices is that we are a nation of 280 million Americans. But for the Chief Justice of the United States, only 101 people have a say in who is going to be there and, of course, they are the President, first and foremost, with the nomination, and the 100 men and women in this Senate.

We have to stand in the shoes of all 280 million Americans. Can we be absolutely sure in our vote of exactly who the Chief Justice might be as a person, somebody who will probably serve long after most of us are gone, certainly long after the President is gone and actually long after several Presidents will be gone? No. We have to make our best judgment. I have announced how I am going to vote. With me, it is a matter of conscience.

I see the distinguished Senator from Colorado. I know he wishes to speak, and I will be speaking later about this issue. I will yield the floor to the distinguished Senator from Colorado.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. SALAZAR. Mr. President, I thank my wonderful friend from Vermont for his great leadership in the Senate Judiciary Committee, along with Senator SPECTER.

I rise today concerning the nomination of Judge John Roberts to be Chief Justice of the U.S. Supreme Court. I have interviewed and recommended the appointment of many men and women who serve as State and Federal judges in my home State of Colorado. I am no stranger to analyzing the record of a candidate for the judiciary. I am no stranger to evaluating the character and temperament of people to serve in these positions. Yet I know this confirmation vote is special. It is one of the most significant votes that I will cast during my tenure as a Senator. I know this vote is likely to endure the rest of my life and the lives of those who serve in this Chamber.

The decisions of the Supreme Court significantly affect the everyday lives of the people in my State and all the people who live throughout our great Nation. The Chief Justice is first

among equals among the nine Justices who make these decisions. The Chief Justice's ability to run the Court's conferences and to assign opinions gives the Chief Justice important influence on the directions taken by the Court. The Chief Justice molds and defines the cohesiveness of the Court in the sense that he or she can lead efforts to reduce separate and complicated opinions and to make the opinions of the Court clear and understandable to all. This is an especially important influence to reduce confusion in the law.

Finally, the Chief Justice sits at the very pinnacle of our Federal judicial branch. The Chief Justice leads the judges and the rest of the 21,000 employees of the Federal court system. The Chief Justice is responsible for making sure the Federal courts run effectively and efficiently. The administrative responsibilities of the Chief Justice are important for another reason. The Chief Justice can lead the judicial branch to become a place of inclusion, a place where women are as welcome as men, and where people work together who are black, brown, yellow, white, and every other color of human skin.

The Chief Justice can make the judicial branch a shining example of diversity and inclusiveness. This is not an abstraction. When people of any background come to the Court they should be looking in the mirror. The faces of the Court should be the same as the faces of those who come before the Court. In my view, this is an essential aspect of justice.

I commend the Senate Judiciary Committee for its fair, serious, and dignified hearings on the Roberts nomination. Chairman SPECTER, Ranking Member LEAHY, and all members of the committee have earned our gratitude. They have performed a very valuable service for our country. These Senators gave us a wonderful example worthy of repetition in the Senate of how the Senate should operate in the interest of our Nation. They did their work with courtesy, civility, and in the spirit of the parties working together in good faith to discuss their differing views. Our Nation is better for their efforts.

I also want to take a minute to thank Democratic Leader REID. I have been surprised and taken aback by the attacks on him from some people in this debate. To read the musings of Washington insiders, Senator REID is somehow guilty of not uniting Democrats, and at the same time not being too beholden to Democratic interest groups. As is the usual case in the debates in Washington, the truth can be found elsewhere.

Senator REID made very clear to this Senator and to the entire caucus that this is a vote of conscience. To suggest otherwise is unfair and dishonest. Our leader, a man of unshakable faith and conviction, helped ensure that this Senate lived up to its constitutional obligation of advice and consent.

I want to speak briefly about the history of America and our Constitution concerning equality under the law and the key role of the U.S. Supreme Court. The history of equal protection is a reminder of the most painful and at the same time the most promising moments of our Supreme Court and our Nation. We must not forget that history and its lessons, for to do so would undo our progress as a nation.

In retracing our history, the inevitable conclusion is that we have made major progress over four centuries. That history includes 250 years of slavery in this country, 100 years of legal segregation of the races, and the struggle in the new and recent times to achieve another age and celebrate the age of diversity.

We must look back at that history so that we do not forget its painful lessons. We must never forget that for the first 250 years of this country, after the European settlers reached the shores of Mexico and New England, the relationship between groups was characterized by slavery and the subjugation of one group for the benefit of another.

In Mexico and in the Southwest, the Spanish enslaved Native Americans. In the East and the South, the Americans brought Blacks from Africa and treated them as property. In the Dred Scott decision in 1857, the U.S. Supreme Court, in a terrible moment for our Nation, reasoned that Blacks were inferior to Whites and therefore the system of slavery was somehow justified.

At that point, the U.S. Supreme Court was endorsing the untenable proposition that one person could own another person as property simply because of their race. But the march toward freedom and equality would not be stopped by the U.S. Supreme Court in the Dred Scott decision.

The Civil War ensued. Let us never forget that the Civil War became the bloodiest war in American history, with over 500,000 Americans killed in battle. In the end, the 13th, 14th and 15th amendments to the U.S. Constitution ended the system of slavery and ushered in a new era of equal protection under the laws. Yet even with the end of slavery and the civil rights amendments to the Constitution, equal protection under the laws for the next 100 years would still require the segregation of the races.

The law of the land in many States and cities required the separation of the races in schools, theaters, restaurants, and public accommodations. It was not until 1954 that the U.S. Supreme Court marked the end of legal segregation by the Government in its historic decision of Brown v. Topeka Board of Education.

In that decision, Chief Justice Warren, writing for a unanimous Supreme Court, stated that in the field of public education the doctrine of separate but equal has no place. The Brown decision marked an historic milestone for the U.S. Supreme Court and our Nation about the relationships between groups.

Over the next decade, the U.S. Supreme Court struck down laws that required segregation on golf courses, parks, theaters, swimming pools, and numerous other facilities. These changes were met with intense controversy, marked by marches, protests, riots, and assassinations. Because of the leadership of Dr. Martin Luther King, Presidents Kennedy and Johnson, Robert Kennedy, and thousands of civil rights activists, Congress ushered in the sweeping civil rights reforms of the 1960s.

We, as an American society, began to understand that the doctrine of separate but equal truly had no place in America and that the age of diversity truly was upon us. But the age of diversity has been marked by significant and continuing tension. A part of that debate was put to rest only recently with the majority opinion authored by Justice Sandra Day O'Connor in the University of Michigan Law School case.

There, Justice O'Connor said:

> Today, we hold that the Law School has a compelling interest in attaining a diverse student body.

Justice O'Connor continued:

> The Law School's claim of a compelling interest is further bolstered by its amici, who point to the educational benefits that flow from student body diversity.

She explained further:

> These benefits are not theoretical but real, as major American businesses have made clear that the skills needed in today's increasingly global marketplace can only be developed through exposure to widely diverse people, cultures, ideas and viewpoints.

What is more, high-ranking retired officers and civilian leaders of the U.S. military assert that, and she quotes:

> [B]ased on [their] decades of experience, a highly qualified, racially diverse officer corps . . . is essential to the military's ability to fulfill its principal mission to provide national security.

She continued:

> . . . To fulfill its mission, the military must be selective in admissions for training and education for the officer corps, and it must train and educate a highly qualified, racially diverse officer corps in a racially diverse setting.
>
> We agree that [i]t requires only a small step from this analysis to conclude that our country's other most selective institutions must remain both diverse and selective.

I believe Justice Sandra Day O'Connor was a beacon of wisdom at this moment in our Nation's history. We know we have had beacons of wisdom in our past to help guide us in our future. I am hopeful that Judge Roberts will be that kind of Chief Justice.

In 1896, Justice Harlan was a beacon of wisdom when he dissented in Plessy v. Ferguson against his colleagues on the U.S. Supreme Court when they decided to sanction the right to segregation under the law. Then Justice Harlan stated in his dissent:

> The destinies of the races, in this country, are indissolubly linked together and the interests of both require that the common government law shall not permit the seeds of

race hate to be planted under the sanction of law.

I do not know exactly how judge Roberts will provide us with that beacon of wisdom for the 21st century, but the doctrine of inclusion is somehow at the heart of the answer, and I expect and implore Judge Roberts to follow that doctrine.

That doctrine means that we should be inclusive of all, and that doctrine means that there is something wrong when we look around and we see no diversity in the people who surround us, and that doctrine means that the motto on our American coins, ''E Pluribus Unum,'' can only be achieved if we include all those who make the many of us into one nation.

My criteria for the confirmation of judges remain the same as they have been. I reviewed Judge Roberts' record for fairness, impartiality, and a proven record for upholding the law. I have given this difficult decision the careful deliberation it deserves. I have reviewed his writings. I have read his cases. I have reviewed his testimony to the Judiciary Committee. I have met twice with Judge Roberts, the second time last Friday, asking him pointed and specific questions to gauge the measure of the man.

I am grateful for his courtesy and appreciative of his time. I concluded that a vote to confirm Judge Roberts as the next Chief Justice of the U.S. Supreme Court is the appropriate vote to cast. Judge Roberts' intellect is unquestioned. His technical legal skills are unquestioned. He is a lawyer that other lawyers respect, those who have worked with him as well as those who have worked against him.

Judge Roberts has convinced me that he understands the constitutional need for judicial independence. He believes in the bedrock principle that decisions of the Supreme Court must be carefully based upon the facts of the case and the law. He believes that all cases must be decided on their specific merits by a judge with an open and fair mind. These concepts lie at the heart of our judicial system. They differentiate the courts from other institutions of government. They are critical to our freedom.

I am favorably impressed by Judge Roberts' statement to do his best to heal the gaping fractures in the opinions of the Supreme Court in recent years. When the Court issues three or five or nine opinions in a single case, it is a recipe for confusion and uncertainty for judges, lawyers, and litigants. This is bad for the law.

I believe Judge Roberts has a clear understanding of the jolts to the system that disrupt the country when the Court overturns settled law, and he is equally understanding and determined to avoid these jolts. I lived through that type of difficult and expensive disruption as Colorado attorney general, when the Supreme Court changed long-settled expectations about sentencing by judges in criminal cases. The criminal justice system in Colorado and across the Nation was thrown into turmoil. It still has not recovered.

I believe Judge Roberts has an understanding of the Supreme Court's role to guide the lower courts, lawyers, and litigants, with clear and understandable direction. I have been particularly interested in Judge Roberts' views on diversity and inclusion of all people, women as well as men, in our country. I have lived my life by the bedrock principle that people of all backgrounds and both genders should be included in all aspects of our society. This is very important to me. So I have asked Judge Roberts directly and personally about his commitment to diversity and inclusiveness in our country. He has assured me of his commitment to this principle.

Finally, Judge Roberts passes a simple test that I will apply to judicial candidates for as long as I am a Senator. I do not believe he is an ideologue. He is not the kind of judge—like some—for whom anyone can predict the outcome of a case before the case is briefed and argued. The ideologue's approach to the law makes a mockery of judicial independence, and it is the opposite of being openminded and fair.

In conclusion, I have reached my decision to vote for Judge Roberts based upon his word that, first, he will stand up and fight for an independent judiciary and defend the judiciary from unwarranted attacks on its independence; second, he will not roll back the clock of progress for civil rights and recognizes that the equal protection provided under the Constitution extends to all Americans, including women and racial and ethnic minorities; third, he will respect the rule of law and the precedents of the U.S. Supreme Court, including the most important decisions of the last century; fourth, he understands the importance of the freedom of religion and religious pluralism as a cornerstone of a free America; and five, he will work to create a Federal judicial system that embraces diversity and has a face that reflects the diverse population of America.

I will vote to confirm Judge Roberts to be the Chief Justice of the United States. I wish Judge Roberts the very best as he assumes his new responsibilities on behalf of our Nation.

I yield the floor to my wonderful and good friend from the State of Connecticut.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. LIEBERMAN. Mr. President, I thank my friend from Colorado for his very thoughtful and eloquent statement.

I rise to speak on the President's nomination of John Roberts of Maryland to be Chief Justice of the U.S. Supreme Court. During my 17 years as a Member of the Senate, I have had the opportunity on four previous occasions to consider nominees to the Supreme Court—two from the first President Bush and two from President Clinton. On three of those occasions—Justices Souter, Ginsburg and Breyer—I carried out my constitutional responsibility by giving not only advice but consent. On the fourth, Justice Thomas, I withheld my consent.

I must say that on each of those preceding four occasions, I was struck, as I am again now in considering President Bush's nomination of John Roberts, by the wisdom of the Founders and Framers of our Constitution and by the perplexing position they put the Senate in when we consider a nominee to the U.S. Supreme Court.

As we know, our Founders declared their independence and formed their new government to secure the inalienable rights and freedoms which they believed are the endowment of our Creator to every person. But from their knowledge of history and humanity, and from their own experiences with the English monarch, they saw that governments had a historic tendency to stifle, not secure, the rights and freedoms of their citizens. So in constructing their new government, they allocated power and then they limited it, time and time again. Theirs was to be a government of checks and balances, except for one institution which is, generally speaking, unchecked and unlimited, and that is the Supreme Court.

I understand that Congress can reenact a statute that has been struck down by the Court as inconsistent with the Constitution, but I also know that the Court can then nullify the new statute. I understand, too, that the people may amend the Constitution to overturn a Supreme Court decision with which they disagree, but that is difficult and cumbersome and therefore rare in American history. So the Supreme Court almost always has the last word in our Government. It can be, and has been, a momentous last word, with great consequences for our national and personal lives.

Why then, in constituting the Supreme Court, did our Nation's Founders vary from their system of limited government, of checks and balances? I believe one reason is that they were wise enough to know that to be orderly, to function, a system must have a final credible point where disputation and uncertainty end and from which the work of society and government proceeds. But there was a larger reason, I am convinced, consistent with their highest value, and that was their understanding, again from their knowledge of history and humanity, that freedom can just as easily be taken by a mob of citizens as it can by a tyrannical leader. So they created a Supreme Court that was to be insulated from the political passions of the moment and that would base its decisions not only on transitory public opinion but on the eternal values of our founding documents—the Declaration, the Constitution, the Bill of Rights—and the rule of law.

They did this, these Founders and Framers, not just by giving the Court

such enormous power but also by giving its individual members life tenure. The President nominates Justices, the Senate advises and decides whether to consent, and then the Justice who is confirmed serves for as long as he or she lives or chooses to serve, absent the unusual possibly of impeachment, of course; limited in that service only by the Justice's own conscience, intellect, sense of right and wrong, understanding of what the Constitution and law demand, and by the capacity of the litigants who appear before the Court and by the Justice's own colleagues on the Court to convince him or her.

This gets to why I have described the Senate's responsibility to act on nominations to the Supreme Court as perplexing. It is our one and only chance to evaluate and influence the nominees, and then they are untouchable and politically unaccountable. But the Senate is a political body. We are elected by and accountable to the people. So naturally during the confirmation process we try to extract from the nominees to this Court, on this last chance that we have, commitments, political commitments that they will uphold the decisions of the Court with which we agree and overrule those with which we disagree; and they naturally try to avoid making such commitments.

We are both right. Because the Supreme Court has such power over our lives and liberties, we Senators are right to ask such questions. But because the Court is intended to be the nonpolitical branch of our Government, the branch before which litigants must come with confidence that the Justices' minds are open, not closed by rigid ideology or political declaration, the nominees to the Court are ultimately right to resist answering such questions in great detail. I understand that I am describing an ideal which has not always been reached by individual Justices on the Court. But on the other hand, the history of the Supreme Court is full of examples of Justices who have issued surprisingly different opinions than expected, or even than expressed before they joined the Court; and also of Justices who have changed their opinions over the years of their service on the Court. That is their right, and I would add the responsibility the Constitution gives to Justices of our Supreme Court.

Our pending decision on President Bush's nomination of John Roberts to the Supreme Court is made more difficult because it comes at an excessively partisan time in our political history. That makes it even more important that we stretch to decide it correctly and without partisan calculations, whichever side we come down on. Judge Roberts, after all, has been nominated to be Chief Justice of the highest Court of the greatest country in the world, and our decision on whether to confirm him should be a decision made above partisanship.

Today in these partisan times, it is worth remembering that seven of the nine sitting Justices were confirmed by overwhelmingly bipartisan votes in the Senate. Justices O'Connor by 99, Stevens and Scalia by 98, Kennedy by 97, Ginsburg by 96, Souter by 90, and Breyer 89. So it was not always as it is now, and it is now hard to imagine a nominee who would receive so much bipartisan support. That is wrong and it is regrettable.

One reason for this sad turn, is that our recent Presidential campaigns have unfortunately made the Supreme Court into a partisan political issue, contrary to the intention of the Founders of our country as I have described it, with candidates in each party promising to nominate only Justices who would uphold or overrule particular prevailing Supreme Court decisions. I know that is not the first time in our history this has happened.

But it nonetheless today undercuts the credibility and independence of the Supreme Court, and I might add it complicates this confirmation process. Because President Bush promised in his campaign that he would nominate Supreme Court Justices in the mold of Justices Scalia and Thomas, an extra burden of proof was placed on Judge Roberts to prove his openness of mind and independence of judgment.

All of that is one reason why earlier this year I was proud to be one of the "group of 14" Senators. I view the agreement of that group of 14 as an important step away from partisan politicizing of the Supreme Court. By opposing the so-called nuclear option, we were saying—7 Republicans and 7 Democrats—that a nominee for a lifetime appointment to the Supreme Court should be close enough to the bipartisan mainstream of judicial thinking to obtain the support of at least 60 of the 100 Members of the Senate. That is not asking very much for this high office.

When I was asked during the deliberation of the group of 14 to describe the kind of Justice I thought would pass that kind of test, I remember saying it would be one who would not come to the Supreme Court with a prefixed ideological agenda but would approach each case with an open mind, committed to applying the Constitution and the rule of law to reach the most just result in a particular case. I remember also saying the agreement of the group of 14 could be read as a bipartisan appeal to President Bush which might be phrased in these words:

> Mr. President, you won the 2004 election and with it came to the right to fill vacancies on the Supreme Court. We assume you will nominate a conservative but we appeal to you not to send us an extreme conservative who will confront the court and the country with a disruptive, divisive, predetermined ideological agenda. Send us an able, honorable nominee, Mr. President, who will take each case as it comes, listen fully to all sides, and try to do right thing.

Based on the hours of testimony Judge Roberts gave to the Judiciary Committee under oath, the lengthy personal conversation I had with him, a review of his extraordinary legal and judicial ability and experience, and the off-the- record comments of people who have known or worked with Judge Roberts at different times of his life, and volunteered them to me, and uniformly testified to his personal integrity and decency, I conclude that John Roberts meets and passes the tests I have described. I will, therefore, consent to his nomination.

In his opening statement to the Judiciary Committee on September 13, Judge Roberts said:

> I have no platform.
>
> Judges are not politicians who can promise to do certain things in exchange for votes. If I am confirmed, I will confront every case with an open mind. I will fully and fairly analyze the legal arguments that are presented. I will be open to the considered views of my colleagues on the bench. And I will decide every case based on the record, according to the rule of law, without fear or favor, to the best of my ability.

I could not have asked for a more reassuring statement.

During the hearings, some of our colleagues on the Judiciary Committee challenged Judge Roberts to reconcile that excellent pledge with memos or briefs he wrote during the 1980s or early 1990s, or opinions he wrote on the Circuit Court in more recent years. They were right to do so. I thought Judge Roberts' answers brought reassurance, if not total peace of mind. But then again, I have no constitutional right to total peace of mind as a Senator advising and deciding whether to consent on a Justice of the Supreme Court.

From his statements going back more than 20 years, I was troubled by, and in some cases strongly disagreed with, opinions or work he had been involved in on fundamental questions of racial and gender equality, the right of privacy, and the commerce clause. But in each of these areas of jurisprudence, his testimony was reassuring.

On questions of civil rights, Judge Roberts told the Judiciary Committee of his respect for the Civil Rights Act and the Voting Rights Act, as precedents of the Court, and he said they "were not constitutionally suspect."

He added that he "certainly agreed that the Voting Rights Act should be extended."

When asked by Senator KENNEDY whether he agreed with Justice O'Connor's statement in upholding an affirmative action program that it was important to give "great weight to the real world impact of affirmative action policies in universities," Judge Roberts answered, "You do need to look at the real world impact in these areas and in other areas as well." He also told Senator DURBIN that he believed the Reagan administration had taken the "incorrect position" on Bob Jones University.

I have said, and I say again, that I found those answers to be reassuring.

With regard to the right of privacy, Judge Roberts gave a lengthy and informed statement: ''The right of privacy is protected under the Constitution in various ways.''

He said:

It's protected by the Fourth Amendment which provides that the right of people to be secure in their persons, houses, effects, and papers is protected.

It's protected under the First Amendment dealing with prohibition on establishment of a religion and guarantee of free exercise.

It protects privacy in matters of conscience.

These are all quotes from Judge Roberts, and I continue:

It was protected by the framers in areas that were of particular concern to them—: The Third Amendment protecting their homes against the quartering of troops.

And in addition the Court—has recognized that personal privacy is a component of the liberty protected by the due process clause.

The Court has explained that the liberty protected is not limited to freedom from physical restraint and that it's protected not simply procedurally, but as a substantive matter as well.

And those decisions have sketched out, over a period of years, certain aspects of privacy that are protected as part of the liberty in the due process clause of the Constitution.

I thought that was a learned embrace of the constitutional right of privacy, particularly when combined with Judge Roberts' consistent support of the principle of stare decisis, respect for the past decisions and precedents of the Court in the interest of stability in our judicial system and in our society.

Regarding Roe v. Wade, Judge Roberts specifically said, ''That is a precedent entitled to respect under the principles of stare decisis like any other precedent of the Court.''

When asked by Senator FEINSTEIN to explain further when, under stare decisis, a Court precedent should be revisited, Judge Roberts said:

Well, I do think you do have to look at those criteria. And the ones that I pull from these various cases are, first of all, the basic principle that it's not enough that you think that the decision was wrongly decided. That's not enough to justify revisiting it. Otherwise there would be no role for precedent, and no role for stare decisis. Second of all, one basis for reconsidering the issue of workability (And) . . . the issue of settled expectations, the Court has explained you look at the extent to which people have conformed their conduct to the rule and have developed settled expectations in connection with it.

Again, specifically with regard to Roe v. Wade, I found those answers reassuring.

One of Judge Roberts' circuit court opinions on the commerce clause gave rise to fears that he would constrict Congress's authority to legislate under that important clause. But in his consistent expressions of deference to the work of Congress and his several references to the Supreme Court's recent decision in Gonzales v. Raich, Judge Roberts was once more reassuring.

So I will vote to confirm John Roberts and send him off to the nonpolitical world of the Supreme Court with high hopes, encouraged by these words of promise he spoke to the Judiciary Committee at the end of his opening statement to that committee as follows:

If I am confirmed, I will be vigilant to protect the independence and integrity of the Supreme Court, and I will work to ensure that it upholds the rule of law and safeguards those liberties that make this land one of endless possibilities for all Americans.

I thank the Chair. I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Thank you, Mr. President.

Mr. President, along with a vote to authorize war, the vote on the nomination of a Supreme Court Justice, especially a Chief Justice, is one of the most important votes that Senators ever cast. Because the Supreme Court is the guardian of our most cherished rights and liberties, the vote on any Supreme Court nominee has enormous significance for the everyday lives of all Americans.

Supporting or opposing a Supreme Court nominee is not—and should not be—a partisan issue. Indeed, in my time in the United States Senate, I have voted to confirm nearly twice as many Republican nominees to the high Court as Democratic nominees. To be sure, there are also some nominees that I have opposed. But that opposition was not based on the political party of the President who nominated them, but on the record—or lack of record—of the testimony and writings of each individual nominee. In hindsight, there are some votes—either for or against—that I wish I had cast differently, but each vote reflected my best, considered judgment at the time, based on the information and record before me. That is what the Constitution calls us to do as Senators.

Yet some of our friends on the other side of the aisle have tried to portray a vote against John Roberts as a reflexive, partisan vote against any nominee by President Bush. Still others have made the sweeping statement that any Senator who can't vote for Roberts can't vote for any nominee of a Republican President. These broad statements are patently wrong and suggest partisan posturing that does serious injustice to the most serious business of giving a lifetime appointment to a Justice on the highest Court in the land.

With full appreciation and awareness of the Senate's solemn obligation to give advice and consent to this all-important Supreme Court nomination by President Bush, I have read the record, asked questions, re-read the record, and asked even more questions. But after reviewing the record such as it is, I am unable to support the nomination of John Roberts to be the Chief Justice of the United States Supreme Court.

Our Founders proclaimed the bedrock principle that we are all created equal. But everyone knows that in the early days of our Republic, the reality was far different. For more than two centuries, we have struggled, sometimes spilling precious blood, to fulfill that unique American promise. The beliefs and sacrifices of millions of Americans throughout the history of our Nation have breathed fuller life and given real world relevance to our constitutional ideals.

With genius and foresight, our founders gave us the tools—the Constitution and the Bill of Rights—that have aided and encouraged our march towards progress. The guarantees in our founding documents, as enhanced in the wake of a divisive Civil War, have guided our Nation to live up to the promise of liberty, equality and justice for all.

We have made much progress. But our work is not finished. We still look to our elected representatives and our independent courts in each new generation to uphold those guiding principles, to continue the great march of progress, and never to turn back or give up hard-won gains.

The commitment to this march of progress was the central issue in the John Roberts hearing. We asked whether he, as Chief Justice, would bring the values, ideals and vision to lead us on the path of continued equality, fairness, and opportunity for all. Or would he stand in the way of progress by viewing the issues that come before the Court in a narrow and legalistic way, thereby slowly turning back the clock and eroding the civil rights and equal rights gains of the past.

We examined the only written record before us and saw John Roberts, aggressive activist in the Reagan Administration, eager to narrow hard-won rights and liberties, especially voting rights, women's rights, civil rights, and disability rights. As Congressman John Lewis eloquently stated in our hearings, 25 years ago John Roberts was on the wrong side of the nation's struggle to achieve genuine equality of opportunity for all Americans. And, despite many invitations to do so, Judge Roberts never distanced himself from the aggressively narrow views of that young lawyer in the Reagan administration.

Who is John Roberts today? Who will he be as the 17th Chief Justice of the United States?

John Roberts is a highly intelligent nominee. He has argued 39 cases before the Supreme Court, and won more than half of them. He is adept at turning questions on their head while giving seemingly appropriate answers. These skills served him well as a Supreme Court advocate. These same skills, however, did not contribute to a productive confirmation process. At the end of the 4 days of hearings, we still know very little more than we knew when we started.

John Roberts said that ''the responsibility of the judicial branch is to decide particular cases that are presented to them in this area according to the rule of law.''

Of course, everyone agrees with that. Each of us took an oath of office to

protect and defend the Constitution, and we take that oath seriously. But the rule of law does not exist in a vacuum. Constitutional values and ideals inform all legal decisions. But John Roberts never shared with us his own constitutional values and ideals.

He said that a judge should be like an umpire, calling the balls and strikes, but not making the rules.

But we all know that with any umpire, the call may depend on your point of view. An instant replay from another angle can show a very different result. Umpires follow the rules of the game. But in critical cases, it may well depend on where they are standing when they make the call.

The same is true with judges.

As Justice Oliver Wendell Holmes famously stated: The life of the law has not been logic; it has been experience.'' He also said that legal decisions are not like mathematics. If they were, we wouldn't need men and women of reason and intellect to sit on the bench—we would simply input the facts and the law into some computer program and wait for a mechanical result.

We all believe in the rule of law. But that is just the beginning of the conversation when it comes to the meaning of the Constitution. Everyone follows the same text. But the meaning of the text is often imprecise. You must examine the intent of the Framers, the history, and the current reality. And this examination will lead to very different outcomes depending on each Justice's constitutional world view. Is it a full and generous view of our rights and liberties and of government power to protect the people or a narrow and cramped view of those rights and liberties and the government's power to protect ordinary Americans?

Based on the record available, there is insufficient evidence to conclude that Judge Roberts view of the rule of law would include as paramount the protection of basic rights. The values and perspectives displayed over and over again in his record cast doubt on his view of voting rights, women's rights, civil rights, and disability rights.

In fact, for all the hoopla and razzle-dazzle in four days of hearings, there is precious little in the record to suggest that a Chief Justice John Roberts would espouse anything less that the narrow and cramped view that staff attorney John Roberts so strongly advocated in the 1980s.

On the first day of the hearing, Senator KOHL asked, ''Which of those positions were you supportive of, or are you still supportive of, and which would you disavow?'' Judge Roberts never gave a clear response.

Other than his grudging concession during the hearing that he knows of no present challenge that would make section 2 of the Voting Rights Act ''constitutionally suspect''—a concession that took almost 20 minutes of my questioning to elicit—John Roberts has a demonstrated record of strong opposition to section 2, which is almost universally considered to be the most powerful and effective civil rights law ever enacted. Section 2 outlaws voting practices that deny or dilute the right to vote based on race, national origin, or language minority status—and is largely uncontroversial today.

But in 1981 and 1982, Judge Roberts urged the administration to oppose a bi-partisan amendment to strengthen section 2, and to have, instead, a provision that made it more difficult some say impossible to prove discriminatory voting practices and procedures. Although Judge Roberts sought to characterize his opposition to the so-called ''effects test'' as simply following the policy of the Reagan administration, the dozens of memos he wrote on this subject show that he personally believed the administration was right to oppose the ''effects test.''

When Roberts worried that the Senate might reject his position, he urged the Attorney General to send a letter to the Senate opposing the amendment, stating, ''My own view is that something must be done to educate the Senators. . . .''

He also urged the Attorney General to assert his leadership against the amendment strengthening section 2. He wrote that the Attorney General should ''head off any retrenchment efforts'' by the White House staff who were inclined to support the effects test. He consistently urged the administration to require voters to bear the heavy burden of proving discriminatory intent—even on laws passed a century earlier—in order to overturn practices that locked them out of the electoral process.

Judge Roberts wrote at the time that ''violations of section 2 should not be made too easy to prove. . . .'' Remember, when he wrote those words there had been no African-Americans elected to Congress since Reconstruction from seven of the States with the largest black populations.

The year after section 2 was signed into law, Judge Roberts wrote in a memorandum to the White House Counsel that ''we were burned'' by the Voting Rights Act legislation.

Given his clear record of hostility to this key voting rights protection, the public has a right to know if he still holds these views. But Judge Roberts gave us hardly a clue.

Even when Senator FEINGOLD asked whether Judge Roberts would acknowledge today that he had been wrong to oppose the effects test, he refused to give a yes-or-no answer.

Judge Roberts responded: ''I'm certainly not an expert in the area and haven't followed and have no way of evaluating the relative effectiveness of the law as amended or the law as it was prior to 1982.''

So we still don't know whether he supports the basic law against voting practices that result in denying voting rights because of race, national origin, or language minority status.

You don't need to be a voting rights expert to say we're better off today in an America where persons of color can be elected to Congress from any State in the country. You don't need to be a voting rights expert to know there was a problem in 1982, when no African American had been elected to Congress since Reconstruction from Mississippi, Florida, Alabama, North Carolina, South Carolina, Virginia, or Louisiana—where African Americans were almost a third of the population—because restrictive election systems effectively denied African Americans and other minorities the equal chance to elect representatives of their choice.

You don't need to be a voting rights expert to say it's better that the Voting Rights Act paved the way for over 9,000 African American elected officials and over 6,000 Latino elected officials who have been elected and appointed nationwide since the passage of that act.

And you don't need to be an expert to recognize that section 2 has benefited Native Americans, Asians and others who historically encountered harsh barriers to full political participation.

Yet Judge Roberts refused in the hearings to say that his past opposition to section 2 doesn't represent his current views.

Judge Roberts also refused to disavow his past record of opposition to requiring non-discrimination by recipients of federal funds. These laws were adopted because, as President Kennedy said in 1963, ''[s]imple justice requires that public funds, to which all taxpayers . . . contribute, not be spent in any fashion which . . . subsidizes, or results in . . . discrimination.''

He supported a cramped and narrow view that would exempt many formerly covered institutions from following civil rights laws that protect women, minorities and the disabled. Under that view, the enormous subsidies the Federal government gives colleges and universities in the form of Federal financial aid would not have been enough to require them to obey the laws against discrimination. That position was so extreme that it was rejected by the Reagan administration and later by the Supreme Court. Although Judge Roberts later acknowledged that the Reagan administration rejected this view, he would not tell the committee whether he still holds that view today.

He also never stated whether he personally agrees with the decision in Franklin v. Gwinnett, where the Supreme Court unanimously rejected his argument that title IX, the landmark law against gender discrimination, provided no monetary relief to a schoolgirl who was sexually abused by her schoolteacher.

A careful reading of the transcript of his testimony makes clear that he never embraced the Supreme Court's decision to uphold affirmative action at the University of Michigan Law School, nor did he expressly agree with the Supreme Court decision that all

children—including those who are undocumented—have a legal right to public education. He emphasized his agreement with certain rationales used by the court in those cases, but he left himself a lot of wiggle room for future reconsideration of those 5–4 decisions.

Finally, a number of my colleagues on the committee asked Judge Roberts about issues related to women's rights and a woman's right to privacy. On these important matters, too, he never gave answers that shed light on his current views.

No one is entitled to become Chief Justice of the United States. The confirmation of nominees to our courts—by and with the advice and consent of the Senate—should not require a leap of faith. Nominees must earn their confirmation by providing us and the American people with full knowledge of the values and convictions they will bring to decisions that may profoundly affect our progress as a nation toward the ideal of equality.

Judge Roberts has not done so. His repeated reference to the rule of law reveals little about the values he would bring to the job of Chief Justice of the United States. The record we have puts at serious risk the progress we have made toward our common American vision of equal opportunity for all of our citizens.

There is clear and convincing evidence that John Roberts is the wrong choice for Chief Justice. I oppose the nomination. I urge my colleagues to do the same.

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

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

Mr. ALEXANDER. Mr. President, my constituents have been asking me, ''Who will President Bush nominate for the second Supreme Court vacancy?'' The question reminds me of a story about a punter from California who went all the way to the University of Alabama to play for Coach Bear Bryant. Day after day, this punter would kick it more than 70 yards in practice. Day after day, Coach Bear Bryant watched the punter kick it 70 yards and said nothing. Finally the young kicker came over to the coach and said: Coach, I came all the way from California to Alabama to be coached by you. I have been out here kicking for a week, and you haven't said a word to me.

Coach Bryant looked at him and said: Son, when you start kicking it less than 70 yards, I will come over there and remind you what you were doing when you kicked it more than 70 yards.

That is the way I feel about President Bush and the next Supreme Court nominee. My only suggestion for him would be respectfully to suggest that he try to remember what he was thinking when he appointed John Roberts and to do it again. Especially for those of us who have been trained in and who have respect for the legal profession, it has been a pleasure to watch the Roberts nomination and confirmation process. It is difficult to overstate how good he seems to be. He has the resume that most talented law students only dream of: editor of the Harvard Law Review and a law clerk to Judge Henry Friendly.

I was a law clerk to Judge John Minor Wisdom in New Orleans, who regarded Henry Friendly as one of the two or three best Federal appellate judges of the last century. In fact, we law clerks used to sit around and think about ideal Federal panels on which three judges would sit. Sometimes Judge Wisdom and Judge Friendly would sit on the same panel, and we tried to think of a third judge. There was a judge named Allgood. We thought if we could get a panel of judges named Wisdom, Friendly, and Allgood, we would have the ideal panel.

So Judge Roberts learned from Judge Friendly. Then he was law clerk to the Chief Justice of the United States. Add to that his time in the Solicitor General's Office, where only the best of the best lawyers are invited to serve; then his success as an advocate before the Supreme Court both in private and in public practice. Then what is especially appealing is his demeanor, his modesty both in philosophy and in person, something that is not always so evident in a person of superior intelligence and such great accomplishment. Then there are the stories we heard during the confirmation process of private kindnesses to colleagues with whom he worked.

Judge Roberts' testimony before the Senate Judiciary Committee demonstrated all those qualities, as well as qualities of good humor and intelligence, and an impressive command of the body of law that Supreme Court Justices must consider. Those televised episodes, which I took time to watch a number of, could be the basis for many law school classes or many civics classes. Judge Roberts brings, as he repeatedly assured Senators on the committee, no agenda to the Supreme Court. He understands that he did not write the Constitution but that he is to interpret it, that he does not make laws—Congress does that—but that he is to apply them. He demonstrates that he understands the Federal system. It is not too much to say that for a devotee of the law, watching John Roberts in those hearings was like having the privilege of watching Michael Jordan play basketball at the University of North Carolina in the early 1980s or watching Chet Atkins as a sessions guitarist in the 1950s in Nashville.

One doesn't have to be a great student of the law to recognize there is unusual talent here.

If Judge Roberts' professional qualifications and temperament are so universally acclaimed, why do we now hear so much talk of changing the rules and voting only for those Justices who we can be assured are ''on our side''? That would be the wrong direction for the Senate to go. In the first place, history teaches us that those who try to predict how Supreme Court nominees will decide cases are almost always wrong. Felix Frankfurter surprised Franklin Roosevelt. Hugo Black surprised the South. David Souter surprised almost everybody. In the second place, courts were never intended to be set up as political bodies that could be relied upon to be predictably on one side or the other of a controversy. That is what Congress is for. That is why we go through elections. That is why we are here. Courts are set up to do just the opposite, to hear the facts and apply the law and the Constitution in controversial matters. Who will have confidence in a system of justice that is deliberately rigged to be on one side or the other despite what the facts and the law are?

Finally, failing to give broad approval to an obviously well-qualified nominee such as Judge Roberts—just because he is ''not on your side''—reduces the prestige of the Supreme Court. It jeopardizes its independence. It makes it less effective as it seeks to perform its indispensable role in our constitutional republic.

For these three reasons, Republican and Democratic Senators, after full hearings and discussion, have traditionally given well-qualified nominees for Supreme Court Justice an overwhelming vote of approval. I am not talking about the ancient past. I am talking about the members of today's Supreme Court, none of whom are better qualified than Judge Roberts. For example, Justice Breyer was confirmed by a vote of 87 to 9 in a Congress composed of 57 Democrats and 43 Republicans. Justice Ginsburg was confirmed by a vote of 96 to 3 in the same Congress. Justice Souter was confirmed by a vote of 90 to 9 in a Congress composed of 55 Democrats and 45 Republicans. Justice Kennedy was confirmed by a vote of 97 to 0 in a Congress composed of 55 Democrats, 45 Republicans. Justice Scalia, no shrinking violet, was confirmed by a vote of 98 to 0 in a Congress composed of 47 Democrats as well as 53 Republicans. Justice O'Connor was confirmed by a vote of 99 to 0 in a Congress composed of 46 Democrats and 53 Republicans. And Justice Stevens was confirmed by a vote of 98 to 0 in a Congress composed of 61 Democrats and 37 Republicans. The only close vote, of those justices on this Court, was for the nomination of Justice Thomas, following certain questions of alleged misconduct by the nominee. Thomas was confirmed by a vote of 52 to 48. However, even in that vote, 11 Democrats crossed the aisle to support the nominee.

If almost all Republican Senators can vote for Justice Ginsburg, a former counsel for the American Civil Liberties Union, and a nominee who also

declined, as Judge Roberts occasionally did, to answer questions so as not to jeopardize the independence of the Court on cases that might come before her. If every single Democratic Senator could vote for Justice Scalia, then why cannot virtually every Senator in this Chamber vote to confirm John Roberts?

I was Governor for 8 years in Tennessee. I appointed about 50 judges. I looked for the qualities that Judge Roberts has so amply demonstrated: intelligence, good character, respect for the law, restraint, and respect for those who might come before the court. I did not ask one of my nominees how he or she might vote on abortion or on immigration or on taxation. I appointed the first woman circuit judge, as well as men. I appointed the first African-American chancellor and the first African-American State supreme court justice. I appointed some Democrats as well as Republicans. That process, looking back, has served our State well. It helped to build respect for the independence and fairness of our judiciary.

I hope that we Senators will try to do the same as we consider this nomination for the Supreme Court of the United States. It is unlikely in our lifetime that we will see a nominee for the Supreme Court whose professional accomplishments, demeanor, and intelligence is superior to that of John Roberts. If that is so, then I would hope that my colleagues on both sides of the aisle will do what they did for all but one member of the current Supreme Court and most of the previous Justices in our history and vote to confirm him by an overwhelming majority.

I yield the floor and 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 Florida. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

ENERGY

Mr. NELSON of Florida. Mr. President, I am going to vote for Judge Roberts as Chief Justice. I will be making a lengthy statement later on in the day as there is time allowed, since the time allocated right now under the previous order is very limited.

However, I did want to take this opportunity to say, with the fresh memories of Katrina and now Rita, I think it is incumbent upon us to finally get our collective heads as Americans out of the sand and face up to the fact that we are dependent on foreign energy sources, and that since we cannot drill our way out of the problem because the development of those resources of oil would take years and years to complete, one of the great natural resources of this country is coal.

Of course, that does not affect my State of Florida; we have 300 years of reserves of coal, and we now have the technology to cook this coal with highly intense heat in what is known as a coal gasification project. It burns off the gas, and that is a clean-burning gas.

It would be my hope that this country will start getting serious about weaning ourselves from dependence on foreign oil by using our technology to address this problem.

So that is what I wanted to share with my colleagues, since there were a couple of minutes under the previous order, and then I will be making my statement about Judge Roberts later in the day.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. CHAMBLISS. I ask unanimous consent that the time be extended until the end of my statement.

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

Mr. CHAMBLISS. Mr. President, I rise in support of the nomination of John G. Roberts to be Chief Justice of the United States. By his nomination of Judge Roberts to be Chief Justice, President Bush has not only fulfilled his constitutional responsibility but he has demonstrated sound judgment and great wisdom by this nomination.

In bipartisan fashion, our colleagues on the Judiciary Committee have similarly demonstrated such judgment and wisdom in recommending that we consent to that nomination. I urge my colleagues to follow the committee's recommendation.

Judge Roberts is an able jurist, a decent man, and he should be the next Chief Justice of the Supreme Court of the United States. Both by his professional career and his answers to questions during the committee's consideration of his nomination, Judge Roberts has demonstrated his unwavering fidelity to the Constitution and commitment to the rule of law.

''The rule of law'' is a phrase often used in public discourse. It trips easily off the tongue. Too often, it seems, we recite it with a banality that comes with the assumption that it is self-evident and self-executing. It is neither.

Jefferson wisely taught that eternal vigilance is the price of liberty. So, too, the rule of law requires both vigilance and continuous oversight.

Far beyond fulfilling the constitutional responsibilities of this body, the confirmation process involving Judge Roberts has served as an essential reminder of the constitutional role of judges and the judiciary under our Republican form of government. At a time when too many of those in the judicial branch have sought to use their lifetime-tenured position to advance their own personal ideological or political preferences in deciding matters which come before them, at a time when too many within the legal, media, and political elites have sought to recast the role of the judiciary into a superlegislature, approving of and even urging judges to supplant their views for those of the elected representatives of the American people, Judge Roberts has served to remind us that such actions and such views are anticonstitutional and contrary to the rule of law itself.

The American people have listened to Judge Roberts in this regard. They like what they have heard because it rings true with what we all learned but some have forgotten, from high school civics class and what we profess in doctrines of separation of powers among the branches of our Federal Government.

Let me repeat some of what Judge Roberts has said:

> Judges and Justices are servants of the law, not the other way around.
>
> Judges are not to legislate, they're not to execute the laws.
>
> Judges need to appreciate that the legitimacy of their action is confined to interpreting the law and not making it.
>
> Judges are not individuals promoting their own particular views, but they are supposed to be doing their best to interpret the law, to interpret the Constitution, according to the rule of law, not their own preferences, not their own personal beliefs.

These are simple but profound statements. They go to the heart of our constitutional system and what we mean by the rule of law.

As Chief Justice of the United States, John Roberts will not only serve as the Chief Justice of the Supreme Court but he will also serve as the leader of the entire Federal judiciary, setting the standards, showing the way, and speaking for an entire branch of our Federal Government. Every judge in our Federal system and every person who aspires to join its ranks at some future date should hear and receive Judge Roberts' words and seek to follow them with fidelity. A lot is riding on their willingness to do so.

Judicial independence is another phrase bantered about of late by judges and others who feel threatened by legitimate congressional oversight of the judiciary. Judicial independence does not exist to shield judges from congressional and public scrutiny from improper judicial actions. Judicial independence does not shield judges from the inquiry of impeachment and removal from office for lawless actions on the bench. Federal judges, appointed for life, subject to removal only upon impeachment, are afforded this extraordinary power precisely to permit them to follow the law, even when following the law may be politically unpopular.

Describing his own fidelity to the Constitution and to the rule of law, Judge Roberts told the Judiciary Committee:

> As a judge I have no agenda. I have a guide in the Constitution and the laws and the precedents of the Court, and those are what I would apply with an open mind, after fully and fairly considering the arguments and assessing the considered views of my colleagues on the bench.

We should confirm Judge Roberts not merely because he said that; we should

confirm him because he has lived it. We can ask no more of our judges but we must ask no less. Let this be the standard we apply to this nominee and to future nominees, both to the Supreme Court and to lower courts.

I urge my colleagues to confirm the President's nomination of Judge John G. Roberts as Chief Justice of the United States.

I yield the floor.

## RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 p.m. having arrived, the Senate will stand in recess until 2:15 p.m.

Thereupon, the Senate, at 12:38 p.m., recessed until 2:20 p.m, and reassembled when called to order by the Presiding Officer (Mr. CHAMBLISS).

## EXECUTIVE SESSION

### NOMINATION OF JOHN G. ROBERTS, JR., TO BE CHIEF JUSTICE OF THE UNITED STATES—Continued

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, what is pending before the Senate?

The PRESIDING OFFICER. Under the previous order, the time from 2:15 to 2:45 p.m. will be under the control of the majority. We are on the Roberts nomination.

Mr. SESSIONS. Mr. President, I appreciate the opportunity to share some thoughts on this important matter and I probably will speak again before this final vote occurs.

Mr. President, this is an important process. What we are doing here is more important than the average confirmation, in my view. What has been going on for virtually the entire time I have been in the Senate, going on 8 years, and certainly in the last 5 years, has been a rigorous and vigorous debate over the role of courts in American life. The American people have become very concerned that those we appoint and confirm to the Federal judiciary and have been given a lifetime appointment, as a result of that are unaccountable to the American people; that they are not, therefore, any longer a part of the democratic process and can only be removed from office on causes relating to an impeachment or their own resignation or death.

This has raised concerns because these lifetime-appointed, unaccountable officials of our Government have set about to carry out political agendas. There is no other way to say it. I hate to be negative about our courts because I believe in our courts. The courts I practiced before, the Federal courts in Alabama, are faithful to the law. If a Democratic judge or Republican judge, a liberal or conservative, is faithful to the law, I do not see a problem. Overwhelmingly, in the courts of America today, justice is done.

But we have a growing tendency among the members of our Supreme Court. Many of them have been there for many years. It strikes me that perhaps they have lost some discipline. They have forgotten they were appointed and not anointed. As my good friend said—a former judge, now deceased, Judge Thomas, in the Southern District of Alabama: Remember, you were appointed, not anointed.

I think they have forgotten that. I believe they have begun to think it is important for them and the courts to settle disputed social issues in the country; that they are somehow an elite group of guardians of the public health and that they should protect us from ourselves on occasion.

We have seen that. We have seen a series of opinions that, as a lawyer, I believe cannot be justified as being consistent with the words or any fair interpretation of the words of the Constitution of the United States. That is what a judge is sworn to uphold.

These issues are important, as I said, because if this is true, and if judges are going beyond what they have been empowered to do, and they are twisting or redefining or massaging the words of the Constitution to justify them in an unjustified act of imposing a personal view on America, then that is a serious problem indeed, and I am afraid that is what we have.

They say it is good. The law schools, some of them, these professors, believe judges should be strong and vigorous and active and should expand the law and that the Constitution is living. So, therefore ''living'' means, I suppose, you can make it say what you want it to say this very moment.

But Professor Van Alstyne at Duke once said to a judicial conference I attended many years ago: If you love this Constitution, if you really love it, if you respect it, you will enforce it—''it''—as it is written. When judges don't do that they therefore do not respect the Constitution. In fact, they create a situation in which a future court may be less bound by that great document. It can erode our great liberties in ways we cannot possibly imagine today.

The name of Justice Ginsburg sometimes came up at Judge Roberts hearings because of her liberal positions on a number of issues before she went on the bench. Yet she was confirmed overwhelmingly. An argument was made therefore Judge Roberts, who has mainstream views, ought to be confirmed. She just recently made a speech to the New York Bar Association. She said she was not happy being the only female Justice on the Court but she stated:

> Any woman will not do. There are some women who might be appointed who would not advance human rights or women's rights.

What about other groups' rights? Do you need to advance all those other rights, too? And what is a right?

Then she dealt with the question of foreign law being cited by the Supreme Court of the United States. We have had a spate of judges, sometimes in opinions and sometimes in speeches, making comments that suggest their interpretation of the law was influenced by what foreign people have done in other countries. She said:

> I will take enlightenment wherever I can get it. I don't want to stop at the national boundary.

Then she noted that she had a list of qualified female nominees, but the President hadn't consulted with her—and I would hope not, frankly.

Why are we concerned about citing foreign law? We are concerned because this is an element of activism. Our historic liberties are threatened when we turn to foreign law for answers.

This is a bad philosophy and a bad tendency because we are not bound by the European Union. We didn't adopt whatever constitution or laws or documents they have in the European Union. What does our Constitution say?

> We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defense, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.

Not some other one. Not one you would like, not the way you might like to have had it written, but this one. That is the one that we passed. That is the one the people have ratified. That is the one the people have amended. And that is the one a judge takes an oath to enforce whether he or she likes it or not.

You tell me how an opinion out of Europe or Canada or any other place in the world has any real ability to help interpret a Constitution, a provision of which may have been adopted 200 years ago.

I submit not.

You see, we have to call on our judges to be faithful to that. I do not want, I do not desire, and the President of the United States has said repeatedly that he does not want, he does not desire that a judge promote his political or social agenda. That is what we fight out in this room right here, right amongst all of us. We battle it out, and I am answerable to the people in my State, the State of Alabama. That is who I answer to, and each one of us answers to the people in our states; and the President answers to all the people of the United States. That is where the political decisions are made, and we leave legal decisions in the court.

My time to speak is limited. I will close with this: We have never had a judge come before this Senate, in my opinion, who has in any way come close to expressing so beautifully and so richly and so intelligently the proper role of a court. Judge Roberts used a common phrase: You should be a neutral umpire. Certainly he should be that. Absolutely that is a good phrase.

A judge should be modest. He should decide the facts and the law before the

court, not using that in an expansive way to impose personal views beyond the requirement of that court; that a court does not seek to set out to establish any result, it simply decides the dispute that is before a court.

That is why I think we have had a long political battle over this. Frankly, Senator after Senator has been elected after committing to support the kind of judges President Bush has said he would nominate and has, in fact, nominated. If we continue this process, we will return our courts to that wonderful station they need to always hold; that is, they will be neutral, fair, objective arbiters, will not legislate in any way based upon their personal views, their personal biases, their political opinions, their social agendas to affect or infect and corrupt their decisions as they go about their daily jobs. John Roberts understands that completely. He has articulated that principle far more eloquently than I could ever do, and he has won the support of the people. Everywhere I go, people tell me how magnificent they thought he has been in explaining these issues.

It is what the American people want. The President has given us that. And I believe, in the long run, this could be a turning point in which we take politics out of the courtroom, leave the politics to the politicians, and put the courts back in the business of deciding the legal cases.

I think my time has expired. I yield the floor.

The PRESIDING OFFICER (Mr. VOINOVICH). The Senator from Georgia.

Mr. ISAKSON. Mr. President, I rise on the advice and consent question of Judge John Roberts.

Before I address my judgment on that, I would like to pay tribute for a second to Sandra Day O'Connor and the late William Rehnquist.

Sandra Day O'Connor's announced retirement caused the nomination by the President of John Roberts, and subsequently the untimely passing of Chief Justice Rehnquist afforded the opportunity for that nomination to be for Chief Justice as well. In the anticipated furor of this debate and confirmation, the credit never was given that should have been to Justice O'Connor or Justice Rehnquist.

Sandra Day O'Connor was the first woman appointed to the U.S. Supreme Court. She served with honor and distinction. She wrote brilliantly, concisely, and succinctly, and, most importantly of all, she had an insight and wisdom second to none. In fact, I commend to everyone her final writing, her dissenting opinion on the eminent domain case, if you want to see a Justice who was well grounded and interested in the American people.

Judge Rehnquist was the 16th Justice of the United States, an outstanding individual of immense capacity, dedication, and commitment to the United States of America. His loss is a tragedy, and the retirement of Justice O'Connor is a loss to the Court.

But now we are confronted with our constitutional responsibility as Members of the Senate to address the question of John Roberts, the nominee of President Bush.

I come to this debate somewhat differently than a lot who preceded me. I am not an attorney. Before my election to the Senate, I was a businessman, always had been, always will be when I leave. I come also as a new Member of the Senate. In fact, a year ago today, I was engaged in a debate in Columbus, GA, with my Democratic opponent for the Senate seat. The issue that night of that debate was clearly what was the role of the Senate in terms of the confirmation of a Justice to the Supreme Court and the issue of the day, which was filibuster. It was only a year ago when whether a judge could even get an up-or-down vote was a major question on the floor of the Senate.

I happen to have been elected, obviously, to that Senate seat, sworn in on January 4, and came to the Senate to find that advice and consent was impossible because filibuster was the rule of the day. Then a unique thing happened. Fourteen Members of this body made a deal—and I commend them for it. They broke a logjam, and very quickly we were able to confirm six appointments to the court, some who had languished as long—as in the case of Judge Pryor—as 4 years.

No one knew Justice O'Connor would announce her retirement a few weeks later, nor that Chief Justice Rehnquist would die, but all of us knew that when an appointment came, the agreement that had been made might be put in jeopardy because it set forth a standard that filibuster might be necessary under extraordinary circumstances. There were many who anticipated whomever the President appointed would be in and of itself an extraordinary circumstance.

Then along came John G. Roberts, who is an extraordinary man.

I will vote to confirm the President's nomination of John G. Roberts as Chief Justice of the United States. In large measure, I will do so because of who and what John G. Roberts is, has been, and will be—a decent and humble man of immense intelligence and demonstrated compassion.

We will hear and I have heard earlier today some in this Chamber who will tell us that he never answered any questions; we don't know where he stands. Well, to me, those are simply code words for them saying they couldn't pin him down, tie him in knots, or prejudice him for future decisions. Personally, I don't want a Justice who any lawyer can tie in knots or predispose. I want a judge I can stand before and count on the fact that he will call them like he sees them, that he won't be in one corner or the other, that he will do what is right, what is dictated by the law and the Constitution.

In my 33 years in business, I was in court from time to time—as few times as possible. But all of us have been. I served as a foreman of a grand jury. I served on a petit jury. I have been, in the case as a businessman, in court myself. I don't want to go into a courtroom where I know I have a judge who has a bent, a predisposition, or an agenda. I want to go before a judge who wants to treat me under the law as equally and as fairly as my opponent on the other side, who will rule based on the facts, based on what is before him, based on the law, and based on our Constitution. I want a Justice who will study the law, listen to my side of the case, listen to the other side, and call it as he sees it.

In his introduction, John Roberts said he was an umpire and he was a humble man. That says a lot about John Roberts. If there is anything we need on the bench today, it is those who see themselves umpires making the right call, the right decision the right time in every single case, for there is no instant replay on the Supreme Court of the United States of America. As Judge Roberts said in his confirmation hearing before the Judiciary Committee, just as people do not go to a baseball game to watch the umpires, they do not go to court to watch the judge. They go to court to get a fair decision, unvarnished and untainted.

I was in Columbus, GA, during the break in August. I did an education listening session. After it was over, I met with some 6th grade kids of that school, some kids I gave the chance to ask me questions, some children I gave the chance to find out what they would like to know from a Senator.

A little girl by the name of Maleka said: Senator ISAKSON, I have one question for you. What is the hardest decision you are going to have to make in the U.S. Senate? What is the most important decision you are going to have to make in the U.S. Senate?

That was about a month ago today.

The first answer I gave her was confirming Justices to the Supreme Court of the United States.

It came to my mind instinctively because we all knew the nomination of Judge Roberts had been made and we would make that decision. All of us in here also know that the Constitution specifically says it is our advice and our consent which makes that determination.

We also know that the third leg of the stool which is the great genius of the United States of America is the judicial branch, which is equal and separate from the courts and the executive. But it is also in these confirmations where the executive, the legislative, and the judicial come together. There is no more important decision made by a Member of the Senate than who the next Justice or Chief Justice of the United States will be.

I close my remarks by telling you this: John G. Roberts has made the toughest decision I will have to make an easy one. He is a class act. He is an

intellect. He is an honorable man. He is a man who, when the cases of justice in America are decided before our Supreme Court, will call it as he sees it, listen to both sides, rule on the law, and understand the Constitution. You can ask no more of a man than John Roberts has demonstrated time and again. That is precisely what he will deliver.

Thursday at 11:30 I will be honored to cast my vote on behalf of the people of Georgia to confirm John G. Roberts as the 17th Chief Justice of the United States in the history of our country.

I yield the floor.

## ORDER OF PROCEDURE

Mr. ISAKSON. Mr. President, I ask unanimous consent that I now be permitted to speak as if in morning business.

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

## JACOB L. FRAZIER POST OFFICE BUILDING

Mr. ISAKSON. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 3767 which was received from the House.

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

The assistant legislative clerk read as follows:

A bill (H.R. 3767) to designate the facility of the United States Postal Service located at 2600 Oak Street in St. Charles, Illinois as the ''Jacob L. Frazier Post Office Building.''

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

Mr. ISAKSON. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

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

The bill (H.R. 3767) was read the third time and passed.

## KARL MALDEN STATION

Mr. ISAKSON. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be discharged from further consideration of H.R. 3667 and that 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 legislative clerk read as follows:

A bill (H.R. 3667) to designate the facility of the United States Postal Service located at 200 South Barrington Street in Los Angeles, California as the ''Karl Malden Station.''

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

Mr. ISAKSON. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table with no intervening action or debate, and that any statements relating to measure be printed in the RECORD.

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

The bill (H.R. 3667) was read the third time and passed.

## SERVICEMEMBERS' GROUP LIFE INSURANCE ENHANCEMENT ACT OF 2005

Mr. ISAKSON. Mr. President, I ask unanimous consent that the committee on Veterans' Affairs be discharged from further consideration of H.R. 3200 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. 3200) to amend title 38, the United States Code, to enhance the Servicemembers' Group Life Insurance Program, and for other purposes.

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

Mr. ISAKSON. Mr. President, I ask unanimous consent that the Craig amendment which is at the desk be agreed to, the bill, as amended, be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the measure be printed in the RECORD.

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

The amendment (No. 1872) was agreed to, as follows:

(Purpose: to provide a complete substitute)

Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Servicemembers' Group Life Insurance Enhancement Act of 2005''.

**SEC. 2. REPEALER.**

Effective as of August 31, 2005, section 1012 of division A of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005 (Public Law 109–13; 119 Stat. 244), including the amendments made by that section, are repealed, and sections 1967, 1969, 1970, and 1977 of title 38, United States Code, shall be applied as if that section had not been enacted.

**SEC. 3. INCREASE FROM $250,000 TO $400,000 IN AUTOMATIC MAXIMUM COVERAGE UNDER SERVICEMEMBERS' GROUP LIFE INSURANCE AND VETERANS' GROUP LIFE INSURANCE.**

(a) MAXIMUM UNDER SGLI.—Section 1967 of title 38, United States Code, is amended—

(1) in subsection (a)(3)(A)(i), by striking ''$250,000'' and inserting ''$400,000''; and

(2) in subsection (d), by striking ''of $250,000'' and inserting ''in effect under paragraph (3)(A)(i) of that subsection''.

(b) MAXIMUM UNDER VGLI.—Section 1977(a) of such title is amended—

(1) in paragraph (1), by striking ''in excess of $250,000 at any one time'' and inserting ''at any one time in excess of the maximum amount for Servicemembers' Group Life Insurance in effect under section 1967(a)(3)(A)(i) of this title''; and

(2) in paragraph (2)—

(A) by striking ''for less than $250,000 under Servicemembers' Group Life Insurance'' and inserting ''under Servicemembers' Group Life Insurance for less than the maximum amount for such insurance in effect under section 1967(a)(3)(A)(i) of this title''; and

(B) by striking ''does not exceed $250,000'' and inserting ''does not exceed such maximum amount in effect under such section''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as of September 1, 2005, and shall apply with respect to deaths occurring on or after that date.

**SEC. 4. SPOUSAL NOTIFICATIONS RELATING TO SERVICEMEMBERS' GROUP LIFE INSURANCE PROGRAM.**

Effective as of September 1, 2005, section 1967 of title 38, United States Code, is amended by adding at the end the following new subsection:

''(f)(1) If a member who is married and who is eligible for insurance under this section makes an election under subsection (a)(2)(A) not to be insured under this subchapter, the Secretary concerned shall notify the member's spouse, in writing, of that election.

''(2) In the case of a member who is married and who is insured under this section and whose spouse is designated as a beneficiary of the member under this subchapter, whenever the member makes an election under subsection (a)(3)(B) for insurance of the member in an amount that is less than the maximum amount provided under subsection (a)(3)(A)(i), the Secretary concerned shall notify the member's spouse, in writing, of that election—

''(A) in the case of the first such election; and

''(B) in the case of any subsequent such election if the effect of such election is to reduce the amount of insurance coverage of the member from that in effect immediately before such election.

''(3) In the case of a member who is married and who is insured under this section, if the member makes a designation under section 1970(a) of this title of any person other than the spouse or a child of the member as the beneficiary of the member for any amount of insurance under this subchapter, the Secretary concerned shall notify the member's spouse, in writing, that such a beneficiary designation has been made by the member, except that such a notification is not required if the spouse has previously received such a notification under this paragraph and if immediately before the new designation by the member under section 1970(a) of this title the spouse is not a designated beneficiary of the member for any amount of insurance under this subchapter.

''(4) A notification required by this subsection is satisfied by a good faith effort to provide the required information to the spouse at the last address of the spouse in the records of the Secretary concerned. Failure to provide a notification required under this subsection in a timely manner does not affect the validity of any election specified in paragraph (1) or (2) or beneficiary designation specified in paragraph (3).''.

**SEC. 5. INCREMENTS OF INSURANCE THAT MAY BE ELECTED.**

(a) INCREASE IN INCREMENT AMOUNT.—Subsection (a)(3)(B) of section 1967 of title 38, United States Code, is amended by striking ''member or spouse'' in the last sentence and inserting ''member, be evenly divisible by $50,000 and, in the case of a member's spouse,''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as of September 1, 2005.

The bill (H.R. 3200), as amended, was read the third time and passed.

## WATER RESOURCES RESEARCH ACT AMENDMENTS OF 2005

Mr. ISAKSON. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 139, S. 1017.

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

The assistant legislative clerk read as follows:

A bill (S. 1017) to reauthorize grants for the water resources research and technology institutes established under the Water Resources Research Act of 1984.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Environment and Public Works, with amendments.

[Insert the parts shown in italic.]

S. 1017

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Water Resources Research Act Amendments of 2005''.

**SEC. 2. WATER RESOURCES RESEARCH.**

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 104(f) of the Water Resources Research Act of 1984 (42 U.S.C. 10303(f)) is amended—

(1) in the subsection header, by striking ''IN GENERAL'';

(2) by striking paragraph (1) and inserting the following:

''(1) IN GENERAL.—There is authorized to be appropriated to carry out this section, to remain available until expended—

''(A) $12,000,000 for each of fiscal years 2006 through 2008; and

''(B) $13,000,000 for each of fiscal years 2009 and 2010.''; and

(3) in paragraph (2), by striking ''(2) Any'' and inserting the following:

''(2) FAILURE TO OBLIGATE FUNDS.—Any''.

(b) ADDITIONAL APPROPRIATIONS WHERE RESEARCH FOCUSED ON WATER PROBLEMS OF INTERSTATE NATURE.—Section 104(g) of the Water Resources Research Act of 1984 (42 U.S.C. 10303(g)) is amended—

(1) by redesignating paragraph (2) as paragraph (4); and

(2) in paragraph (1)—

(A) in the first sentence—

(i) by striking ''*(1)* There'' and inserting the following:

''(1) IN GENERAL.—There''; and

(ii) by striking ''$3,000,000 for fiscal year 2001, $4,000,000 for *each of* fiscal years 2002 and 2003, and $6,000,000 for *each of* fiscal years 2004 and 2005'' and inserting ''$6,000,000 for each of fiscal years 2006 through 2008 and $7,000,000 for each of fiscal years 2009 and 2010'';

(B) in the second sentence, by striking ''Such'' and inserting the following:

''(2) NON-FEDERAL MATCHING FUNDS.—The''; and

(C) in the third sentence, by striking ''Funds'' and inserting the following:

''(3) AVAILABILITY OF FUNDS.—Funds''.

Mr. ISAKSON. Mr. President, I ask unanimous consent that the committee-reported amendments be agreed to, the bill, as amended, be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements related to the bill be printed in the RECORD.

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

The committee amendments were agreed to.

The bill (S. 1017), as amended, was read the third time and passed.

## GULF COAST EMERGENCY WATER INFRASTRUCTURE ASSISTANCE ACT

Mr. ISAKSON. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be discharged from further consideration of S. 1709 and the Senate proceed to its immediate consideration.

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

The assistant legislative clerk read as follows:

A bill (S. 1709) to provide favorable treatment for certain projects in response to Hurricane Katrina, with respect to revolving loans under the Federal Water Pollution Control Act, and for other purposes.

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

Mr. ISAKSON. Mr. President, I ask unanimous consent the amendment at the desk be agreed to, the bill, as amended, be read the third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

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

The amendment (No. 1873) was agreed to, as follows:

(Purpose: To provide a complete substitute)

Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Gulf Coast Emergency Water Infrastructure Assistance Act''.

**SEC. 2. DEFINITION OF STATE.**

In this Act, the term ''State'' means—

(1) the State of Alabama;

(2) the State of Louisiana; and

(3) the State of Mississippi.

**SEC. 3. TREATMENT OF CERTAIN LOANS.**

(a) DEFINITION OF ELIGIBLE PROJECT.—In this section, the term ''eligible project'' means a project—

(1) to repair, replace, or rebuild a publicly-owned treatment works (as defined in section 212 of the Federal Water Pollution Control Act (33 U.S.C. 1292)), including a privately-owned utility that principally treats municipal wastewater or domestic sewage, in an area affected by Hurricane Katrina or a related condition; or

(2) that is a water quality project directly related to relief efforts in response to Hurricane Katrina or a related condition, as determined by the State in which the project is located.

(b) ADDITIONAL SUBSIDIZATION.—

(1) IN GENERAL.—Subject to paragraph (2), for the 2-year period beginning on the date of enactment of this Act, a State may provide additional subsidization to an eligible project that receives funds through a revolving loan under section 603 of the Federal Water Pollution Control Act (33 U.S.C. 1383), including—

(A) forgiveness of the principal of the revolving loan; or

(B) a zero-percent interest rate on the revolving loan.

(2) LIMITATION.—The amount of any additional subsidization provided under paragraph (1) shall not exceed 30 percent of the amount of the capitalization grant received by the State under section 602 of the Federal Water Pollution Control Act (33 U.S.C. 1382) for the fiscal year during which the subsidization is provided.

(c) EXTENDED TERMS.—For the 2-year period beginning on the date of enactment of this Act, a State may extend the term of a revolving loan under section 603 of that Act (33 U.S.C. 1383) for an eligible project described in subsection (b), if the extended term—

(1) terminates not later than the date that is 30 years after the date of completion of the project that is the subject of the loan; and

(2) does not exceed the expected design life of the project.

(d) PRIORITY LISTS.—For the 2-year period beginning on the date of enactment of this Act, a State may provide assistance to an eligible project that is not included on the priority list of the State under section 216 of the Federal Water Pollution Control Act (33 U.S.C. 1296).

**SEC. 4. PRIORITY LIST.**

For the 2-year period beginning on the date of enactment of this Act, a State may provide assistance to a public water system that is not included on the priority list of the State under section 1452(b)(3)(B) of the Safe Drinking Water Act (42 U.S.C. 300j–12(b)(3)(B)), if the project—

(1) involves damage caused by Hurricane Katrina or a related condition; and

(2) is in accordance with section 1452(b)(3)(A) of that Act (42 U.S.C. 300j–12(b)(3)(A)).

**SEC. 5. TESTING OF PRIVATELY-OWNED DRINKING WATER WELLS.**

On receipt of a request from a homeowner, the Administrator of the Environmental Protection Agency may conduct a test of a drinking water well owned or operated by the homeowner that is, or may be, contaminated as a result of Hurricane Katrina or a related condition.

The bill (S. 1709), as amended, was read the third time and passed.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

## EXECUTIVE SESSION

## NOMINATION OF JOHN G. ROBERTS, JR., TO BE CHIEF JUSTICE OF THE UNITED STATES—Continued

Mr. DODD. Mr. President, I believe the time will be allocated to my colleague from Michigan, Senator LEVIN, but he has agreed to allow me to use his time to speak. He will speak at a later time today.

The PRESIDING OFFICER. The Senate is under the control of the Democrats from 3:45 on, so the Senator can speak.

Mr. DODD. Mr. President, the outcome of this nomination is now all but certain. In that regard, what I am about to say will have little impact on the fate of this nominee.

Nevertheless, it is exceedingly rare that the Senate is asked to consider a nominee to fill a vacancy in the office of Chief Justice of the United States. Indeed, there have only been 16 Chief Justices in our Nation's history. Further, it is difficult to overstate the importance of the next Chief Justice on our Nation's future.

For these reasons, I feel compelled to come to the floor today to explain how I will vote on the nomination of John Roberts to be our country's next Chief Justice.

Every vote we cast as Senators is important. But some votes are more important than others. In my view, the most important votes that we cast in this body are those giving the President authority to go to war, those amending the United States Constitution, and those that fill vacancies in the judicial branch.

These votes, more than any others, can permanently affect the essential character of our Nation. They involve fundamental questions about whether our Nation will spend blood and treasure in armed conflict; about whether the cornerstone document of our Republic will be modified; and about the make-up of a third, separate, coequal branch of our Government—the principal duty of which is to make real for each American the promise of equal justice under the law.

Of the votes that we cast regarding judicial nominees, a small percentage is cast for Supreme Court Justice. An even smaller number of votes is cast for Chief Justice. In nearly a quarter of a century in this body, I have had the privilege of casting 8,415 votes—more than all but 16 of our colleagues. This is only the 10th time in that period that I have had the duty to consider a vote for Supreme Court Justice. And it is only the second time that I have considered a nominee for Chief Justice.

In casting these votes—and in casting other votes for judicial nominees—I have supported the vast majority of candidates nominated by this and prior presidents. That includes nominees to the Supreme Court. I have supported six of the last nine nominees to the High Court. Of the current president's 219 judicial nominees, only five have failed to win confirmation. I, like all of our colleagues, have supported the overwhelming majority of these nominees.

In reviewing a nomination for the judicial branch, I believe the Senate has a duty to undertake a higher degree of independent review than might be appropriate for a nomination to the Executive branch. There are two reasons for that heightened degree of scrutiny:

First, because we are considering nominees who will populate—and in this case, lead—a separate, coequal branch of government; and

Second, because Article III nominees, when confirmed, are confirmed for life. That makes them unique among all other Federal officials.

In reviewing judicial nominees, I have never imposed any litmus tests.

Indeed, I have supported nominees—including to the Supreme Court—whose views and philosophy I did not necessarily share. I did so because they met what I consider to be the three crucial qualifications that every judicial nominee must meet:

First, that they possess the legal and intellectual competence required to discharge the responsibilities of their office;

Second, that they possess the qualities of character required of a judge or justice—including reason, wisdom, and fairmindedness; and

Third, that they possess a commitment to equal justice for all under the law, which is the legal principle that is the foundation for all of our laws.

With respect to the nomination now before the Senate, I have reviewed the record. I have read the briefs, if you will, of both sides. I have heard the case both for and against Judge Roberts.

In so doing, I would be remiss not to thank the distinguished chairman Senator SPECTER, and ranking member of the Judiciary Committee PATRICK LEAHY of Vermont, for the extraordinary service they have rendered to the Senate and to the country. The hearings into this nomination were thorough, thoughtful, and deliberate, and I have watched many over the years. They are to be congratulated for the manner in which they led the committee in discharging its duties.

I approached Judge Roberts' nomination with an open mind. I harbored no hidden proclivity to oppose his nomination because of his conservative record. Nor did I carry a presumption to support it because he is ''the President's choice'', or because he was described by the President as a ''gentleman'', or because of his stellar legal credentials.

The written and testimonial record with respect to this nominee is mixed. It does lead this Senator to unequivocally conclude that his nomination should be supported or opposed. For those of us concerned about the right to privacy, about a woman's right to choose, about equal opportunity, about environmental protection, about ensuring that all are truly equal before the bar of justice—in short, for those of us concerned about keeping America strong and free and just—this is no easy matter.

The record in several respects provides cold comfort for those of us seeking to preserve and expand America's commitment to equal justice for all. I was concerned about numerous written statements he made during his previous stints in Federal service—about voting rights, about the right to privacy, about Roe v. Wade, about equality between men and women, about restricting the ability of courts to strike down racially discriminatory laws and practices, and about environmental protection.

Nor did Judge Roberts' hearing testimony do much to dispel my concerns about those earlier statements. On multiple occasions, he explained that he was reflecting the views of his superiors, rather than voicing his own personal opinions. Yet, when invited to explain his personal views, he repeatedly demurred—explaining that to state his own views would potentially telegraph his position on sensitive matters that could come before the Court.

I can certainly understand the nominee's reluctance to prejudge a matter. No responsible nominee would do that; it would be inherently injudicious to do so. Yet, it is hard to escape the conclusion that these were answers of convenience, as well as duty.

At the very least, his refusal to answer certain questions leaves us wanting. We certainly know less about this nominee than many of us would like to know.

For that reason, I understand and respect the decision by those of our colleagues—including the Democratic Leader, Senator REID, Senator KENNEDY, Senator BIDEN, Senator FEINSTEIN, and others—who feel that they cannot vote to confirm this nominee in large part because the Senate has been denied additional information about his background and views.

Nevertheless, we are required to make a judgment based on the information we know, as well as in consideration of what we do not know. The record is incomplete. But unfortunately it is all we have. It cannot and should not be read selectively. The question for this Senator is not whether the record is all I would like it to be, but whether it provides sufficient information to determine whether the nominee meets the three qualifications I have just set forth—competence, character, and a commitment to equal justice.

On the question of competence, there is absolutely no doubt that John Roberts possesses the capabilities required to serve not only as a Justice on the Supreme Court, but as Chief Justice, as well. He has been described as one of finest lawyers of his generation—if not the finest. His academic and legal qualifications are superior. Even those who oppose his nomination readily agree that he has proven himself an outstanding advocate and jurist.

On the question of character, there is no real question that this nominee possesses the qualities of mind and temperament that make him well-suited to serve as Chief Justice. He impressed me as someone who is personally decent, level-headed, and respectful of different points of view. In his answers to questions and in his demeanor, he convinced me that he will exercise judgment based on the law and the facts of a particular matter.

Judge Roberts demonstrated that he understands the unsurpassing importance of separating his personal views—including his religious views—from his judicial reasoning in arriving at decisions. And I believe that his decisions as a Federal appellate judge demonstrate his ability to do that.

I was particularly intrigued and impressed by Judge Roberts' discussion of former Justice Robert Jackson. Justice Jackson was known for opinions protecting first amendment freedoms and placing principled checks on the power of the President. These opinions—including Board of Education v. Barnette, the ''Steel Seizure Cases'', and the Korematsu case—were all the more remarkable for the fact that Jackson went to the Court directly from his position as Attorney General under President Roosevelt. In the Youngstown case, Justice Jackson actually disagreed with a position he had taken as Attorney General.

In these and other cases, Jackson demonstrated a remarkable capacity for independent, progressive thought, and a deep commitment to uphold the constitutional rights that belong to each and every American, regardless of their station in life. Judge Roberts cited Justice Jackson with admiration. That provides some reassurance to those of us looking for him to demonstrate an understanding that as a Justice of the Supreme Court he will carry no brief for a particular party or president, but rather for the Constitution and the people it governs.

On the question of competence, and on the question of character, this nominee clears the high bar required of a Supreme Court Justice. We are left, then, to consider the question of his commitment to the fundamental principle of our law: that all men and women are entitled to equal justice.

In so doing, we do not have a crystal ball. We cannot say with certainty how he will rule on the critical issues that the Court is likely to face in months and years to come: on privacy, on choice, on civil rights, on the death penalty, on presidential power, and many others.

However, I believe that the record contains sufficient information to provide a reasonable expectation of how Judge Roberts will go about making decisions if confirmed. His approach, in my view, is certainly within the mainstream of judicial thinking. Allow me to briefly discuss two critical aspects of that approach as I see it.

First, he demonstrated an appropriate respect for precedent. This respect is the first and most important quality that a good judge must possess. If a judge is unwilling or unable to consider settled precedent, then the law is unsettled—and our citizenry cannot know with assurance that the rights, privileges, and duties that they possess today will continue to exist in the future.

This is a delicate area, for the obvious reason that some precedents deserve to be overruled. Cases such as the Dred Scott decision and Plessy v. Ferguson come to mind. But in many other instances, precedent is of enormous importance in maintaining and strengthening our system of laws.

Judge Roberts acknowledged as much in his discussion of the right to privacy. In vigorous questioning by the Judiciary Committee, he made clear that he respects Supreme Court precedents that recognize a constitutional right to privacy. He stated further that this right is protected by the liberty clauses of the 5th and 14th Amendments to the Constitution, as well as by the 1st, 3rd, and 4th Amendments. Moreover, he asserted that this right is a substantive one, and not merely procedural. This view stands in stark contrast to that of Justice Scalia, for instance, who believes that the right to privacy has no basis in the Constitution.

In discussing the right to privacy, Judge Roberts favorably cited both the Griswold and Eisenstadt cases, which recognize the right to privacy with respect to birth control for married and unmarried couples, respectively. Moreover, he stated that Roe v. Wade and Planned Parenthood v. Casey are settled law and therefore deserving of respect under principles of stare decisis.

The second aspect of his approach to judging that places him squarely in the mainstream is his view of the role of judges in our constitutional system. He made clear that he rejects theories that view the judicial function as one where the Constitution is considered as a static document. He rejects in my view, the notion that the job of the judge is to place himself into a time machine and decide cases as if he or she lived in the 19th century.

In his view, the Framers intended the Constitution, by its very language, to live in and apply to changing times. A judge by that view is neither a mechanic nor a historian.

Words like ''liberty,'' ''equal protection'' and ''due process'' are not sums to be solved, but vital principles that must be applied to the untidiness of human circumstances—including those circumstances that the Framers themselves could never have envisioned.

In that sense, the ''original intent'' of the Framers, if you will, was that their marvelous handiwork be interpreted in light of modern concepts of liberty and equal justice—not just those concepts as they were understood 218 years ago.

At the same time, Judge Roberts rejects the notion that judges may act as superlegislators. His discussion of the 1905 Lochner case which crippled the ability of Congress to pass laws protecting children and workers—was pivotal in articulating the dangers of judges who substitute their policy preferences for those of the legislative branch.

Here again, in my view, he reiterated his view that judges act on the basis of the facts and the law, not their own personal preferences. In this regard, it is worth noting that he indicated a willingness to examine recent Supreme Court decisions that severely restrict Congressional authority under the Commerce Clause to protect the public well-being.

Mr. President, in closing, today I am deciding not to vote on the basis of my fears about this nominee and I have them Rather, I choose to vote on the basis of my hopes that he will fulfill his potential to be a superb Chief Justice of the Supreme Court. He is a person of outstanding ability and strong character who possesses in my view a deep commitment to the law and the principle of equal justice for all.

As Chief Justice, John Roberts will have a great deal to do with what kind of country America will become in the 21st century. On the personal note, he will have a lot to say about what kind of lives my two young daughters will lead.

His relative youth, his intellect, his decency, and his dedication to justice provide him with a unique opportunity to shape the destiny of our Nation. For the sake of children like my daughters who will grow up in a world with opportunities and challenges we can barely imagine—and for the sake of the country we all love—I will support his nomination for Chief Justice of the United States and do so with my highest hopes for his success.

Mr. President, I yield the floor. I note the absence of a quorum.

The PRESIDING OFFICER (Mr. COLEMAN). The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. DORGAN. Mr. President, I know many will provide us with their views on this nominee for the Supreme Court, and I will make a couple points today as I describe the process by which I arrived at my decision.

Mr. President, the Constitution of this country establishes three branches of Government. When you look at this Constitution and read it, it is quite a remarkable document in all of the history of governments around the world. It was 1787 when in Philadelphia, in a hot room called the Assembly Room, 55 white men went into that room, pulled the shades because it was warm in Philadelphia that summer and they had no air-conditioning, and they wrote the Constitution; the Constitution that begins with the words, ''We the people.'' What a remarkable document. And that Constitution creates a kind of framework for our Government that is extraordinary and that has worked in the most successful way of any democracy in the history of mankind. In that Constitution they provided for what is called separation of powers, and for three branches of Government. One of those branches is the judiciary, and the Supreme Court is the top of the judiciary structure which interprets the Constitution in our country. Further, it is the only area in which there are lifetime appointments.

When we decide on a nominee for the Federal bench to become a Federal judge, as is the case with respect to the

Supreme Court, we decide yes or no on a nominee sent to us by the President. That person will be allowed to serve for a lifetime—not for 10 years or 20 years but for a lifetime. So it is a critically important judgment that the Senate brings to bear on these nominations.

The President sends us a nomination and then the Senate gives its advice and consent; America approves or disapproves. Even George Washington was unable to get one of his Supreme Court nominees approved by the Senate. He was pretty frustrated by that. But even George Washington failed on one of his nominees.

The role of the Senate is equal to the role of the President. There is the submission of a nominee by the President, and the yes or no by the Senate. Regrettably, in recent years, these issues have become almost like political campaigns with groups forming on all sides and all kinds of campaigning going on for and against nominees. It did not used to be that way, but it is in today's political climate.

I want to talk just a little about the nominee who is before us now, Judge John Roberts, for the Chief Justice of the Supreme Court. The position of Chief Justice is critically important. He will preside over the Supreme Court. And, it is a lifetime appointment proposed for a relatively young Federal judge. John Roberts, I believe, is 50 years old. He is likely to serve on the Supreme Court as Chief Justice for decades and likely, in that position, to have a significant impact on the lives of every American.

I asked yesterday to meet once again with Judge Roberts. I had met with him previously in my office. He came to my office again yesterday and we spent, I guess, 40 or 45 minutes talking. I wanted to meet with him just to discuss his views about a range of issues. There were a number of things that happened in the Judiciary Committee that triggered my interest—civil rights issues, women's rights, the right of privacy, court striping, and many others. Some of his writings in his early years, incidentally, back in the early 1980s also gave me some real pause.

So I asked to meet with him yesterday morning, and at 9:30 we had a lengthy discussion about a lot of those issues. But I confess that Judge Roberts did not give me specific responses that went much beyond that which he described publicly in the Judiciary Committee hearings. Nonetheless, by having met with Judge Roberts twice and having had some lengthy discussions about these many issues, he is clearly qualified for this job. That has never been in question. He has an impressive set of credentials, probably as impressive a set of credentials as any nominee who has been sent here in some decades. He clearly is smart, he is articulate, he is intense.

The question that I and many others have had is, Who is this man, really? What does he believe? What does he think? Will he interpret the Constitution of this country in a way that will expand or diminish the rights of the American people? For example, there are some, some who have previously been nominated to serve on the Supreme Court, who take the position there is no right to privacy in this country; that the Constitution provides no right to privacy for the American people. I feel very strongly that is an error in interpretation of the Constitution, and the nominees who have suggested that sort of thing would not get my support in the Senate. Those who read the Constitution in that manner, who say there is no right to privacy in the U.S. Constitution, I think, misread the Constitution.

I think at the conclusion of his hearings, it is interesting that advocates from both the left and the right had some concerns as a result of those hearings. I believe the conservatives worried at the end of his hearings that he wasn't conservative enough. I think liberals and progressives worried that he was too conservative.

Well, Judge Roberts clearly is a conservative. I would expect a Republican President to nominate a conservative. But from the discussions I have had with him, I also believe that Judge John Roberts will be a Chief Justice who will honor precedent and who will view his high calling to an impartial interpretation of the laws of this country.

Having now spent two occasions visiting with him about a number of issues, I believe he has the ability to serve this Nation well as Chief Justice, and I have decided, as a result, to vote for the confirmation of the nomination of Judge John Roberts. Some of my colleagues have announced they will vote for him, and they are voting their hopes rather than their fears. I would not characterize my vote that way. I think he is qualified, and I don't think he is an ideologue off to the far right—who believes there is no right to privacy and who wants to take us back in time in ways that would diminish the rights of the American people. As a result of that feeling, I intend to vote for this nominee. I recognize there is plenty of room for disagreement, that there is much that we don't know, not only about this nominee, but about everyone who comes before this Senate. And I fully respect the opinions of those who come to a different conclusion and who have reached a different point on this issue. But for me, this nominee, in my judgment, is well qualified to be a good Chief Justice for the country.

Mr. President, I yield the floor, and I make a point of order that a quorum is not present.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. REED. I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. REED. I thank the Chair.

Mr. President, we are at a moment of great importance in our Nation's history: the chance to choose a new Chief Justice for a lifetime appointment on the U.S. Supreme Court.

The Constitution makes the Senate an equal partner in the appointment and confirmation of Federal judges. Article II, section 2, clause 2, of the Constitution states that the President ''shall nominate, and by and with the Advice and Consent of the Senate, shall appoint . . . Judges of the Supreme Court.''

Neither this clause itself, nor any other text in the Constitution, specifies or restricts the factors that Senators should consider in evaluating a nominee. It is in upholding our constitutional duty to give the President advice and consent on his nominations to Federal courts that I believe we have our greatest opportunity and responsibility to support and defend the Constitution.

This is the first nominee to the Supreme Court that this body has had the opportunity to vote upon in 11 years. Like Members of this Chamber, this is my first opportunity to review and vote on a candidate for the Supreme Court.

My test for a nominee is simple, and it is drawn from the text, the history, and the principles of the Constitution.

A nominee's intellectual gifts, experience, judgment, maturity, and temperament are all important, but these alone are not enough. In this regard, I want to say something about the difference between a nomination to a lower court, including a court of appeals, and to the Supreme Court. The past decisions of the Supreme Court are binding on all lower courts. Therefore, even if a judge on a circuit court disagrees with well-established precedent about the rule of law, he or she is bound to apply that law in any case. However, the Supreme Court alone can overturn established legal precedent. As a result, I need to be convinced that a nominee for Supreme Court Justice will live up to the spirit of the Constitution.

The nominee needs to be committed not just to enforcing laws, but to doing justice. The nominee needs to be able to make the principles of the Constitution come alive—equality before the law, due process, full and equal participation in the civic and social life of America for all Americans, freedom of conscience, individual responsibility, and the expansion of opportunity. The nominee also needs to see the unique role the Court plays in helping balance the often conflicting forces in a democracy between individual autonomy and the obligations of community, between the will of the majority and the rights of the minority. A nominee for Supreme Court Justice needs to be able to look forward to the future, not just backward. The nominee needs to make the Constitution resonate in a world that is changing with great rapidity.

Judge Roberts' testimony before the Judiciary Committee and the legal documents he has produced throughout his career have not convinced me that he will meet this last test, that he will protect the spirit as well as the letter of the Constitution. In Judge Roberts' work as a private lawyer, and in two Republican administrations, he has created a long trail of documents revealing his judicial philosophy to be narrow and restrictive on issue after issue.

He has attempted to distance himself from some of his record by saying he was merely representing his clients and stating his clients' view. I cannot fully accept this argument. With a degree from Harvard Law School and a Supreme Court clerkship, this man could have chosen any legal role he wanted, but he chose to become a political activist in the Reagan and Bush I administrations, to advocate for the ideas he believed in. He knew what he believed then, and he chose his clients to pursue his own constitutional agenda.

We only have insight into this nominee's political activism because of papers obtained from the Ronald Reagan Presidential Library. I will point out, as others have, that our deliberations have been handicapped because this administration has refused to turn over documents that would be illustrative of his views, his ideas, his principles, and his passions. We only received the documents we have on his early career in the Government because they were in the custody of the Ronald Reagan Presidential Library. That, to me, has hobbled his nomination. I hope in the future, when a nominee is sent to us by the White House, they will be willing to release pertinent documents that will illustrate more clearly the positions of that nominee.

The Bush administration, though, repeatedly refused requests to give Senators records from Judge Roberts' time in the U.S. Solicitor General's Office. If Judge Roberts did wish to disassociate himself from the agenda he has advocated throughout his legal career, he had that opportunity during his hearings before the Judiciary Committee. Each of my colleagues on that committee asked him extensive questions about his judicial philosophy, his understanding of important legal issues, and his opinion of major Supreme Court precedents. Judge Roberts had the burden to convince this body that he would be a judicious and balanced member of the Supreme Court that would uphold the spirit of the Constitution. He had numerous opportunities to do so by releasing legal documents he had written and by candidly discussing his views on previously decided cases and broad areas of the law.

However, Judge Roberts failed to pass this test. He failed, in my view, to inform this body of his views on important constitutional issues. He stonewalled the release of important documents. He evaded fair and important questions, instead of offering honest and insightful answers, and he failed to demonstrate that he would uphold not just the letter of the law but also the spirit. As a result, I cannot support his lifetime nomination to the highest Court in America.

Now I would like to turn to some of the areas I have the most concern about regarding this nominee. The Constitution relies on a careful system of checks and balances between the judiciary, the legislature, and the executive. If the judiciary becomes a blank check for executive desires, this careful balance will break down. As a political appointee in the Reagan White House and Justice Department, however, Judge Roberts advocated expansive Presidential powers. For example, in a July 15, 1983, memorandum to White House counsel Fred Fielding, Roberts supported reconsidering the role of independent regulatory agencies like the FCC and the FTC, bringing them within the control of the executive branch. We lack sufficient information about his advocacy within the Reagan and Bush I administrations. But from his short tenure on the court of appeals, we already have two examples of cases where Judge Roberts has deferred to the administration. Judge Roberts has not had the chance to hear that many cases in his brief stint on the DC Circuit. However, these two are troubling, and they both give the President sweeping and unprecedented powers.

In Hamdan v. Rumsfeld, Roberts joined an opinion that upheld the military commissions this administration has created to try foreign nationals at Guantanamo Bay and agreed with the Bush administration that the Geneva Conventions did not apply to Hamdan. Judge Roberts' majority opinion argued that under the Constitution, the President ''has a degree of independent authority to act'' in foreign affairs and, for this reason and others, his construction and application of treaty provisions is entitled to ''great weight.''

But part of this decision was rejected by concurring senior judge Stephen Williams, a distinguished jurist and Republican appointee. He wrote that the United States, as a signatory to the Geneva Convention, was bound by its ''modest requirements of 'humane treatment' and 'the judicial guarantees which are recognized as indispensable by civilized peoples.'''

That was not the only case. In another case, Acree v. Republic of Iraq in 2004, Judge Roberts, alone among three judges, supported the Bush administration's position that a Presidential order validly divested the Federal courts of jurisdiction to hear suits against Iraqi officials brought by American prisoners of war for torture they suffered during the first Gulf War. For a man who has so little judicial experience, opinions in support of the administration's expansive powers in two different cases presents a troubling pattern to me.

Finally, if I may add, Judge Roberts' refusal to cooperate in turning over documents from his service in two presidential administrations to this body indicates his support for and compliance in this administration's unprecedented secrecy of executive branch operations. Indeed, memos he wrote in the 1980s show that he agreed with the administration's overly expansive claims of executive privilege to shield documents from the Congress and the public.

A number of cases on Presidential authority are likely to come before the Court in the near future. Although I am reassured that during the hearings Judge Roberts declared his support for the analytical framework established in Youngstown Sheet & Tube Company v. Sawyer, which some in the current administration have not done, I am still concerned about his respect for the balance of power required by the Constitution.

At the same time that Judge Roberts' record suggests he has been excessively deferential to the actions and whims of the executive branch, he has shown a troublesome activism in overruling the sovereign acts of this Congress. In recent years, a narrow majority on the Supreme Court and some lower court judges and right-wing academics and advocates have launched a Federalism revolution, cutting back on the authority of this Congress to enact and enforce critical laws important to Americans' rights and interests. These judges have overturned settled precedent by narrowly construing the commerce clause and section 5 of the 14th amendment, while broadly interpreting the 11th amendment and reading State sovereignty immunity into the text. Judge Roberts' short record raises troubling signs that he may subscribe to this new Federalism revolution.

In one case, Rancho Viejo v. Norton, Judge Roberts issued a dissent from the decision by the full DC Circuit not to reconsider upholding the constitutionality of the Endangered Species Act in this case. In other words, Judge Roberts viewed part of the Endangered Species Act as unconstitutional because he believed its application was an unconstitutional exercise of Federal authority under the commerce clause. This narrow reading of Congress's constitutional authority could undermine the ability of Congress to protect not just the environment but other rights and interests of the American people.

Judge Roberts' reasoning suggests he may subscribe to an extremely constricted interpretation of the commerce clause recently rejected by the Supreme Court in the medical marijuana case, Gonzales v. Raich. There the Court followed longstanding precedent, dating back to the 1940s, to hold that Congress commerce clause authority includes the power to regulate some purely local activities.

And this is not just about endangered species. Congress uses its constitutional authority under the commerce clause for all sorts of purposes in representing the American people. Other

environmental protections of clean air and clean water come from the commerce clause. So, too, the commerce clause provides civil rights safeguards, minimum wage, and maximum hour laws, and workplace safety protections.

Although Judge Roberts affirmed that the Constitution does contain a right to privacy, this declaration did not tell me much at all. As we know, at least three Justices on the current Supreme Court believe in a right to privacy but don't believe it extends to a woman's right to choose. Furthermore, Judge Roberts' written record shows that he did not believe there was, in his words, a ''so-called right to privacy'' in the Constitution. This places a higher burden on him to answer questions regarding this constitutional line of cases. Not only did Judge Roberts fail to answer any direct questions on this issue, he also failed to answer questions about whether he would uphold this line of cases as precedents that a generation of Americans have come to rely upon. Senator SPECTER repeatedly asked questions about how his view on precedent might inform his decisions regarding the constitutional right to privacy. Senator SPECTER pointed out that Chief Justice Rehnquist had ultimately agreed to uphold the Miranda rule, even though he disagreed with the original Miranda case, because he believed the warnings to criminal subjects had become part of our national culture. Judge Roberts refused to agree that the right to certain types of privacy were equally embedded in our national culture.

In fact, Judge Roberts pointedly refused to answer questions about whether the right to privacy applies to either the beginning or end of life. The only decided case in this area he was willing to talk about was in response to a question from Senator KOHL regarding Griswold v. Connecticut, the case that says the Constitution's right to privacy extends to a married couple's right to use contraception. However, in response to a followup question from Senator FEINSTEIN, Judge Roberts did not make it clear if he agreed with the Supreme Court's opinion in Eisenstadt v. Baird, which upheld the right of single people to use contraception, saying only that ''I don't have any quarrel with that conclusion.'' I found it hard to tell whether he was embracing the right to privacy in this context or just restating what the Supreme Court has said.

So what might this all mean? For me, it is again a question of whether Judge Roberts will uphold not just the letter but the spirit of the Constitution. Since he has a written record demonstrating his lack of support for the so-called right of privacy, I believe Judge Roberts owed us more candid responses to questions regarding these issues. There are a number of cases coming before the Supreme Court this term on these issues, and there will be many more in the future. These cases are not just about parental notification or the relationship between doctors and their patients, they go to core constitutional protections for all members of our society, particularly women.

I am also concerned that as a young lawyer in the Reagan administration, Judge Roberts appears to have joined in its efforts to dismantle the civil rights gains of the 1960s and 1970s. For example, Judge Roberts wrote vigorous defenses of a proposal to narrow the reach of the 1965 Voting Rights Act. That act is now up for reauthorization, and I am proud to see that this Congress and the country as a whole have come to see how important and successful it has been in giving all Americans the ability to participate in our democracy. And we should not have a Justice who would wish for anything less.

In other civil rights cases, Judge Roberts' record suggests that he wished to limit the Congress's authority to protect and enforce civil rights. Recently released documents show that Judge Roberts, when working in the Reagan Justice Department, disagreed with Ted Olsen, himself a strong conservative, on this issue, with Roberts arguing that Olsen's position wasn't conservative enough. In other documents, he challenged arguments by the U.S. Commission on Civil Rights in favor of busing and affirmative action. He described a Supreme Court decision broadening the rights of individuals to sue States for civil rights violations as causing ''damage'' to administration policies, and he urged that legislation be drafted to reverse it. In the context of the 1984 case of Grove City College v. Bell, he wished to limit the use of title 9, endorsing a narrow reading of that statute that Congress would later overrule in 1988.

Perhaps the issue I am most bothered about in the civil rights area is Judge Roberts' apparent support for court stripping. In the 1980s, there were a number of bills introduced in Congress to effectively gut Brown v. Board of Education. There were other bills proposed to strip courts of the ability to hear cases involving school prayer or reproductive rights, essentially stripping away the right of a citizen to go before a court and claim that they have been aggrieved.

Judge Roberts was supportive of these court stripping bills and wrote several memos trying to influence the administration to support them as well. Although he ultimately appears to have lost the debate in the administration on this issue, I believe these bills would have stripped the Federal courts of the ability to be the final arbiter of what the Constitution means, as well as an assault on the separation of powers.

Perhaps these memos are especially troubling to me since this Congress just passed legislation to strip the courts of the power to hear cases involving the negligence of gun dealers and manufacturers. This legislation is likely to end up before the Supreme Court in the near future and effectively strips ordinary citizens who have been injured from being able to take their grievances to court. Again, this makes me question Judge Roberts' desire to uphold the spirit of the Constitution.

From what we know about Judge Roberts, I am also concerned about his commitment to upholding the constitutional separation of church and state. As is true with many areas of constitutional law, he has not expressed his personal views on these topics in articles or speeches. But the briefs he wrote while in the Solicitor General's Office, if indicative of his views, suggest Judge Roberts would move the Court in a more conservative direction, allowing far more governmental involvement with religion.

One of the geniuses of our Constitution is its separation of church and state. The first amendment has allowed a multitude of religions to flourish in our country. Indeed, I find it ironic, as we try to create a constitution in Iraq that allows a number of religions to flourish, we are not more aware of the importance of our own Constitution in making that possible in America. As well-funded religious movements attempt to inject religion into Government, the Supreme Court remains an important bulwark against going down such a path.

For example, while at the Solicitor General's Office, Judge Roberts authored a brief arguing that school officials and local clergy should be allowed to deliver prayers at public school graduation ceremonies. The Government brief, written by Roberts, contended that religious ceremonies should be permitted in all aspects of ''our public life'' in recognition of our Nation's religious heritage. The brief argued for no limits on the content of prayers, allowing even overtly proselytizing messages. The Supreme Court, in a 5-to-4 opinion written by Justice Kennedy, rejected Judge Roberts' argument on behalf of the Government, finding that it ''turns conventional first amendment analysis on its head.''

The Supreme Court in Lee v. Weisman, and elsewhere, has stated it would not reconsider the longstanding Lemon v. Kurtzman test, which is the benchmark for evaluating issues of church and state relations. The Lemon test forbids Government officials from acting with a religious agenda, endorsing religion, or excessively entangling Government and religion. Roberts has advocated that the Lemon test be scrapped and replaced by a far more permissive standard, the coercion test. Under this view, the Government would violate the first amendment only if it literally established a church or coerced religious behavior. Critics of the Lemon test believe Government should be able to give money to religious schools for religious instruction. They believe it is proper for the Government to display profoundly religious symbols in a way that clearly and unambiguously endorses religion.

I worry that a Court with Judge Roberts has the potential to dramatically change the law with regard to the establishment clause. These changes could lead to many activities which today, wisely, are beyond the endorsement of Government and in the province of religion, as they should be.

As a judge, private lawyer, and Government attorney, Judge Roberts also has repeatedly argued to narrow the protections of the Americans with Disabilities Act. He argued in one case before the Supreme Court that a woman who developed severe bilateral carpal tunnel syndrome and tendinitis from working on an auto manufacturing assembly line was not a person with a disability because she was not sufficiently limited in major life activities outside of her job.

Judge Roberts has long held these views. In 1982, Judge Roberts wrote a memo while at the Reagan Justice Department criticizing a trial court and appeals court decision that a Federal law required a deaf student to have a sign language interpreter to assist her in school. Even the conservative Justice Department of that administration disagreed with this view and supported the student. This is just one more area where, based on what we know, it appears Judge Roberts would roll back freedoms and rights this Congress and the American people have long fought for.

Some on the Supreme Court, to judge by their dissenting and concurring opinions, would use the bench to impose a dramatic change in the meaning of the Constitution on the American people. With one or two more votes, they could overturn dozens, even hundreds, of important precedents going back decades. They could dismantle rights and freedoms Americans have fought for and come to rely on: the right to privacy, civil rights, the ability of Congress to fight discrimination, to protect consumers, workers, and the environment.

The next Justice appointed will likely sit on the Court for 25, maybe even 35 years. He or she will be in a position to decide important constitutional questions, not only for our generation, but for our children and our grandchildren. The precedents he or she helps to create will bind our country for the 21st century and beyond. They will be the definitive interpretation of our founding document, not just in the Supreme Court, but in all the Federal appellate courts and all the district courts in the land. They will affect every American, from the earliest days of their childhood through the closing days of their life.

The Supreme Court will cast rulings on every issue of importance to the American people. The list is familiar: right to privacy, civil rights, freedom of speech and religious liberty, environmental, labor, and consumer protections. But these are only the issues we are aware of now. The Court will also confront future issues beyond our foresight or imagination. From cloning and bioethics to control of intellectual property and access to information in a global economy, the Supreme Court in the years to come will face challenging issues we cannot yet even conceive.

A lifetime nomination to the Supreme Court presents an awesome power and responsibility, one that transcends our time. The Supreme Court has been a pillar of America's constitutional democracy, and its responsibility for upholding and protecting the Constitution has proven a model for emerging constitutional democracies around the world. Alexander Hamilton wrote in Federalist No. 78, in defending the Constitution's creation of an independent judiciary with lifetime appointments to judges:

> This independence of the judges is equally requisite to guard the Constitution and the rights of individuals from the effects of those ill humors, which the arts of designing men, or the influence of particular conjunctures, sometimes disseminate among the people themselves, and which, though they speedily give place to better information, and more deliberate reflection, have a tendency, in the meantime, to occasion dangerous innovations in the government, and serious oppressions of the minor party in the community.

I intend to vote against the nomination of Judge Roberts to be the Chief Justice of the U.S. Supreme Court because I am not convinced he will discharge this great responsibility in the way he should. He has not convinced me that he will protect minority communities in our country, that he will halt dangerous innovations from the executive branch, or that he will guard the Constitution and the rights of all individuals. Judge Roberts has not convinced me he will uphold not just the letter of the Constitution, but the spirit of the Constitution as well.

Mr. President, I yield the floor, and 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. KYL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. KYL. Mr. President, I rise to speak on the nomination of Judge John Roberts to be the Chief Justice of the United States and I am delighted to indicate my support for his confirmation.

First, I would like to make a couple of preliminary comments about things that others have spoken to, one of which is the question of whether additional documents from the Solicitor General's Office, the Department of Justice, should have been provided as part of a record to consider Judge Roberts.

There were something like 80,000 pages of documents produced. That does not count the scores of pages of opinions he had written as a judge, speeches, law review articles, notes for courses he taught, and a whole variety of other documents he had written—probably more documents than had ever been produced for any other nominee in the history of the United States.

I think it is inappropriate for Members to suggest that Judge Roberts somehow withheld documents. He withheld nothing. He had no documents in his possession that were relevant that were not turned over to the committee. In fact, as I recall, his answers to the committee's questionnaire were some 80 pages, voluntarily provided by him. He did not withhold any documents.

The only documents the administration did not produce were those private memoranda between lawyers in the Solicitor General's Office, of whom he was one, and the other officials of the Solicitor General's Office, including the Solicitor General himself. Those are private attorney/client work product kind of memoranda that should not be produced and, of course, were not produced by the administration.

Judge Roberts is not in possession of those. He did not refuse to turn those documents over and it is proper we retain the precedent that those private communications between attorney and client not be produced.

There was a great hullabaloo, correctly so, in this Chamber when it was discovered that a staffer had broken into the computers of some Democratic members of the Judiciary Committee and found private communication between members of their staff and the Senators. This was rightly condemned as having a chilling effect. If the public is becoming aware now of the communication between staff and a Senator, that would chill the communication between the staff and Senator. It might cause them not to fully and candidly express their views. That is correct. That is why that was wrong and why the people responsible were punished.

The same thing applies here. One cannot get into the private communications between an attorney and a client any more than one would want to in the Solicitor General's Office.

Secondly, there has been some suggestion that the administration did not produce these documents because it had something to hide.

I ask unanimous consent that a letter from the Department of Justice dated September 9, 2005 to Senator LEAHY, the ranking Democrat, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF JUSTICE,
OFFICE OF LEGISLATIVE AFFAIRS,
*Washington, DC, September 9, 2005.*

Hon. PATRICK J. LEAHY,
*U.S. Senate,*
*Washington, DC.*

DEAR SENATOR LEAHY: I write in response to your letter dated September 7, 2005, regarding your request that the Department disclose confidential legal memoranda from Judge John Roberts' tenure in the Office of the Solicitor General. As you know, we have been working closely with the Committee on the Judiciary to facilitate the Committee's consideration of Judge Roberts' nomination,

and we look forward to continuing to do so. The Department recently produced to the Committee another 1,300 pages of documents relating to Judge Roberts' government service, bringing to approximately 76,000 the number of pages the White House and the Department have provided. That number does not include the voluminous production made by Judge Roberts himself.

With regard to your request, we remain unable to provide memoranda disclosing the internal deliberations of the Solicitor General's office. The privileged nature of those documents is widely recognized, and the Department has traditionally declined to breach that privilege. We have considered carefully the legal arguments you make in support of disclosure. As discussed below, the authorities your letter cites relate to contexts very different from this one and have no relevance here.

Your letter cites an opinion by Attorney General Robert H. Jackson and argues that this opinion supports disclosure to the Committee of internal Solicitor General documents. We believe this is an inaccurate characterization of that memo. To be sure, Attorney General Jackson stated that in the context of executive nominations, certain otherwise-confidential documents would be provided to the Senate. But the documents in question were FBI reports of criminal investigations. The Attorney General's opinion that the Senate should be informed of a nominee's criminal activities does not support your request that we disclose privileged and deliberative attorney communications. In fact, the opinion lists several examples of Attorneys General faithfully discharging the ''unpleasant duty'' of declining to produce to Congress information that should remain confidential. 40 U.S. Op. Atty. Gen. 45, 48.

Your letter also includes a charge that the Department's unwillingness to breach the traditional confidentiality of internal deliberations raises an inference adverse to Judge Roberts. We disagree with this argument on both legal and factual bases.

First, it is a matter of well-settled law that no inference of any kind may be drawn from a decision not to release privileged documents. Notably, none of the judicial decisions you cite dealt with privileged documents. With regard to claims of privilege, the law is clear. As one federal court of appeals recently recognized, ''the courts have declined to impose adverse inferences on invocation of the attorney-client privilege.'' Knorr-Bresme Systeme Fuer Nutzfahrzeuge GMBH v. Dana Corp., 383 F.3d 1337, 1345 (Fed. Cir. 2004). Another court of appeals explained the justification for this firmly established rule: ''This privilege is designed to encourage persons to seek legal advice, and lawyers to give candid advice, all without adverse effect. If refusal to produce an attorney's opinion letter based on claim of the privilege supported an adverse inference, persons would be discouraged from seeking opinions, or lawyers would be discouraged from giving honest opinions. Such a penalty for invocation of the privilege would have seriously harmful consequences.'' Nabisco, Inc. v. PF Brands, Inc., 191 F.3d 208, 226 (1999), overruled on other grounds, Moseley v. V Secret Catalogue, Inc., 537 U.S. 418 (2003); see also Parker v. Prudential Ins. Co., 900 F.2d 772, 775 (4th Cir. 1990).

Second, the implication that the Department's decision is motivated by an attempt to hide something assumes that the decision-makers have some knowledge of the documents' contents. That assumption is factually wrong. No one involved with the Administration's Supreme Court nomination process has reviewed the documents you request. The decision not to disclose the internal deliberations of the Solicitor General's office is made by the Department as a matter of principled regard for preservation of the Solicitor General's ability to represent the United States effectively.

In summary, for the reasons stated above and in my letters of August 5, 2005, and August 18, 2005, we cannot agree to your request to produce the internal, privileged communications of the Office of the Solicitor General. We nonetheless remain committed to providing the Committee full and prompt assistance in its consideration of Judge Roberts' nomination.

Sincerely,

WILLIAM E. MOSCHELLA,
*Assistant Attorney General.*

Mr. KYL. I will read part of one paragraph:

> No one involved with the Administration's Supreme Court nomination process has reviewed the documents you request. The decision not to disclose the internal deliberations of the Solicitor General's office is made by the Department as a matter of principled regard for preservation of the Solicitor General's ability to represent the United States effectively.

So for anybody to suggest that somebody had something to hide is to ignore the facts. This letter was widely distributed. Every Senator should know that the administration had not even looked at the material, so they obviously could not be hiding something.

There has been some reference—I would almost even refer to it as guilt by association—that John Roberts worked in the Reagan administration. I remind my colleagues that this is the Reagan administration which was reelected with, as I recall, 59 percent of the vote and 49 of our 50 States. I would be pleased to debate any of my colleagues in this Chamber about the record of the Reagan administration, and I can say in advance that I will take the affirmative side of that debate that it should be defended. John Roberts has nothing to apologize for because he worked for President Ronald Reagan.

I want to express in a more formal way my support for Judge Roberts. So much has already been said about his intellect, his character, his qualifications, his experience, his eloquently expressed commitment to the rule of law, and I certainly agree with all of those who have been impressed with those qualities. I believe these are the qualities that should govern this body's advise and consent role. In other words, that intelligence, character, experience, and commitment to the rule of law are the qualities we should be looking for in a nomination for the U.S. Supreme Court and other courts as well. We should not be looking to how this particular nominee might rule in a future case. We certainly should not play a bargaining process with the nominee, in effect saying, if you will tell me how you will rule on these future cases and if I agree with that, then I will support your confirmation. That would, of course, undermine the impartiality and the independence of our courts, and it is improper.

I noted recently that fellow Arizonian Justice Sandra Day O'Connor spoke in Arizona and she said judicial independence is hard to create and easier than most people imagine to destroy.

Well, I think she is exactly right on that. Judge Roberts made a similar comment during his opening statement. He said:

> President Ronald Reagan used to speak of the Soviet constitution, and he noted that it purported to grant wonderful rights of all sorts to people. But those rights were empty promises, because that system did not have an independent judiciary to uphold the rule of law and enforce those rights. We do, because of the wisdom of our Founders and the sacrifices of our heroes over the generations to make their vision a reality.

In other words, that rule of law is what lies at the foundation of the American system of ordered liberty. Judges owe their loyalty to the law, not to political parties, not to interest groups, and they must have the courage to make tough decisions, however unpopular. Consider, for example, how Judge Roberts answered a question of whether he would stand up for the little guy. He said:

> If the Constitution says that the little guy should win, the little guy is going to win. . . . But if the Constitution says that the big guy should win, well, then the big guy is going to win, because my obligation is to the Constitution.

That is the essence of the rule of law as enforced by independent judges, doing what the Constitution and the law demand, regardless of the political or economic power of the parties. Indeed, that is the best way to ensure that the voice of the little guys will, in fact, be heard.

Judge Roberts often spoke of the rule of law during his hearing. Considering this additional excerpt, he explained that he used to represent the U.S. Government before the Supreme Court when he was the Deputy Solicitor General, and then he stated:

> But it was after I left the Department and began arguing cases against the United States that I fully appreciated the importance of the Supreme Court and our constitutional system.
>
> Here was the United States, the most powerful entity in the world, aligned against my client. And yet, all I had to do was convince the Court that I was right on the law and the government was wrong and all that power and might would recede in deference to the rule of law. That is a remarkable thing.
>
> It is what we mean when we say that we are a government of laws and not of men. It is that rule of law that protects the rights and liberties of all Americans. It is the envy of the world—because without the rule of law, rights are meaningless.

I was struck by this comment when I heard Judge Roberts make it, because it reminded me of my earlier career as a private attorney practicing before the State and Federal courts, including the Supreme Court. Parties, be they corporations or civil plaintiffs or governments or criminals, all put their faith in judges to adhere to legal principles and make decisions based on the rule of law, not based on what they personally believe to be right. Parties

have disputes that require a neutral arbiter who is beholden to nobody, and who will not be dissuaded from doing his duty, no matter what the cost. As Judge Roberts later emphasized, ''This is the oath.'' This is what the Constitution and an independent judiciary demand.

Of course, it is equally important to understand what judicial independence is not. Judicial independence does not mean the judge has the right to disregard the Constitution or the statutes passed by legislatures. Judicial independence does not mean that because of a lifetime appointment, the judicial role is unconstrained by precedent and by principle, and judicial independence is not an invitation to remake the Constitution or the laws if it does not lead to the result the judge prefers. Nor is judicial independence an invitation to the judge to legislate and resolve questions that properly belong to the democratic branches of our Government, no matter how wise a particular judge might be.

Judicial independence gives judges tremendous freedom, but it is a freedom to do their duty to the law, not a freedom from or independence from the constraints of the law. When judges confuse the freedom to follow the law with the freedom to depart from it, we see the unhinged judicial activism that has infuriated so many Americans throughout my lifetime.

Consider what Justice Antonin Scalia wrote while dissenting from one of the Ten Commandments cases the Supreme Court decided this past spring, McCreary v. ACLU. He said:

> What distinguishes the rule of law from the dictatorship of a shifting Supreme Court majority is the absolutely indispensable requirement that judicial opinions be grounded in consistently applied principle. That is what prevents judges from ruling now this way, now that, thumbs up or thumbs down, as their personal preferences dictate.

I focus on the need for judicial independence and respect for the rule of law because I am very concerned about threats to judicial independence that have infected the confirmation process. During Judge Roberts' hearings, we saw efforts to demand political promises in exchange for confirmation support. Specifically, some Senators demanded to know how Judge Roberts will vote on issues that will come before the Supreme Court. In doing this, Senators risk turning the confirmation process into little more than a political bargaining session in which the Senators refuse to consent to a fully qualified nominee unless the nominee promises under oath to vote a certain way in future cases.

Yet during this confirmation process, some Senators said they would not support Judge Roberts unless they knew where he stood on important issues of the day. In fact, the only reason they asked the question is because they thought the issue might be before the Court; otherwise, there would be no reason to find out how he might rule.

When the Judiciary Committee voted last week, more than one Senator explained that while Judge Roberts was a brilliant man who would be a thoughtful Chief Justice, they were not going to support him because they could not learn enough about his views on issues that they thought would come before the Court.

The Senate must reject this improper politicization of our judiciary. A judicial nominations process that required nominees to make a series of specific commitments in order to navigate the maze of Senate confirmation would bring into disrepute the entire enterprise of an independent judiciary.

In July, I asked the Senate Republican Policy Committee, which I chair, to examine the canons of judicial ethics and the views of the sitting Supreme Court Justices on this matter.

I ask unanimous consent that the resulting report entitled ''The Proper Scope of Questioning for Judicial Nominees'' be printed after my remarks.

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

(See exhibit 1.)

Mr. KYL. Judge Roberts confronted this challenge repeatedly during the hearing. Senators would ask him, sometimes directly, sometimes obliquely, how he felt about certain issues. To his credit, he resisted answering those questions that could have jeopardized his judicial independence. As he explained, the independence and integrity of the Supreme Court requires that nominees before the committee for a position on that Court give no forecast, predictions, nor give hints about how they might rule in cases that might come before the Court.

Judge Roberts' formulation is exactly right. If judges were forced to make promises to Senators in order to be confirmed, constitutional law would become a mere extension of politics. If we allow this radical notion to take hold, and if Senators can demand such promises, then what would become of litigants' expectations of impartiality and fairness in the courtroom? The genius of our system of justice is that people are willing to put their rights, their property, and even their lives before a judge, to be dealt with as he or she sees fit. People do this because of the expectation that they will be treated fairly by a judge, with no preconceived notion of how their case should be decided.

That is a pretty remarkable thing, to have that much confidence in the system that we would literally place our lives, our rights, our property in the hands of one person. Yet we do that every day all over this country because we have confidence in the system. And that system says the judge will decide your case free of any preconceived notion, so we as Senators should not be seeking to find out in advance how that judge might rule.

Let me be clear. I share my colleagues' curiosity about how Judge Roberts and the next nominee will rule on the hot-button issues of the day. For example, I hope he will join most Americans in recognizing that partial-birth abortion does not deserve constitutional protection. Similarly, it is my personal wish that the Supreme Court will allow States to pass laws requiring minor girls to gain the consent of—or at least to notify—their parents before getting an abortion. We remain a Nation at war, and I believe it is crucial to our national security that the Supreme Court support commonsense rules governing the war on terror without requiring that foreign terrorists be treated the same as American criminals with the same constitutional rights as citizens. I would like him to resist the siren songs of those judges who would craft a constitutional right to same sex marriage. I would strongly prefer he uphold legislative efforts to guarantee that crime victims have a substantial role in the prosecution and sentencing of perpetrators. And I hope he will help clean up the Supreme Court's habeas corpus jurisprudence so we do not have to wait 20 years for justice to be done.

On these and many other matters I have a deep interest and strong opinions about what the Supreme Court ought to do. But I did not ask John Roberts for commitments on these matters. Of course, I am curious but I didn't ask him how he would rule because, had I done so, I would have been encouraging him to violate his judicial ethics as a sitting judge as well as to jeopardize the independence of the Supreme Court itself.

Should a nominee fully answer questions? Absolutely. But should a nominee engage in political bargaining by prejudging an issue or a case? Absolutely not. Nobody disputes that John Roberts will be confirmed later this week. I am encouraged by the strong bipartisan support for John Roberts, and I am cautiously optimistic that the size of this vote represents a repudiation of the politicization of the judiciary, but I am concerned that others will see the number of votes against Judge Roberts as justification for the proposition that one should not support a nominee who refuses to indicate how he will rule in future cases.

This vote should represent a fresh start. The President sent us a brilliant and distinguished nominee who had the character and commitment to the rule of law to deserve the Senate's support. The nominee is a Republican who clerked for one of the great conservative judges of the 20th century. He served in the executive branch for Republican Presidents. He advocated conservative policies on those Presidents' behalves. Yet that political background will not be a bar to Judge Roberts' confirmation. Equally important, Judge Roberts' refusal throughout his hearings to make promises to Senators in exchange for their support is being affirmed as an appropriate adherence to judicial ethics. The courage that

John Roberts has shown in upholding his ethical standards should not be punished.

Justice O'Connor stated earlier this month:

We must be ever vigilant against those who would strong-arm the judiciary into adopting their preferred policies.

Once again, my fellow Arizonan was right. The Senate will exercise that vigilance later this week by confirming Judge Roberts and by rejecting the politicization of the confirmation process. In the coming weeks, the Senate will consider the nominee to replace Justice O'Connor. It is my hope that Senators will exercise that same vigilance. The rule of law demands it.

EXHIBIT 1

THE PROPER SCOPE OF QUESTIONING FOR JUDICIAL NOMINEES

INTRODUCTION

Some Senate Democrats are demanding that Supreme Court nominee John G. Roberts announce his positions on constitutional questions that the Supreme Court will be deciding after he is confirmed. [FN1: For example, Senator Charles Schumer has said, ''Every question is a legitimate question, period.'' New York Post, July 6, 2005. Senator Schumer has also said that he will ask how Mr. Roberts will rule on issues that the Supreme Court certainly will consider, including free speech, religious liberty, campaign finance, environmental law, and other political and legal questions. Foxnews.com, July 19, 2005. Likewise, Senator Ted Kennedy has demanded to know ''whose side'' Judge Roberts will favor, and ''where he stands'' on legal questions before the Supreme Court. Congressional Record, July 20, 2005. Just yesterday, Senator Evan Bayh picked up this theme: ''You wouldn't run for the Senate or for Governor or for anything else without answering people's questions about what you believe. And I think the Supreme Court is no different.'' CNN ''Inside Politics,'' July 25, 2005.] Although these Senators are quick to say that they do not seek pre-commitments on particular cases, the ethical rules governing judicial confirmations are not limited to preventing prejudgment of particular cases. As nominees in the past have recognized, it is inappropriate for any nominee to give any signal as to how he or she might rule on any issue that could come before the court, even if the issue is not presented in a currently pending case.

If these novel ''prejudgment demands'' were tolerated, the judicial confirmation process would be radically transformed. While questions about judicial philosophy in general have always been appropriate, any effort to learn how particular constitutional questions will be resolved has always been out of bounds. It was for this reason that all sitting Supreme Court Justices declined to answer some questions on constitutional issues or past cases of the Supreme Court. For example:

Justice Sandra Day O'Connor expressly refused to answer questions about past cases that she believed would later come before the Supreme Court. [FN2: Confirmation Hearing, July 1994, at p. 199.]

Justice Ruth Bader Ginsburg testified during her hearing: ''I must avoid giving any forecast or hint about how I might decide a question I have not yet addressed.'' [FN3: Confirmation Hearing, July 1993, at p. 265.]

Then-Chairman Joseph Biden advised Justice Ginsburg during her hearing: ''You not only have a right to choose what you will answer and not answer, but in my view you should not answer a question of what your view will be on an issue that clearly is going to come before the Court in 50 different forms . . . over your tenure on the Court.'' [FN4: Confirmation Hearing, July 1993, at p. 275.]

There is a reason for this longstanding precedent: to demand that a judicial nominee ''prejudge'' cases and issues threatens the independence of the federal judiciary and jeopardizes Americans' expectation that the nation's judges will be fair and impartial. That is why the canons of judicial ethics prohibit any judicial nominee from prejudging any case or issue. [FN5: ABA Model Code of Judicial Conduct, Canon 5A(3)(d)(ii) (2003).] Judges should only reach conclusions after listening to all the evidence and arguments in every case. Americans expect judges to keep an open mind when they walk into the courtroom—not to make decisions in the abstract and then commit to one side before the case begins. No judge can be fair and impartial if burdened by political commitments that Senators try to extract during confirmation hearings. Otherwise, judicial nominees will be forced to sacrifice ethics and impartiality to be confirmed.

Senators naturally want to know how future cases will be decided, but curiosity must yield to the greater value—the preservation of an independent judiciary and the guarantee of equal justice. The following materials provide detailed support for why the traditional norms should be upheld, and why the Senate would tread into very murky waters if it were to upset these settled practices.

THE CANON OF JUDICIAL ETHICS

''[A] judge or a candidate for election or appointment to judicial office shall not . . . with respect to cases, controversies, or issues that are likely to come before the court, make pledges, promises or commitments that are inconsistent with the impartial performance of the adjudicative duties of the office. . . .''—ABA Model Code of Judicial Conduct, Canon 5A(3)(d)(ii) (2003).

ALL NINE SUPREME COURT JUSTICES DISAGREE WITH REQUIRING NOMINEES TO PREJUDGE ISSUES AND CASES

*Justice Ruth Bader Ginsburg*

''A judge sworn to decide impartially can offer no forecasts, no hints, for that would show not only disregard for the specifics of the particular case, it would display disdain for the entire judicial process. Similarly, because you are considering my capacity for independent judging, my personal views on how I would vote on a publicly debated issue, were I in your shoes, were I a legislator, are not what you will be closely examining.''—Confirmation Hearing, July 1993, at p. 52.

''Because I am and hope to continue to be a judge, it would be wrong for me to say or to preview in this legislative chamber how I would cast my vote on questions the Supreme Court may be called upon to decide. Were I to rehearse here what I would say and how I would reason on such questions, I would act injudiciously.''—Confirmation Hearing, July 1993, at p. 52. Justice Ginsburg was a judge on the D.C. Circuit when nominated to the Supreme Court.

''I sense that I am in the position of a skier at the top of that hill, because you are asking me how I would have voted in Rust v. Sullivan (1991). Another member of this committee would like to know how I might vote in that case or another one. I have resisted descending that slope, because once you ask me about this case, then you will ask me about another case that is over and done, and another case. . . . If I address the question here, if I tell this legislative chamber what my vote will be, then my position as a judge could be compromised. And that is the extreme discomfort I am feeling at the moment.''—Confirmation Hearing, July 1993, at p. 188.

''When a judicial candidate promises to rule a certain way on an issue that may later reach the courts, the potential for due process violations is grave and manifest.''—*Republican Party of Minnesota* v. *White*, 536 U.S. 765,816 (2002) (Ginsburg, J., dissenting).

''[H]ow a prospective nominee for the bench would resolve particular contentious issues would certainly be 'of interest' to the President and the Senate in the exercise of their respective nomination and confirmation powers. . . . But in accord with a longstanding norm, every member of this Court declined to furnish such information to the Senate, and presumably to the President as well.''—*Republican Party of Minnesota* v. *White*. 536 U.S. 765, 807 n.1 (2002) (Ginsburg, J., dissenting).

''This judicial obligation to avoid prejudgment corresponds to the litigants'' right, protected by the Due Process Clause of the Fourteenth Amendment, to an 'impartial and disinterested tribunal in all civil and criminal cases. '',—*Republican Party of Minnesota* v. *White*, 536 U.S. 765, 813 (2002) (Ginsburg, J., dissenting) (internal citation omitted).

*Justice Sandra Day O'Connor*

''I feel that is improper for me to endorse or criticize a decision which may well come back before the Court in one form or another and indeed appears to be coming back with some regularity in a variety of contexts. I do not think we have seen the end of that issue or that holding and that is the concern I have about expressing an endorsement or criticism of that holding.''—Confirmation Hearing, September 1981, at p. 199.

*Justice Stephen Breyer*

''I do not want to predict or to commit myself on an open issue that I feel is going to come up in the Court. . . . There are two real reasons. The first real reason is how often it is when we express ourselves casually or express ourselves without thorough briefing and thorough thought about a matter that I or some other judge might make a mistake. . . . The other reason, which is equally important, is . . . it is so important that the clients and the lawyers understand the judges are really open-minded.''—Confirmation Hearing, July 1994, at p. 114.

''The questions that you are putting to me are matters of how that basic right applies, where it applies, under what circumstances. And I do not think I should go into those for the reason that those are likely to be the subject of litigation in front of the Court.'' Confirmation Hearing, July 1994, at p. 138 (regarding the right to an abortion).

''Until [an issue] comes up, I don't really think it through with the depth that it would require. . . . So often, when you decide a matter for real, in a court or elsewhere, it turns out to be very different after you've become informed and think it through for real than what you would have said at a cocktail party answering a question.''—Remarks at Harvard Law School, December 10, 1999, quoted in Arthur D. Hellman, Getting it Right: Panel Error and the En Banc Process in the Ninth Circuit Court of Appeals. 34 U. C. Davis L. Rev. 425, 462 (2000).

*Justice John Paul Stevens*

''A candidate for judicial offices who goes beyond the expression of 'general observations about the law . . . in order to obtain favorable consideration' of his candidacy demonstrates either a lack of impartiality or a lack of understanding of the importance of maintaining public confidence in the impartiality of the judiciary.''—*Republican Party of*

*Minnesota* v. *White*, 536 U.S. 765,800 (2002) (Stevens, J., dissenting) (internal citation omitted).

*Justice David Souter*

''[C]an you imagine the pressure that would be on a judge who had stated an opinion, or seemed to have given a commitment in these circumstances to the Senate of the United States, and for all practical purposes, to the American people?''—Confirmation Hearing, September 1990, at p. 194.

*Justice Anthony Kennedy*

''[The] reason for our not answering detailed questions with respect to our views on specific cases, or specific constitutional issues [is that] the public expects that the judge will keep an open mind, and that he is confirmed by the Senate because of his temperament and his character, and not because he has taken particular positions on the issues.''—Confirmation Hearing, January 1987, at p. 287.

*Chief Justice Rehnquist*

''For [a judicial nominee] to express any but the most general observation about the law would suggest that, in order to obtain favorable consideration of his nomination, he deliberately was announcing in advance, without the benefit of judicial oath, briefs, or argument, how he would decide a particular question that might come before him as a judge.''—*Laird* v. *Tatum*, 409 U.S. 824, 836 n.5 (1972) (Mem. on Motion for Recusal).

*Justice Clarence Thomas*

''I think it's inappropriate for any judge who is worth his or her salt to prejudge any issue or to sit on a case in which he or she has such strong views that he or she cannot be impartial. And to think that as a judge that you are infallible I think totally undermines the process. You have to sit, you have to listen, you have to hear the arguments, you have to allow the adversarial process to work. You have to be open and you have to be willing to work through the problem. I don't sit on any issues, on any cases that I have prejudged. I think that it would totally undermine and compromise my capacity as a judge.''—Confirmation Hearing, September 1991, at p. 173.

*Justice Antonin Scalia*

''I think it is quite a thing to be arguing to somebody who you know has made a representation in the course of his confirmation hearings, and that is, by way of condition to his being confirmed, that he will do this or do that. I think I would be in a very bad position to adjudicate the case without being accused of having a less than impartial view of the matter.''—Confirmation Hearing, August 1986, at p. 37.

ADDITIONAL OPPOSITION TO PREJUDGMENT OF ISSUES

*Justice Thurgood Marshall*

''I do not think you want me to be in a position of giving you a statement on the Fifth Amendment and then, if I am continued and sit on the Court, when a Fifth Amendment case comes up, I will have to disqualify myself.''—Confirmation Hearing, August 1967.

*Senator Joseph Biden*

In 1989, then-Chairman Joseph Biden crafted the question that is now asked of all nominees to the federal bench: ''Has anyone involved in the process of selecting you as a judicial nominee discussed with you any specific case, legal issue or question in a manner that could reasonably be interpreted as asking how you would rule on such case, issue or question? If so, please explain fully.''

''I believe my duty obliges me to learn how nominees will decide, not what they will decide, but how they will decide.''—Confirmation Hearing for Ruth Bader Ginsberg, July 1993, at p. 114.

''You not only have a right to choose what you will answer and not answer, but in my view you should not answer a question of what your view will be on an issue that clearly is going to come before the Court in 50 different forms . . . over your tenure on the Court.''—Confirmation Hearing for Ruth Bader Ginsberg, July 1993, at p. 275–276.

*Democrat-Controlled Senate Judiciary Committee Report on Abe Fortas Nomination*

''Although recognizing the constitutional dilemma which appears to exist when the Senate is asked to advise and consent on a judicial nominee without examining him on legal questions, the Committee is of the view that Justice Fortas wisely and correctly declined to answer questions in this area. To require a Justice to state his views on legal questions or to discuss his past decisions before the Committee would threaten the independence of the judiciary and the integrity of the judicial system itself. It would also impinge on the constitutional doctrine of separation of powers among the three branches of Government as required by the Constitution.''—Committee Report on Nomination of Abe Fortas to be Chief Justice of the United States, September 20, 1968.

CONCLUSION

Every sitting Supreme Court Justice disagrees with the approach urged by some Senate Democrats—for good reason. Nothing less than judicial independence and the preservation of a proper separation of powers is at stake. The Senate should not allow short-term curiosity about particular issues to override the settled procedures that have governed this process for so long.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. COLEMAN. I am pleased to speak on the matter of the nomination of John Roberts to be Chief Justice of the Supreme Court of the United States. The authors of our Constitution were at the same time profound idealists about the human spirit and cold-blooded realists about the evil people are capable of. They had witnessed how even heroism can turn into tyranny, so they wrote a document that struck a balance between power and accountability that has remained level through a Civil War, World War, depressions, booms, and many social upheavals.

We are part that have process in this debate. Our job is not to add value to the Constitution but to conserve as much of its value as we can. We are a government of laws and not men and women. But men and women make and interpret and apply those rules. The voters choose us. The President that the people chose makes the choice of Justices of the Supreme Court, with our advice and consent. It is a solemn and momentous transition in our history when we put a new Justice on the Court to sit for the next generation.

First of all, I commend the President for the quality of his appointment. John Roberts is a person of brilliant mental capacity. We all know Lord Acton's statement about how absolute power corrupts absolutely. But in this case, I also want us to invoke Barbara Tuchman's reply that weakness, which must depend on compromises and deals to maintain its position, corrupts even more.

Judge Roberts is as mentally strong as a person can be. He has the kind of mental strength that does not rely on intimidation, manipulation or style points to carry his argument. It was wonderful to watch his mind work during the nominee confirmation process. Whether you are for or against this nomination, the strength of his intellect has never been in doubt.

The President's choice is also a person of integrity. The word ''integrity'' has the same root as the mathematical term ''integer,'' which is a whole number. Integrity means that all the pieces fit together to make a consistent whole. Judge Roberts has been in many situations which sorely tested his integrity, and he has held together and held consistent in a remarkable way. Through his writings and testimony, Judge Roberts has demonstrated he knows his historical place. Judge Roberts is not a person driven by ego or ambition. He knows we all have a part to play in this constitutional design and to step out of the role would be to step into the place of others. Respectful humility in the wielding of power is an indispensable attribute that Judge Roberts has shown.

In his own words, Judge Roberts testified before the Senate Judiciary Committee and said:

My obligation is to the Constitution—that's the Oath.

My colleague from Arizona told about that wonderful exchange between Judge Roberts and members of the committee when he was asked about the big guy and the little guy, how he would decide a case.

There are some in this body who, with past nominees, have looked at the status of the person before the Court as somehow that should be determinative of whether they win. So if they were the little guy or they were a woman or this or that, that somehow that was more important; if they didn't win, that somehow that was a negative to the person who made the decision.

Judge Roberts responded: If the Constitution says that the little guy should win, the little guy is going to win. But if the Constitution dictates that the big guy wins, then the big guy will win.

Little guys need the Constitution because in other places and at other points in times in other countries it is your status that determines whether you win. Typically, it is a person with wealth and power that would use that status to win. So the little guy needs the Constitution. John Roberts is respectful of the Constitution.

Judge Roberts believes in a judicial philosophy that defers to legislative judgments and refuses to insert judges into disputes in which the Constitution gives the judiciary no role.

Judge Roberts told us:

I will fully and fairly analyze the legal arguments that are presented. I will be open to the considered views of my colleagues on the bench, and I will decide every case based on the record, according to the rule of law, without fear or favor to the best of my ability.

Judge Roberts' approach to the law is one of restraint. He is not an ideologue, intent on imposing his views on the law. Those who know him say Judge Roberts possesses an ideal judicial temperament. He has a balanced view of the power of the Federal Government that is respectful of Supreme Court precedent.

During his hearings, Judge Roberts described his understanding of the Supreme Court's commerce clause jurisprudence and explained that he had no agenda to overrule established cases. Judge Roberts also demonstrated his respect for the authority of Congress to make factual findings that form the basis for legislation under the commerce clause.

As Judge Roberts explained at the hearings:

> One of the warning flags that suggest to you as a judge that you may be beginning to transgress into the area of making a law is when you are in a position of reevaluating legislative findings, because that does not look like a judicial function. It is not an application of analysis under the Constitution. It is just another look at findings.

Both in private practice and on the bench, Judge Roberts has established, beyond any doubt, that he is a fair judge within the judicial mainstream. Judge Roberts' judicial decisions reflect a fair approach and a scrupulous unwillingness to impose his own policy preferences on law. I commend Chairman SPECTER and the members of his committee for the way they have brought this nomination to the floor. We are a political people, and there were some politics at play. In past times, a nominee of Judge Roberts' intellect and integrity and caliber would receive 96, 97, 98 votes in confirmation. I believe Justice Ginsburg received 86 votes. I also believe Justice Scalia received 98 votes. I suspect that will not happen on Thursday. Special interests and single interests have driven a wedge into this Senate body, and that is lamentable. At times, I wondered if committee members were using the hearing to assess Judge Roberts or to lobby him about future cases. Standards that some Democratic members of the committee have applied to Judge Roberts were the opposite of those applied when appointees of their party's President sent up Justices Ginsburg and Breyer.

Earlier, they counseled judges not to answer specific questions, and now they fault Judge Roberts for being insufficiently specific. But I would say, on a whole, the hearing was fair and dignified. I hope we are making progress toward a consistent standard to apply to judicial nominees, Supreme Court nominees.

A Supreme Court confirmation is not a rehashing of the last Presidential campaign or a preview of the next one. The people chose a President, and that person has a right to appoint a judge who they believe is consistent with their view of the role and the direction the Court should take. This is a conservative approach. They chose us in the Senate not to substitute our judgment for the President's, but to provide a check against a Justice who was deficient in some clear way. That is why I have stated that whether a Republican or Democrat is President, my standard will be: Is the person qualified? Do they have the requisite integrity? Do they have the temperament and commitment to be stewards of the rule of law?

Judge Roberts meets that test with flying colors. He not only will be a strong Chief Justice, he will be a role model for the rest of the Nation. His predecessor and mentor, William Rehnquist, was a midwesterner, as is Judge Roberts. Those of us who call the Midwest home have the utmost respect for those who have the humility to keep their brilliance a secret. My own remarkable State of Minnesota has been compared to a dog that is too shy to wag its own tail. Our license plates say: The Land Of 10,000 Lakes. I actually think we have closer to 15,000, but humility, I think, is a Minnesota way. It certainly is the style of Judge Roberts. We admire Judge Roberts for his grace and humility as he takes on the awesome power of his position. We admire his commitment to equal justice under the law. These are turbulent times in America. The people need a confidence builder. The President has given them one with this nomination, and we can and should add to it with a strong bipartisan vote to confirm Judge Roberts to be Chief Justice of the Supreme Court. On Thursday, the Senate will exercise its solemn advice-and-consent responsibility on the nomination of John Roberts to be Chief Justice of the Supreme Court of the United States. I will vote to give my consent to the Roberts nomination. I will vote in favor of John Roberts.

I yield the floor.

The PRESIDING OFFICER (Mr. MARTINEZ). The Senator from Maine.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Ms. COLLINS. Mr. President, I rise today to speak in favor of the nomination of John Roberts to serve as Chief Justice of the United States.

The Chief Justice is commonly referred to as the ''first among equals,'' a title reflecting the significance of this position in terms of shaping the Court, and serving as the head of the Judicial branch. Assuming he is confirmed, Judge Roberts will be only the 17th person in our Nation's history to serve as Chief Justice.

In confirming a Chief Justice, we entrust this individual with considerable power—the power to interpret the Constitution, to say what the law is, to guard one branch against the encroachments of another, and to defend our most sacred rights and liberties. Along with these powers, this individual also bears a responsibility to act with an understanding of the limited role of judicial review and the need for judicial restraint.

The cases that come before the Supreme Court each year present legal issues of tremendous complexity and import. Given the difficulty of the questions presented, it is not surprising that most good Justices do not know how they will rule before a case comes before them. Their decisions are rendered only after extensive briefing, argument, research, and discussion with the other Justices. Indeed, when any person goes before the Court, he or she has a right to expect that the Justices will approach the case with an open mind and a willingness to fully consider all of the arguments presented.

Some of our colleagues have called on nominees to announce beforehand how they would rule in cases that have yet to come before them. Yet, a good judge will not know, and would not try to say—even hazarding a guess could raise questions about judicial impartiality and integrity.

Similarly, our ability to question nominees about future cases is limited by the difficulty of predicting the issues that will come before the Court over the next several decades. Twenty years ago, few would have expected that the Court would hear issues related to a presidential election challenge, would try to make sense of copyright laws in an electronic age, or would confront questions on how to protect our cherished civil liberties in light of a new domestic terrorism threat.

And even if nominees were to indicate how they would rule, the reality is that we are not in a position to hold them to their word. Appointments to the Court are, of course, lifetime appointments.

While we can not know with certainty how a nominee will rule on the many questions that may come before him or her, we can and must strive to take the measure of the person: carefully assessing the excellence of the nominee's qualifications, integrity, and judicial temperament, as well as the principles that will guide the nominee's decisionmaking.

Does the nominee have the intellect and learning necessary to be a superb jurist? Is he or she open-minded and pragmatic? Does he or she have a sense of restraint and humility concerning the role of a judge? Does the nominee take seriously the role of our courts in protecting our basic liberties and rights from the passions and fads of the moment? And for Judge Roberts, the answer to these questions is yes.

The excellence of his legal qualifications is beyond doubt. He is a superb attorney and one of the finest legal minds of his generation. Prior to his appointment to the D.C. Circuit in 2003, Judge Roberts had argued an impressive 39 cases before the Supreme Court, and more often than not, his arguments were accepted by a majority of the Court. The American Bar Association Standing Committee on the Judiciary has reviewed his qualifications

for his nominations to the Court of Appeals and the United States Supreme Court on three separate occasions. In every instance, it has given Judge Roberts its highest possible rating.

Earlier this month, I met with Judge Roberts to discuss his judicial philosophy, his views on the importance of precedent, and the role of the judiciary. I was extremely impressed by his answers to my questions, which reassured me that he will be a justice dedicated to the rule of law—not someone who bends the rules to suit personal preferences or to advance a particular agenda.

At our meeting, I asked Judge Roberts about his views regarding the importance of stare decisis—the principle that courts should adhere to the law set forth in previously decided cases. I asked Judge Roberts whether a judge should follow precedent, even if he believed that the original case was incorrectly decided in the first instance. He told me that overruling a case is a ''jolt to the legal system'' and said that it is not enough that a judge may think the prior case was wrongly decided. He emphasized the importance that adherence to precedent plays in promoting evenhandedness, fairness, stability, and predictability in the law.

Following my personal meeting with Judge Roberts, I felt confident that Judge Roberts was eminently qualified to serve as Chief Justice. The Judiciary Committee hearings have only further confirmed my view that he is the right person for this weighty position.

Without question, these hearings demonstrated Judge Roberts' keen legal intellect and commanding knowledge of the law and the precedents of the Supreme Court. He demonstrated a winning and collegial style while under fire, and his testimony has been justifiably praised. Most important, he demonstrated an understanding of the limited role of the judiciary and a deep and abiding commitment to the rule of law.

During the confirmation process, I was impressed by Judge Roberts' statement that he wants to be known, he said, ''as a modest judge.'' This simple phrase is one that speaks volumes about the approach he brings to the Court. It tells us that he knows a judge must be restrained by the law, and by the principles, the practices, and the common understandings that make up our legal tradition.

It tells us that he has an abiding respect for our Constitution, for the separation of Federal powers it describes, and for the powers it reserves for the States and for the people. Perhaps most important, it tells us that his rulings will not be influenced by his own political views and personal values, whatever they may be.

Given the increasing concerns about judicial activism and the desire by some to use the courts to achieve the political ends that have eluded them, I believe that Judge Roberts' modest and disciplined approach to the law will serve our Nation well.

The President, in consultation with the Senate, has selected an outstanding nominee. We have fulfilled our advice and consent responsibility through extensive interviews, investigations and hearings. Judge Roberts has emerged from this process remaining true to his ideals of the proper role of a judge, and demonstrating beyond a doubt his fitness for the office.

Based on my personal discussions with Judge Roberts, my review of his record, and his testimony before Judiciary Committee, I am confident that Judge Roberts will be a Justice committed to the rule of law and one who will protect the liberties and rights guaranteed by our Constitution. I believe he will exercise his judicial duties with an understanding of the limited role of the judiciary to review and decide the specific cases before them based on the law—not to make policy through case law. He will be guided not by his own personal view of what the law should be, but by a disciplined review and analysis of what the law is. He understands that the very integrity of our judicial system depends on judges exercising this restraint.

For these reasons, I look forward to voting to confirm Judge Roberts, and I applaud the President for making an outstanding choice.

Thank you, Mr. President. I yield the floor.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mrs. HUTCHISON. Mr. President, I rise today to speak about the nomination of Judge John Roberts to be Chief Justice of the United States.

We have had a lot of debate on the Senate floor. We certainly had Judiciary Committee hearings talking about our view of this nominee, exercising our right of advice and consent for the President's nomination, and each of us comes to this role of advice and consent with our own set of criteria.

What do I look for in the Chief Justice of the United States? First, and most importantly, are academic qualifications. Certainly John Roberts started his academic career looking toward a future of academic excellence. He has the background and the intelligence, which he exhibited in his hearings and in the meetings we had one-on-one with him. He also has proven his academic qualifications by excelling at Harvard in every discipline he studied.

Experience: You look for someone who has been tested by life. Someone who is in his 20s probably is not yet ready for cases and laws that will be interpreted for our country because he has not had all of life's experiences to mold him into the person he is going to be—knowing life's difficulties and what the laws are like to live with in the private sector. Looking for experience is very important to me.

Judge Roberts is 50 years old. I think that is exactly the right age to have the requisite experience and is, at the same time, young enough to help shape the Supreme Court. If confirmed, Judge Roberts would be one of the younger Justices in the history of our country.

I believe he will make a very important mark on the Court, and certainly as Chief Justice. From the beginning, he will have the opportunity to weigh in and do what he thinks is right in interpreting our Constitution and keeping the Supreme Court as an equal—not better, not lower—branch of our government.

Of course, the balance of powers in the three branches of Government is what has kept our democracy, our Republic, and our Constitution so relevant for the entire history of our country. The checks and balances in the three branches of Government have been what has allowed the Constitution to stay true to the democracy that it has supported for more than 200 years.

With regard to knowledge of the law and the key rulings of the Supreme Court, I do not think any of us have ever seen a nominee, for any level of the judiciary, sit before the Judiciary Committee without notes and talk about all of the key rulings of the Supreme Court—not only talking about the majority opinions and who wrote them, but also citing from the minority opinions and dissecting what those opinions meant in the context of the question. It was awesome to hear his knowledge of the law and of the key rulings of the Supreme Court.

Humility. A lot has been said about Judge Roberts' humility. It is good that he is a humble man and that he has talked about modesty. However, it was not a factor in my decision-making that he is modest. To me, he could have been an arrogant, smart man with experience, and I still would have supported him. The fact that he is modest is one added advantage that is worth noting, although it was not the prime factor in my decision.

Humility does relate to one other point that is important and worth mentioning; that is, the role of a judge with a lifetime appointment. When we have a lifetime appointment, it is, in my opinion, almost a leap of faith by those who are consenting to him, and certainly by the President who is nominating him, about what kind of accountability that judge will enforce on him or herself. It is a self-enforced accountability on which we must depend. As a matter of fact, when there is a lifetime appointment, unless something patently illegal is done, one will be in that position for an indefinite period of time, maybe even beyond the years of productivity. Having a judge who starts out humble is an advantage though not a deciding factor.

The role of a judge, as Judge Roberts has said on many occasions, is one of being a referee, an umpire; not the batter, not the pitcher. That is a good analogy. A judge with a lifetime appointment certainly is not accountable to an electorate and is no longer accountable to the people who appointed him or her and the people who consented to the nomination. You have to

appoint someone who has a pretty good feel for his role in society and in the government. You hope that person is going to remain in the role of a judge, interpreting the law and being faithful to the Constitution, and not step out of that role to become a lawmaker or a decision-maker of the law.

Judge Roberts said during all of his hearings, in response to the questions that were asked of him, the rule of law was so important to him it was the central point that made him want to be a lawyer. I believe the rule of law protects the rights and liberties of all Americans against the tyranny of the majority and against the tyranny of the minority. It is the rule of law, as Theodore Roosevelt once said, that was very simply stated: ''No person beneath the law; no person above the law.''

Judge Roberts testified he became a lawyer, or at least developed as a lawyer, because he believes in the rule of law. He put it best when he said, if ''you believe in civil rights, you believe in environmental protection, whatever the area might be, believe in rights for the disabled, you're not going to be able or effectively to vindicate those rights if you don't have a place that you can go where you know you're going to get a decision based on the rule of law. . . .So that's why I became a lawyer, to promote and vindicate the rule of law.''

It is this commitment to the rule of law we must expect in our judiciary. I remember in particular during the hearings the answer to a question I appreciated very much. One of the members of the Judiciary Committee was trying so hard to find out how Judge Roberts would rule—even lean—in a case, so he gave an example. And he said: ''Now, what I am trying to find out is, will you vote for the little guy?''

Judge Roberts said:

> If the law is on the side of the little guy, I will vote for the little guy. If the law is on the side of the big guy, I will vote for the big guy.

That is what the rule of law is. As one senior justice on the Fifth Circuit Court of Appeals remarked, the Honorable Tom Reavley:

> The social order and well-being of our country depends upon the preservation of and allegiance to the rule of law.

You can tell a lot about a person by whom he admires and why. I thought one part of Judge Roberts' testimony told us a lot about him. It was about Judge Henry Friendly. Judge Friendly is one of the great justices in the history of our judiciary. He said Judge Friendly had a total devotion to the rule of law and the confidence that if you just worked hard enough at it, you would come up with the right answers. He especially pointed out that Judge Friendly kept at every stage of deciding a case, including reversing his opinion when he found, while writing an opinion, that his original decision—the one he had already written a majority decision on—no longer seemed to be the right one. Then he would take the best majority opinion he could to the other judges and explain that he had changed his mind, and he was going to vote the other way.

Finally, you could see Judge Roberts' admiration for Judge Friendly when he described his humility. He remarked that Judge Friendly was a genius and that most people would agree he would have made a better decision on most matters than the legislature or a Federal agency. Still, Judge Roberts explained that Judge Friendly insisted on deferring to them, the other branches of Government, because those decisions were supposed to be made by the other branches rather then a judge who was supposed to simply consider whether their decisions conformed to the law.

In these remarks Judge Roberts made about his mentor, as well as his own reflections on the rule of law, we clearly see the kind of Chief Justice that Judge Roberts will be. He is the sort of Chief Justice our Nation should have, that our Nation needs. I will support Judge John Roberts to be elevated to Chief Justice of the United States.

I am very pleased this process has gone as smoothly as it has. The President nominated Judge Roberts after direct consultation with almost every Member of the Senate—certainly every Member who had an opinion to give. The hearing process and the time devoted to looking into the background of the nominee was certainly sufficient. The Judiciary Committee had ample time to ask its questions, and we were enlightened by his answers. I believe the Senate will overwhelmingly confirm Judge Roberts. I think he will be one of the great Chief Justices in the history of our country.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SUNUNU. Mr. President, I rise in support of the nomination of John Roberts to be Chief Justice to the Supreme Court.

I note, as did the Senator from Texas, this has been a relatively smooth process. We should all be glad for that. It has been one that maybe has taken a little bit longer than some would have hoped. Everything seems to take longer in the Senate. Maybe that is part of the process. It is a process that is straightforward and clear. This is a life appointment, and for that reason alone it should be a process that is very deliberate and thorough.

It is unfortunate that some people have used the deliberate nature of the process to accentuate the dramatic. There has probably been an excess of hyperbole and an excess of rhetoric probably on both sides of the aisle as we consider this nomination. This is something that has been done before; it will be done again for decades to come. The Senate approves nominations for the judiciary all the time. It should be something we are accustomed to and feel comfortable in doing and do in the natural course of things rather than deal with the rhetoric and the hyperbole and sometimes the partisan tactics we have seen, even in this nomination, albeit it has been relatively smooth.

The hearings are a case in point. One would expect the bulk of nomination hearings to be taken up by testimony from the nominee to be a Justice, to be the Chief Justice of the Supreme Court, the bulk of the hearings to be taken up by that nominee answering questions or responding to queries. For those who did watch the hearings, they would agree the bulk of the hearings seemed to be taken up by very lengthy, and at times self-indulgent speeches by members of the committee. I don't think that serves the institution particularly well when we view the nomination process or these hearings as an opportunity to talk about ourselves, to talk about our view of the world, to talk about what we want, rather than to talk about what the country or the judiciary needs.

We seek—and I think opponents and supporters of Judge Roberts would agree with this statement—individuals who are well-qualified to serve on the bench. I argue, to the chagrin of ideologues on both sides, we have found just that in John Roberts. I say to the chagrin of people on both sides because in the past the smallest perceived or argued concern about an individual's qualification would be used as a screen or as a justification for voting against a nominee. In the absence of that decoy, the truth is laid bare that the only reason to object to such a qualified nominee is on partisan or ideological grounds.

Judge Roberts is eminently qualified. I don't need to describe his unbelievably strong record not just as a judge but as an individual bringing cases before the court. He has very distinguished experience in the private sector, as well as Harvard Law School. In recognizing this individual is among the most qualified ever to come before the Senate, his opponents are forced to recognize that their vote against him is simply because he fails their litmus test of partisan ideology because he refuses to tell legislators how he is going to vote on cases that are yet to come before the court because he believes that Justices should decide cases and not write the law.

There are some Members who have already stated their decision to vote against him for just these reasons. But those are the very reasons, or the very principles, that should be the foundation of an independent and impartial judiciary. So when John Roberts' opponents, when those Senators who are going to vote no, say: He is well respected, well qualified, has a great record on the bench, a great academic record and great experience, but I am going to vote against him anyway, they are saying, I am going to vote against him because he does not fit my view of ideology because he has not committed to vote a particular way on

a particular case. That is to say, I am voting against John Roberts because I do not want an impartial or independent judiciary.

That is a wrong and, in fact, dangerous view of what the judiciary should be.

They are opposing a capable, accomplished, well-qualified individual, and in doing so they are casting a vote against an independent and impartial judiciary. Those who will vote would take to this floor and say: No, that is not the case at all; we are for an independent and impartial judiciary. But I cite for them the very example, the very testimony that was cited earlier by the Senator from Texas. She spoke about a question that concluded in the Judiciary Committee: Will you vote for the little guys? That very question indicates that someone had already presupposed what the best vote was for that case, hypothetical or not. And if you are looking for a judge who agrees with your presupposed verdict in a case, or your presupposed vote in a case, then you have no interest in an impartial or independent judiciary. I think it is very difficult to argue the contrary.

This is not just a slippery slope, this is a dangerous precedent to set—left or right, liberal or conservative. To ask any judge, whether it is for the Supreme Court or for the Federal judiciary or the appeals court, to sit in front of a room of elected legislators and ask them about the position that they would take in cases that they are yet to hear is to stand up in front of your constituents, to stand up in public and say: I don't want an independent judiciary. I do not want an impartial judiciary. I just want someone who will commit to me to vote a specific way.

That is not what any judiciary should do. That is not how judges should comport or handle themselves, and that means that I will not always agree with cases and decisions rendered by the Supreme Court or my judge or Justice, but it means that as an elected official or as an American feeling confident that instead of looking for a biased judiciary, a judiciary that handles its job like a politician selling votes to get where they are, I can sleep at night knowing that I have cast votes consistently for an independent, impartial, well-qualified judiciary.

I think if you talk to the Republicans who are in the Senate who voted nearly unanimously for Judge Ruth Bader Ginsburg, they will argue that is exactly what they had in their minds—not casting a vote for a judge that would vote a particular way but voting for someone who at the end of the day they recognized was capable, was well qualified, and therefore would bring those skills and that capability to the judiciary in a direct and impartial way. Judge Roberts, in his testimony, summarized the importance of this approach quite well. He said the role of a judge is limited. The judges are to decide the cases before them; they are not to legislate. They are not to decide cases.

I think it was Justice White who first used those two words to describe the role of a judge as a Supreme Court Justice—decide cases, and decide those cases based on the text of the Constitution as it is written, not as any one of us wishes that it might have been written. I think in Judge Roberts we find just such an individual who is qualified, who is capable, who will, I hope, sit on the bench for a long time supporting, verifying, and validating this very concept of an independent and impartial judiciary. And those who vote against him set a bad precedent in striking a blow and casting a vote against that independence and impartiality that the Framers so hoped for our country for years to come.

I thank the Chair. I yield the floor.

The PRESIDING OFFICER. Under the previous order, the time from 4:45 to 5:45 p.m. will be under the control of the Democratic side.

The Senator from Minnesota.

Mr. DAYTON. I ask unanimous consent that the RECORD show that the remarks of the members of the majority caucus have exceeded their allotted time by 5 minutes, and that the hour allotted under the previous order to the Democratic caucus be extended by those 5 minutes.

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

Mr. DAYTON. I thank the Chair.

I rise today to oppose the nomination of Judge John G. Roberts, Jr., to be the next Chief Justice of the U.S. Supreme Court. The available record of Judge Roberts' writings during his public career in the administrations of President Reagan and the first President Bush and his very brief 2½ years as a judge on the DC Circuit Court of Appeals reveal his persistent opposition to laws enforcing desegregation, protecting minority voting rights, guaranteeing public education to a student with disabilities, and providing damages to a student who had been sexually abused by a teacher.

He, regrettably, declined repeated invitations by Senators during the recent Judiciary Committee hearings to recant or modify some of his most extreme and disturbing statements and positions. For example, in the 1981 memo to White House Counsel Fred Fielding, Judge Roberts referred to Mexican immigrants as ''illegal amigos.'' Before the Judiciary Committee he claimed ''it was a play on the standard practice of many politicians, including President Reagan, when he was talking to a Hispanic audience, he would throw in some language in Spanish.''

Pressed again, he replied:

> The tone was, I think, generally appropriate for a memo from me to Mr. Fielding.

I strongly disagree.

Also, during the Reagan administration, Judge Roberts was one of the lawyers in the Justice Department fighting against any improvements to the Voting Rights Act, according to William L. Taylor in the New York Review of Books.

Mr. President, I highly commend this article to my colleagues.

Judge Roberts reportedly drafted a letter sent to Senator Strom Thurmond urging him to oppose the bill extending the Voting Rights Act, which the House had passed by a vote of 389 to 24. Despite Judge Roberts' opposition and the opposition of President Reagan, the Senate passed the bill 85 to 8, with Senator Thurmond voting with the majority. President Reagan signed it into law 10 days later.

In the recent judiciary hearings Judge Roberts claimed his respect for precedent, but he clearly showed no respect for the 1965 Voting Rights Act when he opposed it 16 years later.

In 1982, Judge Roberts opposed the claims of a deaf student that she should have the classroom services of a sign language interpreter under the Federal Education for All Handicapped Children Act. He went so far as to write the Attorney General disagreeing with the Solicitor General's support for the student when her case went before the Supreme Court. In Judge Roberts' letter to the Attorney General, he reportedly referred to Supreme Court Justices William Brennan and Thurgood Marshall as ''the activist duo'' who used the Solicitor General to support ''an activist role for the courts.''

That he would write the Attorney General criticizing the Solicitor General does not support his claim that he was then merely a staff attorney reflecting the views of his superiors.

Judge Roberts did not fair so well 10 years later when, as Deputy Solicitor General, he argued that another student, a 10th-grade girl, had no right to damages after having been sexually harassed by a teacher. This time the Rehnquist Supreme Court, which included Justices Scalia and Thomas, rejected Judge Roberts' position and ruled in the girl's favor.

Given these and other indications of Judge Roberts' legal views and judicial philosophy, it is especially troubling that he and President Bush refused Senators' requests for other documents he wrote while he was the Deputy Solicitor General. And given his unwillingness before the Senate Judiciary committee to disavow any of his earlier known writings, I can only assume that later hidden documents contained views as bad or worse.

What Judge Roberts' available writings do show is a man born into wealth and privilege and thereby given all of the advantages to assure his success in life, who consistently opposed even lesser opportunities for Americans born into less fortunate circumstances. He called school desegregation ''a failed experiment.'' He claimed that Federal law entitled the deaf student only to a ''free, appropriate education,'' and denounced the ''effort by activist lower court judges''

to give her more. He opposed compensatory damages for the student sexually harassed by her teacher even though the Federal Government was not a party in the case, writing that it had ''an investment in assuring that private remedies do not interfere with programs funded by title IX.''

My principal concerns are not about Judge Roberts' mind but about his heart.

Of even greater concern, because it was so recent, was Judge Roberts' failure to recuse himself from a case before the court of appeals which involved President Bush as a principal defendant while he was being considered for nomination to the Supreme Court. Reportedly, Judge Roberts' first interview with the U.S. Attorney General regarding his possible nomination to the Supreme Court occurred last April 1, before the case was argued before the appeals court panel on which Judge Roberts was one of the three judges. On May 3, Judge Roberts evidently met with Vice President CHENEY, White House Chief of Staff Andrew Card, Attorney General Gonzales, and senior White House adviser Karl Rove regarding his possible nomination. On May 23, White House Counsel Harriet Miers interviewed Judge Roberts again.

On July 15, Judge Roberts and another judge on the appeals court panel ruled entirely in President Bush's favor and against the plaintiff. Four days later, the President nominated him to the Supreme Court. The plaintiff and his attorney were reportedly unaware of Judge Roberts' job interviews with the President's legal counsel and closest associates until his August response to the Senate Judiciary Committee's questionnaire.

Holding those job interviews, not disclosing them to the plaintiff's counsel, and not recusing himself from the case after the interviews began all violated Federal law under disqualification of judges according to a Slate magazine article, which continued:

> Federal law deems public trust in the courts so critical that it requires judges to step aside if their impartiality might be reasonably questioned even if the judge is completely impartial as a matter of fact.

As Justice John Paul Stevens wrote in a 1988 Supreme Court opinion:

> The very purpose of this law is to promote confidence in the judiciary by avoiding the appearance of partiality whenever possible.

Mr. President, I ask unanimous consent that the Slate magazine article entitled ''Improper Advances: Talking Dream Jobs with the Judge Out of Court'' be printed in the RECORD following my remarks.

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

(See exhibit 1.)

Mr. DAYTON. It seems clear to this Senator that the only way to avoid the appearance of impropriety deciding a case directly involving the President of the United States while being considered by him for nomination to the Supreme Court was for Judge Roberts to remove himself from the appeals court panel. At a minimum he should have disclosed those interviews to the plaintiff and his attorney.

When asked about this case during the Judiciary Committee's hearings, Judge Roberts declined to acknowledge any regret for his actions even with the benefit of hindsight. I find his lack of self-awareness to be shocking. Can an impartial observer not wonder whether Judge Roberts would have been nominated by the President to the Supreme Court if he ruled against the President 4 days earlier?

Obviously, the instances I have cited do not comprise the complete public record of Judge Roberts. Regrettably, as I said earlier, we will not have the complete record because important documents from his tenure as Deputy Solicitor General in the first Bush administration are being withheld from us. These and other similar incidents do, however, raise sufficient doubts and concerns so that I cannot vote to confirm Judge Roberts as the next Chief Justice of the U.S. Supreme Court. My doubts and concerns are magnified by the enormity of his influence over the Court and the country during, given his age and life expectancy, probably the next 30 to 40 years.

I disagree with my colleagues and fellow citizens who view the current Supreme Court as some liberal bastion.

In fact, seven of the nine Justices were nominated by Republican Presidents. During the past decade, the Rehnquist Court rejected congressional actions on affirmative action, violence against women, Americans with disabilities, age discrimination in employment, and enforcement of environmental laws. Many crucial cases were decided by 5-to-4 votes. I view the current Supreme Court as closely divided between this country's conservative center and its far-right extreme. I fear this nominee and the President's next nominee will shift the Court drastically and destructively toward that far-right extreme. That may form the President's political base, but it does not constitute the country's citizen base.

The Supreme Court belongs to all Americans, not just a politically favored minority. Its Justices should be exactly what many right-wing activists don't want—men and women of moderate, independent views who will decide cases from mainstream judicial and social perspectives rather than extreme ideological prisms. How much do the Court's opinions matter to the lives of all Americans? Enormously, more than we realize and much more than we take for granted.

I ask unanimous consent that an article from Harper's magazine by University of Chicago law professor Cass R. Sunstein be printed in the RECORD following my remarks.

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

(See exhibit 2.)

Mr. DAYTON. He pointed out that in 1920, minimum wage and maximum hour laws were unconstitutional in this country. In 1945, he wrote, the Supreme Court permitted racial segregation, did not protect the right to vote, and gave little protection to political dissent. Fortunately, subsequent Supreme Courts reversed those decisions. Unfortunately, subsequent Supreme Courts can reverse them again.

Millions and millions of Americans depend upon the rights and protections secured by those and other longstanding laws, and they assume those rights and protections are guaranteed, not provisional, and not contingent upon who is sitting on the Supreme Court. Those millions of Americans, most of whom do not share the extreme views of the Republican Party's radical right wing, deserve to continue their lives with the rights and protections established by previous Supreme Courts. Those citizens and this Senate are entitled to know whether a Chief Justice Roberts and a Roberts Supreme Court would respect and uphold those long-established precedents and principles or reject them. Instead, we are being asked to wonder now and wait to find out later. That is too risky a gamble with the future of America and why I will vote against Judge Roberts' nomination.

EXHIBIT 1

IMPROPER ADVANCES—TALKING DREAM JOBS WITH THE JUDGE OUT OF COURT

(By Stephen Gillers, David J. Luban, and Steven Lubet)

Four days before President Bush nominated John G. Roberts to the Supreme Court on July 19, an appeals court panel of three judges, including Judge Roberts, handed the Bush administration a big victory in a hotly, contested challenge to the president's military commissions. The challenge was brought by Salim Ahmed Hamdan, a Guantanamo detainee. President Bush was a defendant in the case because he had personally, in writing, found ''reason to believe'' that Hamdan was a terrorist subject to military tribunals. The appeals court upheld the rules the president had authorized for these military commissions, and it rejected Hamdan's human rights claims—including claims for protection under the Geneva Conventions.

At the time, the close proximity of the court's decision and the Roberts nomination suggested no appearance of impropriety. Roberts had been assigned to hear the appeal back in December, and it was argued on April 7. Surely he had decided the case long before the administration first approached him about replacing Supreme Court Justice Sandra Day O'Connor, who had announced her retirement on July 1. As it turns out, however, the timing was not so simple.

The nominee's Aug. 2 answers to a Senate questionnaire reveal that Roberts had several interviews with administration officials contemporaneous with the progress of the Hamdan appeal. One occurred even before the appeal was argued. Attorney General Alberto Gonzales interviewed the judge on April 1. Back then, it was an ailing Chief Justice William H. Rehnquist, not Justice O'Connor, who was expected to retire. The attorney general, of course, heads the Justice Department, which represents the defendants in Hamdan's case. And as White House counsel, Gonzales had advised the

president on the requirements of the Geneva Conventions, which were an issue in the case.

The April interview must have gone quite well because Roberts next enjoyed what can only be labeled callback heaven. On May 3, he met with Vice President Dick Cheney; Andrew H. Card Jr., the White House chief of staff; Karl Rove, Bush's chief political strategist; Harriet Miers, the White House legal counsel; Gonzales; and I. Lewis Libby, the vice president's chief of staff. On May 23, Miers interviewed Judge Roberts again.

Hamdan's lawyer was completely in the dark about these interviews until Roberts revealed them to the Senate. (Full disclosure: Professor Luban is a faculty colleague of Hamdan's principal lawyer.) Did administration officials or Roberts ask whether it was proper to conduct interviews for a possible Supreme Court nomination while the judge was adjudicating the government's much-disputed claims of expansive presidential powers? Did they ask whether it was appropriate to do so without informing opposing counsel?

If they had asked, they would have discovered that the interviews violated federal law on the disqualification of judges. Federal law deems public trust in the courts so critical that it requires judges to step aside if their ''impartiality might reasonably be questioned,'' even if the judge is completely impartial as a matter of fact. As Justice John Paul Stevens wrote in a 1988 Supreme Court opinion, ''the very purpose of [this law] is to promote confidence in the judiciary by avoiding even the appearance of impropriety whenever possible.'' The requirement of an appearance of impartiality has been cited in situations like the one here, leading to the disqualification of a judge or the reversal of a verdict.

In 1985, a federal appeals court in Chicago cited the requirement of the appearance of impartiality when it ordered the recusal of a federal judge who, planning to leave the bench, had hired a ''headhunter'' to approach law firms in the city. By mistake—and, in fact, contrary to the judge's instructions—the headhunter contacted two opposing firms in a case then pending before the judge. One firm rejected the overture outright. The other was negative but not quite as definitive. Writing for the Court of Appeals, Judge Richard A. Posner emphasized that the trial judge ''is a judge of unblemished honor and sterling character,'' and that he ''is accused of, and has committed, no impropriety.'' Nevertheless, the court ordered the judge to recuse himself because of the appearance of partiality. ''The dignity and independence of the judiciary are diminished when the judge comes before lawyers in the case in the role of a suppliant for employment. The public cannot be confident that a case tried under such conditions will be decided in accordance with the highest traditions of the judiciary.'' Although both law firms had refused to offer him employment, the court held that ''an objective observer might wonder whether [the judge] might not at some unconscious level favor the firm . . . that had not as definitively rejected him.''

In the fall and winter of 1984, a criminal-trial judge in the District of Columbia was discussing a managerial position with the Department of Justice while the local U.S. attorney's office—which is part of the department—was prosecuting an intent-to-kill case before him.

Following the conviction and sentence, the judge was offered the department job and accepted. On appeal, the United States conceded that the judge had acted improperly by presiding at the trial during the employment negotiations. It argued, however, that the conviction should not be overturned. The appeals court disagreed. Relying on Judge Posner's opinion in the Chicago case, as well as the rules of judicial ethics, the court vacated the conviction even though the defendant did not ''claim that his trial was unfair or that the [the judge] was actually biased against him.'' The court was ''persuaded that an objective observer might have difficulty understanding that [the judge] did not . . . realize . . . that others might question his impartiality.''

So, the problem in Hamdan is not that Roberts may have cast his vote to improve his chances of promotion. We believe he is a man of integrity who voted as he thought the law required. The problem is that if one side that very much wants to win a certain case can secretly approach the judge about a dream job while the case is still under active consideration, and especially if the judge shows interest in the job, the public's trust in the judiciary (not to mention the opposing party's) suffers because the public can never know how the approach may have affected the judge's thinking. Perhaps, as Judge Posner wrote, the judge may have been influenced even in ways that he may not consciously recognize.

A further complication here is that Roberts' vote was not a mere add on. His vote was decisive on a key question of presidential power that now confronts the nation. Although all three judges reached the same bottom line in the case, they were divided on whether the Geneva Conventions grant basic human rights to prisoners like Hamdan who don't qualify for other Geneva protections. The lower court had held that some provisions do. Judge Roberts and a second judge rejected that view. The third judge said Geneva did apply, but found it premature to resolve the issues it raised. Hamdan has since asked the Supreme Court to hear the case.

Roberts did not have to sit out every case involving the government, no matter how routine, while he was being interviewed for the Supreme Court position. The government litigates too many cases for that to make any sense. But Hamdan was not merely suing the government. He was suing the president, who had authorized the military commissions and who had personally designated Hamdan for a commission trial, explaining that ''there is reason to believe that [Hamdan] was ... involved in terrorism.''

Moreover, the Hamdan appeal is the polar opposite of routine for at least two reasons. First, its issues are central to the much-disputed claims of broad presidential power in the war on terror. Second, the court's decision on the Geneva Conventions has a spillover effect on the legality of controversial interrogation techniques used by the government at Guantanamo and elsewhere. That is because the same provision of the Geneva Conventions that would protect Hamdan from unfair trials also protects detainees from cruel, humiliating, or degrading treatment. The D.C. Circuit's decision rejecting the Geneva Conventions' trial protections—a decision that hinged on Roberts' vote—also strips away an important legal safeguard against cruel and humiliating treatment that may fall just short of torture.

Given the case's importance, then, when Gonzales interviewed Roberts for a possible Supreme Court seat on April 1, the judge should have withdrawn from the Hamdan appeal. Or he and Gonzales, as the opposing lawyer, should have revealed the interview to Hamdan's lawyer, who could then have decided whether to make a formal recusal motion. The need to do one or the other became acute—indeed incontrovertible—when arrangements were made for the May 3 interview with six high government officials. (We don't know how long before May 3 the arrangements were made.)

We do not cite these events to raise questions about Roberts' fitness for the Supreme Court. In the rush of business, his oversight may be understandable. What is immediately at stake, however, is the appearance of justice in the Hamdan and the proper resolution of an important legal question about the limits on presidential power. Although the procedural rules are murky, it may yet be possible for Judge Roberts to withdraw his vote retroactively. That would at least eliminate the precedential effect of the opinion on whether the Geneva Conventions grant minimum human rights to Hamdan and others in his position. Better yet, the Supreme Court can remove the opinion's precedential effect by taking the Hamdan case and reversing it.

---

EXHIBIT 2

FIGHTING FOR THE SUPREME COURT—HOW RIGHT-WING JUDGES ARE TRANSFORMING THE CONSTITUTION

(By Cass R. Sunstein)

In current political theater surrounding George W. Bush's judicial nominations, and the anxiety over the nomination of John G. Roberts as swing Justice Sandra Day O'Connor's successor, there is surprisingly little discussion of what is actually at stake. For, in truth, the battle over the judiciary is part of a much larger political campaign to determine not only the constitutionality of abortion and the role of religion in public life but also the very character of our Constitution, and thus our national government. Many people assume (no doubt because this is what they are told) that the meaning of the Constitution is set in stone, and that the disputes raging in the Senate and on the Sunday talk shows are between liberal judicial activists and conservative ''strict constructionists'' who adhere to the letter of the text. In fact, the contest is much more complicated and interesting—and, in most important respects, this conventional view of the subject is badly wrong.

Historically, our political disagreements have produced fundamental changes in our founding document. When one president succeeds another, for example, and the makeup of the federal judiciary and the Supreme Court changes, the Constitution's meaning often shifts dramatically. As a result, our most basic rights and institutions can be altered. Participants in the current battle over the judiciary are entirely aware of this point; they know that the meaning of the Constitution will be determined by the battle's outcome, and that significant rights that Americans now take for granted—such as the right to privacy and the power of ordinary citizens to have access to the federal courts—are very much at stake.

In 1920 minimum-wage and maximum-hour laws were unconstitutional. As the Supreme Court interpreted the Constitution at that time, it could not possibly have permitted a Social Security Act or a National Labor Relations Act. In the 1930s, President Franklin Delano Roosevelt sought to legitimate the New Deal, whose centerpieces included minimum-wage and maximum hour laws, the Social Security Act, and the National Labor Relations Act. Roosevelt didn't try to change a word of the Constitution, but by 1937 a reconstituted Supreme Court upheld nearly everything that Roosevelt wanted. In 1945 the Constitution permitted racial segregation, did not protect the right to vote, permitted official prayers in the public schools, and gave little protection to political dissent. By 1970 the same Constitution prohibited racial segregation, safeguarded the right to vote, banned official prayers in the public schools, and offered broad protection not only to political dissent but also to speech of all kinds. If American citizens in 1945 were placed in a time machine, they would have a hard time recognizing their Constitution merely twenty-five years later.

In recent years a new form of judicial activism has emerged from private organizations, law schools, and the nation's courtrooms. Purporting to revere history, the new activists claim that they are returning to the original Constitution—which they sometimes call the Lost Constitution or the Constitution in Exile. The reformers include a number of federal judges, such as Supreme Court Justices Clarence Thomas and Antonin Scalia (though Scalia is more circumspect). Appointed by Ronald Reagan, George H.W. Bush, or George W. Bush, these judges do not hesitate to depart radically from longstanding understandings of constitutional meaning. They would like to interpret the Constitution to strike down affirmative-action programs, gun-control legislation, and restrictions on commercial advertising; they also seek to impose severe restrictions on Congress's powers and to invalidate campaign-finance regulations, environmental regulations, and much else. Justice Thomas would allow states to establish official religions. The logic of the new approach would even permit the federal government to discriminate on the basis of race and sex.

It is tempting to think that what we are seeing today is merely a periodic swing of some hypothetical judicial pendulum, that the courts are returning to a period of restraint after the liberal activism of the past sixty years. And, in fact, some principled conservatives have favored exactly that. But they increasingly find themselves on the defensive. Today, many people are seeking a kind of constitutional revolution—one that involves activism rather than restraint. Many right-wing activists are willing to undo what they readily acknowledge to be the will of the people. Their intentions are no secret; they are publicly proclaimed in articles, judicial opinions, and speeches. There is no question, moreover, that some of these extremists seek to curtail or abolish rights that most citizens regard as essential parts of our national identity. Indeed, it is difficult to escape the conclusion that it is precisely because their ideological goals are politically unachievable that they have turned to the courts.

This ambitious program is the culmination of a significant shift in conservative thought. In the 1960s and 1970s, many conservatives were committed to a restrained and cautious federal judiciary. Their major targets included Roe v. Wade, which protected the right to abortion, and Miranda v. Arizona, which protected accused criminals; conservatives saw these rulings as unsupportable judicial interference with political choices. Democracy was their watchword; they wanted the courts to back off. They asked judges to respect the decisions of Congress, the president, and state legislatures; they spoke insistently of the people's right to rule themselves. This is no longer true. Increasingly, the goal has been to promote ''movement judges,'' judges with no interest in judicial restraint and with a demonstrated willingness to strike down the acts of Congress and state government. Movement judges have an agenda, which overlaps, as it happens, with that of the most extreme wing of the Republican Party.

In many areas, the new activists have enjoyed important victories. Consider the fact that the Rehnquist Court has overturned more than three dozen federal enactments since 1995, a record of aggression against the national legislature that is unequaled in the nation's history. In terms of sheer numbers of invalidations of acts of Congress, the Rehnquist Court qualifies as the all-time champion. A few illustrations:

The Rehnquist Court has thrown most affirmative-action programs into extremely serious doubt, suggesting that public employers will rarely be able to operate such programs and that affirmative action will be acceptable only in narrow circumstances.

The Rehnquist Court has used the First Amendment to invalidate many forms of campaign-finance legislation, with Justices Scalia and Thomas suggesting that they would strike down almost all legislation limiting campaign contributions and expenditures.

For the first time since the New Deal, the Rehnquist Court has struck down congressional enactments under the Commerce Clause. As a result of the Court's invalidation of the Violence Against Women Act, a large number of federal laws have been thrown into constitutional doubt. Several environmental statutes, including the Endangered Species Act, are in trouble.

Departing from its own precedents, the Rehnquist Court has sharply limited congressional authority to enforce the Fourteenth Amendment. In the process, the Court has struck down key provisions of the Americans with Disabilities Act, the Religious Freedom Restoration Act, and the Violence Against Women Act—all of which received overwhelming bipartisan support in Congress.

The Rehnquist Court has used the idea of state sovereign immunity to strike down a number of congressional enactments, including parts of the Age Discrimination in Employment Act and the Americans with Disabilities Act.

For the first time in the nation's history, the Rehnquist Court has ruled that Congress lacks the power to give citizens and taxpayers the right to sue to ensure enforcement of environmental laws.

Even so, the Rehnquist Court has not been a truly radical court, in large part because Justice O'Connor resisted large-scale change. The Court has hardly returned to the 1920s. It has not overruled Roe v. Wade. It has rejected President Bush's boldest claims of authority to detain suspected terrorists. It has struck down laws that criminalize same-sex relationships. It has not entirely eliminated affirmative-action programs. In especially controversial decisions, it has invalidated the death penalty for mentally retarded people and for juveniles. But even if those who seek to reorient the Supreme Court have not received all that they wanted, they have succeeded in producing a body of constitutional law that is fundamentally different from what it was twenty years ago. To a degree that has been insufficiently appreciated, the contemporary federal courts are fundamentally different from the federal courts of two decades ago. The center has become the left. The right is now the center. The left no longer exists.

Consider a few examples. Justices William Brennan and Thurgood Marshall were the prominent liberals on the Court in 1980; they did not hesitate to use the Constitution to protect the most disadvantaged members of society, including criminal defendants, African Americans, and the poor. Brennan and Marshall have no successors on the current Court; their approach to the Constitution has entirely disappeared from the bench. For many years, William Rehnquist was the most conservative member of the Court. He was far to the right of Chief Justice Warren Burger, also a prominent conservative. But Justices Antonin Scalia and Clarence Thomas are far to Rehnquist's right, converting him into a relative moderate.

In 1980 the Scalia/Thomas brand of conservative had no defenders within the federal judiciary; their distinctive approach was restricted to a few professors at a few law schools. But it is extremely prominent on the federal bench today. Justice John Paul Stevens is a Republican moderate, appointed to the Court by President Gerald Ford. For a long period, Justice Stevens was well known as a maverick and a centrist—independent-minded; hardly liberal, and someone whose views could not be put into any predictable category. He is now considered part of the Court's ''liberal wing.'' In most areas, Justice Stevens has changed little if at all; what has changed is the Court's center of gravity.

Of the more cautious decisions in recent years, almost all were issued by a bare majority of 5–4 or a close vote of 6–3. With looming changes in the Court's composition, the moderate decisions might well shift in immoderate directions. We can easily foresee a situation in which federal judges move far more abruptly in the directions they have been heading. They might not only invalidate all affirmative-action programs but also elevate commercial advertising to the same status as political speech, thus preventing controls on commercials by tobacco companies (among others). They might strike down almost all campaign-finance reform; reduce the power of Congress and the states to enact gun-control legislation; and significantly extend the reach of the Fifth Amendment's Takings Clause, thus limiting environmental and other regulatory legislation.

I have said that the new activists believe the Constitution should be understood to mean what it originally meant. Because of their commitment to following the original understanding, we may call them judicial fundamentalists. When President Bush speaks of ''strict construction,'' he is widely understood to be endorsing fundamentalism in constitutional law. Fundamentalists insist that constitutional interpretation requires an act of rediscovery. Their goal is to return to what they see as the essential source of constitutional meaning: the views of those who ratified the document. The key constitutional questions thus become historical ones. Suppose that the Constitution was not originally understood to ban sex discrimination, protect privacy, outlaw racial segregation, or forbid censorship of blasphemy. If so, that's that. Judges have no authority to depart from the understanding of 1789, when the original Constitution was ratified, or 1791, when the Bill of Rights was ratified, or 1868, when the Fourteenth Amendment was ratified.

Fundamentalists are entirely aware that current constitutional law does not reflect their own approach. They know that for many decades, the Court has not been willing to freeze the Constitution in the mold of the eighteenth and nineteenth centuries. For this reason fundamentalists have radical inclinations; they seek to make large-scale changes in constitutional law. Some fundamentalists, like Justice Scalia, believe in respecting precedent and hence do not want to make these changes all at once; but they hope to make them sooner rather than later. Other fundamentalists, including Justice Clarence Thomas, are entirely willing to abandon precedent in order to return to the original understanding. Many conservative activists agree with Thomas rather than Scalia.

Suppose the Supreme Court of the United States suddenly adopted fundamentalism and began to understand the Constitution in accordance with the specific views of those who ratified its provisions. What would happen? The consequences would be extremely dramatic. For example:

Discrimination on the basis of sex would be entirely acceptable. If a state chose to forbid women to be lawyers or doctors or engineers, the Constitution would not stand in the way. The national government could certainly discriminate against women. If it wanted to ban women from the U.S. Civil Service, or to restrict them to clerical positions, the Constitution would not be offended.

The national government would be permitted to discriminate on the basis of race. The Equal Protection Clause of the Fourteenth Amendment is the Constitution's prohibition on racial discrimination—and by its clear language, it applies only to state governments, not to the national one. Honest fundamentalists have to admit that according to their method, the national government can segregate the armed forces, the Washington, D.C., public schools, or anything it chooses. In fact, the national government could exclude African Americans, Hispanics, Asian Americans, whenever it liked.

State governments would probably be permitted to impose racial segregation. As a matter of history, the Fourteenth Amendment was not understood to ban segregation on the basis of race. Of course, the Supreme Court struck down racial segregation in its 1954 decision in Brown v. Board of Education. But this decision was probably wrong on fundamentalist grounds.

State governments would be permitted to impose poll taxes on state and local elections; they could also violate the one-person, one-vote principle. On fundamentalist grounds, these interferences with the right to vote, and many more, would be entirely acceptable. In fact, state governments could do a great deal to give some people more political power than others. According to most fundamentalists, there simply is no ''right to vote.''

The entire Bill of Rights might apply only to the national government, not to the states. Very possibly, states could censor speech of which they disapproved, impose cruel and unusual punishment, or search people's homes without a warrant. There is a reasonable argument that on fundamentalist grounds, the Court has been wrong to read the Fourteenth Amendment as applying the Bill of Rights to state governments.

States might well be permitted to establish official churches. Justice Clarence Thomas has specifically argued that they can.

The Constitution would provide much less protection to free speech than it now does. Some historians have suggested that on the original understanding, the federal government could punish speech that it deemed dangerous or unacceptable, so long as it did not ban such speech in advance.

Compulsory sterilization of criminals would not offend the Constitution. The government could ban contraceptives or sodomy. There would be no right of privacy.

This is an extraordinary agenda for constitutional law, and it provides only a glimpse of what fundamentalism, taken seriously; would seem to require. Should we really adopt it? During the controversy over the 1987 nomination of Judge Robert Bork to the Supreme Court, Judge Richard Posner, a Reagan appointee, produced an ingenious little paper called ''Bork and Beethoven.'' Posner noticed that Commentary magazine had published an essay celebrating Bork's fundamentalism in the same issue in which another essay sharply criticized the ''authentic-performance movement'' in music, in which musicians play the works of great composers on the original instruments. Posner observes that the two articles ''take opposite positions on the issue of 'originalism'—that is, interpretive fidelity to a text's understanding by its authors.'' While one essay endorses Bork's fidelity to the views of people in 1787, the other despises the authentic-performance movement on the grounds that the music sounds awful. If originalism makes bad music (or bad law), Posner asks, ''why should the people listen to it?''

Fundamentalists get a lot of rhetorical mileage out of insisting that their approach is neutral while other approaches are simply a matter of ''politics.'' But there is nothing neutral in fundamentalism. It is a political choice, which must be defended on political grounds. The Constitution doesn't set out a theory of interpretation; it doesn't announce that judges must follow the original understanding. Liberals and conservatives disagree on many things, but most would agree that the Constitution forbids racial segregation by the federal government and protects a robust free-speech principle. If fundamentalism produces a far worse system of constitutional law, one that abandons safeguards that are important to the fabric of American life, that must count as a strong point against it.

Fundamentalists often defend their approach through the claim that it is highly democratic—far more so than allowing unelected judges to give meaning to the constitutional text. But there is a big gap in their argument. Why should living people be governed by the particular views of those who died many generations ago? Most of the relevant understandings come from 1789, when the Constitution was ratified, or 1791, when the Bill of Rights was ratified. If democracy is our lodestar, it is hardly clear that we should be controlled by those eighteenth-century judgments today. Why should we be governed by people long dead? In any case, the group that ratified the Constitution included just a small subset of the society; it excluded all women, most African Americans, many of those without property, and numerous others who were not permitted to vote. Does the ideal of democracy really mean that current generations must follow the understandings of a small portion of the population from centuries ago? Yet fundamentalists want to strike down many laws enacted by the people's representatives. What's democratic about that?

I am not arguing that the Constitution itself should not be taken as binding. Of course it should be. The Constitution is binding because it is an exceedingly good constitution, all things considered, and because many bad things, including relative chaos, would ensue if we abandoned it. We're much better off with it than without it. But no abstract concept, like ''democracy,'' is enough to explain why we must follow the Constitution; and invoking that concept is a hopelessly inadequate way to justify fundamentalism.

Fundamentalists have other problems. It is a disputed historical question whether those who ratified the Constitution wanted judges to be bound by the original understanding. The Constitution uses broad phrases, such as ''freedom of speech'' and ''equal protection of the laws'' and ''due process of law''; it does not include the particular views of those who ratified it. Maybe the original understanding was that the original understanding was not binding. Maybe the ratifiers believed that the Constitution set out general principles that might change over time. If so, fundamentalism turns out to be self-defeating.

In any case, it isn't so easy to make sense of the idea of ''following'' specific understandings when facts and circumstances have radically changed. Does the free-speech principle apply to the Internet? Does the ban on unreasonable searches and seizures apply to wiretapping? To answer such questions, we cannot simply imagine that we have gone into a time machine and posed these questions to James Madison and Alexander Hamilton. For one thing, Madison and Hamilton would have no idea what we were talking about; for another, they probably wouldn't believe us if we explained it to them. Changed circumstances are pervasive in constitutional interpretation. To say the least, they complicate the fundamentalist project; they might even make it incoherent.

Many fundamentalists appeal to the idea of consent as a basis for legitimacy. In their view, we are bound by the Constitution because we agreed to it; we are not bound by the constitution of France or any model constitution that might be drafted by today's best and brightest. Although it's true that we're not bound by those constitutions, it is false to say that we're bound by the Constitution because ''we'' agreed to it. None of us did. Of course we benefit greatly from its existence, and most of us do not try to change it; but it is fanciful to say that we've agreed to it. The legitimacy of the Constitution does not lie in consent. It is legitimate because it provides an excellent framework for freedom and democratic self-government and promotes many other goals as well, including economic prosperity. The fundamentalists' arguments about legitimacy beg all the important questions. Ancient ratification is not enough to make the Constitution legitimate. We follow the Constitution because it is good for us to follow the Constitution. Is it good for us to follow the original understanding? Actually, it would be terrible.

Justice Antonin Scalia emphasizes the stability that comes from fundantalism, which, in his view, can produce a ''rock-hard'' Constitution. True, fundamentalism might lead to greater stability in our constitutional understandings than we have now. Unless readings of history change, the Constitution would mean the same thing fifty years from now as it means today. But fundamentalism would produce stability only by radically destabilizing the system of rights that we have come to know. At least as bad, fundamentalism would destabilize not only our rights but our institutions as well; many fundamentalists would like to throw the Federal Reserve Board, the Securities and Exchange Commission, and the Federal Communications Commission into constitutional doubt. In a way, fundamentalism would promote the rule of law—but only after defeating established expectations and upsetting longstanding practices on which Americans have come to rely.

Stability is only one value, and for good societies it is not the most import one. If an approach to the Constitution would lead to a little less stability but a lot more democracy, there is good reason to adopt it. Since 1950 our constitutional system has not been entirely stable; the document has been reinterpreted to ban racial segregation, to protect the right to vote, to forbid sex discrimination, and to contain a robust principle of free speech. Should we really have sought more stability?

Unfortunately, many fundamentalists are not faithful to their own creed. When their political commitments are intense, their interest in history often falters. Here's a leading example: Fundamentalists on the bench, including Justices Scalia and Thomas, enthusiastically vote to strike down affirmative-action programs. In their view, the Equal Protection Clause of the Fourteenth Amendment requires color blindness. History strongly suggests otherwise. In the aftermath of the Civil War, Congress enacted several programs that provided particular assistance to African Americans. The Reconstruction Congress that approved the Fourteenth Amendment simultaneously enacted a number of race-specific programs for African Americans. The most important examples involve the Freedmen's Bureau, created in 1865 as a means of providing special benefits and assistance for African Americans. The opponents of the Freedmen's Bureau Acts attacked the bureau on, the ground that it would apply to members of only one race. The response was that discrimination was justified in the interest of equality: ''We

need a freedmen's bureau,'' said one supporter, ''not because these people are negroes, but because they are men who have been for generations despoiled their rights.''

Curiously, fundamentalists don't investigate the pertinent history, but one of the explicit goals of the Fourteenth Amendment was to provide secure constitutional grounding for the Freedmen's Bureau Acts. It is peculiar at best to think that the Fourteenth Amendment prohibited the very types of legislation it was designed to legitimate. Voting to strike down affirmative-action programs, fundamentalists haven't offered a hint of a reason to think that such programs are inconsistent with the original understanding.

And this is just the beginning. Fundamentalists would very much like to strengthen the constitutional protection of property, especially by striking down ''regulatory takings''—reductions in the value of property that occur as a result of regulation, including environmental protection. But the historical evidence, which fundamentalists ignore, shows that as originally understood, the Constitution did not protect against regulatory takings. The most careful survey, by legal historian John Hart, concludes that ''the Takings Clause was originally intended and understood to refer only to the appropriation of property''-and that it did not apply to regulation.

Hart demonstrates that regulation was extensive in the founding period and that it was not thought to raise a constitutional question. Buildings were regulated on purely aesthetic grounds, and no one argued that compensation was required. States asked farmers who owned wetlands to drain their lands and to contribute to the costs of drainage—all without any complaints about ''taking.'' Some landowners were forbidden to sell their interests in land, and compensation was not required. In numerous cases, the public interest took precedence over property rights. Of course, government was not permitted literally to ''take'' land. But regulation was pervasive, and it was not considered troublesome from the constitutional point of view.

Fundamentalists usually don't even try to muster historical support for their view that the Constitution protects commercial advertising and bans campaign-finance legislation. Fundamentalists, including Justices Scalia and Thomas, vote to ban Congress from authorizing taxpayers to bring suit in federal court to enforce environmental laws. But they don't even investigate the historical evidence, which strongly suggests that they're wrong. In England and in early America, it was perfectly conventional for government to-give taxpayers the right to sue to enforce the law. No one suggested that such suits were unconstitutional.

In the same vein, many fundamentalists, including Justice Thomas, believe that the Constitution grants broad ''war power,'' or authority ''to protect the national security,'' to the president. But the text and history of the Constitution strongly suggest a careful effort to divide power between Congress and the president. If we favor ''strict construction,'' we will not believe that the president has a general ''war power.'' Perhaps most notably, Congress, not the president, has the power to ''declare War.'' The Constitution also grants Congress, not the president, the power to ''raise and support Armies.'' It authorizes Congress to ''provide and maintain a Navy.'' The founding document permits Congress to ''make Rules for the Government and Regulation of the land and naval Forces.'' It is Congress that is authorized to raise funds to ''provide for the common Defense and general Welfare of the United States.'' Congress, not the president, is empowered to ''regulate Commerce with foreign Nations.'' Congress is also authorized to ''define and punish Piracies and Felonies committed on the high Seas, and Offenses against the Law of Nations,'' as well as to ''make Rules concerning Captures on Land and Water.''

In this light the Constitution does not repose in the president anything like a general authority ''to protect the national security.'' Fundamentalists neglect the most natural reading of the document, which is that protection of national security is divided between Congress and the president-and that if either has the dominant role, it is the national lawmaker. To be sure, the Commander in Chief Clause does give the president direction of the armed forces, an expansive authority; but even that authority is subject to legislative constraints, because Congress controls the budget and because Congress can choose not to declare war. And if Congress refuses either to authorize the use of force or to declare war, the president is usually not entitled to commence hostilities on his own. In arguing that the Constitution gives the president ''the war power,'' fundamentalists ignore the document itself.

Much of the time, the emphasis on ''original understanding'' turns out to be a sham—a rhetorical smoke screen for an aggressive political agenda that would never survive the scrutiny of the political process. Writing in the midst of World War II, Learned Hand, the great court of appeals judge, wrote that the ''spirit of liberty is the spirit which is not too sure that it is right.'' Claiming their own neutrality, fundamentalists are all too willing to engage in partisan politics under the guise of constitutional law; in so doing, they defy liberty's spirit.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. NELSON of Florida. Mr. President, I rise to announce that I will vote to confirm Judge Roberts to serve as Chief Justice of the United States. As I see it, we must ensure that a nominee will serve the interests of the people and interpret the Constitution without any preconceived notions or agendas. On the highest Court in our Nation, the nominee will decide cases with the potential to move our country forward and to strengthen our democracy. This Court, under the leadership of Judge Roberts, if he is confirmed as the next chief justice, likely will hear cases addressing important issues, such as the right to privacy and the role of religion in public life; decisions that will impact all of our lives, as well as the direction of our country, for years to come. We must therefore be deliberative in our decision and, to the extent possible, make sure the President's nominee will not allow any personal bias or political beliefs to color the administration of justice or the interpretation of the Constitution.

On August 10, I met with Judge Roberts in my office. I came back to Washington during the August recess, where I was conducting town hall meetings in Florida, so that I could look Judge Roberts in the eye and get his response to questions that were important to Floridians, and would allow me to assess his fitness to serve. Following that meeting, and in the weeks leading up to today, I have listened to the testimony during his confirmation hearing in the Judiciary Committee. I have reviewed the decisions he wrote as a judge on the D.C. Circuit Court of Appeals, and I have looked at his writings from the time when he was an attorney in the Reagan administration. I also considered the views of my constituents who have called my office and written letters.

In our meeting last August, I could clearly see that he is a man who possesses a certain amount of humility. I found this very attractive. Despite his impressive academic and professional record and legal credentials, he did not appear arrogant, nor did he appear to be inflexible. I specifically talked to him about one of the things that is missing today in America. As we get so divided, we get increasingly highly partisan and ideologically rigid. It makes it difficult to govern a nation as large and as broad and as diverse and as complicated as this Nation is unless we can be tolerant toward one another, unless we can reach out and bring people together. As the Good Book says: Come, let us reason together.

Judge Roberts expressed to me reverence for both the Court and the rule of law. He said he was honored to be a nominee to serve on the same Court on which he used to work as a clerk. And, I told him what a great honor it was for me as a Senator to participate in this constitutional process. His responses to several of the questions I posed to him during our meeting form the basis for my decision to support his nomination. I wish to share some of those responses now.

I asked Judge Roberts whether he believed he could put aside his personal beliefs and be fair. He assured me that any personal beliefs he has, be they based on religion or other issues, personal beliefs that all of us carry, would not factor into any of his decisions. He said that they had not while he served on the D.C. Circuit Court of Appeals, and they would not if he is confirmed to the Supreme Court.

The oath of a judge, he noted, is to faithfully follow the rule of law and set aside personal beliefs. To ensure the fair and objective application of the law so that each litigant appearing before the court receives a fair chance with the same rules applied to each regardless of personal views, with justice meted out to both poor and rich, black and white, equally and based on the law.

Decisions of the Court must be reached with sound explanations, and the facts and the law alone determining the outcome.

I take Judge Roberts at his word.

I also asked Judge Roberts about two issues important to the citizens of

Florida: the right to privacy and the Court's respect for congressional authority, the separation of powers doctrine. When I asked Judge Roberts whether he recognized a right to privacy, either express or implied in the U.S. Constitution, he informed me that he does. He noted several amendments to the U.S. Constitution in which he believed this right was recognized. This response to me on August 10 was consistent with his testimony before the Judiciary Committee. It was during his testimony before that committee that he stated that he believed a right to privacy exists in the 14th amendment, the 4th amendment, the 3rd amendment, and the 1st amendment. This recognition was vital in reassuring me that he would not interpret the Constitution to limit individual freedoms and allow the Government broad powers to intrude into the lives of its citizens—something that makes our society unique compared to other societies in the world. The rule of law protects our citizens from the intrusion of the Government.

Then we had a discussion of Kelo v. New London, CT. It is the Court's recent ruling regarding eminent domain. Judge Roberts refused to relay his own personal opinion as to whether he believed the opinion reached by the Court was correct, the split 5-to-4 decision, of which Justice O'Connor was one of the vigorous dissenting Justices.

In our discussion of the opinion he used the words ''a person's home is their castle.'' He noted that the majority decision in Kelo provided that it was not for the Court to draw the line between what is permissible public use in the taking of private property, and that it was up to the legislative branch of Government to establish limits and to set constraints.

I appreciated that answer.

Now it is important for me to also address the concerns raised by some Floridians who urged me to vote against Judge Roberts' confirmation. They are worried that we are taking a big gamble with Judge Roberts, as we know very little about what he believes, and I share some of those same concerns, particularly with the administration not willing to come forth with some of the documentation that was asked for.

And, if not for his strong legal credentials and his repeated public and private statements and assurances that he would act independently on the bench, not allowing any personal beliefs to color his decisions, then I am not certain that I would have reached the decision to support his confirmation.

It is impossible to predict how Judge Roberts, if confirmed, will vote on any particular case that comes before the Supreme Court. All we can do, as Senators, is look at the nominee's judicial philosophy to determine whether the nominee will be faithful to the rule of law and to the U.S. Constitution and set aside personal or political beliefs and ideologies to ensure that the law and the facts govern judicial decisions; that all citizens of this country can go before the courts of this land and be treated equally and fairly under the law. Judge Roberts has pledged to be that type of Chief Justice, and that is why I have concluded that I will vote for the confirmation of his nomination.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, this will be the 10th Supreme Court nomination on which I will have voted. With every nomination, I have used the same basic test. If the nominee satisfies fundamental requirements of qualification and temperament, there are two traits that I believe should still disqualify a nominee: If a nominee possesses a rigid ideology that distorts his or her judgment and brings into question his or her fairness and openmindedness; or if any of the nominee's policy values are inconsistent with fundamental principles of American law.

Judge Roberts possesses extraordinary credentials suitable for this revered position. That he is highly qualified is not in doubt, and to say that he is highly capable is an understatement. Judge Roberts has an unusually fine legal mind. His ability to cite and to synthesize case law has impressed us all. He has great respect for the law and extensive experience arguing cases before the Supreme Court.

Judge Roberts is articulate and unflappable, with both a judicial temperament and a personal demeanor worthy of our highest Court. It is easy to understand why he is so liked and respected by those who know him.

While nearly everyone agrees he is qualified, concerns have been raised about Judge Roberts' earlier writings, and I share some of those concerns. More important, though, are the views he holds today. Is he an ideologue or is he capable of revising his views as he receives new evidence or hears new arguments?

During the confirmation hearings, Judge Roberts was pressed on many significant issues raised by his prior writings. He did not answer as an ideologue would. For the most part, he gave reassuring responses showing welcomed shifts—some subtle and some not so subtle—away from ideology and toward moderation. Here are a few examples.

As a young White House lawyer, Judge Roberts wrote several times on the question of Executive power, and he was supportive of broadly expanding the power of the President. Yet, relative to the power of the Executive to act in violation of an act of Congress, he said in his confirmation hearing:

> If it's an area in which Congress has legitimate authority to act, that would restrict the executive authority.

In 1981, while working in the Attorney General's Office, Judge Roberts wrote:

> Affirmative action program(s) required the recruiting of inadequately prepared candidates.

During his confirmation hearings, however, Judge Roberts told the Judiciary Committee something that sounded quite different with respect to affirmative action. He stated:

> The court permits consideration of race or ethnic background, so long as it's not sort of a make-or-break test.

He also stated:

> If a measured effort that can withstand scrutiny is affirmative action of that sort, I think it's a very positive approach.

In 1991, during his work as the Principal Deputy Solicitor General, Mr. Roberts was a signatory to a Government brief that stated in part:

> We continue to believe that Roe v. Wade was wrongfully decided and should be overruled.

However, Judge Roberts was asked during the recent hearings:

> Do you think there's a liberty right of privacy that extends to women in the Constitution?

He replied:

> Certainly.

Judge Roberts also stated regarding Roe v. Wade that ''it's settled as a precedent of the court, entitled to respect under the principles of stare decisis.''

There have also been questions about positions he took while in private practice. As a private lawyer, Judge Roberts argued a number of times against the power of Congress to legislate in several areas—attempting to limit the scope of the Americans with Disabilities Act, the Clean Water Act, and against the ability of Congress to withhold Federal funds from States with a drinking age lower than 21.

While I disagree with the positions he took, he was advocating the position of his clients, not necessarily his own positions. And during his confirmation hearings, Judge Roberts said with respect to congressional power under the commerce clause:

> It would seem to me that Congress can make a determination that this is an activity, if allowed to be pursued, that is going to have effects on interstate commerce.

There were times in the past when it appears he went beyond the position of his client to advocate for his own more restrictive views. For example—although I do not believe it was the position of the Reagan administration regarding Federal habeas corpus—Judge Roberts suggested that the Supreme Court could lessen its workload if habeas corpus petitions were taken off its docket.

On this issue, too, though, his thinking appears to have evolved. Judge Roberts said to the Judiciary Committee and reiterated to me his belief that habeas corpus is an important and legitimate tool in the search for due process and justice. Judge Roberts said that in those early memos he was opposing the repetitious habeas corpus petitions that appeared to be gaming the system, not the core right of access to Federal courts for a habeas corpus petition.

An observer of the legal scene for whom I have great respect, Cass Sunstein, professor at the University of Chicago Law School, said the following recently about the Federal judiciary and this nomination:

At this point in our history, the most serious danger lies in the rise of conservative judicial activism, by which the interpretation of the Constitution by some Federal judges has come to overlap with the ideology of right wing politicians. For those who are concerned about that kind of activism on the Supreme Court, opposition to the apparently cautious Judge Roberts seems especially odd at this stage.

Professor Sunstein also wrote:

In [Judge Roberts'] two years on the Federal bench, he has shown none of the bravado and ambition that characterize the fundamentalists. His opinions are meticulous and circumspect. He avoids sweeping pronouncements and bold strokes, and instead pays close attention to the legal material at hand.

That is not what I consider to be the description of an ideologue.

One troubling aspect of the confirmation hearings was Judge Roberts' excessive reluctance at times to share his own views. While caution is understandable from a nominee, I wish Judge Roberts had been more willing to answer appropriate questions from Senators on a number of issues.

The administration has also made this process more difficult than it should be. Reasonable requests for relevant requests were denied. Although we have memos from his early service as a young lawyer in the Reagan administration, we still do not have his writings from the period when he was Deputy Solicitor General during the first Bush administration. The papers that were sought and denied were perhaps more significant than the ones that we received. The administration's refusal to provide those documents inevitably raises questions about what they might contain.

Frankly, I believe the administration has too often treated the confirmation process as something to escape from rather than an opportunity to assure the American people that a nominee shares their basic values. The nominations of John Bolton and Alice Fisher are recent examples of where relevant documents and information were denied the Senate. This is not helpful to the confirmation process nor to the Senate's ability to make an informed decision.

In an attempt to glean more information about the views of Judge Roberts, I asked him to meet with me, and he agreed to do so, although my request came late. Judge Roberts' responses gave me further confidence that he has an open mind and is not driven by ideology.

At our meeting, I reviewed his approach to the interpretation of the Constitution. I asked him whether he agreed with the Chief Justice in the Dred Scott case who wrote that the Constitution ''must be construed now as it was understood at the time of its adoption, [and] it speaks not only in the same words, but with the same meaning and intent with which it spoke when it came from the hands of its framers.''

Judge Roberts assured me that he meant what he said to the Judiciary Committee relative to interpreting the Constitution. In response to a question at his hearing about constitutional intent, Judge Roberts had answered:

Just to take the example that you gave of the equal protection clause, the framers chose broad terms, a broad applicability, and they state a broad principle. And the fact that it may have been inconsistent with their practice may have meant that . . . their practices would have to change—as they did—with respect to segregation in the Senate galleries, with respect to segregation in other areas. But when they adopted broad terms and broad principles, we should hold them to their word and [apply] them consistent with those terms and those principles.

Judge Roberts continued, and this was to the Judiciary Committee:

And that means, when they've adopted principles like liberty, that doesn't get a crabbed or narrow construction. It is a broad principle that should be applied consistent with their intent, which was to adopt a broad principle.

And then he said the following:

I depart from some views of original intent in the sense that those folks, some people view it as meaning just the conditions at that time, just the particular problem. I think you need to look at the words they use, and if the words adopt a broader principle, it applies more broadly.

I also asked Judge Roberts about his 1982 memo which argued that ''Congress has the constitutional authority to divest the Supreme Court of appellate jurisdiction in school prayer cases.''

He assured me he was assigned to argue that position internally for discussion purposes in the Attorney General's office as a young lawyer and that, as he said at the Judiciary Committee hearing:

If I were to look at the question today, to be honest with you, I don't know where I would come out.

At our meeting, I told Judge Roberts his answer to the question I had submitted for the Judiciary Committee's record as part of his confirmation hearing was counterintuitive and difficult to accept. This was my question to him, whether between January 2005 and the President's announcement of his nomination:

Did you discuss with [Vice President CHENEY, Andrew Card, Karl Rove, Alberto Gonzales, Scooter Libby, and Harriet Miers] or others your views on the following: a, whether or not abortion related rights are covered by the right of privacy in the Constitution; b, powers of the President; c, constitutionality of allowing prayer in public places; d, the scope of the right of habeas corpus for prisoners; e, the extent of congressional authority under the Commerce Clause of the Constitution; f, affirmative action; and g, the constitutionality of court stripping legislation aimed at denying Federal courts the power to rule on the constitutionality of specific activities or subject matter.

Judge Roberts' answer to the Judiciary Committee was:

I do not recall discussing my views on any of these issues with anyone during the relevant period of time in connection with my nomination.

When I met with Judge Roberts, I asked him:

Wouldn't you surely remember if discussions on these subjects had taken place?

He looked me square in the eye and said they did not take place, nor did such discussions occur when the White House was considering him for his present job on the Court of Appeals.

I must take Judge Roberts at his word. The Senate is being asked to confirm John Roberts to the highest position on the highest Court of the land. I believe he is qualified to assume that awesome responsibility. To vote against Judge Roberts, I would need to believe either that he was an ideolog whose ideology distorts his judgment and brings into question his fairness and openmindedness or that his policy values are inconsistent with fundamental principles of American law. I do not believe either to be the case.

Judge Roberts has modified some of his views over time, which I take as evidence that he is not an ideolog and has not only a keen mind but a mind open to argument and consideration of our Nation's experience. I will vote to confirm John Roberts to be Chief Justice of the United States.

I yield the floor and 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 Florida. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. NELSON of Florida. Mr. President, I ask unanimous consent, since we are in executive session, to speak as in morning business.

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

ENERGY INDEPENDENCE

Mr. NELSON of Florida. Mr. President, I am going to continue to speak out on the vulnerable position our country finds itself in with regard to our dependence on foreign oil. Somewhere between 58 percent and 60 percent of our daily consumption of oil comes from foreign shores. If that in and of itself is not enough to alarm us—and I think the collective Nation has put its head in the sand to ignore the ramifications of that fact—certainly the two hurricanes, Katrina and Rita, hitting the gulf coast at a very vulnerable position of our oil supply as well as our oil refining capacity has reminded us.

So now with several of the refineries shut down first from Katrina in the New Orleans region and the gulf coast region of Mississippi, but now with some additional refineries that will be shut down in the Lake Charles, LA, region as a result of Hurricane Rita, it

all the more underscores how vulnerable we are on this thin thread of oil supply and oil distribution.

I think we need an Apollo project or a Manhattan project for energy independence. I do not think we ought to make decisions for the governing of our country and the comfort and protection of our people based on a system of supply and distribution of energy that makes us so subject to the whims of things that can happen beyond our control. I think we are likely to see this play out in the concern that we are not going to have enough home heating fuel for this winter because of the disruption that has already occurred. We clearly know what the disruption has done already to the prices, but I want to remind the Senate that the prices were very high before Hurricane Katrina happened.

In the townhall meetings I was conducting throughout the month of August in Florida, continuously people were telling me: Senator BILL, we cannot afford to drive to work or, Senator, we cannot afford to drive to the doctor.

That is when the price was at $2.70. After Katrina, of course, it went to $3. Who knows what the effect is going to be now as a result of Rita. We are living on a thin little margin of error in our supply, in our distribution of oil products.

Is this not enough to wake us up to the fact that this Nation collectively ought to come together and say we are going to reduce and ultimately eliminate our dependence on foreign oil? We can do that in so many different ways.

Yesterday, I spoke about the coal gasification process for which we have put incentives in the energy bill that was signed into law, a process that cooks coal, emitting the gas that is a clean-burning gas. But that is just one process. Remember, we have 300 years of reserves of coal in this country. We do not have to worry about going elsewhere in the world to get oil if we are able, through technology development, to convert that coal so that it is a clean-burning fuel. That is what I spoke about yesterday.

Today, I tell my colleagues about a process that was actually developed back in the first part of the last century by the Germans, that is the making of synthetic fuel from coal that is clean burning. The South Africans did it, and a lot of the transportation vehicles in South Africa run on this synthetic fuel—I think it is a kind of diesel—that powers almost all of their vehicles and some of their airplanes. Well, we certainly have the resource. We have the coal. Do we have the will? The technology is certainly here. It has been here since the early part of the last century and one country has already employed it and employed it very successfully.

Tomorrow I am going to come to the Senate floor again and I am going to talk about another technology that will help us move toward energy independence and to stop this dependence that has put us in such a vulnerable position with regard to the defense interests of our country and certainly our economic interests. Look what has happened to Delta Airlines already. They were in trouble economically long before the price of fuel started shooting up, but that is just one consequence. Look at the ripple effects of the thousands of people who are going to be laid off. Look at the ripple effects of what this Congress is going to have to do as we consider the protection of those employees' pensions.

So here it goes. It all comes back to one thing, and that is our dependence on an economy that runs on oil when we have known for years that we were going to reach the crisis point. It happened with Katrina, but it happened back in the early 1970s when there was an oil embargo out of the Middle East. It happened again in the late 1970s when there was another embargo. When is America going to wake up?

Each of us has our own ideas, but whenever we try one little thing, we cannot get a consensus in the Senate. For the last 4 years, we have brought an amendment to the floor, a simple little amendment on doing nothing more than raising miles-per-gallon on SUVs, phased in over a 10-year period so it would not hurt anybody, and we cannot get the votes on this floor to pass that.

Are we beginning to wake up because of what we are facing with Katrina? I hope so. This Senator is going to continue to speak out. My State, Florida, is in a vulnerable position because we are a peninsula that sticks down into these wonderful seas that surround us. But that energy has to be brought in. We are a State that does not have a natural resource such as oil or coal. We are a State that has to import that, and we have to bring it usually from long distances.

I will continue my dialog with the Senate of the United States tomorrow, bringing forth another technology that we can develop if we but have the will to change our dependence on foreign oil.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the time from 5:45 to 6:45 p.m. will be under the control of the majority.

The Senator from Alaska is recognized.

Ms. MURKOWSKI. Mr. President, I rise this afternoon to join many of my colleagues speaking in strong support of the nomination of Judge John Roberts to the position of Chief Justice to the United States. It is unquestionable that Judge Roberts is eminently qualified to take on the position of Chief Justice. He has an impeccable resume. You can look at that and say: There is a person who has given his life to the law. An encyclopedic recitation of the law and a solid record as both a lawyer and a judge void of an ideological agenda indicate that he will be a thoughtful and impartial Justice.

I had an opportunity to speak with Judge Roberts. There are some individuals whose knowledge of the law is so overwhelming and so impressive that, quite honestly, they are leaps and bounds above the rest of us and it is difficult to follow the conversation. The conversation I had with John Roberts was one where you are carrying on a conversation, he is able to bring in and impart his legal knowledge and continue a conversation that both flows and is comfortable. That is a unique talent.

Of interest to me and my State of Alaska is that John Roberts has litigated on behalf of Alaskan clients. When the Mayor of Juneau, who was Bruce Botelho, testified on behalf of Judge Roberts before the Judiciary Committee, he did so as a former attorney general for the State of Alaska and as a Democrat. He had this to say in his testimony about Judge John Roberts. He said:

> Working with Judge Roberts, I was fortunate to get to know the most remarkable and inspiring lawyer I have ever met. He will lead the Court in a way that will instill public confidence in the fairness, justice and wisdom of the judiciary.

When he was attorney general, Mayor Botelho retained John Roberts to represent Alaska in cases, to defend Alaska's sex offender registry, Alaska's right to submerged lands, and most notably a case involving Indian country, an Alaska Native Claims Settlement Act.

While he was retained by the State of Alaska, John Roberts, I think very eagerly, traveled up to the State to learn firsthand those things that he was going to be speaking to. He toured the waters of Glacier Bay in a Fish and Game boat, went out on a little riverboat, a skiff by most people's standards, in the Yukon-Kuskokwim Delta for a couple of days just traveling around. He traveled around and not only talked with the other lawyers who might be with the group, but he spoke with the people. He talked to the crews on the fishing boats. He engaged the people where they were. He talked with them about their local concerns. He practiced the pronunciation of the native village names. He was engaged. He was a real person to those Alaskans he met.

So often when we have kind of your east coast lawyers coming back to visit us up North, they are viewed with a little bit of suspicion. But I think it is fair to say that John Roberts made a very serious and a very genuine effort to know and appreciate firsthand the facts that were going to be presented to him, the facts he was going to be arguing. He was not just going to read some brief in the comfort of his study, he was going to come and learn for himself.

As Alaskans, we are fortunate to have a nominee who understands Alaska's unique landscape, our people, and its laws. We have some Federal laws and acts that are unique to where we

are and our people and our land up there, so much so that it is very difficult to become well versed in the law. Sometimes I think it is fair to say we think those on the outside, those in the lower 48, just don't get what happens up North and how it applies with us. But I think we have learned with Judge John Roberts that he will take the time to know and understand not only Alaska's people but the facts and circumstances all over.

As Americans, we have yet to imagine some of the legal questions John Roberts will consider in his tenure. But with his breadth of experience and his desire to wholly understand the legal matters before him, I believe Judge John Roberts will serve the court with integrity, thoughtfulness, and dedication to the law.

John Roberts has made it clear as a judge that it is not his place to use the law to further politics or to seek to question settled law. The role of justice is one of great restraint, of strict application of the law and not judicial activism. I believe John Roberts when he unequivocally pledged to uphold impartiality in the law.

Judge Roberts has explicitly assured us that his respect for the law and legal principle vastly outweigh his personal values, his views, or loyalty to anyone or anything other than the rule of law. This is the basis, the fundamental standard from which we should consider Judge Roberts' nomination. In my mind, there is simply no clear cause for opposing his nomination.

If in his testimony Judge Roberts did not communicate his views on legal matters which may come before the Court during his tenure, he was entirely forthcoming on his judicial philosophy. Judge Roberts stated repeatedly that he would bring no agenda to his work as Chief Justice. He stated he would judge each issue on its merits and approach each case with an open mind, that legal precedent and not his personal views would be his guide.

Perhaps more so than any other recent nominee, Judge Roberts has demonstrated a sound understanding and appreciation of the role of a Justice and the necessary constraints within which the third branch of government should operate. So today, I call on my Senate colleagues to take a step back from our politically charged setting to consider fairly a man who is incredibly qualified to become our Chief Justice.

I will quote from Roberts' testimony as I end here. He said:

> The rule of law—that's the only client I have as a judge. The Constitution is the only interest I have as a judge. The notion I would compromise my commitment to that principle . . . because of views toward a particular administration is one that I reject entirely. That would be inconsistent with the judicial oath.

John Roberts has what it takes to be the Chief Justice of the United States, which is complete love for the law, an erudite legal mind, and judicial modesty. I lend my support to the nominee and look forward to this body confirming him.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. Mr. President, I rise in support of Judge Roberts to be the next Chief Justice of the U.S. Supreme Court. That probably comes as no great surprise to anyone who has followed my career, but I think my reasoning hopefully will illuminate a little bit as to the difference between my passions as a Member of the Senate and as a legislator and my duty as a Senator to confirm nominees to the courts of this country because I do see them as different.

My job as a Senator is to be a passionate advocate for the things I believe are best for my State, for the constituents I represent, and best for the country and ultimately the world. I come here, as my colleagues have noted on occasions, with a fair degree of energy and passion and commitment to those causes.

When I approach the issue of nominations, particularly to a position of this import, judicial nominations, I come with a different agenda. A court is not a place for zealous advocates to impose their will upon the American public. It is not a place for people who believe their views as judges are superior to the views of the democratically elected officials in this country—better put, that their views are better than the people's views because we are, in fact, accountable to the people we represent. When I look at the confirmation process for judges, I try to step back and use a different criteria—not whether I agree with the judge's points of view on a variety of different issues but whether I believe the judge can carry out the role of a judge.

It is interesting in this debate that we have heard here in the Chamber and we have been hearing across this country now for the better part of 3 or 4 years since we have been locked up in the judicial confirmation battle that it has been a battle about ideology. It has been a battle about interpretations of the Constitution and rights derived from that Constitution and whether they will be upheld or whether they will be struck down or whether they will be modified. I believe that is an unfortunate debate. It is unfortunate that those who are applying or have been nominated for judicial positions are put in the positions of now being questioned as if they are running for political office, under the scrutiny of someone who is running for political office and make judgments about public policy as opposed to what the traditional role of the Court has been up until the last 40 or 50 years, just to decide the case before them in a narrowly tailored fashion, to do justice to the parties, in concert with the Constitution of this country—applying the law in this narrowly tailored fashion to come up with a just result for the parties in the case.

In the last 40 or 50 years, that type of justice has been rarer and rarer to find in our decisions, particularly on the Supreme Court.

As I come here, I again don't come here as a conservative. A lot of my supporters have said I am not sure Judge Roberts is a conservative. My response is, I am not sure either. Further, I am not sure it matters. What I am sure of is Judge Roberts will be a good judge, will be someone who sits and judges the case on the merits of the arguments as they apply to the Constitution of this country, and will do so in a way that comports with the great tradition in the last 40 or 50 years of the American judiciary. I am confident of that.

I think if there is anything that those on both sides of the aisle would say it is that Judge Roberts understands the limited role of the courts.

When Judge Roberts came into my office shortly after he was nominated, he stunned me. I have met with a lot of nominees who wanted to be judges from Pennsylvania, from the circuit courts as well as district courts. This was my first opportunity to meet a nominee for the Supreme Court. I have been here 11 years, and this is the first nomination for the Supreme Court in my 11 years here in the Senate. But having met many people who wanted to aspire to be judge, he was the first nominee I met with who used terms such as ''humility'' and ''modesty'' when describing the role of a judge in his role in the judicial process. Words such as ''judicial restraint'' again are not hallmarks of this judicial debate we have been engaged in now for the last few years. That may give some pause to conservatives who would like to see an activist conservative reversing lots of decisions conservatives are concerned about which the Court has passed down in the last few decades.

But to me, it gives me comfort to know this is a judge who will apply the law, who will not seek to replace the role of the legislature, or the President, State legislatures, and the Governors, township supervisors, county councils, but that he will do justice with the facts before him in the case in solving the dispute that has been presented to him.

As I said, we have had far too little of that kind of justice over the last few years.

As a result, I have written and spoken about the concern I have in this country that the judiciary is taking an ever increasing and dominant role in our society and in our Government. We are supposed to be a government that has checks and balances. When you talk about checks and balances, most people think about Republicans and Democrats. Of course, checks and balances were written long before there were such things as Republicans and Democrats. Checks and balances are the remainder of power between the branches of Government, one to check the other to make sure this finely

tuned and crafted document, the Constitution, that establishes these three branches would stay in equilibrium.

There were concerns at the time about a strong President running roughshod over the Congress and the judiciary and a strong Congress doing the same. Very few had concerns about the judiciary, particularly Hamilton in the Federalist Papers. He showed very little concern about a judiciary getting out of control. One exception to that was Thomas Jefferson. It was not at the time of the writing of the Constitution but years later, after a few court decisions had been handed down which gave power to the courts, which I am not sure many of the writers of the Constitution envisioned.

But having given them power as a result of earlier court decisions, Jefferson wrote in 1821, ''The germ of destruction of our Nation is in the power of the judiciary, an irresponsible body working like gravity by night, and by day gaining a little today and a little tomorrow and advancing its noiseless step like a thief over the field of jurisdiction until all shall render powerless the checks over one branch over the other, and will become as venal and oppressive as the government from which we were separated.''

That was Jefferson's concern about our judiciary, this ''irresponsible'' body, in his terms—irresponsible in the sense that it owes no responsibility or duty, has no real ability over the executive or legislative branches to be checked.

Why do I go off on this discussion about the courts? It is because of this penchant of the judiciary to grab more authority, to act as a superlegislature and lord itself over the rest of society that we need men such as John Roberts on this Court who understand as Chief Justice the danger a judiciary of this kind is to the United States of America and to our democracy.

While I am not sure John Roberts is a conservative, I am not sure he will overturn cases which I believe should be overturned, I am sure he will do justice. He will execute his duties with restraint, modesty, and humility as the Founders who had no concern about the judiciary believed those in positions on the Court would do. He is someone whom our Founders would be proud of to serve in that position. He is someone we desperately need to speak in the Court, to speak to the Court, and lead the Court in a direction that usurps less the powers reserved for the people in our Constitution.

I strongly support John Roberts. I hope the President in his next nomination will nominate someone very much in the vein of John Roberts. This Court and this country need people such as John Roberts.

I yield the floor.

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

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

Mr. MARTINEZ. Mr. President, today I rise for the first time as a U.S. Senator to exercise my constitutional obligation to provide advice and consent to a presidential nominee for Chief Justice to the United States Supreme Court. It is a high privilege that carries with it great responsibility. The responsibility to ensure, in so much as is possible, that the nominee is not only of the highest intellect, integrity and character, but that he or she comes to the process with no personal ideological agenda. That the nominee recognizes there is no room in the business of judging for the personal policy ideals of individual judges and that the symbolism of the judge's black robe to shield both the litigants and the country from the personal idiosyncrasy must be carried out in the discharge of the heavy responsibilities of the Court.

Today I add my voice to that of my colleagues speaking in support of the nomination of John Roberts to become the 17th Chief Justice of the United States of America.

Before the confirmation hearings began, we knew that John Roberts had impeccable academic qualifications to serve as the chief judicial and administrative officer of the highest court in the land.

Before the hearings began we knew that John Roberts had the wholehearted support of prior Solicitors General, in both Democrat and Republican administrations.

We knew that he had the overwhelming support of a majority of members of the District of Columbia bar where he practiced and we knew that he received the highest possible rating from the American Bar Association.

In short, we knew that his qualifications to serve were impeccable and unassailable.

And what we now know after the confirmation hearings, after extensive interaction with Members of the Senate, 20 hours of testimony and the give and take of responding to over 500 questions, is that Judge Roberts is possessed of: a quiet humility; a deep understanding and modest view of his own significance; a healthy appreciation of the role of the Court in the governance of our nation; respect for the limitation of precedent; an awareness of the dangers of looking to foreign jurisdictions for guidance in shaping the laws of our land; and a commitment to respecting the proper role of the courts in interpretation of the law.

I am persuaded that Judge Roberts will look to established precedent, be respectful of the doctrine of stare decisis and will use the constitution and the law as his guideposts as opposed to any personal whim or political agenda.

In my private meeting with Judge Roberts we discussed his view of the role of the Chief Justice. From his thoughtful response, it was clear that he had well considered ideas about providing effective and constructive leadership to his colleagues on the Court. In every institution or endeavor, great leadership finds a way to unite rather than to divide. I am confident that Judge Roberts will provide that leadership.

I want to mention that while a nominee's views issues such as the ''right to privacy'' are unquestionably significant and have occupied a great deal of the time dedicated to the confirmation process, our entire judiciary looks to the Supreme Court for guidance on many other issues other than the ''great constitutional questions of our day.''

I'm hopeful that as we go forward with our next nominee, we can find some time to also discuss issues that are vital to the day-to-day administration of justice.

What are the nominee's views on the cost of litigation in our country or the length of time required for litigants to have their claims adjudicated? Is there a fair mechanism to address legitimate concerns about nonmeritorious cases?

What has the effect of the speedy trial rule been on the ability of litigants in civil case to have a fair and prompt resolution of their claims?

What are the nominee's views on the argument that complex cases involving scientific evidence are beyond the ken of average jurors?

Where does the nominee stand on the difficult issue of sentencing guidelines and the current tension existing between the Congress and the Courts on the appropriateness of giving federal judges discretion in the imposition of sentences?

Where does the nominee stand on the problems of electronic discovery in civil and criminal cases?

What are the nominee's views on the importance of 12 member juries in civil cases? Could juries of 6 serve justice just as well? Why are unanimous verdicts required in civil cases could another method lead to a better quality of justice?

These questions may not make for good headlines, but they surround issues that are vital to the administration of justice in our great country.

It is my hope we will take the time to discuss them in the coming weeks as we go forward with the confirmation process of a nominee to replace Sandra Day O'Connor. These are the questions we should consider as we depoliticize the confirmation process and return our attention to working together to advance the cause of justice in our Nation.

My colleagues should take note that the American Bar Association gave Judge Roberts the rating of ''Well Qualified'' for Chief Justice of the United States.

To earn that rating, the ABA which is viewed as the solo standard, says, ''the nominee must be at the top of the

legal profession, have outstanding legal ability and exceptional breadth of experience and meet the highest standards of integrity, professional competence and judicial temperament.

The evaluation of ''Well Qualified'' is reserved for only those found to merit the Standing Committee's strongest affirmative endorsement.'' In conducting its investigation, the ABA reached out to a wide spectrum of people across political, racial and gender lines, including lawyers, judges and community leaders—people with personal knowledge of Judge Roberts.

The ABA interviewed Federal and state court judges, including all members of the Supreme Court of the United States, members of the United States Courts of Appeals, members of the United States District Courts, United States Magistrate Judges, United States Bankruptcy Judges, and numerous state judges. The results were as follows:

On integrity: ''He is probably the most honorable guy I know and he is a man of his word.'' ''I would be amazed if anyone had any greater integrity on either a personal or professional level.'' ''He's a man of extraordinary integrity and character.''

On judicial temperament: ''He has the kind of temperament and demeanor you would want in a judge.'' ''He was extremely even-tempered and was so good that he could give classes on it.'' ''John Roberts is respectful, polite and understated. He has no bluster and is a fabulous lawyer. He has no need to impress anyone.

On professional competence: ''He is brilliant and he understands the importance of the independence of the judiciary and the role of the rule of law.'' ''His opinions are clear, succinct and very well-written.'' ''His opinions are in the mainstream of American jurisprudence.''

In my own meeting with Judge Roberts, I was particularly impressed with his discussion of the dangers associated with looking beyond the borders for guidance or the support of precedent.

His response reflected a deep and comprehensive understanding not only of the importance of judicial precedent in setting boundaries for the Court, but also the role of the people, the legislative process and our representational form of government. Judge Roberts noted in our meeting and again in his testimony before the committee that our judges are appointed by our elected President and their appointment requires the consent of the duly elected members of the Senate.

This provides a measure of accountability consistent with the intention of the Founding Fathers.

Looking to a foreign source for legal principles deprives the American people of that accountability. To use Judge Roberts words, and I paraphrase, it's a bit like looking out over a large crowd to identify your friends. If you look hard enough, you can find something you like.

To my colleagues who are poised to cast a vote in opposition to the nominee, I would ask them to take a close look at Judge Robert's testimony at the commencement of the hearing:

> I have no agenda, but I do have a commitment. If I am confirmed, I will confront every case with an open mind.
>
> I will fully and fairly analyze the legal arguments that are presented.
>
> I will be open to the considered views of my colleagues on the bench, and I will decide every case based on the record, according to the rule of law, without fear or favor, to the best of my ability, and I will remember it's my job to call balls and strikes, and not to pitch or bat.

I must ultimately arrive at my decision based on a considered judgment as to whether this nominee has the qualifications, temperament and experience required of such high appointment. Does he have the requisite personal ethics and moral code to serve as our nation's highest judicial officer?

I have measured this nominee against this high bar for confirmation and find him qualified in every respect.

I accept Judge Roberts' word as his bond, consistent with his history as a man of unquestioned integrity and commitment to the highest ideals demanded of our judicial officers. I look forward to casting a historic vote in support of this most highly qualified nominee.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. COBURN. Mr. President, first, I have the distinct privilege of being on the Judiciary Committee. I also have the distinct privilege of serving with three other members on that committee who are nonlawyers so I bring to that committee not a legal background but a citizen background. One of the things I found very refreshing during the hearings was the fact that we have a person in the name of John Roberts who recognizes the role of the judiciary as outlined by our Founders. I will go into that in a minute.

I will address, first, some issues that are important.

We heard today some criticisms of Judge Roberts in sitting and hearing the Hamdan case while he was under consideration for this position. For the record, I show that Justice Ginsburg, during her consideration, decided 24 cases. Justice Breyer decided 15 cases during the period of time he was under consideration. I have the attestation of ethicists who have made statements in support of the fact that Judge Roberts violated no ethical creed and did nothing but his job as an appellate justice while hearing this, and I ask unanimous consent to have them printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

GEORGE WASHINGTON
UNIVERSITY LAW SCHOOL,
*Washington, DC, August 18, 2005.*

Hon. ARLEN SPECTER,
*Chairman, Committee on the Judiciary, U.S. Senate, Washington, DC.*

DEAR MR. CHAIRMAN: A recent story in the Washington Post suggested that it might have been improper for Judge John Roberts to participate on the D.C. Circuit panel that decided the recent case of *Hamdan* v. *Rumsfeld*. The Post story relied heavily on a short article written by three professors, Stephen Gillers, David Luban and Steven Lubet, and published on the internet in slate.com.

I write to provide perspective on the issues raised by these articles and to make clear that Judge Roberts' participation on the panel was proper. To briefly suggest my background to draw such a conclusion, I have taught and written in the field of legal and judicial ethics for over thirty years. The law school text that I co-author has long been the most widely used in the country, and it covers judicial ethics in considerable detail.

There are several points on which all observers would agree. First, 28 U.S.C. §455 requires Judge Roberts or any other federal judge to disqualify himself ''in any proceeding in which his impartiality might reasonably be questioned.'' The key term, of course, is ''reasonably.'' Anyone could assert that a given judge was not impartial. Indeed, a litigant might be expected to do so whenever he or she preferred to have someone else hear their case. Thus, the statute does not allow litigants (or reporters or professors) to draw a personal conclusion about the judge's impartiality; the conclusion must be ''reasonable'' to a hypothetical outside observer.

Second, saying as some cases do, that judges must avoid even ''the appearance of impropriety'' adds nothing to the analysis. Unless the ''appearance'' is required to be found reasonable by the same hypothetical outside observer, the system would become one of peremptory challenges of judges. That is not the system we have, nor would it be one that guarantees the judicial authority and independence on which justice ultimately depends.

Third, there is no dispute that judges may not hear cases in which they would receive a personal financial benefit if they were to decide for one party over another. The first case cited (albeit not by name) by Professors Gillers, Luban & Lubet was Liljeberg v. Health Services Acquisition Corp., 486 U.S. 847 (1988). It simply decided that a judge had a personal interest conflict and could not decide a case that would financially benefit a university on whose Board of Trustees the judge sat. In short, the case says nothing relevant to Judge Roberts' conduct.

Fourth, a judge may not hear a case argued by a private firm or government office with which the judge is negotiating for employment. The reason again is obvious. That was the fact situation in the remaining two cases cited by Professors Gillers, Luban & Lubet in their slate.com article. The cases break no new ground and provide no new insights relevant to this discussion.

Critics of Judge Roberts suggest, however, that his ''interviews'' with the Attorney General and with members of the White House staff were analogous to private job interviews. That is simply not the case. A judge's promotion within the federal system has not been—and should not be—seen as analogous to exploration of job prospects outside of the judiciary.

Except for the Chief Justice, every federal judge is at least in principle a potential candidate for promotion to a higher status in the judiciary. One might argue that no district judge should ever be promoted to a

court of appeals, and no court of appeals judge should be elevated to the Supreme Court, but long ago, we recognized that such an approach would deny the nation's highest courts the talents of some of our most experienced and able judges. One need only imagine the chaos it would cause if we were to say that no federal judge could hear a case involving the federal government because he or she might be tempted to try to please the people thinking about the judge's next role in the federal judiciary. Nothing in §455 requires us to say that it would be ''reasonable'' to assume such temptation. We properly assume that judges decide cases on their merits and see their reputation for so doing as their basis for promotion, if any.

To be fair to the critics, they argue that a judge's situation might be different once actual ''interviews'' begin for the new position. The problem with that, of course, is that interviews are only a step beyond reading the judge's decisions in a file, interviewing observers of the judge's work, and the like. That kind of thing goes on all the time, including in the media. Further, all accounts suggest that several judges were being ''interviewed'' and that for most of the period of the interviews, there was not even a Supreme Court opening to fill. Assuming, as even Professors Gillers, Luban & Lubet do, that no improper pressure or discussion took place in the interviews themselves, it is hard to see that physically meeting with White House staff transforms what is inevitable and proper in the judicial selection process into something more suspect.

Again, even Professors Gillers, Luban & Lubet ultimately concede that Judge Roberts should not have had to withdraw from all cases brought by the government as the logic of their criticism would seem to suggest. They argue instead that the Hamdan was special. It was ''important'' to the Administration and therefore required special caution.

I respectfully suggest that an ''importance'' standard for disqualification could not provide sufficient guidance for the administration of the federal courts. Every case is important, at least to the parties. Furthermore, while some cases have greater media interest than others, and some are watched more closely by one interest group or another, every case before the D.C. Circuit that involves the federal government is there because high level Justice Department officials have concluded that the appeal is worth filing or resisting.

Saying that some cases are important and others are not ultimately reveals more about the speaker's priorities than it does about the intrinsic significance of the case. Indeed, earlier this year, the Supreme Court decided United States v. Booker and United States v. Fanfan involving the Sentencing Guidelines. Few decisions have had more impact on the operation of federal courts in recent years, yet it was widely reported that Professor Gillers opined to Justice Breyer—correctly in my view—that he need not recuse himself even though his own work product as a former member of the Sentencing Commission arguably was indirectly at issue. Importance of the case was not the controlling issue for Professor Gillers then, and it is simply not a standard now that can clearly guide a judge as to which cases require disqualification and which do not.

Indeed, the critics of Judge Roberts' remaining a part of the Hamdan panel overlook the fact that judges of the D.C. Circuit are assigned to the cases that they hear on a random basis. That randomness is part of the integrity of the court's process and it guarantees that no panel can be ''stacked'' with judges favorable to one litigant or another. Weakening the standard for a reasonable appearance of impropriety, and making recusal turn on which litigants can place news stories accusing judges with of a lack of ethics would adversely affect the just outcomes of cases more than almost any other thing that might come out of the hearings on Judge Roberts' confirmation.

In short, in my opinion, no reasonable observer can ''reasonably question'' the propriety of Judge Roberts' conduct in hearing the Hamdan case. He clearly did not violate 28 U.S.C. §455. Indeed, he did what we should hope judges will do; he did his job. He participated in the decision of a case randomly'assigned to him. We should honor him, not criticize him, for doing so.

Respectfully,

THOMAS D. MORGAN,
*George Washington University Law School.*

---

STATEMENT BY PROFESSOR GEOFFREY C. HAZARD, JR., UNIVERSITY OF PENNSYLVANIA LAW SCHOOL

In my opinion, Judge Roberts could have decided to recuse himself in the Hamdan case but was not obliged to. Hence, it was a matter of professional judgment. These situations, where a judge is being considered for some other or additional possibility, are fairly common these days, hence part of the environment. Also, recusing would require some kind of explanation, which could lead to leaks, which could embarrass other government procedures, such as background checks. I believe that it is reasonable to say that he should, have recused himself, but also reasonable for him to have concluded that it was not obligatory.

Mr. COBURN. I thought it would be important for the American people to hear what our Constitution says about our judges. I also thought it would be important for the American people to hear the oath sworn by a judge.

I have been a Senator for less than a year. When I was campaigning—I also will readily admit I am a pro-life conservative from Oklahoma—but when I was asked during that campaign if I had a litmus test on a Supreme Court nominee, every time I said ''no,'' except one: Integrity. It doesn't matter what position a judge holds. It doesn't matter what their background is. It doesn't matter what their thoughts on any issue are. If they lack integrity, none of the rest of it matters. No one can claim that John Roberts lacks integrity.

During that campaign, I very well explained to the people of Oklahoma that I didn't want a Justice that sided with me. I didn't want a Justice that sided with anybody, except the law and the Constitution.

Here is what article III says about judges:

The judicial Power of the United States, shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish. The Judges, both of the supreme and in inferior Courts, shall hold their offices during good Behavior, [we heard some conversation about foreign law; Judge Roberts passes the bar on his refusal to use foreign law] and shall at stated Times, receive for their Services a Compensation which shall not be diminished during their Continuance in Office.

[Their power] shall extend to all Cases, in Law and Equity, arising under this Constitution, and the Laws of the United States, and Treaties made, or which shall be made, under their Authority;

It reads in article 6 that:

This Constitution and the Laws of the United States which shall be made in Pursuance thereof, and all Treaties made, or which shall be made, under Authority of the United States, shall be the supreme Law of the Land, and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.

The Senators and Representatives before mentioned, and the Members of the several State Legislatures, and all executive and judicial Officers, both of the United States and the several States, shall be bound by Oath or Affirmation, to support this constitution; but no religious Test shall ever be required as a Qualification to any Office or public Trust under the United States.

The oath John Roberts will take and each Justice before him is as follows:

I do solemnly swear that I will administer justice without respect to persons and do equal right to the poor and to the rich, and that I will faithfully and impartially discharge and perform all the duties incumbent upon me under the Constitution and the laws of these United States, so help me God.

There are going to be several of my colleagues who will vote against John Roberts. The real reason they will be voting against John Roberts is because he would not give a definite answer on two or three of the social issues today that face us. He is absolutely right not to give a definite answer because that says he prejudges, that he has made up his mind ahead of time. The religious test I spoke about is one of if you don't agree with me and what I believe and if you don't believe there are certain rights to privacy or certain rights that are there that are not spelled out in the Constitution that have become rights, you have set up a religion. The religious test is going to be that if he won't give an answer on those controversial social issues such as abortion today, he will never qualify. Under that religious test, no nominee President Bush will nominate to the Supreme Court will ever get their vote, regardless of whether they are pro-Roe v. Wade or against Roe v. Wade. The fact is, they will not commit.

Therefore, if you can't know or you are suspicious that somebody might take one position or the other ahead of time and you have that as a test, you yourself are violating one of the tests of the Constitution.

I believe John Roberts is a man of quality. Most importantly, he is a man of integrity. I don't want him to rule my way. I want him to rule the right way. The right way is equal justice under the law for all of us. If he does that and if the rest of the Supreme Court starts following him, we will reestablish the confidence that is sometimes lacking in the Court today, and we will also reestablish the balance between the judiciary, executive, and legislative branches.

It is my hope this body will give a vote to John Roberts that he deserves based on his interpretation, knowledge, and honesty with the committee and, fundamentally, with his integrity that is endorsed by the American Bar Association. Everyone who knows him

knows he will do just that, equal justice under the law for every American.

I yield the floor.

Mr. ENZI. I rise today to share my thoughts on the nomination of Judge John Roberts to be the Chief Justice of the U.S. Supreme Court. Like most Americans, I watched the Judiciary Committee hearings with great interest and curiosity. Judge Roberts could potentially be the 17th Supreme Court Chief Justice in the history of the United States. It is amazing to consider that only 16 other people have shared that honor. It is a much shorter line than the number of Presidents back to George Washington—42.

Considering this tie with history, I was thrilled to be watching the proceedings. However, I am also aware of my serious responsibility as a U.S. Senator at this time. The Senate has the duty to give its advice and consent to the President's nomination. Given the comparative youth of Judge Roberts, the vote this week could affect the dispensation of constitutional questions for many decades.

During over 20 hours of questions, I had ample opportunity to consider the qualities and character of Judge Roberts. I observed Judge Roberts' keen intelligence and modesty regarding his accomplishments. I also enjoyed his sense of humor in the midst of intense and repetitive questioning. He convinced me that he is qualified to serve on the highest Federal bench.

During the hearings, I was reminded of a common fallacy where people think judges are politicians. Judges are not politicians. It has been easy to slip into the thinking that we need to know their political allegiance so that we can know what their decisions will be. We also begin thinking that judges should make decisions based on good policy. Finally, we believe that judges have to make us promises on the future decisions so they can win our votes. Judges are not politicians. We need to know their qualifications, not their political allegiances. We need to know that their decisions will be made on the rule of law, not on good policy. We need to know that judges will not make promises to prejudge future cases in order to win votes. Judges are not politicians. A judge's only constituent should be the U.S. Constitution. If the people were the constituents of judges, our confidence in an impartial hearing and ruling on our case would collapse.

A judge should be an intelligent, impartial, open, and unbiased executor of the law. I believe that Judge Roberts meets these qualifications and is fit to serve as the Chief Justice of the Supreme Court. I am pleased that a bipartisan majority of the Judiciary Committee passed him through the committee. I go home to Wyoming most weekends. It lets me personally poll my constituents. That is an advantage of being from the least populated State. I can assure you they are impressed with Judge Roberts. That is probably not a surprise. However, during the week when I am in DC, I visit with the janitors, electricians, picture hangers, and others around the offices. To a person they had comments like "this man really knows his stuff." "He answers their questions without a single note or staff person whispering in his ear. I bet he could take the bar exam tomorrow and still pass it. This guy is good" and I think that is the opinion of mainstream America. I look forward to voting on his nomination later this week.

Even after the vote, the Senate's work to fill the Supreme Court will not be complete. We are waiting for another nomination from President Bush to replace retiring Justice O'Connor. I am pleased with the recent precedent set by the Judiciary Committee.

In a bipartisan and timely manner, they voted out a nominee based on his qualifications. They voted him out based on his stated devotion to applying the rule of law. As the Senate prepares to consider the next Supreme Court nomination, it is my hope that the same process will be followed—a timely consideration based upon the qualifications of the nominee and not on scoring political points.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

## MORNING BUSINESS

Mr. COBURN. Mr. President, I ask unanimous consent that there now be a period of morning business with Senators permitted to speak for up to 10 minutes each.

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

## MIDDLE EAST OIL

Mr. STEVENS. Mr. President, I ask unanimous consent to have printed in the RECORD a recent article from Petroleum News which is entitled "Saudi Oil Shock Ahead," in which Matthew R. Simmons discusses the relative importance today of oil and gas exploration in the Arctic National Wildlife Refuge and discusses the valuable role this area can play in our national energy policy.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From Petroleum News, Sept. 11, 2005]

SAUDI OIL SHOCK AHEAD—SIMMONS POKES HOLES IN IMAGE OF UNLIMITED MIDDLE EAST OIL; PREPARE FOR WORST

(By Rose Ragsdale)

As Congress turns to legislation that could open a new era of Alaska Arctic oil production, one highly regarded energy analyst says he's convinced the move is critical to the success of a national energy strategy.

Matthew R. Simmons, author of "Twilight in the Desert: The Coming Saudi Oil Shock and the World Economy," (John Wiley & Sons Inc., 2005), says crude from the Arctic National Wildlife Refuge's 1.5-million-acre coastal plain could play a valuable role in the nation's energy policy.

Simmons, an investment banker who holds an MBA from Harvard University, is chairman and chief executive officer of Houston-based Simmons & Co. International, which specializes in the energy industry. He serves on the boards of Brown-Forman Corp. and The Atlantic Council of The United States. He's also a member of the National Petroleum Council and The Council of Foreign Relations.

Simmons recently shared his views with Petroleum News on Alaska's oil and gas industry. He has been busy promoting his book with appearances on several talk shows, including a recent radio interview with Jim Puplava, host of Financial Sense Newshour. "Twilight in the Desert" hit the bookstores in the spring and is generating considerable comment in energy, economic and political circles.

Simmons' book is the culmination of years of research, including scrutiny of 200 technical papers, published by the Society of Petroleum Engineers, on problems encountered by professionals working in Saudi Arabia's oil fields. The papers, combined with transcripts from little-noticed U.S. Senate hearings in the 1970s and Simmons' discovery that little actual public and verifiable data exists on Saudi oil reserves, form the backbone of observations and conclusions in the book.

While most energy economists start with the assumption that Middle East oil reserves are plentiful, Simmons questioned that assumption after he found that no one had ever compiled a verifiable list of the world's largest oil fields and the reserves they hold.

His questions first surfaced at a Washington, D.C., workshop, conducted by CIA energy analysts, where top energy experts gathered several years ago.

"We'd spend a day doing a discussion of all the key countries, and how much oil capacity they had in place over the course of the corning three years," Simmons recalled. "And I basically said, 'How do you all even know that? What are the three or four top fields in China?' And no one had any answers.

"So I decided it would be interesting and educational to see if you could actually put together a list of the top 20 oil fields by name," he added.

That exercise revealed that Saudi Arabia, like most of the other Middle East countries, extracted 90 percent of its oil production from five huge fields, and the biggest of the fields, Ghawar, had been producing oil for more than 50 years.

"What I also found is that the top 14 fields that still produce over 500,000 barrels per day each, were 20 percent of the world's oil supply, and on average they were 53 years old," he observed.

Historically, oil field discoveries fit a pattern that Simmons likens to the nobility of a European country or the pieces on a chessboard. In each of the world's great oil basins, explorers have found a large field first, most often the "queen" field but sometimes the "king." Next explorers typically find another large field, usually the other half of the royal pair. After that, oil basins typically yield several moderate-sized fields, or "lords." Beyond that, only small pools of crude reserves or "peasants" typically remain, he said.

In "Twilight in the Desert," Simmons not only documents the history of Saudi Arabia and its oil fields, he also questions the Middle East country's claims that it still has

plentiful oil reserves. He notes that Ghawar is the ''king'' field and is flanked by a score of lesser fields, ranging from ''queen'' size in Abqaiq to much smaller pools.

Simmons also suggests that Saudi production is very near its peak. But the feedback he has received from technical people who have read the book, leads him now to believe that Saudi Arabia has ''actually exceeded sustainable peak production already.''

''And I think at the current rates they are producing these old fields, each of the fields risks entering into a rapid production collapse,'' he said.

Simmons said energy economists are reluctant to even entertain the notion that Saudi oil output is past its peak because they really don't understand the difference between oil supply peaking and running out of oil.

''I continue to remind people that the difference is as profound as someone saying, 'I'm getting a little bit hungry,' and someone saying, 'I have about two more minutes to live before I starve to death,''' Simmons said. ''. . . We will never run out of oil, in our lifetime, our children's lifetime, our grandchildren's lifetime. But by 2030 we could easily have a world that can only produce 10 or 15 or 20 million barrels per day, and the shortfall from what we thought we were going to produce is only a modest 100 million barrels per day. So this is really a major, major, major global issue.''

Compounding the problem is that every energy supply model used by economists today starts with the assumption that Saudi oil is plentiful, Simmons said. ''What's interesting is that we've based all of this assumption on no data,'' he explained.

Meanwhile, as the world's thirst for oil grows, Saudi Arabia and other oil-producing countries will be unable to keep pace. Some analysts say Saudi Arabia is capable of producing 20 million to 25 million bpd, but Simmons says that level of production is ''impossible.''

''And I also believe that—Ghawar, for instance, which is really the whole nine yards, because that is 60 percent of their production—that North Ghawar, which is the top 20 percent of the field, has a productivity index that is about 25 times the productivity index of the rest of Ghawar, and that's the area that is almost depleted now,'' Simmons observed. ''And when that drops, you could basically see Ghawar go from 5 million down to 2 million bpd in a very short period of time.''

Until now, Simmons said the United States has been lucky because Saudi oil production was 3 million bpd when U.S. oil production peaked in 1971. Saudi output soared and today ranges from 9 million bpd to 11 million bpd.

Elsewhere, explorers discovered the last three great provinces of brand new oil in the last three years of the 1960s—Prudhoe Bay in Alaska in 1967–68; Siberian oil fields in the same period of time; and oil in the North Sea in 1969.

''And Siberia, Alaska, and North Sea oil, effectively combined to produce: the North Sea peaked in 1999 at a little over 6 million bpd, it's already down 25 percent; Alaska oil peaked in the 1990s at 2 million bpd; it's now at about 900,000 bpd; and Siberia oil peaked at about 9 million bpd; and it's about 5 million bpd,'' Simmons said. ''And we haven't basically found another province since the late '60s.''

To meet growing demand from existing customers as well as a new surge in demand from emerging countries such as China and India, Simmons said producers have continued to pull more and more oil out of the North Sea. ''And then we found deep water which was a fabulous last shot from the basins (in which) we already had shallow water production. And we took the Middle East oil back up to unsustainably high levels of production,'' he said. ''So probably, we're sweeping the cupboard bare. People looked at the way we were able to do this and thought, 'Wow! This is actually easy,' without realizing what we were actually doing was totally non-sustainable.''

America needs more oil sources and Alaska is a good place to look, Simmons said. As for ANWR, he said it's ludicrous for people, whether geologists or environmentalists, to make definitive statements about the quantity of oil reserves in the refuge.

''Drilling on the (North) Slope has been tricky. Otherwise, it would not have been so hard to find the 'king,' Prudhoe Bay, or we would never have drilled Mukluk,'' he said. ''So we shall never know whether ANWR is a series of dry holes or where the missing 'queen' of the slope lies until an intense drilling is done. A few dry holes does not mean much either.''

The environmental community's claim that ANWR contains only a six months supply' of oil is a calculation that assumes the nation has no other source of oil when ANWR oil comes on line, Simmons said.

''On that standard, we end any new energy development, period,'' Simmons said. ''What is very important about the urgent need to find more oil at ANWR, the Naval Reserve or somewhere else on the slope is the inevitable decline of North Slope oil, and the fast decline that will happen if a gas pipeline is built and the gas caps (are) blown down.''

Moreover, it would not take 10 years to get a big oil find in ANWR into production since the infrastructure is in place, Simmons observed.

''At some point, the oil that flows through the 2 million bpd pipeline must fall to a level insufficient to get oil over the Brooks Range other than by shutting in for part of a month so the oil can be batched,'' he explained. ''If all ANWR does is extend the life of the pipeline, it has filled a very valuable role.

''If a 'lord' is found, let alone a 'queen,' it is a home run,'' he added.

As for the rest of Alaska, Simmons said he has no idea whether the state contains other large pools of oil. ''The only way oil is ever found (and gas, too) is to drill wells,'' he said.

Though the world needs more oil sources, Simmons does not see additional reserves curbing prices in the long term.

While others lament the high price of oil, the investment banker says crude oil at current prices of 18–20 cents a pint is ''cheap.''

''Obviously it's cheap. I don't know what's the next cheapest liquid we actually sell in any bulk is, that has any value. I suspect there are places around the United States where municipal water costs more than 18 cents a pint,'' he observed. ''And yet for some reason, we created a society built on a belief that oil prices in a normal range were some place in the $15–20 level. It turns out $15 per barrel, which is the average price of oil—in 2004 dollars—it sold for, for the last 140 years, is less than 4 cents a pint. So we've basically used up the vast majority of the world's high flow rate, high quality sweet oil at prices that were effectively so cheap, you basically couldn't sustain an industry. And now we're left with lots of oil. But it's heavy, gunky, dirty, sour, contaminated-with-various-things oil. It doesn't come out of the ground very fast, is very energy intensive to get out of the ground, and we're going to pay a fortune for it.''

Simmons predicted we would encounter problems with oil supplies this year, nearly a month before Hurricane Katrina struck the Gulf Coast.

He said we must operate the nation's refineries at 100 percent, or we have major product shocks, and we have to import oil at a rate of 10 million to 11 million bpd, or we lose crude oil stocks. We have to basically create almost 3 million bpd of finished product imports and we have to run the system 24/7, all summer long, and we still liquidate stocks, he said.

''So we have actually now created a pending domestic embargo, and we're going to be lucky to get through the summer without some periodic shortages,'' he told Financial Sense Newshour the week of Aug. 6. ''We probably will, but the odds are probably as high we will have some shortages, and then if we get through the summer we have a fabulous respite from Labor Day to Thanksgiving, until we hunker to try to figure out how the world gets through the Winter of 2005 and 2006 because oil demand globally could easily go to 86–88 million bpd during the winter, and that could easily exceed supply by 2 million to 5 million bpd.''

In a worst case scenario, Simmons said oil prices could easily soar past $100 a barrel without slowing down.

Such high prices would simply be a sticker shock, not an end to driving, he said. ''At $3.20 a gallon, gasoline costs 20 cents a cup. A cup of gasoline can take a full car of people about 1½ miles. If you think this is expensive, try and hire a rickshaw or a horse-drawn wagon and pay only 20 cents to go a mile and half. After haggling price for an hour or so, you pay about $5 to $6 for the ride and thank the person for not making you walk.''

To cope with the coming oil shock and much higher oil prices, Simmons told Financial Sense Newshour, the world, led by the United States, will have to become drastically energy efficient virtually overnight. A series of changes, including transporting all goods that currently travel by truck, by rail or water, could cut oil consumption 20–40 percent, he said.

''So by getting trucks off our highway system we have a major impact on removing traffic congestion. And traffic congestion is public enemy number 1 through 5 on passenger car fuel efficiency. So it's a real win, win, win,'' he observed.

He also suggested returning to a system of growing most foods close to where they will be consumed and using technology to allow people to work at home or in their village rather than requiring them to commute to a central location.

Simmons also advocates jumpstarting the largest energy R&D program ever envisioned, and ''just pray that over 5–7 years it has the same impact as when people got serious about developing radar, and developing nuclear power, so that we could actually win World War II.''

''But if we don't do these things, then this really ends up being a very dark world—no pun intended,'' he added.

## HONORING OUR ARMED FORCES

TRIBUTE TO JOHN FLYNN AND PATRICK STEWART

Mr. REID. Mr. President, I rise today to say a few words about two heroes from Nevada who were killed in Afghanistan this weekend. Their names were John Flynn and Patrick Stewart, and my heart goes out to their families today.

John and Patrick were courageous soldiers—true American heroes. John was from Sparks. He had two young children. Patrick was from Reno. He also had two children. Both of them were distinguished soldiers who did their part to make the world a better, safer place.

On behalf of all Nevadans—and indeed all Americans—I offer my deepest condolences to the Flynn and Stewart families. They have paid the ultimate price for their country, and we are forever indebted to them. It was John and Patrick's mission to keep us safe, and they performed this mission with honor.

It's never easy when one of our soldiers dies, but we can seek small comfort in the fact that their sacrifice will never be forgotten. It's because of the bravery of these individuals and others like them that we are free today.

This morning, I'd like to also remember the hundreds and hundreds of brave men and women from Nevada who are serving this country in Iraq, Afghanistan, and even in devastated regions of our own country. My thoughts are with these soldiers, and I continue to pray for their safety.

## LOCAL LAW ENFORCEMENT ENHANCEMENT ACT OF 2005

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. Each Congress, Senator KENNEDY and I introduce hate crimes legislation that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society. Likewise, each Congress I have come to the floor to highlight a separate hate crime that has occurred in our country.

On July 7, 2004, two men were attacked outside a local restaurant by 10 to 12 men. The apparent motivation for the attack were their sexual orientation. According to police, the men were yelling anti-gay slurs during the attack.

I believe that the Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

## SIMON WIESENTHAL: IN MEMORIAM

Mrs. BOXER. Mr. President, I rise to share with my colleagues the memory of one of the world's heroes, Mr. Simon Wiesenthal, who died on September 20, 2005, at the age of 96.

Simon Wiesenthal was a Holocaust survivor who dedicated his life to honoring its victims by bringing its perpetrators to justice. By fighting against intolerance and genocide everywhere, he worked tirelessly to see that ''never forget'' would someday mean ''never again.''

We in California have a special bond with Simon Wiesenthal because the Simon Wiesenthal Center is based in Los Angeles. Founded in 1977, the Wiesenthal Center preserves the memory of the Holocaust and continues the work of Simon Wiesenthal by fostering tolerance and understanding through community involvement, educational outreach, and social action. Today, the center also includes the world-renowned Museum of Tolerance.

Simon Wiesenthal was born on December 31, 1908, in western Ukraine. He received his degree in architectural engineering from the Technical University of Prague in 1932. After graduation, he worked as an architect in Lvov, Poland. In 1936, he married his high school sweetheart, Cyla Mueller.

Three years later, Germany and Russia signed their nonaggression pact and partitioned Poland. As a result, the Soviet Army occupied Lvov and began purging Jewish professionals. Simon was forced to close his business and work in a bedspring factory. Many of his family members were imprisoned or killed. Simon tried to save his family from deportation by bribing the Soviet Secret Police. However, he and his wife were sent to the Janwska concentration camp and then to a forced labor camp for the Eastern Railroad. By 1942, nearly 90 members of his and his wife's family perished.

Simon was able to help his wife Cyla escape through the Polish underground on false papers. However, after escaping the forced labor camp in 1943, Simon was captured and sent back to Janwska. When the Soviet Army advanced on the German eastern front, he was forced to join SS guards on a march westward. The march ended in the Mauthausen concentration camp. Simon narrowly survived when Mauthausen was liberated by the Americans on May 5, 1945. At 6 feet tall, he weighed 100 pounds.

In late 1945, Simon and his wife were reunited. Both had believed the other to be dead. In 1946, their daughter Paulinka was born.

Simon spent the rest of his life tracking down Nazis and working to bring them to justice. He said that in various ways he helped bring 1,100 former Nazis to trial. Of these were Adolf Eichmann, who supervised implementation of the ''Final Solution,'' Karl Silberbauer, the Gestapo officer who arrested Anne Frank, and Hermie Braunsteiner Ryan, who supervised the killing of hundreds of children at a Polish camp.

Mr. Wiesenthal prepared evidence on Nazi atrocities for the war crimes section of the U.S. Army. He headed the relief and welfare organization, Jewish Central Committee of the United States Zone of Austria. After the Nuremberg Trials, Simon opened the Historical Documentation Center in Linz, Austria, to assemble evidence for future Nazi trials. The center was eventually relocated to Vienna and continues to gather and analyze information on German war criminals and neo-Nazi groups; thousands of former Nazis are considered still at-large throughout Germany today.

For his courage and commitment to justice, Mr. Wiesenthal has been honored with many awards, including: the U.S. Congressional Gold Medal presented to him in 1980 by President Jimmy Carter; the United Nations League for the Help of Refugees Award; and an honorary British knighthood.

Mr. Wiesenthal is survived by his daughter Paulinka Kreisberg, who lives in Israel, and three grandchildren.

With the passing of Simon Wiesenthal, the world has lost one of its great heroes, but we shall never lose sight of the lesson he taught us: that humanity will rise up against hate and tyranny, and those who commit crimes against humanity will be brought to justice. As Mr. Wiesenthal said in a 1964 article in the New York Times Magazine:

> [w]hen we come to the other world and meet the millions of Jews who died in the camps and they ask us, ''What have you done?'' there will be many answers. . . . But I will say, I didn't forget you.

## TRIBUTE TO JEFFREY C. GRIFFITH

Mr. DODD. Mr. President, I take this opportunity to recognize a dedicated public servant at the Congressional Research Service, Jeffrey C. Griffith, who is retiring this month after 30 years of service to the U.S. Congress. A recognized expert in information technology, Mr. Griffith led CRS into the digital age and was instrumental in developing and implementing an integrated Legislative Information System, LIS, for the Congress.

He has been particularly helpful to the Senate Rules Committee and served as an information technology adviser and facilitator to then Chairman JOHN WARNER and Ranking Member Wendell Ford during the implementation of the committee's strategic planning process for information technology in the Senate. Mr. Griffith's expertise and his understanding of the Senate institution proved invaluable to the committee during a critical time when the committee was grappling with expanded Internet use, including the development and expansion of the legislative information system, and changing technology expectations and opportunities in the Senate.

Mr. Griffith earned both A.B. and MAT degrees at Harvard College and a masters in library science from UCLA. He came to the Library of Congress in 1976 as a participant in the Library of Congress Intern Program and then moved on to the Congressional Research Service in 1977. In the years since, he has held positions of increasing responsibility and he retires as the chief legislative information officer.

Leading change in information technology has been the hallmark of Mr. Griffith's career. In the early days of automation, he played a key role in developing SCORPIO, a system for retrieving legislative and public policy information that was one of the first systematic uses of digital information in the Federal Government. Similarly, he led the effort to automate CRS's request management system, ISIS, which helps CRS assure Members of Congress and their staff that their information

requests will be responded to quickly and efficiently.

When information technology moved to the desktop, Mr. Griffith managed the introduction of personal computers as individual workstations in CRS. Before the Internet and the World Wide Web, Mr. Griffith pioneered the use of optical disk technology for preserving and disseminating information to the Congress.

Mr. Griffith was a champion of interagency cooperation in the Congress. When a high capacity data communications network was established on Capitol Hill, he led an interagency group that resolved issues related to data exchange. This was the first step in the Internet-age. In 1997, when the Congress requested a new legislative information system, the LIS, Mr. Griffith assumed a leadership role as the CRS coordinator and worked closely with the Senate, the House of Representatives, the Library of Congress, and the Government Printing Office to develop and implement the new system. Today the LIS home page has over 4 million hits per year and is the primary resource for legislative information for Members of Congress and their staff.

Mr. Griffith's skill in leading interagency efforts extended to other initiatives as well. He is a recognized leader in efforts to implement XML technology consistently for legislative data and he has championed improvements in security initiatives to protect critical databases and ensure continuity of operations in the event of disaster.

Although Mr. Griffith is retiring from the Congressional Research Service, he will continue to contribute his professional expertise to the scholarship of legislative information. In 2006, through a Fulbright fellowship, Mr. Griffith will study the legislative information systems of the European Union and several European countries. He will be joined by his wife Jane Bortnick Griffith, who is the former assistant chief of the Science Policy Research Division of CRS and a Government information specialist in her own right.

Jeffrey C. Griffith has served the U.S. Congress with distinction for 30 years. The leadership and knowledge he provided has greatly benefited the Congress and the American people and his advice and counsel will be missed. His retirement now provides him the time to pursue study in legislative information systems that will continue to benefit all of us. I congratulate Jeff on a distinguished career and wish him and Jane the best in their future endeavors.

## IN CELEBRATION OF THE 60TH ANNIVERSARY OF THE UNITED NATIONS

Mrs. BOXER. Mr. President, I am pleased to have this opportunity to recognize the 60th anniversary of the United Nations.

In 1945, as World War II was ending, representatives of 50 countries met in San Francisco, CA at the United Nations Conference on International Organization to draft the Charter of the United Nations. On October 24, 1945, the Charter achieved the required number of signatories for ratification, and the United Nations officially came into existence. Today, 60 years later, I am proud to reflect on the United Nation's many successes. I would also like to use this occasion to highlight the vital importance of building an even stronger United Nations for the future.

The United Nations was established with the primary purpose of providing a forum for the nations of the world to resolve issues without resorting to war. It has achieved many successes on this front, the greatest of which is that we have not had a world war since the United Nations was founded. For those regions of the world that have endured conflict, the U.N. Department of Peacekeeping Operation has facilitated more than 67 peacekeeping operations and is credited with negotiating more than 170 peaceful settlements that have ended regional conflicts.

Through the World Health Organization, the U.N. has combated the spread of pandemic diseases and continues to provide lifesaving drugs and medical care to millions of people around the world. Another U.N. program, the World Food Program, has served as a lifeline to millions of people who would otherwise face famine. And the United Nations Educational, Scientific and Cultural Organization has helped raise the female literacy rate in many developing countries around the world. I commend the United Nations for these outstanding achievements and the countless others it has made during the last 60 years.

But despite these many successes, there is still a long way to go. First and foremost, the United Nations must be reformed from within. In recent months, there have been far too many troubling incidents involving the United Nations, ranging from the Iraqi oil-for-food scandal, and the tragic sexual abuse cases involving peacekeeping troops in the Congo and elsewhere—and rightfully so; these acts were most egregious. These types of activities cannot continue if the United Nations is to receive the support and legitimacy it needs to tackle the challenges of the 21st century.

If the United Nations is comprehensively reformed from within, then it will find itself in an even better position to meet its larger goals. According to the United Nations' own figures, nearly a quarter of the children in the developed world are malnourished, and in a number of places in the world, the poor are actually getting poorer. I am pleased that the United Nations has embraced these challenges through the establishment of the Millennium Development Goals, which range from eradicating extreme poverty and hunger to combating the spread of HIV/AIDS, malaria, and other diseases. But there is much work to be done if these goals are to become reality. The international community must commit to working together. The only way to achieve real progress on these fronts will require consensus, partnership, and unity of effort on the part of all nations of the world. For this reason, a strong United Nations is more important than ever.

I congratulate the United Nations on its 60th anniversary and look forward to doing my part to ensure its continued success in the future.

## INDIANA NATIONAL GUARD IN HURRICANE KATRINA RECOVERY

Mr. BAYH. Mr. President, I rise today to commend the hard work and selflessness of the members of the Indiana National Guard for their efforts to rebuild the gulf coast in the wake of Hurricane Katrina. Helping others in need is a longstanding Hoosier value, and there is no question that the people of Mississippi and Louisiana needed help from all States following such a terrible natural disaster. Our Indiana Guard members, and those from many other States, answered that call for help, and deserve to be recognized for their work.

The Crescent City is a far cry from our Hoosier State, but the men and women of the Indiana National Guard have made New Orleans their home away from home as they work to restore the city to its pre-Katrina greatness. Throughout Louisiana and Mississippi, hundreds of our Guard members are helping in all aspects of the recovery efforts, by clearing neighborhoods, helping evacuees and restoring order to the chaos left by Katrina.

Work like this is part of what makes America great. Over the past month, we have witnessed countless acts of tremendous heroism and heartwarming generosity performed by complete strangers working to help others weather this storm. Americans from across the country came together to give money, food, clothes, and shelter to people they will likely never meet.

Indiana's reaction to this terrible tragedy has made me proud to be a Hoosier. Our Guard members left behind families and loved ones—many of whom they have been separated from during long tours of duty overseas—to come to the aid of other families and help them rebuild their lives. In a true example of Hoosier hospitality, hundreds of Indiana families have opened their homes to evacuees in need of shelter. Many Hoosiers have donated to nonprofits like the Red Cross, and members from local police and fire stations have traveled south to offer their help.

Whether defending our freedom overseas or rebuilding in the face of natural disasters at home, the members of the Indiana National Guard represent the best of Indiana and America. They sacrifice time with loved ones and travel thousands of miles to shoulder some of the heaviest loads in the cleanup efforts. Most importantly, their work gives people hope that life can return

to normal and that the towns devastated by Katrina can be rebuilt. For leading the way and reminding us of our ability to recover from such storms, the Indiana National Guard, and all volunteers working in the gulf today, deserve our thanks.

## VOTE EXPLANATION

Mr. NELSON of Florida. Mr. President, I was necessarily absent for yesterday's vote on the Protocol of Amendment to the International Convention on Simplification and Harmonization of Customs Procedures. Had I been present, I would have voted ''aye'' on the treaty.

## PONTIFICAL VISIT OF HIS HOLINESS ARAM I

Mrs. FEINSTEIN. Mr. President, I am pleased to join the Armenian American community in welcoming the upcoming Pontifical visit of His Holiness Aram I, Catholicos of the Great House of Cilicia. The Pontiff will be visiting the State of California this October at the invitation of His Eminence, Archbishop Moushegh Mardirossian of the Western Prelacy of the Armenian Apostolic Church of America.

His Holiness is one of the most prominent Christian leaders in the Middle East and a spiritual leader for hundreds of thousands of Armenians around the world. The Pontiff presently serves as the Moderator for the World Council of Churches which is comprised of more than 340 churches from different cultures and countries around the world representing over 400 million Christians. Currently serving his second term, His Holiness is the first Orthodox and the youngest person to be elevated to Moderator.

The theme of the Pontiff's visit is ''Towards the Light of Knowledge.'' This theme reflects the Pontiff's faith that only with greater education and dialogue can the world's conflicts be addressed properly.

I take this opportunity to not only thank The Pontiff for his time and worthy endeavors in California, but also thank the sizable Armenian community which has been actively contributing to the California culture and economy since 1878. California cities of Los Angeles and Glendale are home to the second and third largest populations of Armenians outside of Armenia and are important members of their communities serving as business leaders and city council members.

## TRIBUTE TO HARRIS H. SIMMONS

• Mr. BENNETT. Mr. President, I rise today to recognize a son of Utah and a good friend, Mr. Harris H. Simmons, who today, by the selection of his peers, becomes the next chairman of the American Bankers Association. I am honored to highlight a few of his accomplishments, including his significant contributions to the banking world and to the State of Utah.

Mr. Simmons is currently the chairman, president and CEO of Zions Bancorporation. With its corporate offices in Salt Lake City, UT, Zions operates in Arizona, California, Colorado, Idaho, Nevada, New Mexico, Utah, and Washington. It is included in the S&P 500 Index, and is a national leader in Small Business Administration lending.

Harris started banking at the age of 16, when as a summer job he filed canceled checks at Zions. He continued his work at Zions in the investment department as he studied economics at the University of Utah. Harris then left Utah for a period as he furthered his studies and received an M.B.A. from Harvard Business School.

Upon graduating, Harris took a job in Houston, TX for Allied Bancshares. After a year and a half, he returned to Zions and became the chief financial officer at the age of only 27. Nine years later he was named president and CEO of the multibillion-dollar asset bank holding company which has seen fantastic growth and success as it has helped build communities and business under his leadership.

In addition to his professional accomplishments, Harris has been an invaluable member of the Utah community. He has served as president of the Utah Foundation, chairman of the Utah Symphony, and chairman of the Economic Development Corporation of Utah. He currently serves as president of the Shelter-the-Homeless Committee, as well as cochairman of the Utah Committee of the Newcomen Society of the United States. Most importantly, he is a loving husband and father of four.

This is but a small glimpse of Harris Simmons' contributions and accomplishments. I commend him to my colleagues as they have the opportunity to meet with him as he serves in his new role with the American Bankers Association. The American Bankers Association is privileged to have Harris Simmons as its new chairman.•

## TRIBUTE TO MARK SALO

• Mrs. BOXER. Mr. President, today I wish to salute Mark Salo, who is retiring this fall after more than 31 years as the head of Planned Parenthood of San Diego and Riverside Counties, PPSDRC. A pioneer and visionary in the field of reproductive health care, he is a great champion of women's health and freedom of choice.

When Mark Salo began working with San Diego Planned Parenthood in 1974, it comprised one small clinic whose 12 employees provided 5,000 patient visits a year. Today PPSDRC is the second-largest Planned Parenthood affiliate in the Nation, with an annual budget of $35 million and 400 employees who provide more than 200,000 patient visits.

The San Diego/Riverside affiliate has been a pioneer in the expansion of medical services to include vasectomies, tubal ligations, prenatal care, and mifepristone. PPSDRC oversees an Emmy-award-winning teen theatre and a variety of innovative teen outreach programs. It offers local midlife services, male and female sterilization services, and a thriving prenatal practice.

Mark has reached across the border from San Diego to build a Planned Parenthood of truly international scope by developing and funding a binational program in northern Baja California, Mexico. PPSDRC's ''Mexico Fund'' supports five medical facilities in the poor colonias around Tijuana and funds contraceptive programs in the foreign-owned manufacturing plants known as maquiladoras.

Over the years, Mark has also become the most visible public advocate of reproductive rights in the San Diego region. He represents Planned Parenthood through television news, interview shows, debate forums, newspaper commentaries, and live radio appearances.

I know that everyone who values women's health and reproductive freedom will join me in saluting Mark Salo and sending him best wishes for a well-earned, active retirement.•

## MESSAGE FROM THE HOUSE

At 2:22 p.m., a message from the House of Representatives, delivered by Ms. Niland, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 2123. An act to reauthorize the Head Start Act to improve the school readiness of disadvantaged children, and for other purposes.

## MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 3765. An act to extend through December 31, 2007, the authority of the Secretary of the Army to accept and expend funds contributed by non-Federal public entities to expedite the processing of permits; to the Committee on Environment and Public Works.

## MEASURES PLACED ON THE CALENDAR

The following measure was read the second time and placed on the calendar:

S. 1771—To express the sense of Congress and to improve reporting with respect to the safety of workers in the response and recovery activities related to Hurricane Katrina, and for other purposes.

## EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–3994. A communication from the Assistant Secretary of Defense, Reserve Affairs, transmitting, pursuant to law, a report entitled ''Report on the Montgomery G.I. Bill for Members of the Selected Service''; to the Committee on Armed Services.

EC–3995. A communication from the Acting Director of Defense Research and Engineering, Department of Defense, transmitting, pursuant to law, a report relative to funding the Foreign Comparative Testing (FCT) Program for Fiscal Year 2006; to the Committee on Armed Services.

EC–3996. A communication from the Assistant Secretary of the Army (Civil Works), Department of Defense, transmitting, pursuant to law, a report clarifying a May 4, 2005 report relative to a storm damage reduction project at Silver Strand Shoreline, Imperial Beach, California; to the Committee on Armed Services.

EC–3997. A communication from the Under Secretary of Defense for Acquisition, Technology and Logistics, transmitting, pursuant to law, a report relative to funding for Future Combat Systems (FCS) for Fiscal Year 2006; to the Committee on Armed Services.

EC–3998. A communication from the Principal Deputy, Office of the Under Secretary of Defense for Personnel and Readiness, transmitting, authorization of Lieutenant General Duncan J. McNabb, United States Air Force, to wear the insignia of the grade of general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC–3999. A communication from the Acting Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Levy on Payments to Contractors'' (DFARS Case 2004-D033) received on September 18, 2005; to the Committee on Armed Services.

EC–4000. A communication from the Acting Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Assignment of Contract Administration - Exception for Defense Energy Support Center'' (DFARS Case 2004-D007) received on September 18, 2005; to the Committee on Armed Services.

EC–4001. A communication from the Acting Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Restrictions on Totally Enclosed Lifeboat Survival Systems'' (DFARS Case 2004-D034) received on September 18, 2005; to the Committee on Armed Services.

EC–4002. A communication from the Acting Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Training for Contractor Personnel Interacting with Detainees'' (DFARS Case 2005-D007) received on September 18, 2005; to the Committee on Armed Services.

EC–4003. A communication from the Chief Justice of the Supreme Court of the United States, transmitting, a report relative to the proceedings of the Judicial Conference of the United States for the March 15, 2005 session; to the Committee on the Judiciary.

EC–4004. A communication from the Director, Administrative Office of the United States Courts, transmitting, pursuant to law a report on compliance by the United States courts of appeals and district courts with the time limitations established for deciding habeas corpus death penalty petitions under Title I of the Antiterrorism and Effective Death Penalty Act of 1996; to the Committee on the Judiciary.

EC–4005. A communication from the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, Department of Justice, transmitting, pursuant to law, the report of a rule entitled ''Scheduling of Controlled Substances: Placement of Pregabalin into Schedule V'' (Docket No. DEA–267F) received on September 18, 2005; to the Committee on the Judiciary.

EC–4006. A communication from the Director, Regulatory Management Division, U.S. Citizenship and Immigration Services, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Adjustment of the Appeal and Motion Fees to Recover Full Costs'' ((RIN1615–AA88) (USCIS 2245–02)) received on September 18, 2005; to the Committee on the Judiciary.

EC–4007. A communication from the Director, Regulations and Rulings Division, Alcohol and Tobacco Tax and Trade Bureau, transmitting, pursuant to law, the report of a rule entitled ''Establishment of the Niagara Escarpment Viticultural Area'' ((RIN1513–AA97)(T.D. TTB–33)) received on September 18, 2005; to the Committee on the Judiciary.

EC–4008. A communication from the Director, Regulations and Rulings Division, Alcohol and Tobacco Tax and Trade Bureau, transmitting, pursuant to law, the report of a rule entitled ''Expansion of the Russian River Valley Viticultural Area'' ((RIN1513–AA67)(T.D. TTB–32)) received on September 18, 2005; to the Committee on the Judiciary.

EC–4009. A communication from the Director, Regulations and Rulings Division, Alcohol and Tobacco Tax and Trade Bureau, transmitting, pursuant to law, the report of a rule entitled ''Certification Requirements for Imported Natural Wine (2005R–002P)'' (RIN1513–AB00) received on September 18, 2005; to the Committee on the Judiciary.

EC–4010. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to efforts made by the United Nations and the UN Specialized Agencies to employ an adequate number of Americans during 2004; to the Committee on Foreign Relations.

EC–4011. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 05–214—05–224); to the Committee on Foreign Relations.

EC–4012. A communication from the Ambassador, U.S. Global AIDS Coordinator, Department of State, transmitting, pursuant to law, a report on the President's Emergency Plan for AIDS Relief: Pediatric HIV/AIDS Treatment; to the Committee on Foreign Relations.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Ms. COLLINS, from the Committee on Homeland Security and Governmental Affairs, with an amendment in the nature of a substitute:

S. 572. A bill to amend the Homeland Security Act of 2002 to give additional biosecurity responsibilities to the Department of Homeland Security.

S. 939. A bill to expedite payments of certain Federal emergency assistance authorized pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act, and to direct the Secretary of Homeland Security to exercise certain authority provided under that Act.

S. 1700. A bill to establish an Office of the Hurricane Katrina Recovery Chief Financial Officer, and for other purposes.

By Ms. COLLINS, from the Committee on Homeland Security and Governmental Affairs, without amendment:

S. 1736. A bill to provide for the participation of employees in the judicial branch in the Federal leave transfer program for disasters and emergencies.

By Ms. COLLINS, from the Committee on Homeland Security and Governmental Affairs, with amendments:

S. 1738. A bill to expand the responsibilities of the Special Inspector General for Iraq Reconstruction to provide independent objective audits and investigations relating to the Federal programs for Hurricane Katrina recovery.

By Ms. COLLINS, from the Committee on Homeland Security and Governmental Affairs, without amendment:

S. 1777. An original bill to provide relief for the victims of Hurricane Katrina.

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. CORNYN (for himself and Ms. MIKULSKI):

S. 1774. A bill to amend the Public Health Service Act to provide for the expansion, intensification, and coordination of the activities of the National Heart, Lung, and Blood Institute with respect to research on pulmonary hypertension; to the Committee on Health, Education, Labor, and Pensions.

By Ms. SNOWE (for herself, Mrs. LINCOLN, Mr. CHAFEE, Mr. OBAMA, and Mr. ROCKEFELLER):

S. 1775. A bill to amend the Internal Revenue Code of 1986 to modify the income threshold used to calculate the refundable portion of the child tax credit; to the Committee on Finance.

By Mr. DAYTON:

S. 1776. A bill to amend the Federal Crop Insurance Act to establish permanent authority for the Secretary of Agriculture to quickly provide disaster relief to agricultural producers that incur crop losses as a result of damaging weather or related condition in federally declared disaster areas, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry

By Ms. COLLINS:

S. 1777. An original bill to provide relief for the victims of Hurricane Katrina; from the Committee on Homeland Security and Governmental Affairs; placed on the calendar.

By Mr. GRASSLEY (for himself and Mr. BAUCUS):

S. 1778. A bill to extend medicare cost-sharing for qualifying individuals through September 2006, to extend the Temporary Assistance for Needy Families Program, transitional medical assistance under the Medicaid Program, and related programs through March 31, 2006, and for other purposes; to the Committee on Finance.

By Mr. TALENT (for himself, Mr. ALLEN, and Mr. COLEMAN):

S.J. Res. 25. A joint resolution proposing an amendment to the Constitution of the United States to authorize the President to reduce or disapprove any appropriation in any bill presented by Congress; to the Committee on the Judiciary.

By Mrs. DOLE:

S.J. Res. 26. A joint resolution proposing an amendment to the Constitution of the United States relative to the line item veto; to the Committee on the Judiciary.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. SALAZAR (for himself and Mr. ALLARD):

S. Res. 252. A resolution recognizing the Bicentennial Anniversary of Zebulon Montgomery Pike's explorations in the interior west of the United States; to the Committee on the Judiciary.

By Mr. SCHUMER (for himself and Mrs. CLINTON):

S. Res. 253. A resolution designating October 7, 2005, as ''National 'It's Academic' Television Quiz Show Day''; to the Committee on the Judiciary.

## ADDITIONAL COSPONSORS

S. 27

At the request of Mrs. HUTCHISON, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 27, a bill to amend the Internal Revenue Code of 1986 to make permanent the deduction of State and local general sales taxes.

S. 37

At the request of Mrs. FEINSTEIN, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 37, a bill to extend the special postage stamp for breast cancer research for 2 years.

S. 191

At the request of Mr. SMITH, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. 191, a bill to extend certain trade preferences to certain least-developed countries, and for other purposes.

S. 438

At the request of Mr. ENSIGN, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 438, a bill to amend title XVIII of the Social Security Act to repeal the medicare outpatient rehabilitation therapy caps.

S. 484

At the request of Mr. WARNER, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of S. 484, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

S. 612

At the request of Mr. SPECTER, the name of the Senator from New Hampshire (Mr. SUNUNU) was added as a cosponsor of S. 612, a bill to require the Secretary of the Army to award the Combat Medical Badge or another combat badge for Army helicopter medical evacuation ambulance (Medevac) pilots and crews.

S. 625

At the request of Mr. SCHUMER, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 625, a bill to amend the Internal Revenue Code of 1986 to allow a $1,000 refundable credit for individuals who are bona fide volunteer members of volunteer firefighting and emergency medical service organizations.

S. 756

At the request of Mr. BENNETT, the names of the Senator from Massachusetts (Mr. KENNEDY) and the Senator from Iowa (Mr. HARKIN) were added as cosponsors of S. 756, a bill to amend the Public Health Service Act to enhance public and health professional awareness and understanding of lupus and to strengthen the Nation's research efforts to identify the causes and cure of lupus.

S. 910

At the request of Ms. LANDRIEU, the names of the Senator from Maryland (Mr. SARBANES) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. 910, a bill to require that health plans provide coverage for a minimum hospital stay for mastectomies, lumpectomies, and lymph node dissection for the treatment of breast cancer and coverage for secondary consultations.

S. 969

At the request of Mr. OBAMA, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 969, a bill to amend the Public Health Service Act with respect to preparation for an influenza pandemic, including an avian influenza pandemic, and for other purposes.

S. 1112

At the request of Mr. GRASSLEY, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 1112, a bill to make permanent the enhanced educational savings provisions for qualified tuition programs enacted as part of the Economic Growth and Tax Relief Reconciliation Act of 2001.

S. 1139

At the request of Mr. SANTORUM, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 1139, a bill to amend the Animal Welfare Act to strengthen the ability of the Secretary of Agriculture to regulate the pet industry.

S. 1191

At the request of Mr. SALAZAR, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 1191, a bill to establish a grant program to provide innovative transportation options to veterans in remote rural areas.

S. 1227

At the request of Ms. STABENOW, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1227, a bill to improve quality in health care by providing incentives for adoption of modern information technology.

S. 1358

At the request of Mr. DURBIN, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 1358, a bill to protect scientific integrity in Federal research and policymaking.

S. 1367

At the request of Mr. ALEXANDER, the name of the Senator from Arizona (Mr. MCCAIN) was added as a cosponsor of S. 1367, a bill to provide for recruiting, selecting, training, and supporting a national teacher corps in underserved communities.

S. 1440

At the request of Mr. CRAPO, the names of the Senator from Washington (Mrs. MURRAY) and the Senator from California (Mrs. BOXER) were added as cosponsors of S. 1440, a bill to amend title XVIII of the Social Security Act to provide coverage for cardiac rehabilitation and pulmonary rehabilitation services.

S. 1488

At the request of Mr. VITTER, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 1488, a bill to withhold funding from the United Nations if the United Nations abridges the rights provided by the Second Amendment to the Constitution, and for other purposes.

S. 1500

At the request of Ms. LANDRIEU, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1500, a bill to authorize the National Institute of Environmental Health Sciences to develop multidisciplinary research centers regarding women's health and disease prevention and to conduct and coordinate a research program on hormone disruption, and for other purposes.

S. 1630

At the request of Mr. OBAMA, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1630, a bill to direct the Secretary of Homeland Security to establish the National Emergency Family Locator System.

S. 1631

At the request of Mr. DORGAN, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 1631, a bill to amend the Internal Revenue Code of 1986 to impose a temporary windfall profit tax on crude oil and to rebate the tax collected back to the American consumer, and for other purposes.

S. 1700

At the request of Mr. COBURN, the names of the Senator from Maine (Ms. COLLINS), the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from Rhode Island (Mr. REED) were added as cosponsors of S. 1700, a bill to establish an Office of the Hurricane Katrina Recovery Chief Financial Officer, and for other purposes.

S. 1723

At the request of Ms. COLLINS, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 1723, a bill to amend the Magnuson-Stevens Fishery Conservation and Management Act to establish a grant program to ensure waterfront access for commercial fisherman, and for other purposes.

S. 1725

At the request of Mr. LIEBERMAN, the names of the Senator from Washington (Ms. CANTWELL), the Senator from Colorado (Mr. SALAZAR), the Senator from Virginia (Mr. WARNER) and the Senator from Minnesota (Mr. COLEMAN) were added as cosponsors of S. 1725, a bill to strengthen Federal leadership, provide grants, enhance outreach and guidance, and provide other support to State and local officials to enhance emergency communications capabilities, to achieve communications interoperability, to foster improved regional collaboration and coordination, to promote more efficient utilization of funding devoted to public safety communications, to promote research and development by both the public and private sectors for first responder communications, and for other purposes.

S. 1738

At the request of Ms. COLLINS, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 1738, a bill to expand the responsibilities of the Special Inspector General for Iraq Reconstruction to provide independent objective audits and investigations relating to the Federal programs for Hurricane Katrina recovery.

At the request of Mr. JOHNSON, his name was added as a cosponsor of S. 1738, supra.

S. 1761

At the request of Mr. THUNE, the names of the Senator from Pennsylvania (Mr. SANTORUM) and the Senator from South Carolina (Mr. DEMINT) were added as cosponsors of S. 1761, a bill to clarify the liability of government contractors assisting in rescue, recovery, repair, and reconstruction work in the Gulf Coast region of the United States affected by Hurricane Katrina or other major disasters.

S. 1769

At the request of Mr. ENZI, the names of the Senator from Georgia (Mr. ISAKSON) and the Senator from Rhode Island (Mr. REED) were added as cosponsors of S. 1769, a bill to provide relief to individuals and businesses affected by Hurricane Katrina related to healthcare and health insurance coverage, and for other purposes.

S. 1772

At the request of Mr. INHOFE, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 1772, a bill to streamline the refinery permitting process, and for other purposes.

S. CON. RES. 53

At the request of Mr. OBAMA, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. Con. Res. 53, a concurrent resolution expressing the sense of Congress that any effort to impose photo identification requirements for voting should be rejected.

S. RES. 87

At the request of Mr. THUNE, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. Res. 87, a resolution expressing the sense of the Senate regarding the resumption of beef exports to Japan.

S. RES. 180

At the request of Mr. SCHUMER, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. Res. 180, a resolution supporting the goals and ideals of a National Epidermolysis Bullosa Awareness Week to raise public awareness and understanding of the disease and to foster understanding of the impact of the disease on patients and their families.

S. RES. 184

At the request of Mr. FRIST, his name was added as a cosponsor of S. Res. 184, a resolution expressing the sense of the Senate regarding manifestations of anti-Semitism by United Nations member states and urging action against anti-Semitism by United Nations officials, United Nations member states, and the Government of the United States, and for other purposes.

S. RES. 237

At the request of Mr. VOINOVICH, the name of the Senator from Mississippi (Mr. LOTT) was added as a cosponsor of S. Res. 237, a resolution expressing the sense of the Senate on reaching an agreement on the future status of Kosovo.

AMENDMENT NO. 1472

At the request of Mr. SPECTER, the name of the Senator from New Hampshire (Mr. SUNUNU) was added as a cosponsor of amendment No. 1472 intended to be proposed to S. 1042, an original bill to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 1502

At the request of Mr. KERRY, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of amendment No. 1502 intended to be proposed to S. 1042, an original bill to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 1503

At the request of Mr. KERRY, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of amendment No. 1503 intended to be proposed to S. 1042, an original bill to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CORNYN (for himself and Ms. MIKULSKI):

S. 1774. A bill to amend the Public Health Service Act to provide for the expansion, intensification, and coordination of the activities of the National Heart, Lung, and Blood Institute with respect to research on pulmonary hypertension; to the Committee on Health, Education, Labor, and Pensions.

Mr. CORNYN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1774

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Pulmonary Hypertension Research Act of 2005''.

**SEC. 2. FINDINGS.**

Congress finds the following:

(1) In order to take full advantage of the tremendous potential for finding a cure or effective treatment, the Federal investment in pulmonary hypertension must be expanded, and coordination among the national research institutes of the National Institutes of Health must be strengthened.

(2) Pulmonary hypertension (''PH'') is a serious and often fatal condition where the blood pressure in the lungs rises to dangerously high levels. In PH patients, the walls of the arteries that take blood from the right side of the heart to the lungs thicken and constrict. As a result, the right side of the heart has to pump harder to move blood into the lungs, causing it to enlarge and ultimately fail.

(3) In the United States it has been estimated that 300 new cases of PPH are diagnosed each year, or about 2 persons per million population per year; the greatest number are reported in women between the ages of 21 and 40. While at one time the disease was thought to occur among young women almost exclusively, we now know, however, that men and women in all age ranges, from very young children to elderly people, can develop PPH. It also affects people of all racial and ethnic origins, with African Americans suffering from a mortality rate twice as high as that affecting Caucasians.

(4) The low prevalence of PPH makes learning more about the disease extremely difficult. Studies of PPH also have been difficult because a good animal model of the disease has not been available.

(5) In about 6 to 10 percent of cases, PPH is familial. The familial PPH gene is located on chromosome 2 and was discovered in July 2000. This discovery provided new insights for determining the molecular basis of PPH and opened new avenues of study for understanding the fundamental nature of the disease.

(6) In the more advanced stages of PPH, the patient is able to perform only minimal activity and has symptoms even when resting. The disease may worsen to the point where the patient is completely bedridden.

(7) PPH remains a diagnosis of exclusion and is rarely picked up in a routine medical examination. Even in its later stages, the signs of the disease can be confused with other conditions affecting the heart and lungs. The use of new diagnostic standards has been positively related to the rates of diagnosis.

(8) In 1981, the National Heart, Lung, and Blood Institute established the first PPH-patient registry in the world. The registry followed 194 people with PPH over a period of at least 1 year and, in some cases, for as long as 7.5 years. Much of what we know about the illness today stems from this study.

(9) As research progresses, so do treatments for PH. Currently, there are 4 FDA-approved medications for PH and 3 more in trials. However, all medications are not effective on all patients. Lung transplantation is often considered a treatment of last resort for PH.

(10) Because we still do not understand the cause or have a cure for PPH, basic research studies are focusing on the possible involvement of immunologic and genetic factors in the cause and progression of PPH, looking at agents that cause narrowing of the pulmonary blood vessels, and identifying factors that cause growth of smooth muscle and formation of scar tissue in the vessel walls.

(11) Secondary pulmonary hypertension (''SPH'') means the cause is known. Common causes of SPH are the breathing disorders emphysema and bronchitis. Other less frequent causes are the inflammatory or collagen vascular diseases such as scleroderma, CREST syndrome, or systemic lupus erythematosus (''SLE''). Other causes include congenital heart diseases that cause shunting of extra blood through the lungs like ventricular and atrial septal defects, chronic pulmonary thromboembolism, HIV infection, and liver disease. Sickle cell anemia is also linked to SPH, with preliminary studies suggesting that approximately one third of sickle cell patients develop SPH.

**SEC. 3. EXPANSION, INTENSIFICATION, AND COORDINATION OF ACTIVITIES OF NATIONAL HEART, LUNG, AND BLOOD INSTITUTE WITH RESPECT TO RESEARCH ON PULMONARY HYPERTENSION.**

Subpart 2 of part C of title IV of the Public Health Service Act (42 U.S.C. 285b et seq.) is amended by inserting after section 424B the following section:

''PULMONARY HYPERTENSION

''SEC. 424C. (a) IN GENERAL.—

''(1) EXPANSION OF ACTIVITIES.—The Director of the Institute shall expand, intensify, and coordinate the activities of the Institute with respect to research on pulmonary hypertension.

''(2) COORDINATION WITH OTHER INSTITUTES.—The Director of the Institute shall coordinate the activities of the Director under paragraph (1) with similar activities conducted by other national research institutes and agencies of the National Institutes of Health to the extent that such Institutes and agencies have responsibilities that are related to pulmonary hypertension.

''(b) CENTERS OF EXCELLENCE.—

''(1) IN GENERAL.—In carrying out subsection (a), the Director of the Institute shall make grants to, or enter into contracts with, public or nonprofit private entities for the development and operation of centers to conduct research on pulmonary hypertension.

''(2) RESEARCH, TRAINING, AND INFORMATION AND EDUCATION.—

''(A) IN GENERAL.—With respect to pulmonary hypertension, each center assisted under paragraph (1) shall—

''(i) conduct basic and clinical research into the cause, diagnosis, early detection, prevention, control, and treatment of such disease;

''(ii) conduct training programs for scientists and health professionals;

''(iii) conduct programs to provide information and continuing education to health professionals; and

''(iv) conduct programs for the dissemination of information to the public.

''(B) STIPENDS FOR TRAINING OF HEALTH PROFESSIONALS.—A center under paragraph (1) may use funds provided under such paragraph to provide stipends for scientists and health professionals enrolled in the programs described in subparagraph (A)(ii).

''(3) COORDINATION OF CENTERS; REPORTS.—The Director shall, as appropriate, provide for the coordination of information among centers under paragraph (1) and ensure regular communication between such centers, and may require the periodic preparation of reports on the activities of the centers and the submission of the reports to the Director.

''(4) ORGANIZATION OF CENTERS.—Each center under paragraph (1) shall use the facilities of a single institution, or be formed from a consortium of cooperating institutions, meeting such requirements as may be prescribed by the Director.

''(5) NUMBER OF CENTERS; DURATION OF SUPPORT.—The Director shall, subject to the extent of amounts made available in appropriations Acts, provide for the establishment of not less than 3 centers under paragraph (1). Support of such a center may be for a period not exceeding 5 years. Such period may be extended for 1 or more additional periods not exceeding 5 years if—

''(A) the operations of such center have been reviewed by an appropriate technical and scientific peer review group established by the Director; and

''(B) such group has recommended to the Director that such period should be extended.

''(c) DATA SYSTEM; CLEARINGHOUSE.—

''(1) DATA SYSTEM.—The Director of the Institute shall establish a data system for the collection, storage, analysis, retrieval, and dissemination of data derived from patient populations with pulmonary hypertension, including, where possible, data involving general populations for the purpose of identifying individuals at risk of developing such condition.

''(2) CLEARINGHOUSE.—The Director of the Institute shall establish an information clearinghouse to facilitate and enhance, through the effective dissemination of information, knowledge and understanding of pulmonary hypertension by health professionals, patients, industry, and the public.

''(d) PUBLIC INPUT.—In carrying out subsection (a), the Director of the Institute shall provide for means through which the public can obtain information on the existing and planned programs and activities of the National Institutes of Health with respect to primary hypertension and through which the Director can receive comments from the public regarding such programs and activities.

''(e) REPORTS.—The Director of the Institute shall prepare biennial reports on the activities conducted and supported under this section, and shall include such reports in the biennial reports prepared by the Director under section 407.

''(f) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there is authorized to be appropriated $50,000,000 for each of the fiscal years 2006 through 2010.''.

Ms. MIKULSKI. Mr. President, I rise today with Senator CORNYN to introduce the ''Pulmonary Hypertension Research Act of 2005.'' This important legislation increases funding for medical research dedicated to finding treatments and possibly a cure for Pulmonary Hypertension (PH), and would establish Centers of Excellence that would be charged with educating health professionals and the public about the disease.

PH is a serious, often fatal condition. It is estimated that more than 100,000 Americans suffer from pulmonary hypertension. It does not discriminate based on race, gender or age. However, women are more than twice as likely as men to develop the condition. PH is characterized by dangerously high blood pressure in the lungs. In PH patients, the walls of the arteries that take blood from the right side of the heart to the lungs thicken so much that they restrict the flow of blood.

The Pulmonary Hypertension Research Act would do three things: First, it expands PH research at the National Heart, Lung and Blood Institute at the NIH, authorizing $250 million over five years to fund PH research. Additional funding would help researchers further understand PH and develop new treatment options for the illness.

Second, the legislation would establish ''Centers of Excellence'' which would focus on PH research and education efforts for both health professionals and the general public. One of the greatest tragedies of PH is that it often goes undiagnosed. Most Americans have never heard of PH and do not know that symptoms such as shortness of breath, fatigue, and dizziness are common indicators of the illness. Lastly, the legislation establishes a data system and clearinghouse at the National Heart, Lung and Blood Institute that would disseminate information on PH to the general public in order to facilitate more accurate and timely diagnosis.

Since my first days in Congress, I have been fighting to make sure women don't get left out or left behind when it comes to their health. From women's inclusion in clinical trials to quality standards for mammograms, I have led the way to make sure women's health needs are treated fairly and taken seriously. This legislation builds on these past successes to address this silent disease among young American women. I look forward to working with my colleagues to get this bill signed into law.

---

By Ms. SNOWE (for herself, Mrs. LINCOLN, Mr. CHAFEE, Mr. OBAMA, and Mr. ROCKEFELLER):

S. 1775. A bill to amend the Internal Revenue Code of 1986 to modify the income threshold used to calculate the refundable portion of the child tax credit; to the Committee on Finance.

Ms. SNOWE. Mr. President, today Congress is confronted with how to best provide tax relief to American families earning slightly more than the minimum wage. We can do that by expanding the availability of the child tax credit to more working families.

In 2001, I pushed to make the child tax credit refundable for workers making around the minimum wage. As enacted in 2001, a portion of a taxpayer's

child tax credit would be refundable—up to 10 percent of earnings above $10,000.

Last year, Congress passed the Working Families Tax Relief of 2004, which increased from 10 percent to 15 percent the portion of the child tax credit that is refundable. Although the legislation increased the amount of the refundable child credit, it failed to increase the number of families eligible for the benefit. The consequences are serious for low-income Americans living paycheck to paycheck. It means that tens of thousands of low-income families will be completely ineligible for a credit they should receive.

This year, because the income threshold is indexed, only taxpayers earning over $11,000 are eligible to receive the refundable portion of the child tax credit. Low-income families earning less than $11,000 are shut out of the child tax credit completely.

For example, a single mother who earns the minimum wage and works a 40 hour week for all 52 weeks of the year fails to qualify for the refundable portion of the child tax credit. Since the mother earns $10,700, she is a mere $300 away from qualifying for the credit. Worse, if the single mother does not receive a raise the following year, it will be even tougher to qualify because the $11,000 she originally needed to earn is adjusted for inflation and will increase.

I am introducing legislation, the Working Family Child Assistance Act, with Senators LINCOLN, CHAFEE, OBAMA, and ROCKEFELLER that will enable more hard-working, low-income families to receive the refundable child credit this year. My legislation returns to $10,000 the amount of income a family must earn to qualify for the credit. Moreover, my bill would ''deindex'' the $10,000 threshold for inflation, so families failing to get a raise each year would not lose benefits.

Most notably, my bill is identical to the refundable child credit proposal the Senate passed in May 2001 as part of its version of that year's tax bill. Although I was able to ensure that a refundable child credit would be part of the final bill sent to President Bush, conferees did index the $10,000 threshold to inflation despite my best efforts.

The staff of the Joint Committee on Taxation estimates that this legislation will allow an additional 600,000 families to benefit from the refundable child tax credit.

For example, the legislation provides a $113 child credit to a mom who earns $10,750 per year. That's money she could use to buy groceries, rent, school books and other family necessities.

The Commerce Department recently reported that between August 2004 and August 2005 average weekly wages adjusted for inflation fell 1.1 percent. Obviously, families need all the help we can give them.

Our families and our country are better off when government lets people keep more of what they earn. Parents deserve their per-child tax credit, and this bill rewards families for work.

I am committed to this issue and have called on President Bush to work with Congress so we can help an additional one million children, whose parents and guardians struggle every day to take care of them.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1775

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Working Family Child Assistance Act''.

**SEC. 2. $10,000 INCOME THRESHOLD USED TO CALCULATE REFUNDABLE PORTION OF CHILD TAX CREDIT.**

(a) IN GENERAL.—Section 24(d) of the Internal Revenue Code of 1986 (relating to portion of credit refundable) is amended—

(1) by striking ''as exceeds'' and all that follows through '', or'' in paragraph (1)(B)(i) and inserting ''as exceeds $10,000, or'', and

(2) by striking paragraph (3).

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2004.

(c) APPLICATION OF SUNSET TO THIS SECTION.—Each amendment made by this section shall be subject to title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 to the same extent and in the same manner as the provision of such Act to which such amendment relates.

Mr. President, I rise to speak about the Child Tax Credit and to support S. 1775, a bill I've worked on with Senators SNOWE and LINCOLN. I am proud to cosponsor this bill to help working families get all the tax relief they deserve. The Child Credit is an important component of our federal tax code, and S. 1775 is an important step in making the credit more valuable and more fair for those who need it most.

The Child Credit recognizes that raising children is expensive and allows middle class families to claim a credit of $1,000 per child against their federal income tax. That's a big help.

Importantly, the Child Credit also recognizes the particular vulnerability of low-income families with children. Since the credit is refundable to the extent of 15% of a taxpayer's earned income in excess of $10,750, families earning more than that threshold level of income get at least a partial benefit even if they have no federal income tax liability. The benefit may be small for families with low incomes, but every penny helps defray the rising costs of being a working parent in America today.

Unfortunately, as currently structured, the Child Credit leaves more and more families out of the benefit each year. That's because the income threshold for eligibility rises annually at the rate of inflation even though family incomes may not rise as fast. That means that if you earn the minimum wage, which has not increased since 1997, or if your wage is low and you didn't get a raise, or if you worked fewer hours than the year before, then your tax refund probably shrunk. It may even have disappeared. That strikes me as unfair, and it's what almost four and a half million households with children will experience this year.

Generally, indexing the parameters of the tax system for inflation makes sense because it neutralizes the effects of inflation on the tax system. In this case, however, indexing the threshold results in an unfair tax increase for low-income families whose incomes are stagnant or falling. Recent data indicates that the typical low-income household actually saw its earnings decline during the first few years of this decade. At the same time, the costs of housing, childcare, and driving to work have increased.

This bill returns the threshold to its original level of $10,000 and freezes it, thereby expanding the benefit to include more kids and protecting those families from unfair tax increases due to inflation. This is an important step in improving the fairness of our tax code and providing necessary support to working families.

In time, I hope we will do more. It is unfair that more than eight million children in families with incomes too low to qualify even for a partial credit—these are incomes far below the federal poverty level—get no benefit at all. Ironically, these children have the greatest needs, and their parents pay an enormous share of their incomes in taxes and basic services, such as food, housing, and clothing.

America can do better. In time, I hope we will tackle the broader challenge of ensuring that their parents have jobs that pay living wages, a home they can afford, a school district that enables a life of opportunity, a community that cares for its children, and the faith that hard work and personal commitment pay off. America can do this.

I urge my colleagues to join me in supporting this important bill as a first step in partnering with me in addressing the broader goal of equal opportunity for all.

---

By Mr. GRASSLEY (for himself and Mr. BAUCUS):

S. 1778. A bill to extend medicare cost-sharing for qualifying individuals through September 2006, to extend the Temporary Assistance for Needy Families Program, transitional medical assistance under the Medicaid Program, and related programs through March 31, 2006, and for other purposes; to the Committee on Finance.

Mr. GRASSLEY. Mr. President, I am pleased to join with my colleague Senator MAX BAUCUS in introducing the ''Medicare Cost-Sharing and Welfare Extension Act of 2005.''

This legislation extends the Temporary Assistance for Needy Families, TANF, for 3 months and provides funding for 6 months of Transitional Medical Assistance, TMA, for families

making the transition from welfare to work. As my colleagues know, H.R. 3672, which has been signed into law, would extend TANF until December 31, 2005, so this legislation represents a total extension of TANF until the end of March, 2006.

This is the twelfth extension of TANF and related programs. Welfare reform reauthorization should have been passed years ago. Too many families are languishing on the welfare rolls and we are seeing a backsliding of the improvements that we saw in the early years, after welfare reform. Child care funding has remained stagnant. States have been operating their welfare programs under a cloud of uncertainty regarding what a final Federal welfare reauthorization bill would require of them. We need to make some critical reforms to build on the success of the 1996 bill and give States the ability to manage and plan for their welfare programs. I am hopeful that this represents the final short-term extension of TANF and that the Congress will act quickly to pass a comprehensive welfare bill.

Additionally, this legislation includes a provision to extend cost-sharing assistance to qualifying individuals, QIs, for the Medicare Part B premium through September, 2006. This program has been helping vulnerable individuals with incomes between 120 and 135 percent of the Federal Poverty Level since 1997. It is estimated that the Part B premiums will cost a beneficiary $88.50 a month, an increase of $10.30 from the current $78.20 premium. For these low-income individuals, that represents a significant percentage of their monthly income. The President's budget includes a one year extension of the QI program.

Both the QI and TANF programs provide critical support to individuals and families with children who are in need—folks who otherwise might not be able to get healthcare services or make ends meet.

I urge my colleagues to support this legislation.

---

By Mr. TALENT (for himself, Mr. ALLEN, and Mr. COLEMAN):

S.J. Res. 25. A joint resolution proposing an amendment to the Constitution of the United States to authorize the President to reduce or disapprove any appropriation any bill present by Congress; to the Committee on the Judiciary.

Mr. TALENT. Mr. President, I ask unanimous consent that the text of the joint resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the Record, as follows:

S.J. RES. 25

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein),* That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years after the date of its submission by the Congress:

''ARTICLE —

''SECTION 1. The President may reduce or disapprove any appropriation in any bill, order, resolution, or vote, which is presented to the President under section 7 of Article I.

''SECTION 2. Any legislation that the President approves and signs, after being amended pursuant to section 1, shall become law as so modified.

''The President shall return those portions of the legislation that contain reduced or disapproved appropriations with objections to the House where such legislation originated.

''Congress may separately consider any reduced or disapproved appropriations in the manner prescribed under section 7 of Article I for bills disapproved by the President.

''SECTION 3. This article shall take effect on the first day of the first session of Congress beginning after the date of ratification.''.

---

## SUBMITTED RESOLUTION

---

### SENATE RESOLUTION 252—RECOGNIZING THE BICENTENNIAL ANNIVERSARY OF ZEBULON MONTGOMERY PIKE'S EXPLORATIONS IN THE INTERIOR WEST OF THE UNITED STATES

Mr. SALAZAR (for himself and Mr. ALLARD) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 252

Whereas Zebulon Montgomery Pike was born January 5, 1779, in Lamberton, New Jersey, to a military family, which quickly was on the move across the Nation with Pike growing up on frontier military posts;

Whereas Zebulon Montgomery Pike served the United States with distinction, initially as a commissioned First Lieutenant in the First Infantry Regiment of the United States Army, later as a Captain, further as a Colonel of the 15th Regiment during the War of 1812, and ultimately as a Brigadier General in 1813;

Whereas in July of 1806, Zebulon Montgomery Pike was given the assignment of leading an expedition west from present-day St. Louis, Missouri, up the Arkansas River to its source in the highest of the Rocky Mountains, then into Colorado's San Luis Valley;

Whereas Zebulon Montgomery Pike and his expedition traveled through the present day states of Missouri, Nebraska, Kansas, and Colorado observing the geography, natural history, and population of the country through which he passed;

Whereas Zebulon Montgomery Pike and his expedition reached the site of present day Pueblo, Colorado on November 23, 1806, and, fascinated with a blue peak in the Rocky Mountains to the west, Pike set out to explore the mountain;

Whereas Zebulon Montgomery Pike was prevented from completing the ascent due to waist-deep snow, inadequate clothing, and sub-zero temperatures, and so chose to turn back for the safety of his expedition;

Whereas Zebulon Montgomery Pike never set foot on ''Pike's Peak'' but did contribute significantly to the interior west's early exploration through the headwaters of the Arkansas River;

Whereas Zebulon Montgomery Pike and his expedition found the area of present day Great Sand Dunes National Park in Colorado and the headwaters of the Rio Grande, which he mistakenly thought was the Red River; and

Whereas on April 27, 1813, Zebulon Montgomery Pike died in valiant service to his country, leading an attack on York, later to become Toronto, during the War of 1812: Now, therefore, be it

*Resolved,* That the Senate—

(1) recognizes the year 2006 as the 200th anniversary of Zebulon Montgomery Pike's discoveries throughout the American West; and

(2) encourages the people of the United States to observe and celebrate his contributions to our Nation's history with appropriate ceremonies and activities throughout the year.

---

### SENATE RESOLUTION 253—DESIGNATING OCTOBER 7, 2005, AS ''NATIONAL 'IT'S ACADEMIC' TELEVISION QUIZ SHOW DAY''

Mr. SCHUMER (for himself and Mrs. CLINTON) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 253

Whereas ''It's Academic'', the Nation's foremost televised high school quiz show, will begin its 45th season on NBC4 in Washington, District of Columbia, and is the longest running television quiz show in the Nation's history;

Whereas ''It's Academic'' has used the power of television to motivate and showcase 2 generations of students in cities across the country, including students in Washington, District of Columbia, Baltimore, Maryland, Charlottesville, North Carolina, Buffalo, New York City, and Rochester New York, Los Angeles, California, Chicago, Illinois, Honolulu, Hawaii, Philadelphia, Pennsylvania, Boston, Massachusetts, Denver, Colorado, Cincinnati and Cleveland, Ohio, Jacksonville, Florida, Norfolk, Virginia, Fort Wayne, Indiana, Wilmington, Delaware, and students throughout the state of Kentucky;

Whereas each year hundreds of secondary schools—public, parochial, private, suburban, rural, and inner-city—compete on ''It's Academic'', demonstrating a diverse student population focused on academic excellence and encouraging community support for education;

Whereas the dedicated teachers who work with the teams and prepare them for the competition on ''It's Academic'' are introduced on the program, providing those teachers with positive recognition that reflects on the entire teaching profession;

Whereas the corporate sponsors of ''It's Academic'' have generously given scholarship grants to participating schools to help students pursue their education;

Whereas ''It's Academic'' has encouraged academic excellence by promoting academic competition as a motivating factor and generates the same adulation and respect for student scholars as for student athletes; and

Whereas ''It's Academic'' continues to provide a forum for showcasing academic excellence at the high school level and for presenting a positive image of schools, teachers, and students, thereby helping to offset negative stereotypes: Now, therefore, be it

*Resolved,* That the Senate—

(1) designates October 7, 2005, as ''National 'It's Academic' Television Quiz Show Day''; and

(2) calls on the people of the United States to observe the day by supporting the academic success of students and their local schools.

## AMENDMENTS SUBMITTED AND PROPOSED

SA 1872. Mr. ISAKSON (for Mr. CRAIG) proposed an amendment to the bill H.R. 3200, to amend title 38, United States Code, to enhance the Servicemembers' Group Life Insurance program, and for other purposes.

SA 1873. Mr. ISAKSON (for Mr. INHOFE) proposed an amendment to the bill S. 1709, to provide favorable treatment for certain projects in response to Hurricane Katrina, with respect to revolving loans under the Federal Water Pollution Control Act, and for other purposes.

SA 1874. Mr. DEWINE submitted an amendment intended to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table.

## TEXT OF AMENDMENTS

**SA 1872.** Mr. ISAKSON (for Mr. CRAIG) proposed an amendment to the bill H.R. 3200, to amend title 38, United States Code, to enhance the Servicemember's Group Life Insurance program, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Servicemembers' Group Life Insurance Enhancement Act of 2005''.

**SEC. 2. REPEALER.**

Effective as of August 31, 2005, section 1012 of division A of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005 (Public Law 109–13; 119 Stat. 244), including the amendments made by that section, are repealed, and sections 1967, 1969, 1970, and 1977 of title 38, United States Code, shall be applied as if that section had not been enacted.

**SEC. 3. INCREASE FROM $250,000 TO $400,000 IN AUTOMATIC MAXIMUM COVERAGE UNDER SERVICEMEMBERS' GROUP LIFE INSURANCE AND VETERANS' GROUP LIFE INSURANCE.**

(a) MAXIMUM UNDER SGLI.—Section 1967 of title 38, United States Code, is amended—

(1) in subsection (a)(3)(A)(i), by striking ''$250,000'' and inserting ''$400,000''; and

(2) in subsection (d), by striking ''of $250,000'' and inserting ''in effect under paragraph (3)(A)(i) of that subsection''.

(b) MAXIMUM UNDER VGLI.—Section 1977(a) of such title is amended—

(1) in paragraph (1), by striking ''in excess of $250,000 at any one time'' and inserting ''at any one time in excess of the maximum amount for Servicemembers' Group Life Insurance in effect under section 1967(a)(3)(A)(i) of this title''; and

(2) in paragraph (2)—

(A) by striking ''for less than $250,000 under Servicemembers' Group Life Insurance'' and inserting ''under Servicemembers' Group Life Insurance for less than the maximum amount for such insurance in effect under section 1967(a)(3)(A)(i) of this title''; and

(B) by striking ''does not exceed $250,000'' and inserting ''does not exceed such maximum amount in effect under such section''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as of September 1, 2005, and shall apply with respect to deaths occurring on or after that date.

**SEC. 4. SPOUSAL NOTIFICATIONS RELATING TO SERVICEMEMBERS' GROUP LIFE INSURANCE PROGRAM.**

Effective as of September 1, 2005, section 1967 of title 38, United States Code, is amended by adding at the end the following new subsection:

''(f)(1) If a member who is married and who is eligible for insurance under this section makes an election under subsection (a)(2)(A) not to be insured under this subchapter, the Secretary concerned shall notify the member's spouse, in writing, of that election.

''(2) In the case of a member who is married and who is insured under this section and whose spouse is designated as a beneficiary of the member under this subchapter, whenever the member makes an election under subsection (a)(3)(B) for insurance of the member in an amount that is less than the maximum amount provided under subsection (a)(3)(A)(i), the Secretary concerned shall notify the member's spouse, in writing, of that election—

''(A) in the case of the first such election; and

''(B) in the case of any subsequent such election if the effect of such election is to reduce the amount of insurance coverage of the member from that in effect immediately before such election.

''(3) In the case of a member who is married and who is insured under this section, if the member makes a designation under section 1970(a) of this title of any person other than the spouse or a child of the member as the beneficiary of the member for any amount of insurance under this subchapter, the Secretary concerned shall notify the member's spouse, in writing, that such a beneficiary designation has been made by the member, except that such a notification is not required if the spouse has previously received such a notification under this paragraph and if immediately before the new designation by the member under section 1970(a) of this title the spouse is not a designated beneficiary of the member for any amount of insurance under this subchapter.

''(4) A notification required by this subsection is satisfied by a good faith effort to provide the required information to the spouse at the last address of the spouse in the records of the Secretary concerned. Failure to provide a notification required under this subsection in a timely manner does not affect the validity of any election specified in paragraph (1) or (2) or beneficiary designation specified in paragraph (3).''.

**SEC. 5. INCREMENTS OF INSURANCE THAT MAY BE ELECTED.**

(a) INCREASE IN INCREMENT AMOUNT.—Subsection (a)(3)(B) of section 1967 of title 38, United States Code, is amended by striking ''member or spouse'' in the last sentence and inserting ''member, be evenly divisible by $50,000 and, in the case of a member's spouse,''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as of September 1, 2005.

---

**SA 1873.** Mr. ISAKSON (for Mr. INHOFE) proposed an amendment to the bill S. 1709, to provide favorable treatment for certain projects in response to Hurricane Katrina, with respect to revolving loans under the Federal Water Pollution Control Act, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Gulf Coast Emergency Water Infrastructure Assistance Act''.

**SEC. 2. DEFINITION OF STATE.**

In this Act, the term ''State'' means—

(1) the State of Alabama;

(2) the State of Louisiana; and

(3) the State of Mississippi.

**SEC. 3. TREATMENT OF CERTAIN LOANS.**

(a) DEFINITION OF ELIGIBLE PROJECT.—In this section, the term ''eligible project'' means a project—

(1) to repair, replace, or rebuild a publicly-owned treatment works (as defined in section 212 of the Federal Water Pollution Control Act (33 U.S.C. 1292)), including a privately-owned utility that principally treats municipal wastewater or domestic sewage, in an area affected by Hurricane Katrina or a related condition; or

(2) that is a water quality project directly related to relief efforts in response to Hurricane Katrina or a related condition, as determined by the State in which the project is located.

(b) ADDITIONAL SUBSIDIZATION.—

(1) IN GENERAL.—Subject to paragraph (2), for the 2-year period beginning on the date of enactment of this Act, a State may provide additional subsidization to an eligible project that receives funds through a revolving loan under section 603 of the Federal Water Pollution Control Act (33 U.S.C. 1383), including—

(A) forgiveness of the principal of the revolving loan; or

(B) a zero-percent interest rate on the revolving loan.

(2) LIMITATION.—The amount of any additional subsidization provided under paragraph (1) shall not exceed 30 percent of the amount of the capitalization grant received by the State under section 602 of the Federal Water Pollution Control Act (33 U.S.C. 1382) for the fiscal year during which the subsidization is provided.

(c) EXTENDED TERMS.—For the 2-year period beginning on the date of enactment of this Act, a State may extend the term of a revolving loan under section 603 of that Act (33 U.S.C. 1383) for an eligible project described in subsection (b), if the extended term—

(1) terminates not later than the date that is 30 years after the date of completion of the project that is the subject of the loan; and

(2) does not exceed the expected design life of the project.

(d) PRIORITY LISTS.—For the 2-year period beginning on the date of enactment of this Act, a State may provide assistance to an eligible project that is not included on the priority list of the State under section 216 of the Federal Water Pollution Control Act (33 U.S.C. 1296).

**SEC. 4. PRIORITY LIST.**

For the 2-year period beginning on the date of enactment of this Act, a State may provide assistance to a public water system that is not included on the priority list of the State under section 1452(b)(3)(B) of the Safe Drinking Water Act (42 U.S.C. 300j–12(b)(3)(B)), if the project—

(1) involves damage caused by Hurricane Katrina or a related condition; and

(2) is in accordance with section 1452(b)(3)(A) of that Act (42 U.S.C. 300j–12(b)(3)(A)).

**SEC. 5. TESTING OF PRIVATELY-OWNED DRINKING WATER WELLS.**

On receipt of a request from a homeowner, the Administrator of the Environmental Protection Agency may conduct a test of a drinking water well owned or operated by the homeowner that is, or may be, contaminated as a result of Hurricane Katrina or a related condition.

---

**SA 1874.** Mr. DEWINE submitted an amendment intended to be proposed by

him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 167, between lines 6 and 7, insert the following:

(c) ADDITIONAL DEATH GRATUITY.—In the case of an active duty member of the armed forces who died between October 7, 2001, and May 11, 2005, and was not eligible for an additional death gratuity under section 1478(e) of title 10, United States Code, as added by section 1013(b) of Public Law 109–13, the eligible survivors of such decedent shall receive an additional death gratuity in the same amount and under the same conditions as provided under such section 1478(e).

## AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. CRAIG. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on September 27, 2005, at 9:30 a.m., in open session to receive testimony on needed improvements to defense acquisition processes and organizations.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. CRAIG. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Tuesday, September 27 at 10 a.m.

The purpose of this hearing is to receive testimony on S. 1701, a bill to amend the Surface Mining Control and Reclamation Act of 1977 to improve the reclamation of abandoned mines; and S. 961, a bill to amend the Surface Mining Control and Reclamation Act of 1977 to preauthorize and reform the abandoned mine reclamation program and for other purposes.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. CRAIG. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, September 27, 2005, at 9:30 a.m. to hold a hearing on nominations.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. CRAIG. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on September 27, 2005 at 2:30 p.m. to hold a closed briefing.

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

SUBCOMMITTEE ON FEDERAL FINANCIAL MANAGEMENT, GOVERNMENT INFORMATION, AND INTERNATIONAL SECURITY

Mr. CRAIG. Mr. President, I ask unanimous consent that the Subcommittee on Federal Financial Management, Government Information, and International Security be authorized to meet on Tuesday, September 27, 2005, at 2:30 p.m. for a hearing regarding ''Housing-Related Programs for the Poor: Can We Be Sure That Federal Assistance Is Getting to Those Who Need It Most?''

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

SUBCOMMITTEE ON INTERNATIONAL ECONOMIC POLICY, EXPORT AND TRADE PROMOTION

Mr. CRAIG. Mr. President, I ask unanimous consent that the Subcommittee on International Economic Policy, Export and Trade Promotion be authorized to meet during the session of the Senate on Tuesday, September 27, 2005, at 2:30 p.m. to hold a hearing on energy supplies in Eurasia and implications for U.S. energy security.

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

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, THE FEDERAL WORKFORCE, AND THE DISTRICT OF COLUMBIA

Mr. CRAIG. Mr. President, I ask unanimous consent that the Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia be authorized to meet on Tuesday, September 27, 2005 at 10 a.m. for a hearing entitled, ''Alternative Personnel Systems: Assessing Progress in the Federal Government.''

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

## PRIVILEGE OF THE FLOOR

Mr. CHAMBLISS. Mr. President, I ask unanimous consent that privilege of the floor be granted to Jay Apperson for the duration of the debate on the nomination of Judge Roberts.

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

Mr. SESSIONS. I ask unanimous consent that my chief counsel on the Judiciary Committee, William Smith, be granted the privilege of the floor.

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

## EXTENDING WAIVER AUTHORITY OF THE SECRETARY OF EDUCATION

Mr. COBURN. Mr. President, I ask unanimous consent that the HELP Committee be discharged and the Senate proceed to the immediate consideration of H.R. 2132.

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. 2132) to extend the waiver authority of the Secretary of Education with respect to student financial assistance during a war or other military operation or national emergency.

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

Mr. COBURN. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

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

The bill (H.R. 2132) was read the third time and passed.

## POSTAGE STAMP FOR BREAST CANCER RESEARCH

Mr. COBURN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 221, S. 37.

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

The assistant legislative clerk read as follows:

A bill (S. 37) to extend the special postage stamp for breast cancer research for 2 years.

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

Mr. COBURN. I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

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

The bill (S. 37) was read the third time and passed, as follows:

S. 37

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. 2-YEAR EXTENSION OF POSTAGE STAMP FOR BREAST CANCER RESEARCH.**

Section 414(h) of title 39, United States Code, is amended by striking ''2005'' and inserting ''2007''.

## MEASURE PLACED ON THE CALENDAR—S. 1771

Mr. COBURN. Mr. President, I understand there is a bill at the desk that is due for a second reading.

The PRESIDING OFFICER. The clerk will read the bill for the second time.

The assistant legislative clerk read as follows:

A bill (S. 1771) to express the sense of Congress and to improve reporting with respect to the safety of workers in the response and recovery activities related to Hurricane Katrina, and for other purposes.

Mr. COBURN. In order to place the bill on the calendar under the provisions of rule XIV, I object to further proceedings.

The PRESIDING OFFICER. Objection is heard. The bill will be placed on the calendar under rule XIV.

## DISCHARGE AND REFERRAL—H.R. 2107

Mr. COBURN. Mr. President, I ask unanimous consent that H.R. 2107 be

discharged from the Committee on the Judiciary and that it be referred to the Committee on Energy and Natural Resources.

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

## ORDERS FOR WEDNESDAY, SEPTEMBER 28, 2005

Mr. COBURN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m., Wednesday, September 28; I further ask that following the morning prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate proceed to executive session to continue consideration of Calendar No. 317, John Roberts to be Chief Justice of the United States; I further ask consent that the time from 10 to 11 be under the control of the majority leader or his designee; the time from 11 to 12 be under the control of the Democratic leader or his designee; 12 to 1 under the majority control; 1 to 2 under Democratic control; 2 to 3 under majority control; 3 to 4 under Democratic control; 4 to 5 under majority control; 5 to 6 under Democratic control; 6 to 7 under majority control; 7 to 8 under Democratic control.

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

## PROGRAM

Mr. COBURN. Mr. President, this week the Senate has been considering the nomination of Judge Roberts. Tomorrow we will continue making statements on this important nomination, with the vote on Mr. Roberts' nomination occurring at 11:30 a.m. Thursday. The majority leader is asking that all Senators be seated at their desk for this historic vote. As a reminder, the leader has announced that the Senate will turn to the Defense appropriations bill on Thursday, and votes are expected on Thursday and Friday of this week. The Senate will also need to act on a continuing resolution before the close of business this week.

## ORDER FOR ADJOURNMENT

Mr. COBURN. If there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order, following the 60 minutes allocation of time for the other side which begins at 6:45 and that the Senate now resume executive session.

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

Mr. DURBIN. Mr. President, may I inquire, are we in a quorum call?

The PRESIDING OFFICER. We are in morning business.

Mr. DURBIN. May I inquire of the Chair, it is my understanding that the remaining 60 minutes in executive session on Judge Roberts is allocated to the minority?

The PRESIDING OFFICER. That is correct.

Mr. DURBIN. Could the Chair tell me when that 60-minute period begins?

The PRESIDING OFFICER. It begins at 6:45 p.m.

Mr. DURBIN. Until 6:45, if no other Senators are seeking recognition, may I speak in morning business?

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

Mr. DURBIN. I thank the Chair.

## NOMINATION OF JOHN ROBERTS TO BE CHIEF JUSTICE

Mr. DURBIN. Mr. President, the Senate is considering the nomination of John G. Roberts, Jr. to be Chief Justice of the United States. This is a rare occurrence, rare for us to even consider a Supreme Court vacancy, let alone a Chief Justice. I have been honored to be a member of the Senate Judiciary Committee and have spent the week before last, a major part of it, in hearings where Judge Roberts came and testified. They were historic in nature. I am surprised, as I go back home to Illinois, how many people followed them and listened, either over the radio or watched them on television, and followed the questions and answers so closely.

It has been a very difficult process for many. I can't think of a more challenging assignment than to try to measure a person and try to decide how a person will react to certain questions and challenges over the rest of their natural lifetime. But that is our responsibility. Filling this vacancy on the Supreme Court means choosing a person of Judge Roberts' age, for example, who could serve for 20 or 30 years. That is the reality of this decision-making process.

The greatest compliment one can pay a judge is not that he is smart or has great intelligence. The greatest compliment one can pay a judge is that he is wise, that in his work on the bench, he has shown the wisdom of Solomon.

In the Scriptures, Solomon was often described as the wisest man who ever lived. But in chapter 3 of First Book of Kings, we learn what Solomon wanted even more than wisdom. It is written:

> In Gibeon, the Lord appeared to Solomon in a dream at night, and God said, ''Ask what you wish me to give you.'' Then Solomon said, ''So give your servant an understanding heart to judge your people, to discern between good and evil. For who is able to judge this great people of yours?''

Many questions were asked of John Roberts at his hearings. If there was any effort to determine whether he had a great legal mind or great intelligence, he certainly satisfied every question. But then if you look at the questions more carefully, more closely, you will find we were asking even more fundamental questions of John Roberts. We were asking and trying to determine not his knowledge but his wisdom, whether he had, as Solomon wished, an understanding heart.

Some have argued that it is unfair for any Senator to raise that kind of a question. Senator LINDSEY GRAHAM of South Carolina is my friend. He said it was not fair to get into this whole line of questioning about what is in your heart. I disagree. I believe we are not being fair to the American people if we don't understand the values of people who serve on the Supreme Court, if we don't strive to understand their philosophies, and if we don't try to put ourselves inside the mind and heart of someone we are entrusting with a lifetime position to serve on the highest Court in the United States.

In 1991, at his confirmation hearing, Justice Souter said that judges must understand that since they are people who have the power to ''affect the lives of other people and who are going to change their lives by what they do, we had better use every power of our minds and our hearts and our beings to get these rulings right.''

Justice Breyer in 1994 said:

> That is why I always think that law requires both a heart and a head. If you do not have a heart, it becomes a sterile set of rules removed from human problems and will not help. If you do not have a head, there is a risk that in trying to decide a particular person's problem in a case that may look fine for that person, but cause trouble for a lot of other people, making their lives worse. So it is a question of balance.

I asked John Roberts if he could meet the test that my mentor and predecessor, Illinois Senator Paul Simon, brought to the Judiciary Committee questioning years ago. Senator Simon asked of the judicial nominees: Is this nominee committed to expanding the freedom enjoyed by all Americans, or will he or she restrict it? I also asked Judge Roberts whether he had the courage of Frank Johnson, an Alabama Federal judge and a Republican appointee who stood up for civil rights in the 1960s at a time and place when it was very unpopular to do so. What did we learn? Regrettably, we learned very little about Judge Roberts during the 20 hours of testimony.

Senator FEINSTEIN and Senator BIDEN asked an important line of questions that I followed carefully. They asked of Judge Roberts what he would do, not as a judge, not as a lawyer, but as a father in a family circumstance where someone you love has left instructions to you that at the closing moments of their life, they do not want any extraordinary life support. This happens thousands of times every day. Families face this decision, and it is an important decision, not just on a personal and emotional basis but on the basis of our right of privacy in America. In the Terry Schiavo case—that tragedy in Florida—this sad woman was on a support system for some 15 years, if I am not mistaken. The case went through the courts year after year, and finally, when all the appeals in Florida had been exhausted, there was an effort

made by some in the House of Representatives to have the Federal courts intervene and try to make the decision for that family, a decision which her husband believed had already been made. It was unfortunate that Judge Roberts, even on a personal basis, would not address that issue. We were looking for an insight into his thinking about a family decision that many will face.

I asked him as well about his decision as a private attorney to represent an HMO in a case called Rush Prudential HMO v. Moran. That was a case that was important because this patient had an expensive surgery that cost over $90,000. When the doctor said the patient needed the surgery and went ahead with it, the HMO said: No, we didn't approve it, and refused to pay.

John Roberts as a private attorney represented the HMO. He went before the Supreme Court and argued that the HMO should not have to pay for this patient's expensive surgery. I asked Judge Roberts: When you took that case, did you ever consider the fact that if you won that case, millions of Americans could lose their health insurance protection? Did you have any reservations about taking a case where so many people could suffer as a result?

He said no. And he said something more. He said: If the other side on that case had walked in first and asked me to be their lawyer, I would have represented the other side as well.

The following day, I asked him questions about cases he had taken, cases he pointed to with pride, so-called pro bono cases where lawyers work for free when people cannot afford a lawyer, a case where he represented welfare recipients in the District of Columbia who were about to lose benefits, and another case where he represented people with different sexual orientation, gays and lesbians, who were afraid they would be discriminated against because of a Colorado law.

I asked him: In both of those cases you pointed to with pride, you represented the people who were asserting their rights, asking for their freedom, asking not to be discriminated against. From what you said yesterday, could you have represented the other side in those cases, taking away the rights and the freedoms of individuals?

He said: Yes.

So you have to understand that many of us come to the Chamber, having listened to several days of questions and answers, still uncertain about John Roberts and the values he would bring to the U.S. Supreme Court.

Many questions were asked about the power of the President in a time of war. We asked Judge Roberts about a recent decision, Hamdan v. Rumsfeld. Judge Roberts signed on to an opinion in that case which concludes that a detainee can challenge his detention in court but has no legal rights that are enforceable in court. In other words, John Roberts seems to believe that detainees of the Government can get to the courthouse door but cannot come inside. His approach seems to be inconsistent with Supreme Court law. What if detainees claimed they were being tortured or even executed? Would Judge Roberts say the Court has no right to review the Government's actions?

Unfortunately, Judge Roberts would not respond, and I still don't know when it comes to so many issues where he stands.

Fifty-five different times, he said: I will follow the rule of law. But we know that following the rule of law is neither automatic nor something that is easily predicted. Oliver Wendell Holmes, Jr. once wrote:

> The life of the law has not been logic; it has been experience.

Whenever we asked Judge Roberts basic questions about his moral compass and his life experience, he declined to answer. I asked him at one point: What could you say to a poor person in America, a minority in America, a disenfranchised person in America, a powerless person in America, what can you say about your life experience that would lead them to believe that if their case came before your court, they had a fighting chance?

I acknowledged the fact that Judge Roberts was raised in a comfortable middle-class family in the Middle West. When it was all said and done, he could not point to many life experiences which suggest he would have an understanding of those people in his Court. His response again, as it was so many times, was that he would follow the rule of law.

I voted against Judge Roberts two years ago when he was a nominee for the U.S. Court of Appeals for the DC Circuit. I was upset with the way the vacancies were created in that circuit in an effort to fill them with Republicans when President Bush was elected. Perhaps I went a little too far in my language about that with my frustration, but I said at the time that I could not support Judge Roberts because I just didn't know who he was or for what he stood.

When this process began, I promised Judge Roberts that we would start with a clean slate. Sadly, when the process was over, it was largely an empty slate.

I am uncertain about Judge Roberts' commitment to civil rights. He wrote some memos during the Reagan administration which reflect a very narrow view of voting rights in America, a right which he calls the preservative right, which is so important for preserving a democracy. When it came to interpreting the Voting Rights Act under the Reagan administration, he took a position that was ultimately rejected and discredited. We listened as Senator KENNEDY and others asked him many questions about that, and we did not learn too much about his thinking today and whether it has changed.

I asked him about his criticism of a historic case, Plyler v. Doe. This 1982 Supreme Court case held that it is unconstitutional to deny elementary education to children on the basis of their immigration status. The Supreme Court struck down a Texas law that allowed elementary schools to refuse entrance to undocumented children. It has been called the ''Brown v. Board of Education'' for Hispanics in America.

On the day it was decided, Judge Roberts, then a Reagan staffer, coauthored a memo that criticized the Solicitor General's Office for failing to file a brief in support of the Texas law. His memo disagreed with the administration's position, so he could not seek refuge in the common answer: I was just doing my job for the administration.

It has been 23 years since Plyler v. Doe was decided. Millions of children have been educated. Many have become good citizens. They serve in our military, they have become doctors, police officers, people who constitute the fabric of our society—thanks to the Supreme Court decision that Judge Roberts found objectionable.

So at the hearing, I said to him: As you reflect on this 23 years later, do you agree it was the right decision and should be settled law to offer education to these children? He was unwilling to say that.

It is no surprise that Judge Roberts' nomination is opposed by the League of United Latin American Citizens, LULAC, the organization which for the first time in its history opposes a Supreme Court nominee, as well as by the Mexican American Legal Defense and Educational Fund, MALDEF. The President of MALDEF, Ann Marie Tallman, testified as a witness against Judge Roberts and said that his opinions ''often place him in opposition not only to equal justice for Latinos, but opposed to positions taken by bipartisan majorities in Congress and the Reagan administration that he served.''

One of the most compelling witnesses against Judge Roberts is a man who is one of my personal heroes, Congressman JOHN LEWIS of Atlanta, GA. Those who don't know JOHN LEWIS should read about this man who literally risked his life time and again during the civil rights movement and now serves a constituency in the House of Representatives. JOHN LEWIS opposes the nomination of John Roberts because he does not believe John Roberts is as sensitive to the issue of civil rights as he should be.

So I asked JOHN LEWIS this. I said: JOHN, I happen to believe in the power of redemption, both politically and personally. I ask you, JOHN, can't people change? Wouldn't you think Judge Roberts may have changed some of his hard-line views from the Reagan days?

This is what Congressman LEWIS said:

> [W]hen you believe and feel and know from your experience, or maybe from the law and from history that you have been wrong, you show some sign. And you are not afraid to

talk about it. You are not afraid to go on the record. Judge Roberts has been afraid to show or demonstrate any signs that he has changed. I wonder whether it is part of his mindset.

To follow the words of JOHN LEWIS, we don't have from John Roberts a demonstration of the kind of courage of Frank Johnson, that Alabama Federal judge who issued rulings that allowed Martin Luther King, Jr. as well as JOHN LEWIS and others to march from Selma to Montgomery, rulings that permitted African Americans to organize a boycott of the city of Montgomery's segregated bus system following the arrest of Rosa Parks.

Judge Johnson was also called the most hated man in Alabama by the Ku Klux Klan and received so many death threats that he and his family were under constant Federal protection from 1961 to 1975, with crosses burned on the lawn of his family.

Judge Johnson's enemies, incidentally, called him a ''judicial activist.'' So when you hear that term being used around here today, excuse me if I happen to believe that it has been used in cases where it was entirely inappropriate. Judge Frank Johnson spoke out for civil rights at a moment in America's history when we needed a judge with courage, and risked a lot to do so. He showed courage to do so. If that is judicial activism, then thank goodness for a judicial activist who was sensitive to civil rights in America.

Many conservatives have also railed against the Supreme Court's references to international laws and legal opinions in recent cases. This was an interesting sideline to this hearing. Putting John Roberts on the spot: Does he promise, if he goes on the bench, that he won't be looking to legal opinions from foreign countries.

I was disappointed to hear Judge Roberts' reply. He embraced this hostility toward even considering lessons of foreign law. What does it say of us as a nation when we try to promote democratic ideas around the world and yet recoil at the thought of another country having useful ideas for our own Nation to consider?

Of course, U.S. judges don't base their decisions entirely on foreign law or legal opinions, but the experience of other democracies may help inform their thinking. Just last week, Justice Ginsburg defended the practice of Supreme Court reference to foreign legal opinions, not for precedent but for guidance. She observed:

> I will take enlightenment wherever I can get it.

I hope Judge Roberts will reconsider this position and take heart not only in Justice Ginsburg's wise words but also the wise words of the man whose robes he hopes to fill, Chief Justice Rehnquist, who once said:

> When many constitutional courts were created after the Second World War, these courts naturally looked to decisions of the Supreme Court of the United States, among other sources, for developing their own law. But now that constitutional law is solidly grounded in so many countries, it is time that the United States courts begin looking to the decisions of other constitutional courts to aid in their own deliberative process.

It amazes me that this has become such a whipping point for some political groups in this town. Of course, we should consider other legal opinions from other countries as Justice Ginsburg and Chief Justice Rehnquist suggested. American law will decide the case, but as Justice Ginsburg said, we should take enlightenment wherever we can find it.

I think Supreme Court nominees carry the burden of proof when they come before the Senate. They must prove they are worthy of a lifetime appointment to the highest Court in the land. In the case of Judge Roberts, the burden of proof is especially heavy because President Bush refused to share memos from the period of time when John Roberts served as the Principal Deputy Solicitor General. Those more contemporary memos would have given us a greater insight into what he really believes on some critical issues, but the Bush administration said ''no.'' They denied us these documents.

When it came to the Reagan-era memos, many times Judge Roberts argued they were so old they should be discounted.

I also think Judge Roberts bears a heavy burden of proof because he has been nominated to serve as Chief Justice. When he is approved this week, we will move from the Rehnquist Court to the Roberts Court for 20 or 30 years to come.

The Chief Justice is the most important and powerful judge in America. We need a Chief Justice who has wisdom, courage, and compassion.

At the beginning of the process, Judge Roberts came by my office. I had a chance to sit down for a few minutes with him. I want to congratulate him and thank him for doing that not only for my benefit but for the benefit of so many other Senators. I like him. During the hearings, I looked at his wife and his kids and I said, This is a man I really could like. As I said earlier, I promised him a clean slate but unfortunately he could not add much to that slate during the course of this process.

Next to a vote on whether America goes to war, the most important votes we cast as Senators are for Justices of the Supreme Court. That Court, more than any other institution in America, is the most important when it comes to America's rights and liberties.

The decision made by those nine Justices can change the face of democracy in America. That Court has done that so many times in the past and can certainly do it in the future. Their decisions, more important than any single law we pass, can decide basic personal freedoms for millions of Americans.

I sincerely wish I believed that John Roberts was the right person for this historic appointment. I will vote no on his nomination, but I will pray that John Roberts proves to be a Chief Justice with not only a great legal mind but also the courage of Judge Frank Johnson of Alabama and the understanding heart of Solomon.

## WAR IN IRAQ

Mr. DURBIN. Mr. President, this week, just days before the end of the fiscal year, we are going to consider the Defense appropriations bill. This is an important bill for America's national security. The chairman, ranking member, and their staffs worked long and hard on it. I appreciate their commitment and willingness to work with both sides.

Before we even take up this bill, however, we could and should have voted on the Defense authorization bill, which includes critical policy matters crucial to national security importance. As hard as it may be to understand in the midst of a war in Iraq and Afghanistan, the Republican leadership in the Senate pulled the Defense authorization bill from the calendar in July and replaced it with a bill that was requested by the National Rifle Association.

The gun lobby wanted a bill to excuse them from liability in lawsuits and the Republican leadership in the Senate felt that was more important than the Defense authorization bill, which considered massive policy questions involving hundreds of thousands of men and women in uniform and veterans.

I do not understand that thinking. The appropriations bill we will hopefully take up this week includes $50 billion for military operations in Iraq and Afghanistan. I said, at the start of the war in Iraq, that while I felt the invasion was a mistake, I would not deny one penny to our troops in the field for body armor, medical supplies, air support, ammunition, equipment, or any other costs associated with our forces and their security.

I have always thought that if it were my son or daughter in uniform, I would not shortchange them one penny, so that they could come home safely with their mission accomplished, and that is still my pledge.

The American people should be aware of what this war is costing us. First and foremost, it continues to cost American lives. This month, while most Americans were glued to their televisions focusing on Katrina and Rita, the hurricanes that struck us in the Gulf of Mexico, 37 more American soldiers died in Iraq.

Last month, while Congress was in recess, 85 Americans were killed in Iraq. All told, 1,921 Americans have been killed as of today and 14,755 have been wounded. Many have suffered devastating permanent injuries.

Senator HARRY REID and his wife Landra went to Bethesda Medical Center yesterday. Senator REID came to tell us this morning the sad experience he had there, where he saw a young soldier in a wheelchair who had clearly been maimed by this war in ways that

are hard to believe. Having lost both legs and suffered a head injury, it is clear that his life will never, ever be the same. Senator REID said to us again at lunch, he cannot get this image from his mind.

When we hear of injured soldiers, we should not believe that these are superficial injuries which can be easily overlooked. Many of those are life changing, life transforming.

This war has cost us in so many other ways as well. Sadly, it has undermined our war on terrorism, while it has created a new front in this conflict and an advanced training ground for terrorists. It has stretched our Armed Forces, especially our Army, National Guard, and Reserves, placing enormous strains on service members and their families. It has diminished our national credibility. That loss of credibility makes it harder now for the administration to go to the United Nations and present information that is needed about security in the world. Some of the presentations made in the lead up to the war in Iraq have cost us dearly in terms of our credibility.

A nuclear Iran is a terrible threat, but I know much of the world is probably wondering if they believe any photographs that we produce relative to that threat in Iran after the discredited photos before our invasion of Iraq. Some Americans probably are asking the same question, and their doubts are another unfortunate product of this conflict.

There are enormous costs to this war. We have already spent over $196 billion in Iraq. This week or next we are likely to approve another $50 billion, which will not cover the cost of the war next year. It is a downpayment for the beginning of those costs. We are currently spending close to $5 billion a month in Iraq, and we are acting on this bill this week in part because of the report that the Pentagon is growing short of money. The new fiscal year starts in several days, and that makes it virtually inevitable that at some point next year, maybe as early as next spring, we will be voting another supplemental appropriation to fund the war in Iraq.

I think simply staying the course under these circumstances is no longer an option. The costs in blood and treasure are too high and the progress in Iraq is not there.

The costs of this war have been brought home to my State. We have lost 77 of our sons and daughters in this war, and by one calculation it has cost the taxpayers in the city of Chicago alone $2.2 billion. Last week, the Chicago city council passed a resolution addressing the war in Iraq. They did so not because they believe that they are in charge of foreign policy but because they wanted to speak their minds. The city council's resolution honors the men and women who serve and those who have been killed or wounded. It states that through their service and sacrifice, our troops have substantially accomplished the stated purpose of the United States of giving the people of Iraq a reasonable opportunity to decide their own future.

The resolution concludes that we should, therefore, make an orderly and rapid withdrawal from Iraq. That is the conclusion of the Chicago city council; it is not mine. But I sure understand the motivations and I sure hear many people back in Illinois saying exactly those words. I think millions of Americans understand and share the sentiments.

Polls show that 63 percent of the people in this country believe we should withdraw all or some of our troops from Iraq. This past weekend, at least 100,000 people, maybe many more, marched on Washington to call for a way out of Iraq. They came from all over the country and from many walks of life. I do not think a rapid withdrawal is in the best interests of Iraq or the United States, but I understand why they came, and I understand why they are trying to raise this issue. It troubles me that we can go for days on end in the Senate without ever talking about the war in Iraq that is so much in the forefront of the minds of the American people.

I bring these charts to the floor as a reminder that as our daily business goes apace, Americans are losing their lives and suffering terrible injuries.

America cannot simply stay the course in Iraq. The administration claims its strategy is working, but there is very little evidence of that. The insurgents are getting more violent, more lethal. Their attacks are killing more people. That is the nature of insurgency. It is an insurgency against foreign occupiers. History says that this can go on for a long time. Do we possess more fire power than these insurgents or terrorists? We sure do, but we alone cannot use that military fire power to be successful.

Our military leaders tell us one cannot score a military victory over an insurgency. It is going to take a political victory. The only people who can defeat or win over Iraqi insurgents are the Iraqis themselves, not our brave soldiers. The only people who can build a sustainable government in Iraq are the Iraqis, and those military and political developments must be linked or neither will succeed.

That linkage is something we were never able to accomplish in Vietnam so many decades ago. What we saw instead in South Vietnam was a long line of corrupt governments with little legitimacy and even less popular support.

We still wait to see whether the Government of Iraq will be up to this challenge. In a few weeks, the people of Iraq will vote on a draft constitution. I hope that the October referendum on this constitution encourages a vigorous and peaceful political process and healthy voter turnout from all sectors of Iraqi society—Shiites, Sunnis, Kurds, and others. One vote does not make a democracy. Regardless of the outcome of the referendum, it is critical that the same people who turn out to vote engage in the state-building that must follow.

This week, according to the schedule, we are taking up the Defense appropriations bill. For the first time, more than 3 years into this bill, we are finally trying to budget for at least some of the costs of this war. Any other time we passed it by emergency supplemental appropriations.

May I say a word about that for a moment. Is it not curious that when it comes to rebuilding the devastation from Hurricane Katrina and Hurricane Rita, that there are many who are arguing that we need to cut spending in other programs, such as health care for the poor or prescription drugs for senior citizens, to pay for that reconstruction in America? There was not a single member of the other political party, that I know of, who came forward and argued for setoffs when it came to the reconstruction of Iraq. Is it not odd that we do not need to set off by cutting spending to rebuild Iraq but now many of these same Congressmen and Senators are saying that before we can help rebuild America we have to cut critical programs for the needy people of this country? I do not understand their logic. It is certainly inconsistent.

We cannot budget for the human costs of war, and we cannot put a number on the possible strategic costs, but we should at least try to account for the fiscal price tag of this conflict. We have to measure those hundreds of billions of dollars which have been spent and will be spent against what we need in America to make our Nation strong.

Last month, when Katrina struck, a third of the Louisiana National Guard was deployed to Iraq. So was much of their equipment. These deployments have had real homeland security consequences. We have learned that we were not only unprepared for Katrina, but we have to learn the lessons of Katrina to be prepared, God forbid another disaster, either natural or terrorist-inspired, should occur. We owe it to our taxpayers to measure those costs. We must also measure the costs of war against the progress Iraqis are making, and I do not see a lot of progress, though I hope that changes.

One thousand nine hundred and twenty-one American soldiers have died in Iraq. Before this number hits 2,000, we have a duty to give our troops and the American people an honest appraisal of the situation and a clear plan to bring the troops home.

When the President of Iraq, Mr. Talabani, announces that by the end of this year, in a few months, 50,000 American troops can come home, the Iraqis are ready to take over that responsibility, let us hold him to that promise. Let us hold him to that responsibility. Unless and until the Iraqis feel that they have to step up to defend their own country, American lives will continue to be lost every single day. We

owe our fighting men and women leadership, vision and direction.

## FAMILIES USA MEDICARE REPORT

Mr. DURBIN. Mr. President, today a report was released showing the median difference between the lowest Medicare discount card price and the best available price for the Veterans' Administration. The difference was 58 percent.

Most people realize we are about to start this Medicare prescription drug plan. This plan was created to give seniors a discount on prescription drugs, which is something we need. Prescription drugs keep seniors healthy, and the healthier they are the better their lives and the less costs to taxpayers.

But many of us objected to the original Medicare prescription drug plan because it was drawn up, frankly, by the pharmaceutical companies. They were unwilling to give up any of their profits to a Medicare plan, and that is how the law was written. As a result of that, many of us voted no, saying there is a model we should follow. Currently, the Veterans' Administration provides prescription drugs to hundreds of thousands of veterans across America. To provide the drugs, the Veterans' Administration bargains with the pharmaceutical companies for the lowest possible price. We said, Why wouldn't the Medicare system, which is much larger—embracing, I think, some 40 million Americans—why wouldn't the Medicare system be in a strong bargaining position to get the same discounted drug prices and therefore help the seniors to lower costs and reduce the burden on taxpayers that have to subsidize this program? It makes sense for the VA, why wouldn't it make sense for Medicare? The pharmaceutical companies ended up winning that debate. They ended up creating a system under Medicare which does not allow the Medicare system to bargain for lower drug prices.

A group called Families USA took a look at the Medicare drug discount cards being used by seniors today and compared the best prices—not the worst, but the best prices being paid by seniors with those discount cards with the amount being paid by the Veterans Administration for identical drugs. Now we took a look at the most prescribed drugs for seniors, Families USA did, and here is what they found:

For Norvasc, the lowest price per year for treatment under Medicare-approved discount, $467; VA pricing, $301; percentage difference, 54 percent.

Protonix, $827 to Medicare; $253 is what the VA pays; a difference of 226 percent. And Zocor, $793 under Medicare prescription drug cards; $167 a year at the VA. That means we will pay, under the Medicare prescription drug plan, the President has signed and is about to go into effect, almost four times as much for the same drugs that are being dispensed at the Veterans Administration.

That tells a story. It tells us if we use the same bargaining power as the VA, we could save seniors and taxpayers dollars.

When the Medicare prescription drug benefit was designed, it was for the pharmaceutical companies and the HMOs, not for seniors. This report from Families USA makes that point.

Medicare has 25 times the number of people covered by the program as the Veterans' Administration. Imagine, for a moment, the bargaining power of Medicare compared to VA. Unfortunately, instead of simply offering a drug benefit through Medicare and negotiating these bulk discount prices, this Congress and the President handed the drug benefit over to these private pharmaceutical companies.

The bill we passed in 2003 is almost impossible to describe. I can't understand how most seniors will get through this bureaucratic mess that we created with this bill. CMS announced last week that there will be 34 active pharmaceutical regions in the United States. Each one of these regions will have 11 to 20 organizations offering prescription drugs. Illinois, my State, will have 16. So with an average of 15 plans in each region, there will be 510 different organizations across the Nation negotiating with pharmaceutical companies.

It is easy to see we have reduced the bargaining power of these plans in each one of these regions and therefore can expect to pay even more for the basic drugs that the seniors need. Instead of the Secretary of Health and Human Services negotiating on behalf of one pool of 41 million seniors for lower drug prices, Medicare's purchasing power has been divided into 510 small fractions. Bulk purchasing by the Department of Health and Human Services would surely save Medicare significantly more money than handing the negotiation over to these private sector negotiators.

There is a lot of talk in Congress these days about reimportation of drugs from other countries as a way to lower prices. Look to the North. Canada has much lower drug prices than the United States for exactly the same drugs, made by the same companies, that are sold in the United States. However, with just 2 percent of the worldwide pharmaceutical market, Canada does not possess the market power necessary to influence prices through negotiation. They do it through regulation.

The United States, on the other hand, has 53 percent of the worldwide prescription drug market. Half of it is made up of Medicare beneficiaries. Imagine the savings we could achieve simply by giving the Medicare program the authority to negotiate on behalf of its beneficiaries. Unfortunately, in addition to dividing up the purchasing pool, the Medicare prescription drug bill Congress passed specifically forbids the Secretary of Health and Human Services to negotiate with drug companies for lower prices.

The obvious question is, What good would that do if you gave the Secretary the power to negotiate? You remember the anthrax crisis—we all do; and the fear of anthrax contamination led many to prescribe Cipro as a drug to protect those who might have been exposed. This was in October 2001. After anthrax was found on Capitol Hill, this drug Cipro made the news. The average retail price for Cipro in 2001 was $4.67 for each tablet. That is when the anthrax crisis started. So Secretary Tommy Thompson, in President Bush's Cabinet, and the President of Bayer Corporation, announced a pricing agreement for the Government purchase of Cipro in which Bayer would provide HHS with the first 100 million of Cipro at 95 cents per tablet. Look at that, when we bargained with Bayer to reduce the price of Cipro, they cut it down to less than a fourth of what was being charged before this negotiation.

The Government reserved the right to purchase an additional 100 million tablets at 85 cents and another 100 million at 75 cents. Through negotiation, Secretary Thompson brought down the price of Cipro by 490 percent.

That same negotiating mechanism can and should be used on behalf of seniors in America to reduce the cost of prescription drugs and the cost to taxpayers. According to the Washington Times, after the deal was struck, Secretary Thompson said at a press conference:

> Everybody said I wouldn't be able to reduce the price of Cipro. I'm a tough negotiator.

We should have let Secretary Thompson negotiate these prescription drug prices on behalf of all Medicare beneficiaries, but the bill specifically prohibits him from doing it.

I have introduced a bill called the Medicare Prescription Drug Savings Act, which instructs the Secretary of Health and Human Services to offer a nationwide Medicare-delivered prescription drug benefit in addition to the PDP and PPO plans available in the 10 regions and negotiate repurchasing agreements on behalf of beneficiaries who choose to receive their drugs through the Medicare-administered benefits.

Beneficiaries who choose to enroll in the Medicare-administered benefit can stay enrolled as long as they desire. Giving Medicare the authority to negotiate is the right prescription for real savings on drug prices. Not only will this bill provide seniors with lower cost drugs, it will give them a choice to enroll in a Medicare-delivered plan, cutting down on the confusion that the privately delivered system has already created.

Critics and the pharmaceutical industry would say my bill is price controls and big government. They are wrong. It is good old-fashioned free market economics. If one buys in bulk, the price goes down. It is also a benefit in the system that American seniors believe works. Let's make this process

easier and cheaper for seniors and the Federal Government as well by allowing seniors to receive their drugs through Medicare and instructing the Secretary of Health and Human Services to negotiate the best price for seniors and America's taxpayers.

## ORDER OF PROCEDURE

Mr. DURBIN. Mr. President, I would like to clarify for the Record the time periods allocated on the Democratic side to make certain that the Record for tomorrow's debate reflects what the Chair understands is my understanding: That the time on the Democratic side that will be allocated will be from 11 a.m. to 12; from 1 to 2 p.m., from 5 to 6 p.m., and from 6:20 p.m. to 7:20 p.m. During the period through 4 p.m., it is anticipated this will be a period open to anyone desiring to use it. Is that the understanding of the Chair?

The PRESIDING OFFICER. Without objection, the order is so modified.

Mr. DURBIN. I thank the Chair. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

## EXECUTIVE SESSION

## NOMINATION OF JOHN G. ROBERTS, JR., TO BE CHIEF JUSTICE OF THE UNITED STATES

Mr. SARBANES. Mr. President, in the complex institutional framework established by our Founding Fathers, members of all three branches of our national government take an oath to support the Constitution. However, it falls uniquely to the Supreme Court of the United States to expound and interpret the Constitution and the laws passed pursuant to it so that our governing law remains true to the basic principles upon which the Nation was founded.

The Senate's role in giving advice and consent to the nomination of the men and women who serve on the Supreme Court for a life tenure is amongst the Senate's most important constitutional responsibilities.

The argument is made by some that the President is entitled to the confirmation of his or her nominee unless that person is shown to have a serious disqualification. On the contrary, it is my view that the Senate's duty to advise and consent on nominations is an integral part of the Constitution's system of checks and balances among our institutions of government. Nomination does not constitute an entitlement to hold the office.

Although all Presidential nominations require the most careful and independent review, judicial nominations differ from nominations to the executive branch in two important respects. Within the constitutional framework, the judiciary is a third coequal branch of government, independent of both the executive and legislative branches. Those who sit on the Federal bench receive lifetime tenure and are to render independent judicial decisions. In contrast, appointees to the executive branch are meant to carry out the program of the President who nominates them, and they serve only at the pleasure of the President or for limited tenure. The bar must, therefore, be set very high when we consider a judicial nomination, especially when the nomination is to the Supreme Court and, as in the matter pending before the Senate, to the position of Chief Justice of the United States.

While qualifications and intellect are important criteria, obviously, in considering a nomination to the Supreme Court, the Senate must also take into consideration the judicial philosophy and constitutional vision of any nominee for appointment to the Supreme Court. As Chief Justice Rehnquist, for whom Roberts clerked, wrote in 1959, well before he went on the Court:

> [U]ntil the Senate restores its practice of thoroughly informing itself on the judicial philosophy of a Supreme Court nominee before voting to confirm him, it will have a hard time convincing doubters that it could make effective use of any additional part in the selection process.

Inquiring into a nominee's judicial philosophy does not mean discovering how he or she would decide specific cases. Rather, it seeks to ascertain the nominee's fundamental perspective on the Constitution: how it protects our individual liberties, ensures equal protection of the law, maintains the separation of powers and checks and balances. The Constitution is a living document. Its strength lies in its extraordinary adaptability and applicability over more than 200 years to conditions that the Framers could not have anticipated or even imagined.

The confirmation process provided Judge Roberts with an opportunity to outline his general approach to the Constitution in critical areas—among them, the rights and liberties guaranteed to our citizens, the extent of Congress's power under the Commerce Clause, and the balance of power among the three branches of government. Regrettably, he declined to do so, saying that he does not have an overarching judicial philosophy and comparing the role of a Justice to that of an umpire. The New York Times put it succinctly in an editorial:

> In many important areas where Senators wanted to be reassured that he would be a careful guardian of Americans' rights, he refused to give any solid indication of his legal approach.

The uncertainty arising from the hearings is compounded by the refusal of the administration to provide documents from Judge Roberts' service as principal Deputy Solicitor General, which members of the Judiciary Committee had requested in the course of carrying out their constitutional responsibility.

As a result, we must try to infer his underlying philosophy and views from the earlier documents made available to the committee. Those documents are not reassuring. I am deeply concerned that the documents we have from John Roberts raise questions about his approach and his thinking on such basic issues as voting rights, affirmative action, privacy, racial and gender equality, limitation on executive authority, and congressional power under the commerce clause.

Given the importance of the position of Chief Justice, in deciding whether to give consent to this nomination it is essential that it be an informed consent—an informed consent.

As the New York Times editorial pointed out:

> That position is too important to entrust to an enigma, which is what Mr. Roberts remains.

I will vote against confirming John Roberts to be the Chief Justice of the United States.

I yield the floor.

Ms. CANTWELL. Mr. President, I rise to share my concerns about the nomination of Judge John Roberts.

Let me say to my colleagues who have taken the floor through the last couple of days and have been eloquent I think on both sides of the aisle in their views, that I really do believe that we are at a very unique point in time at our history, that we are at the tip of the iceberg as it relates to the information age, and that this issue of personal privacy is only going to gain in importance over the lifetime of the next nominee to the Supreme Court.

And that is why this discussion and debate is so important, and that is why a diversity of voices I think should be heard on this issue.

Now, I am not a member of the Judiciary Committee but I did spend 2 years on the Judiciary Committee, and I made it clear in my time there that I had the intention to ask every nominee about their views on the rights to privacy and how they existed in the Constitution and what they thought was settled law as it relates to that and how they viewed some of the important decisions of the Courts in the past.

And I think that you have to give a context to the day and age in which we are making this decision on a Supreme Court nominee and the next nominee as it relates to these privacy rights.

We are at a time and age when individual citizens are concerned about their most personal information being obtained by businesses or health care organizations and somehow being released. They are concerned about government and government's overreaching in privacy matters and the use of technology that could be used without probable cause and warrant. We have even seen discussion by courts

and judges and a variety of people on the due process of enemy combatants—even a judge in our State raised concerns about how you balance protecting rights and security interests.

I know in Washington State these are among the key issues that the citizenry of Washington State cares about. They care about their personal privacy and they care about it being protected. They also care about that personal privacy as it relates to a variety of rights that they have come to expect.

In fact, in Washington State, a right of privacy is guaranteed in our Constitution. Article 1, section 7, which says—quote—''no person shall be disturbed in his private affairs or his home invaded without the authority of law.'' We adopted this constitutional right of privacy upon the founding of our State and the deep respect that we have for those individual rights.

It has been settled for decades by the courts of Washington State. Washington State law even goes further than the Federal Government in protecting people's privacy in a search and seizure context, for example. And I thinkit is very important to understand how much the State of Washington cares about these constitutional protections.

Now, as it relates specifically to a woman's right to choose, Washingtonians again have been very outspoken. In fact, in 1970, 3 years before the Federal courts spoke on this matter, the residents of my State passed a referendum legalizing abortion rights through the first trimester. That is in 1970. In 1991, the voters of my State passed by initiative a codification of Roe v. Wade into State statute.

I would hope that any nominee to the Supreme Court would understand how important the privacy rights are in not just Washington State but throughout the country and how challenged they are going to be in the next decades as the information age rolls out and more and more issues confront Americans about their privacy and the privacy of information about them.

During my tenure on the Judiciary Committee, I heard many conservative nominees express views in opposition to abortion rights and some were very critical of the decision in Roe v. Wade. I did not agree with these views, but where those nominees demonstrated an understanding that privacy in the choice context is an accepted right, and that the Nation and the courts have determined that right should be upheld, I voted to confirm these judges.

Sixty-one percent of Americans said that they wanted Judge Roberts to answer questions about how he would have ruled on past Supreme Court precedent. And I know that more than a majority of Americans believe that we should do our job in asking judicial nominees about their judicial philosophy.

But as my colleagues have pointed out, I have some concerns about Judge Roberts' views on the rights to privacy as it relates to how those will continue to protect a woman's right to choose. And I am concerned, as he talks about stare decisis exactly what he will uphold.

Now, I think a very important case that probably hasn't gotten a lot of attention on the floor but it is something that again Washingtonians care a lot about is Judge Roberts' dissent in the Rancho Viejo case. Judge Roberts went out of his way in this dissent to raise issues about whether Congress had overstepped its bound in enacting the Endangered Species Act. Courts have already decided this issue: Congress has the authority to protect our most precious species without concern that these efforts might be thrown out bit by bit. Judge Roberts has told us how important longstanding precedent is in his philosophy, yet he questions congress' longstanding authority to enact environmental protections.

In the Northwest, we absolutely rely on a very robust interpretation of the interstate commerce clause, both in its environmental context and with regard to other laws. We have a great, wonderful environment in the Northwest that we want to protect. And just as with the privacy context, Judge Roberts was asked during the hearing about his views on Congress's power to enact environmental protections and he declined to answer them specifically.

The Pacific Northwest is blessed with incredible beauty, complemented by the diverse wildlife that inhabits our lands and coastal waters. Unfortunately, habitat loss and other pressures threaten some of my State's most iconic species, whether that be the salmon that spawn our great rivers, birds that depend on old-growth forests, or even the orca whale that holds a special plan in the heart of everyone who lives near the Puget Sound. The Endangered Species Act is helping protect these animals from extinction. I have concerns about what Judge Roberts says about precedent yet in the case of the Endangered Species Act; his concern for following precedent wasn't there.

I share the concerns of my colleagues who have been to the floor that we want to know how Judge Roberts is going to make his philosophy about the right to privacy clearer for the individuals who have to vote for him. I am not clear what he considers the privacy rights in the Constitution that aren't enumerated. And I know that that may not be the same opinion of our Members on the floor of the Senate, but I think Washingtonians have come to expect that these privacy rights mean a great deal to them.

And so I cannot vote to confirm Judge Roberts until I know more about his philosophy. I am doing the job that I think the State of Washington wants me to do in fighting for these protections that have been constitutionally guaranteed, that have been voted on by initiative of the people in our State, and for the great protection of those privacy rights that they know need to be protected in the future.

I yield the floor.

## ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

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

Thereupon, the Senate, at 7:40 p.m., adjourned until Wednesday, September 28, 2005, at 9:30 a.m.

# EXTENSIONS OF REMARKS

## REMARKS OF JACK ROSEN, CHAIRMAN OF THE AMERICAN JEWISH CONGRESS/COUNCIL FOR WORLD JEWRY, HONORING PAKISTANI PRESIDENT PERVEZ MUSHARRAF

**HON. TOM LANTOS**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 27, 2005*

Mr. LANTOS. Mr. Speaker, just a few days ago, it was my great honor and pleasure to join my dear friend, Jack Rosen, the Chairman of the American Jewish Congress and the Council for World Jewry at a dinner in New York City honoring President Pervez Musharraf of Pakistan. The President gave an outstanding speech reflecting his standing as the quintessential Muslim leader who has fostered moderation, reason, and pluralism.

Mr. Speaker, this remarkable event would not have taken place without the extraordinary leadership of Jack Rosen. He met President Musharraf some time ago when he was conducting business in Pakistan. At that meeting the seeds were planted that eventually blossomed into the event in New York a few days ago.

This event honoring the Pakistani President is only the latest example of Jack Rosen's visionary leadership and indefatigable commitment to public service. In the short time that he has served as Chairman of the American Jewish Congress, he has made an important difference in broadening and deepening the work of this important Jewish organization.

Mr. Speaker, at the event in New York last week, Jack introduced President Musharraf to the audience at the dinner in his honor. Jack's comments were particularly insightful on U.S.-Pakistani relations and the worldwide struggle against terrorism.

My colleagues in the Congress should have the opportunity to read the excellent remarks he made. I ask that his address be placed in the RECORD, Mr. Speaker, and I urge my colleagues to give it thoughtful attention.

INTRODUCTION OF PRESIDENT PERVEZ MUSHARRAF OF PAKISTAN

Mr. Jack Rosen, Chairman American Jewish Congress/Council for World Jewry

This is an unprecedented evening, and we are delighted to welcome not only our keynote speaker, but more than 60 Pakistani-American leaders who have joined us. We demonstrate tonight, by example, something that happens every day in hundreds of communities across the United States—Muslims, Jews and Christians sharing a meal, talking about our desires and dreams and even our differences.

President Pervez Musharraf's presence here tonight is the culmination of two years of preparation. In the summer of 2003, President Musharraf surprised many people in his own country and across the Muslim world when he offered a new set of ideas—first in Washington, then at the United Nations, at the Islamic Summit in Malaysia, and finally in Pakistan. He told his most important audience, his own community, that the extremist path to which some Muslims had turned to would bring nothing but misery and degradation.

He said of the scourge of terror: ''The unfortunate reality is that both the perpetrators of these crimes and most of the people who suffer from them are Muslims.'' Then he offered a vision of an alternative, which he called ''Enlightened Moderation.'' He proposed a new Islamic society based on pluralism, openness, and tolerance, in order to reach what he called ''socioeconomic uplift—to drag ourselves out of the pit we find ourselves in, to raise ourselves up by individual achievement and collective socio-economic emancipation.''

Just a few months prior to giving that speech, President Musharraf broke new ground when he suggested that Pakistan might need to rethink its refusal to establish diplomatic relations with Israel, although official diplomatic ties could come only after an Israeli-Palestinian peace deal.

These remarks came as the Moslem world was being rent by extremist pressures, amidst cascading violence in the Middle East and dangerously mounting anti-Semitism. Difficult to say at any time, President Musharraf's words were all the more courageous coming at the moment they did.

The extremists in his own country and beyond were quick to recognize the threat to them expressed in his message of hope. Within months, terrorists in Pakistan made two major attempts on his life, and they very nearly succeeded. We must ask ourselves: What if the terrorists had succeeded? What if the vitally important country of Pakistan, with its huge Muslim population, its nuclear arms, its many extremist factions and its critical location in the region known as the arc of crisis, had tumbled into chaos, or gone the way of Iran?

When you think about this, you can see why the terrorists believed it so important to silence him.

President Pervez Musharraf's decision to be with us tonight is an act of individual courage, leadership and vision.

Our process that brings him here also began two years ago, resulting from informal talks we held with Pakistani officials and members of the Pakistani-American community. This led to an invitation to visit Pakistan and meet with President Musharraf. In May, I made a quiet trip to Islamabad with the Vice Chairman of our Council on World Jewry, Mr. Phil Baum, and with our very fine Director, David Twersky. Because we were aware of politically sensitive issues involved, we first consulted with senior officials in Washington and Jerusalem.

Several weeks ago, I spoke with President Bush about this initiative in Crawford. President Bush said he saw this as an important opportunity and understood the significance of this step by President Musharraf. President Bush was enthusiastic about the opportunity.

Since its inception, the American Jewish Congress-Council for World Jewry, working with Jewish communities around the world, has sought to build bridges to the Muslim world by pursuing contacts with authoritative, moderate Muslim political and religious figures in America and around the world.

We approach this mission with sobriety and a hard headedness about the Jewish cause, with a realism about current conflicts and impending threats. But we are also driven by the compelling and urgent necessity to reach out and engage leading individuals in the Muslim world who, by meeting us at least halfway, can accelerate the process by which the Muslim world finds its way into a healthy and productive relationship with contemporary life.

Our dialogue with Muslims starts with an understanding that true moderation begins with tolerance among peoples. Christians, Muslims, and Jews come from a shared common heritage, and we are three branches of one tradition and one set of core values.

We recognize the vital role that mass media and education—in both public school systems as well as madrasas—plays in teaching and advocating values of moderation, tolerance and understanding. We need to ensure that tolerance is more accurately reflected in Muslim media and education systems, including in Pakistan.

This must be the last generation educated to be hateful of Jews. Demonization of the Jewish people is a scourge that offends people of all racial and religious backgrounds. It is troubling that anti-Semitism has reemerged in some quarters in Europe just 60 years after the Holocaust. This is sparked by extremism. We all have an obligation to eradicate anti-Semitism from all our societies.

This must be the last generation educated to be hateful of Israel. We reject the Arab boycott against Israel and we support every effort of diplomacy and dialogue in the quest for peace and security.

This must be the last generation educated to believe it is acceptable to denigrate people of other cultures and religions. For our part, Jews must work to prevent Islam from being attacked with impunity. Unfortunately, many Muslims believe attacks against Islam are fomented by us. There exists a conspiracy-theory mindset among many Muslims that seeks to blame the Jews for the ills of the Muslim world. Jewish leaders must be more active and visible to prevent attacks against Islam, and Muslims leaders, in turn, must help dispel unfounded conspiracy theories.

And, finally, this must be the last generation educated to believe that terrorism is a legitimate means to achieve political ends. Acts of terror have no place in civilized societies and terrorists can never be honored as freedom fighters or martyrs.

President Musharraf, you are an important voice in the Muslim world. You can carry this message to places and people that I, that we, cannot.

President Musharraf's appearance with us tonight is a symbolic act of his determination to take the struggle forward. But it is not an isolated one. Following positive reaction in Pakistan to the announcement of this meeting, he initiated other important steps toward Israel.

Two weeks ago, on September 1, his Foreign Minister, Khurshid Kasuri, met openly with Israeli Foreign Minister Silvan Shalom.

Pakistan is taking a stand, supporting the struggle of the Palestinian people to have a state of their own, but at the same time, affirming such a state will exist alongside of—and not seek to replace—the Jewish state of Israel. It has said it will now ''engage'' Israel, a step forward from Pakistan's previous policy. President Musharraf recently

praised Prime Minister Sharon as ''courageous'' for unilaterally disengaging from Gaza. For its part, Israel has agreed to loosen trade restrictions for imports of Pakistani products. On Wednesday, President Musharraf shook hands with Israeli Prime Minister Ariel Sharon—something that would have been impossible even a year ago.

We are proud to be part of this historic drama. But tonight represents only a beginning of what we hope is a long process of dialogue and engagement. Organizations like ours have a continuing role to play, and we invite all of you here tonight to join with us. We would like to explore with President Musharraf opportunities to bring together Pakistani, American and Israeli citizens in a dialogue about our shared futures through a program of on-going exchanges and visits. The more our people interact with each other, the easier it will be for government leaders to act.

Let me share with you some personal information about our special guest. President Musharraf was born in Delhi in 1943. He spent his early years in Turkey, where his father served in the Pakistani Foreign Ministry. Beginning his military career in 1964, he rose through the ranks as a highly decorated soldier and officer, becoming head of the Armed Forces in 1998. The following year he assumed his country's political leadership. He is married and has a son and a daughter.

He is a critical ally and partner of the United States in fighting terrorism. Under his leadership, Pakistan's economy is growing, it is reducing friction with its Indian neighbor, and his country is increasing its presence on the international stage.

I must tell you many people expressed doubt that tonight would happen. The gap is too wide; the differences are too stark, they said. I am reminded of a famous passage from literature that describes the wide chasm which separates western and eastern cultures:

''Oh East is East and West is West and ne'er the twain shall meet.''

So it stands, engraved in conventional wisdom, as if decreed by heaven. But its author, Rudyard Kipling, who wrote as an Englishman in the Indian subcontinent—the land that includes modern day Pakistan—did not accept this insight as destiny. Instead, his poem continues:

''But there is neither East nor West,
Border nor breed nor birth,
When two strong men stand face to face
Tho' they come from the ends of the earth.''

These elegant words remind us that leadership and character are indispensable to the progress of Man. Mr. President, we thank you for being here with us tonight, and we look forward to hearing your thoughts on how the cause of Enlightened Moderation will be carried forward.

Ladies and gentlemen, it is my very great honor to introduce to you the President of the Islamic Republic of Pakistan, the Honorable Pervez Musharraf.

## CONGRATULATING NORTH RICHLAND HILLS SCHOOL NO CHILD LEFT BEHIND BLUE RIBBON SCHOOL

### HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 27, 2005*

Mr. BURGESS. Mr. Speaker, I rise today to recognize North Richland Hills School for being named a No Child Left Behind Blue Ribbon School of 2005. Only 31 schools in Texas will receive this award certificate.

The No Child Left Behind Blue Ribbon Schools program recognizes schools that make significant progress in closing the achievement gap or whose students achieve at very high levels. Schools must make adequate yearly progress in reading, language arts and mathematics.

The No Child Left Behind Act is the bipartisan landmark education reform law designed to change the culture of America's schools by closing the achievement gap, offering more flexibility to States, giving parents more information and options and teaching students based on what works. Under the law's strong accountability provisions, States must describe how they will close the achievement gap and make sure all students, including those with disabilities, achieve academically.

I extend my sincere congratulations to North Richland Hills School for receiving this award. This school's contribution and services should serve as inspiration to us all.

## HONORING JOSEPH GENCO UPON HIS RECEIPT OF THE JOSEPH H. MASON AWARD

### HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 27, 2005*

Mr. HIGGINS. Mr. Speaker, I rise today to honor the exemplary community service of Joseph Genco, a resident of Chautauqua County, City of Jamestown, upon receiving the Joseph H. Mason Award.

The award is given annually to a union member who demonstrates strong volunteer service to the community, and is selected by a committee of past winners. Mr. Genco was presented with this honor at the annual United Way Salute to Labor Dinner.

Joseph Genco, who is a Jamestown Police Department sergeant, has been the president of the Jamestown Kendall Club PBA since 2000, and a past secretary of the Chautauqua County Police Organization and Western New York Police Association. Genco also serves on the Board of Directors of Joint Neighborhood Project and was former secretary of PALMA, the Police and Latino Mediation Advisory committee.

Mr. Genco has donated countless hours towards improving his community. He is hard working, and dedicated. His leadership and generosity sets an example for us all. That is why, Mr. Speaker, I rise to honor him today.

## THE BURLINGTON LITERARY FESTIVAL HONORS KATHERINE PATERSON

### HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 27, 2005*

Mr. SANDERS. Mr. Speaker, Burlington, Vermont, as I know from my years as Mayor, is one of America's most livable cities. One of the primary reasons for its preeminence and livability is the vibrant arts scene in Vermont's largest city and in the surrounding region. Be it music, dance, theater or film, Burlington is and has been alive with creativity. The same is true for writing of all sorts, so we celebrate a notable moment when much of this writing was showcased at the first Burlington Literary Festival. I extend my congratulations on the inaugural Burlington Literary Festival, to its sponsors Burlington City Arts, Burlington Magazine and the Fletcher Free Library, to festival organizer Susan Weiss, and to the many, many writers who participated.

In particular, I want to highlight that the Festival was dedicated to Katherine Paterson of Barre, Vermont. She is, with all due apologies to Grace Paley and the extraordinary writers who attended the conference, the most honored of all contemporary Vermont authors, with not one but two National Book Awards, not one but two Newberry Medals—and the Hans Christian Anderson Medal as well!

When she writes for children, she takes their intellectual, ethical and political capacities with high seriousness. Social issues, international dimensions, and, if I am correct, a revisiting of the Bread and Roses strike in her next book: this is not escapist literature, but instead writing which draws its young readers into the world they live in, even as they encounter the remarkable characters and circumstances that enliven the domain of fiction.

But Katherine Paterson knows that life asks more of us than writing, important as writing surely is. She established the ''Read to Live'' program to bring books, story-telling and other activities to Venezuelan communities which had been damaged and devastated by massive flooding. That program was so successful in giving children a sense of community and hope that it has been a model for programs in Indonesia for children left homeless by the tsunami, and is serving as a template for programs that will help the children or New Orleans and other cities destroyed by Hurricane Katrina.

We are proud to have Katherine Paterson living and working among us in Vermont, creating with the many other writers in attendance at the Burlington Literary Festival the imaginative fabric of American life. We wish her, and all, the very best as they continue to create in words both the America that is, and the America that can be.

## SUPPORTING GOLD STAR MOTHERS DAY

SPEECH OF

### HON. MARILYN N. MUSGRAVE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 21, 2005*

Mrs. MUSGRAVE. Mr. Speaker, as our Nation honors Gold Star Mothers, I rise today to honor a Gold Star mother from Colorado. Everyone knows that teachers have a heart for kids. Marian Lutters from Burlington, Colorado, devoted much of her life to elementary students.

Before he left for Iraq, Mrs. Lutters' students were privileged to have her son Derrick come to her second grade classroom. He explained that he was going to Iraq as a soldier. He explained what the conflict was all about and what he wanted to accomplish. The young students were attentive and some of them later wrote letters to Derrick while he was in Iraq.

Sadly, Derrick Lutters lost his life in battle on May 1, 2005, during Operation Iraqi Freedom. Derrick's death was a tragedy for his family and the entire community. Small towns are like that—they are like family and very close knit. Derrick's friends and former coworkers were devastated by the loss.

Marian Lutters expressed how proud the entire family was of her son, "He said he wanted to protect people and help establish a better way of life, especially for children." Her words aptly honor her son's ultimate sacrifice.

Mrs. Lutters is supported by the entire community, and it is my desire that she also feels the continued respect, admiration, and heartfelt sympathy from the Members of Congress and Americans across the country.

## COMMEMORATING SEA OTTER AWARENESS WEEK

### HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 27, 2005*

Mr. FARR. Mr. Speaker, I rise today to call attention to Sea Otter Awareness Week, sponsored by Defenders of Wildlife. The support given by Defenders, Friends of the Sea Otter, the Otter Project, and the Ocean Conservancy to recover the Southern Sea Otter has raised public awareness and helped protect this important species under the Marine Mammal Protection Act and the Endangered Species Act.

The study of southern sea otter populations provides much-needed information on ways to improve the health of coastal ecosystems. We already know sea otters play a critical role in maintaining healthy kelp beds along the California coast, an important habitat and nursery ground for some of the depleted West Coast rockfish stocks. Sea otter research has proven to be an effective method of monitoring toxins and diseases in the marine environment, both of which can affect the health of humans and other wildlife. These charismatic animals also bring significant tourism spending to central Californian coastal communities.

Mr. Speaker, it is fitting to hold Sea Otter Awareness Week this week as Congress moves to reauthorize arguably the bedrock of environmental laws, the Endangered Species Act (ESA). The dramatic turnaround realized by the once thought extinct southern sea otter is a result of two critical protection laws—the ESA and the Marine Mammal Protection Act, the southern sea otter population grew from less than 100 otters in the 1930's to the present total of 2,800. Scientists maintain that it will take 3,100 otters to make a population stable enough to even consider removing them from the Endangered Species list. Unfortunately, threats from disease, exposure to environmental pollutants, and entrapment in fisheries gear are threatening the species' continued recovery. As reauthorization of the ESA moves forward this week in the House, I will fight to keep it strong enough to successfully overcome these threats to the Southern Sea Otter.

Many constituents in my District have an interest in, and are affected by, sea otter management. I introduced H.R. 2323, the Southern Sea Otter Recovery and Research Act, and work with my colleagues to secure funding in an effort to support the recovery of the population. The nonprofit environmental groups work with the Monterey Bay Aquarium, researchers, fishermen, and state and Federal agencies to recover the Southern Sea Otter, obtain increased research funds, and remove threats to this keystone species.

Mr. Speaker, I applaud the many accomplishments of the non-profit environmental organizations and other agencies and people who devote a tremendous effort to protect and recover the Southern Sea Otter. This week I join the people of my and other districts honoring Sea Otters and those people working to save them and restore their populations.

## RECOGNIZING NICOLE CALAMUNCI FOR HER OUTSTANDING ACADEMIC ACHIEVEMENTS

### HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 27, 2005*

Mr. HIGGINS. Mr. Speaker, I rise today to honor the exemplary academic achievements of Nicole Calamunci, a resident of Chautauqua County, city of Jamestown, upon receiving the United States Academy Achievement Award.

Nicole was named a United States National Award winner in English. Fewer than 10 percent of all High School Students across America are given this prestigious honor. Nicole was nominated for this award by her Middle School English teacher.

Along with her academic achievements Nicole demonstrates a variety of other outstanding characteristics. She possesses leadership skills, an interest in multiple subjects, and a strong motivation to improve and learn new things. Nicole is also very enthusiastic, responsible, and has an excellent attitude.

Nicole is the daughter of John and Gioconda Calamunci of Jamestown, and attends Persell Middle School.

Ms. Calamunci is an exemplary and dedicated student, with much to offer. That is why Mr. Speaker, I rise today to honor this young lady.

## IN CELEBRATION OF THE 100TH BIRTHDAYS OF LEOPOLDO CASTRO CASTRO AND LUCIA CONTRERAS PEREZ

### HON. STEPHANIE TUBBS JONES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 27, 2005*

Mrs. JONES of Ohio. Mr. Speaker, I rise today to commemorate the 100th birthday celebration of Leopoldo Castro Castro and Lucia Contreras Perez, parents of Jesus V. Castro, a former resident of my Congressional District and an exchange student from Peru at Shaker Heights High School from 1965–1966.

Leopoldo Castro was born in Orcotuna, Peru, a small village in the Andes Mountains, on November 15, 1905. Although his parents were farmers without any formal education, Leopoldo managed to finish grade school, and with only that level of education, became a distinguished resident of Orcotuna. Leopoldo wanted to become a lawyer, but his family could not afford his college education, nor were there any colleges in the region. But those hurdles did not hold him back. Leopoldo saved enough money to purchase a law book and taught himself the Peruvian legal code.

At age 20, he was appointed Justice of the Peace of the District of Orcotuna by the State Supreme Court, a position he held for over 50 years. His fair and thoughtful decisions as Justice of the Peace gained him the respect of his entire village.

Achieving what Leopoldo could not for lack of means, his son, Jesus V. Castro, and his grandson, Jorge E. Castro, attended college and law school and became attorneys. Jorge currently serves as Tax and Trade Counsel in my Washington, DC office.

Leopoldo's wife of over 70 years, Lucia Contreras Perez, also of Orcotuna, will turn 100 years of age March 2, 2006. They live happily in Lima, Peru with their children and grandchildren.

Mr. Speaker, next week their hometown of Orcotuna will honor the lives of Lucia and Leopoldo during the annual Saint Francis of Assisi traditional festivities. I wish Lucia and Leopoldo Godspeed as they celebrate their 100th birthday.

## A SMALL BUT IMPORTANT STORY FROM VERMONT

### HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 27, 2005*

Mr. SANDERS. Mr. Speaker, I wish to tell you a story, and in so doing commend a wonderful grassroots project in northern Vermont. It is a small story and a simple one, but it says volumes about the generosity and support of the people of Vermont, and the care that the citizens of our nation as a whole extend to those who are bravely serving in our military forces.

Sharon Waterhouse, of Richford, Vermont decided to sew a Christmas stocking for her son, Josh, who is serving in Iraq with other members of the Vermont National Guard, and stuff it with small Christmas gifts. It immediately occurred to her that she could sew stockings for his whole unit, all 32 of his fellow Vermont National Guard members.

But Ms. Waterhouse didn't stop there. Since she loves to sew, she set a course to make 500 stockings, asking her aunt, Andrea Bowden, to help get donations to stuff them. Michelle Long of the Guard Family Readiness Group pitched in to arrange the shipping. The Richford Legion and CF's Diner chipped in by setting out donation jars to help buy supplies. And others have volunteered to help sew, including students from Enosburg High School, along with their teachers Jessica Leo and Kaye Mehaffey.

Sharon Waterhouse herself is sewing between 300 and 400 stockings, and with the help of other generous hands, she hopes to provide stockings for the entire Vermont Guard contingent—over 1400 soldiers—serving in Iraq.

There are moments when our brave men and women in uniform, facing daily dangers in Iraq which we can scarcely imagine, need to know that their nation understands the sacrifices they are willing to make on the Nation's

behalf. What Sharon Waterhouse and the many others working along with her have done is give those soldiers a clear sign that we in America greatly appreciate their dedication and courage.

## IN HONOR OF ELLEN MOIR

### HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 27, 2005*

Mr. FARR. Mr. Speaker, I rise today to congratulate Ellen Moir for receiving the prestigious Harold W. McGraw Jr. Prize in education.

Ms. Moir is the founder and executive director of the New Teacher Center (NTC) at the University of California, Santa Cruz. The NTC is a unique place where educators and researchers develop programs for new teachers. Evolving from a staff of 5, NTC has grown into an organization of 65 teachers and researchers who continue to turn Moir's mission into a reality. Ms. Moir has brought academic innovation as well as tireless focus to preparing students and teachers for success and it is certainly fitting that Ms. Moir is nationally recognized for her expertise in teacher preparation, induction, and support.

Thus, I would like to salute Ellen Moir for her outstanding contribution to teacher professional development education. She has dedicated her life to improving the education system in this country and without her motivation and expertise, organizations like the NTC would never have been established. Her accomplishments are invaluable and continue to make a difference in the nation today. Mr. Speaker, I am proud today to honor such a compassionate and innovative individual who resides in the 17th district of California.

## SALUTE TO GUARDIANS OF FREEDOM

### HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 27, 2005*

Mr. BURGESS. Mr. Speaker, I rise today to salute the Guardians of Freedom for their service our great Nation.

Your Guardians of Freedom is a new program that enables unit commanders and Airmen to quickly communicate with people affected by and interested in the mobilization and deployment of military people. Beyond that, it is designed to tell the story of the American Airmen tirelessly fighting the global war on terrorism.

With this program, commanders can contact and request the support of civilian employers, educators, families, members of Congress and local government leaders, and the local media when Guard members, Reservists and active duty troops get called up for Noble Eagle and Enduring Freedom operations in this country and overseas.

These Guardians of Freedom are being honored by Northrop Grumman with a special program, dinner and reception.

It is with great honor that I stand here today to salute the Guardians of Freedom for their help in safeguarding our Nation's freedom. Through their contribution, they not only stand as devoted American citizens, but serve as an inspiration to others.

## HONORING ROBERT KOST FOR RECEIVING THE AWARD FOR EMERGENCY COMMUNICATORS

### HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 27, 2005*

Mr. HIGGINS. Mr. Speaker, I rise today to honor the heroic actions of Robert Kost, resident of Chautauqua County, city of Jamestown, upon his receiving the 2005 Emergency Communicators Award.

Although this award is only 2 years old it is an exclusive award. Kost was nominated for this honor by Livingston County Sheriff Joe Gerace. Gerace felt that Kost deserved this award for the actions that Kost displayed when he received a 911 call reporting that a 95 year old woman was choking. Kost calmly and readily took action and walked the son and daughter in law of the woman through the Heimlich maneuver. The procedure was successful after the son performed it a second time. Kost then continued to stay on the line with the woman's son and daughter in law until the fire department arrived and could provide further care.

Robert Kost is a brave and heroic man who has saved the lives of many people thanks to his devotion and dedication to his career as a professional dispatcher. Because of these commendable actions taken by Robert Kost, I rise to honor him today.

## CELEBRATING THE 100TH ANNIVERSARY OF E.F. BOYD & SON FUNERAL HOMES, INC.

### HON. STEPHANIE TUBBS JONES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 27, 2005*

Mrs. JONES of Ohio. Mr. Speaker, I rise today to honor the 100th anniversary of E.F. Boyd & Son Funeral Homes, Inc. The Boyd family, which owns 3 funeral homes in the Cleveland area, has been in business since 1905, and is celebrating a century in business.

Elmer F. Boyd, a native of Cleveland, Ohio, originally owned a barber shop but realized the need for a funeral home that catered to African Americans. Boyd then opened the third funeral home in the Cleveland area that served blacks.

In the time before automobiles Boyd would use a city owned streetcar named the Black Mariah to carry bodies and families to burial sites. Boyd would also go to the homes of the deceased to embalm or preserve the bodies, and he would sew the lining into the casket himself before manufacturers lined caskets.

In the late 1930s Boyd's son William joined the business, and later his son William II, and daughters Marina and Marcella took on the duties of their father and grandfather.

Since the passing of Elmer Boyd many other members of the family have kept the business running, including his great-granddaughter, and oldest daughter of William II, Victoria. Victoria is the only female in the family who has both an embalmer and funeral director's license.

Four generations have made possible the successful continuation and expansion of E.F. Boyd & Son Funeral Homes for 100 years.

On behalf of the people of the 11th Congressional District, I wish to commend E.F. Boyd & Son Funeral Homes, Inc. on their 100th anniversary. Their existence is a true testament to family values and dedication, and the continuing legacy of the American dream.

## SUPPORTING GOLD STAR MOTHERS DAY

SPEECH OF

### HON. MARILYN N. MUSGRAVE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 21, 2005*

Mrs. MUSGRAVE. Mr. Speaker, as our Nation honors Gold Star Mothers, I rise today to honor a Gold Star mother from Colorado. JoAnn Rehn was born and raised in Milbank, South Dakota, on a dairy farm called Schmidt Dairy. She married her husband Charles Rehn about 40 years ago. They had 3 sons. The oldest, Joe, the middle Randall, and Jimmy the youngest.

They moved to Colorado 33 years ago and settled in Longmont, where JoAnn lives today. For many years she has run a small business out of her home. She is a hardworking, industrious woman.

The military heritage comes from a great, great grandfather on the father's side. He was a Swedish General. JoAnn's son Randy joined the military in the mid-80's. Jobs were scarce, he was a gung-ho guy, and there was lots of opportunity in the military.

Sadly, Randy lost his life on April 3, 2003 in battle during Operation Iraqi Freedom. Despite the heartbreak of losing Randy, the family still believes he died for a noble cause. When asked why his mother should be honored, Randy's brother Joe said, "She believed in what he was doing, fighting for our freedom, and despite the loss, she would make the sacrifice again. Our freedom is worth more than dollars. Having Randy gone is a negative for me and our family. But here is the positive part: freedom for America is what it is all about and God bless everyone else that feels the same way."

Randy's brother Joe also thinks it is really hard on his Mom to hear about more soldiers being killed on the news everyday. "You have to continually re-live the loss over and over, and that makes moms and families hurt continually. Hopefully it ends soon and we can all move on," Joe said.

Up to 1,000 people attended Randy's funeral in Longmont, paying the highest respect to him and his loved ones. It is my hope that Randy Rehn's family, especially his dear mother, feels the continued respect, admiration, and heartfelt sympathy from Members of Congress and Americans across this great nation.

## DEDICATION CEREMONY FOR C. DOUGLAS KILLOUGH LEWISVILLE HIGH SCHOOL—NORTH

### HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 27, 2005*

Mr. BURGESS. Mr. Speaker, I rise today to congratulate C. Douglas Killough Lewisville High School—North on the dedication ceremony in honor of their new location.

The Lewisville school district has a history of outstanding distinction throughout the State of Texas and continues to pursue educational excellence. As a learning community built on partnership and respect, they prepare each student to become a responsible, productive citizen by providing a wealth of skills, knowledge and experience.

The Lewisville High School—North staff is devoted to creating positive relationships in an atmosphere of safety, discipline and concern. Strong educations, the sense of school pride, an opportunity at a bright future and friendships are just part of what an excellent school provides its students.

With Lewisville—North's commitment to providing a quality education and safe environment, I know they will make the most of the new, top of the line facility. Again, congratulations and enjoy your new location.

## HONORING THE LEGACY OF SIMON WIESENTHAL

### HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 27, 2005*

Mr. MEEK of Florida. Mr. Speaker, I rise to honor the life and work of an incredible soldier for justice, the late Simon Wiesenthal.

For over fifty years, Mr. Wiesenthal sought justice for the six million Jews murdered during the Holocaust. Over his long career he is credited with bringing more than 1,100 war criminals to trial.

Mr. Wiesenthal had been imprisoned in twelve Nazi death camps, and lost 89 relatives in the Holocaust. His pursuit of war criminals was a personal one, but it was a mission of justice, not vengeance. After the American liberation of the Mauthausen death camp in Austria where Wiesenthal was imprisoned— he weighed just 99 pounds when he was freed—he decided to dedicate himself to seeking justice and ensuring that the Holocaust would never be forgotten.

Many have called him the 'conscience' of the Holocaust. In many respects, though, he was the conscience of the world. When governments would not act on their own, he forced them to act. When others forgot or were anxious to forget the victims of the Holocaust, he kept alive the memories of Nazi atrocities and demanded that those responsible be held accountable for their actions.

Mr. Wiesenthal was born near Lvov in present-day Ukraine. He was educated in Prague and Warsaw, and apprenticed in Russia before returning home to open an architectural office. Shortly thereafter, war broke out. The Russians and Germans invaded Lvov and terror ensued.

After the war, Wiesenthal, based in a small apartment, began his quest for justice. He is best known for his efforts that led to the capture of Adolf Eichmann, the former SS leader who presided over the Nazi's extermination program.

Wiesenthal's career brought him many international awards and distinctions. In 1995, he was made an honorary citizen of Vienna. He was a published writer and maintained office hours at the Jewish Documentation Center he founded, even after turning 90.

Mr. Speaker, I pay tribute to, a man of immense courage and dedication. His passing reminds us of the importance of remembering the victims of the Holocaust, demanding that perpetrators of crimes against humanity be held accountable, and combating intolerance wherever it exists.

In these efforts, one man's life truly made a difference.

## IN RECOGNITION OF COMMANDER DEIDRE McLAY'S SERVICE AND DEDICATION TO THE UNITED STATES NAVY

### HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 27, 2005*

Mr. PORTER. Mr. Speaker, I rise today to recognize the contributions of a great American, Commander Deidre McLay. I honor her today for her service to our nation in the United States Navy.

Commander McLay recently assumed command of the USS *Farragut*, which is the Navy's newest Arleigh Burke class guided-missile destroyer. CDR. McLay is only the sixth woman in naval history to command a destroyer and is the first commanding officer of the USS *Farragut* and its 383 officers and enlisted personnel.

Commander McLay is from Boulder City, Nevada and was commissioned via the Naval Reserve Officer Training Corps (ROTC) program in 1986. She graduated from the University of Colorado with a B.S. in Civil Engineering. While serving in the United States Navy, she has earned a Masters of Science in Operations Research from the Naval Postgraduate School in Monterey, California and a Masters degree in National Security Affairs from the Naval War College in Newport, Rhode Island.

Commander McLay's most recent operational assignment was as Chief Staff Officer, Destroyer Squadron Thirty-One, where she deployed as part of the Abraham Lincoln Battle Group for Operation Iraqi Freedom. During her earlier tour as Executive Officer in USS *Spruance* DD 963 she was deployed for six months to Standing Naval Force Mediterranean, operating with ships of eight NATO nations.

Commander McLay has been awarded the Meritorious Service Medal, the Navy and Marine Corps Achievement Medal, the Navy and Marine Corps Commendation Medal, and various service and campaign awards.

Mr. Speaker, it is with great pride and heartfelt gratitude that I salute Commander McLay for her service and dedication to our great nation.

## CONGRATULATIONS TO HASSAN MAKLED ON HIS RETIREMENT

### HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 27, 2005*

Mr. DINGELL. Mr. Speaker, I rise today to honor the service of Mr. Hassan Makled, who after over 30 years of helping ensure our Presidents' safety, is retiring from the Detroit Metropolitan Airport.

Mr. Makled began his service in 1974, as an Airport Police Officer for Detroit Metro Airport. Mr. Makled was promoted to Airport Police Dispatcher in 1980; from this position he developed both policy and procedure for the department. From 1982 to 1986, Mr. Makled served as Operations Supervisor, escorting Presidential limousines on and off the airport grounds and performing the explosive ordinance device checks on the runways for Presidential visits.

From 1986 to 1987 Mr. Makled served as Department Manager II and was promoted to Department Manager V in 1987. He held this position until 1997, during which time he served as the administrative focal point for Presidential visits, assisting in all aspects of their safety and efficiency.

Finally, Mr. Makled served as Deputy Director of Airfield Operations until 2002, when he was promoted to Director. In this position Mr. Makled developed policy and procedures for Airfield Operations. Mr. Makled has had the distinction of helping ensure the safety of six different Presidents; I honor his service as it has been both dignified and meaningful to our country.

Mr. Speaker, I invite all my colleagues to join me in congratulating Mr. Makled on his retirement and wishing him the best in this new chapter of his life.

## IN RECOGNITION OF CATHOLICOS ARAM I PONTIFICAL VISIT TO CALIFORNIA

### HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 27, 2005*

Mr. SCHIFF. Mr. Speaker, I am honored to join my Armenian American constituents in California's 29th Congressional District in welcoming the upcoming Pontifical visit of His Holiness Aram I, Catholicos of the Great House of Cilicia. His Holiness will be visiting the State of California this October at the invitation of His Eminence, Archbishop Moushegh Mardirossian of the Western Prelacy of the Armenian Apostolic Church of America.

His Holiness Aram I, Catholicos of the Great House of Cilicia, is the spiritual leader for hundreds of thousands of Armenians around the world and one of the most prominent Christian leaders in the Middle East. The Pontiff presently serves as the Moderator for the World Council of Churches (WCC). This prominent ecumenical organization is comprised of more than 340 churches from different cultures and nations around the world representing over 400 million Christians. The Pontiff, who is the first Orthodox and the youngest person to be elevated to this post, is currently serving his second term as Moderator.

The main theme of the Pontiff's visit is ''Towards the Light of Knowledge.'' This theme reflects the Pontiff's deep faith that only with greater education and dialogue can the world's conflicts be properly addressed.

The Catholicos's visit will be marked by a number of major events, including a speech he will deliver on October 14th at the Los Angeles World Affairs Council concerning the challenges to inter-religious dialogue in the Middle East. He will also participate by giving the main address at a symposium to be held at the University of Southern California focusing on ''Christian Responses to Violence.''

Of special significance to the 29th Congressional District, the Catholicos will be consecrating the Saint Sarkis Armenian Apostolic Church in Pasadena and blessing a new headquarters for the Western Prelacy.

I ask all Members to join with me and the Armenian American community throughout the State of California in welcoming the upcoming Pontifical visit of His Holiness Aram I, Catholicos of the Great House of Cilicia.

## CONGRATULATING THE NESTLÉ VERY BEST IN YOUTH AWARD WINNER

### HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 27, 2005*

Mr. BURGESS. Mr. Speaker, I rise today to recognize the superior academic performance of Micaela Watkins, an award winner in the Nestlé Very Best in Youth program. Twenty four recipients, from 13 different States, were selected from over 600 applicants.

This award recognizes exceptional young people, ages 10–18, who have demonstrated a commitment to reading and academic excellence as well as made tangible contributions to the quality of life for their communities. Winners received $1,000 from Nestlé USA to donate to a nonprofit organization of their choice and an all-expense paid, 5-day trip to Los Angeles for an awards ceremony held this past July.

Micaela is a 17-year-old honor student from Fort Worth, TX. She is involved in numerous activities at school, and around the community. Her future plans include receiving an undergraduate degree in political science and a law degree. Further down the road, she would like to establish a law firm that provides legal counsel to those who normally couldn't afford it.

I extend my sincere congratulations to Micaela Watkins for receiving this award. This student's contribution and services should serve as inspiration to those who wish to make a positive difference in the lives of others.

## RECOGNIZING PATSY D'AMBROSIO

### HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 27, 2005*

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise today to acknowledge Mr. Patsy D'Ambrosio of Spring Hill, FL, a Purple Heart recipient from World War II.

Born in Italy, Mr. D'Ambrosio moved to New York when he was 3 years old. Inducted into the Army on December 26, 1942, Mr. D'Ambrosio served during World War II as part of Company A of the 747th Tank Battalion in the European Theater. Following completion of his service, he received an honorable discharge from the Army on May 26, 1945.

As part of the successful D–Day attack on Omaha Beach, Mr. D'Ambrosio was injured storming the French hedgerows, which were heavily defended by German tanks. While attacking the German fortifications, Mr. D'Ambrosio's tank was struck by two 88 mm shells. Severely wounded and suffering from shrapnel wounds and burns over much of his body, Mr. D'Ambrosio was pulled to safety by his assistant tank driver.

Following his retirement as an optician, Mr. D'Ambrosio and his family moved to Florida to retire and to help his son start a family automotive business. Today, Amber Automotive has been operating in Brooksville for 25 years.

Mr. Speaker, true American heroes like Patsy D'Ambrosio should be honored for their service to our Nation and for their commitment and sacrifices in battle. I am honored to present Mr. D'Ambrosio with his long-overdue Purple Heart. He is truly one of America's greatest generation.

## THE JUSTICE FOR PEACE OFFICERS ACT OF 2005

### HON. DAVID DREIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 27, 2005*

Mr. DREIER. Mr. Speaker, on April 29, 2002, Los Angeles County Sheriff's Deputy David March was brutally slain execution-style during a routine traffic stop. Suspect Armando Garcia fled to Mexico within hours of Deputy March's death and has eluded prosecution by U.S. authorities.

Tragically, Mexico's refusal to extradite individuals who may face the death penalty or life imprisonment has complicated efforts to bring Armando Garcia back to the U.S. to face prosecution for his crimes. Over the last 3 years, I have fought to see Armando Garcia and other fugitives accused in killings brought back to the U.S. I have met with officials from the Department of Justice and the State Department. I have written repeatedly, joined by other members of Congress, to President Bush and to Secretaries of State Colin Powell and Condoleezza Rice, calling for aggressive action to change Mexico's extradition policy. I have even met with high officials of the Mexican government in an effort to impress upon our neighbor the intolerable nature of its extradition policy. However, 3 years later, Armando Garcia and thousands of other fugitives still roam free.

I will continue to work with the administration to bring Deputy March's murderer to justice. I will also continue our fight to persuade Mexico to change its policy. But until that is achieved, I believe that the Congress has a duty to act as well.

It was at the urging of Los Angeles County Sheriff Lee Baca that my friend from Pasadena, Mr. SCHIFF, and I introduced H.R. 2363, the Peace Officer Justice Act, to make it a Federal crime to kill a peace officer and flee the country to avoid prosecution. This bill ensures that criminals who murder law enforcement officials and escape to another country will have the full weight of the Federal Government on their trail.

Currently under Federal law, it is a crime to kill a Federal peace officer or state/local officers if they are engaged in a Federal investigation. We believe there is no reason that a heinous crime, such as the one in Deputy March's case, should not also be a Federal crime with the same penalties as the murder of a Federal officer.

The punishment for fleeing prosecution under existing law is no more than 5 years or merely a fine. I believe that a fine or 5 years imprisonment for the cold-blooded murder of a law enforcement officer is tantamount to no justice at all. The Peace Officer Justice Act makes such an act punishable by the Federal murder statute, which includes the death penalty or life in prison. This legislation is supported by the Fraternal Order of Police and the National Sheriffs Association.

However, Los Angeles County District Attorney Steve Cooley has decided to strongly oppose the bill citing several concerns with its provisions. Specifically, Mr. Cooley believes that making such a crime a violation of Federal law would provide ''exclusive jurisdiction'' for the Federal Government to pursue a cop-killer who flees the country. In response, I made clear that this bill provides concurrent jurisdiction for the Federal Government to prosecute; not the authority to supersede jurisdiction of states or localities. Therefore, either the Federal Government or the State/local prosecutor could pursue the case. In fact, if the State has already pursued its own prosecution of such a crime, that would not prohibit the Federal Government from pursuing a subsequent prosecution under this bill. For example, in United States v. Lanza, 260 U.S. 377, 382 (1922), the U.S. Supreme Court upheld the conviction in Federal court of a person previously convicted in State court for performing the same act. The Court stated ''We have here two sovereigns deriving power from different sources, capable of dealing with the same subject-matter within the same territory. Each government in determining what shall be an offense against its peace and dignity is exercising its own sovereignty, not that of the other.'' This ''dual sovereignty doctrine'' has also been used to uphold successive prosecutions by two States for the same conduct. See e.g. Heath v. Alabama, 474 U.S. 82 (1985) (permitting a defendant who crossed a State line in the course of a kidnap/murder to be prosecuted for murder in both States). However, Mr. Cooley strongly disagrees with U.S. Supreme Court precedent.

Mr. Cooley also cites California Penal Code 793, which prohibits the prosecution of any crime that has already been tried in the U.S. or other State. He argues that California would not be able to prosecute cop-killers who flee the country due to the State law and the Federal Government's ''exclusive jurisdiction'' of such cases.

Mr. Cooley also argues that if Federal prosecutors, using their ''exclusive jurisdiction'' of such crimes, decide to forego the death penalty or life imprisonment to extradite a suspect back from Mexico to the U.S., that any term of years set by the Federal Government would be less than any term that California prosecutors would seek for punishment. Specifically,

he cites that under California law, second degree murder of a law enforcement officer, without special circumstances, is punishable by minimum of 25 years to life with the possibility of parole, while second degree murder under the Federal murder statute is ''any term of years or life.'' In addition, Mr. Cooley cites that local prosecutors are more experienced at prosecuting murder cases and are better at the job than Federal prosecutors.

Finally, Mr. Cooley cites the ''Rule of Speciality'' in the U.S.-Mexico Extradition Treaty, which states that individuals extradited from one country to another can only be prosecuted under the charges included in the extradition request. Therefore, he argues that since H.R. 2363 provides ''exclusive jurisdiction'' to the Federal Government in such cases, that California will be barred from prosecuting a cop-killer who flees the country.

Although I strongly disagree with Mr. Cooley's interpretation of ''exclusive jurisdiction,'' I have reached out to him and local law enforcement officers for suggestions on how to improve the bill. Based on their feedback, I, along with Mr. SCHIFF, am introducing the Justice for Peace Officers Act to build on the provisions of H.R. 2363 by enhancing the punishment for cop-killers and those who aid them, providing priority to State/local prosecutors in such cases, making clear that the bill does not supersede State/local jurisdiction and urging the renegotiation of the U.S.Mexico Extradition Treaty to resolve the death penalty/life imprisonment roadblock.

The Justice for Peace Officers Act, like the Peace Officer Justice Act, makes it a Federal crime to kill a peace officer and flee the country. And like H.R. 2363, the Justice for Peace Officers Act makes the crime for first degree murder punishable by the death penalty or life imprisonment. The Justice for Peace Officers Act goes a step further by making murder in the second degree punishable by a mandatory minimum of 30 years in prison or life imprisonment. Under the current ''federal murder statute'' (18 U.S.C. 1111), the punishment for second degree murder is any term of years or life imprisonment. This change ensures that persons guilty of killing a peace officer under second degree murder and fleeing the country will face a significant minimum number of years under lock and key.

The Justice for Peace Officers Act also raises the penalty for those who help cowardly cop-killers flee the country to avoid prosecution. Under the current ''accessory after the fact'' federal statute (18 U.S.C. 3), the punishment for helping suspects, facing the death penalty or life imprisonment, to avoid capture is a maximum of 15 years in prison. The Justice for Peace Officers Act ensures that such aiders and abettors would serve a mandatory minimum sentence of 15 years behind bars.

Let me be clear that it will always be my preference for State and local prosecutors to go after cop killers—police keep our local communities safe and local prosecutors should have primary jurisdiction over these cases. That is why I included language in the Justice for Peace Officers Act to give priority to State/local prosecutors to pursue a suspect of killing a peace officer and fleeing the country. Specifically, the Attorney General, the Deputy Attorney General, the Associate Attorney General, or an Assistant Attorney General, in consultation with the appropriate State/local prosecutors, must provide formal approval in writing to pursue such a case. This gives State/local and Federal officials the opportunity to confer on the best course of action, and gives preference to State/local officials since no action can be taken on the Federal level without the additional step of obtaining formal written permission. This language is based on a provision in the current ''flight to avoid prosecution'' Federal statute (18 U.S.C. 1073). Also, the Justice for Peace Officers Act includes language making clear that nothing in the bill would supersede the authority of State/local prosecutors.

In addition, the penalty under the Justice for Peace Officers Act would be a consecutive sentence to any other State or Federal punishment. Since State/local authorities have first priority to prosecute and sentence such a suspect, the provision would ensure that any punishment on the local/State level would be enhanced by an additional Federal sentence.

Finally, we firmly believe that the Bush Administration should use all tools available to bring about a change in Mexico's policy regarding the extradition of nationals that will allow these brutal killers to face justice in the U.S. That is why we included a provision in the Justice for Peace Officers Act directing the Secretary of State to enter into formal discussions with the Mexican government on the U.S.-Mexico Extradition Treaty. The provision also directs the Secretary of State to urge the Mexican Government to use all available actions to persuade the Mexican Supreme Court to reconsider its October 2001 ruling so that the possibility of life imprisonment will not have an effect on the timely extradition of criminal suspects from Mexico to the U.S.

Mr. Speaker, I hope that the Justice for Peace Officers Act will signal to Mexico and any other country that refuses to extradite a fugitive cop-killer that the Congress of the United States considers this a crime against America and will bring the full resources of the Federal Government to bear to seek justice. I urge all of my colleagues to co-sponsor the Justice for Peace Officers Act.

## VALLEJO FIGHTING BACK PARTNERSHIP CELEBRATES FIFTEENTH ANNIVERSARY

### HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 27, 2005*

Mr. GEORGE MILLER of California. Mr. Speaker, I rise today to invite my colleagues to join me in congratulating Fighting Back Partnership of Vallejo, CA, as it celebrates its 15th anniversary.

The relationship between a city and its residents is a vital and interdependent one, deriving its strength from the quantity and quality of civic involvement and public spirit generated by such organizations as Vallejo Fighting Back Partnership.

Concerned citizens and members of the Vallejo City Council expressed alarm at the increasing use of drugs and alcohol during the late 1980's and formed a Red Ribbon Committee to address this problem and to explore programs and services that could potentially result in a meaningful reduction of substance abuse and related crimes and violence. The city of Vallejo successfully applied for a grant from the Robert Wood Johnson Foundation to unite the community to comprehensively address substance abuse as one of 15 Fighting Back Partnerships nationwide.

Vallejo Fighting Back Partnership, an independent non-profit coalition, developed a continuum of care approach including education, prevention, treatment, and after-care services. The Partnership, in an effort to adhere to its mission, has organized more than 50 partners and thousands of residents including support from city, county, State and Federal agencies, private non-profits, corporate and foundation donors, who emanate from an array of diverse backgrounds including law enforcement, health care, social services, government, public education, treatment facilities, neighborhood organizations, business, criminal justice, and faith-based groups.

The Partnership began to make noticeable and measurable reductions in substance abuse related crimes, primarily on the strength of renewed funding from the Johnson Foundation in 1995 and a more focused strategic plan that endeavored to create positive outcomes in three key areas:

Neighborhoods, Treatment, and Youth and Families. Local data obtained between 1995 and 2000 validated the successful outcomes of Fighting Back's mission of reducing substance abuse and related mayhem in the community, enabling the Partnership to be chosen as 2001 Outstanding Coalition by the Community Anti-Drug Coalitions of America, CADCA, which was presented to Fighting Back Partnership of Vallejo on December 14, 2001, in Washington, DC.

After 12 years of funding from the Johnson Foundation ended in 2002, totaling over $6 million, Fighting Back Partnership continues to be a dynamic coalition working to reduce substance abuse through innovative and successful programs thanks to its dedicated staff and board of directors. Today, Fighting Back provides counseling and services to families through its three Family Resource Centers, employs science-based educational programs in cooperation with the Vallejo School District, develops leadership skills in young people through its Youth Partnership, and unites residents to improve deteriorating neighborhoods through its Neighborhood Revitalization Program.

I know I speak for all Members of Congress when I congratulate Fighting Back Partnership for its 15-year commitment to decreasing substance abuse and related crimes thereby improving the quality of life for all Vallejoans, and wish its board of directors, staff, and community partners many more years of success.

## INTRODUCING A BI-PARTISAN RESOLUTION IN SUPPORT OF AN ALZHEIMER'S SEMI-POSTAL STAMP

### HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 27, 2005*

Mr. MARKEY. Mr. Speaker, today I rise to introduce a resolution urging the United States Postal Service to act on a pending petition for an Alzheimer's Semi-Postal Stamp. I am joined by Co-chair of the Congressional Alzheimer's Taskforce, Representative CHRISTOPHER SMITH, Democratic Leader NANCY

PELOSI and Representative JOHN BOOZMAN in a bi-partisan effort to raise funds for Alzheimer's research through the issuance of a semi-postal stamp.

The petition of support for the issuance of an Alzheimer's semi-postal has been pending at the United States Post Office for over 4 years. It is long overdue that we honor this petition and allow Alzheimer's the opportunity it deserves to benefit from this public awareness and fundraising campaign.

The race to find a cure for Alzheimer's disease is now more urgent than ever. Four and a half million Americans, including one in 10 people over age 65 and nearly half of those over 85, have Alzheimer's disease. Unless science finds a way to prevent or cure this terrible illness, as the baby boomers continue to age, nearly 16 million Americans will have Alzheimer's disease by the year 2050.

Mr. Speaker, we need to help and give hope to those who are fighting the moment to moment physical, mental and behavioral battles of Alzheimer's every day. We need to help and give hope to the behind the scenes heroes—the family care-givers who selflessly offer their love and care. And we need to help and give hope to the researchers working hard to find a cure. Working together we can do more—and we must. We must do everything we can to ensure that one day Alzheimer's is a disease of the past and issuing a semi-postal stamp can help do just that.

The best way to fight Alzheimer's disease and reduce the number of patients who suffer is to find ways to prevent it before it starts. Investments we make now mean longer, healthier lives for all of us. If we can delay the onset of Alzheimer's disease by even 5 years, it would save this country billions of dollars—and would improve the lives of millions of families. We can act now to strengthen our commitment to prevent Alzheimer's and to finding a cure for this devastating disease.

Semi-postal stamps are special stamps which were authorized by Congress as a tool for the United States Postal Service to not only raise funds but awareness of worthy causes. An Alzheimer's stamp would allow the public to directly contribute to research funds by charging a higher price than normal postage for the stamp and allocating most of the proceeds to research on this insidious and debilitating disease. We simply cannot afford to wait another minute, or another four years until we give Alzheimer's the attention and opportunity it deserves. I hope that the Postal Service will act and help to make a difference in the future by allowing us to contribute to Alzheimer's research through a semi-postal stamp today.

## TRIBUTE TO ELMER STOCKER

### HON. MIKE PENCE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 27, 2005*

Mr. PENCE. Mr. Speaker, I rise today to ask that the members of the House of Representatives allow me to bring to their attention the good works of a man who has long been active in the rural electrification program in Indiana and who is now approaching his well-deserved opportunity to retire from the field. While his retirement will leave a large void of experience, activity and judgment for rural electrics in Indiana, and for his community in Indiana, which will not be easy to replace, today's comments are meant to remind us all of the many people around our nation whose unceasing efforts contribute to the betterment of our quality of life.

Mr. Elmer Stocker, currently the CEO of the Indiana Statewide Association of Rural Electric Cooperatives, Inc., will retire on December 31, 2005. He will end nearly 40 years of service in the electric industry. During that time Mr. Stocker has worked his way up through the ranks from entry-level position to industry leader. He began service with Whitley County REMC in 1966 in the dispatch and work order department of the cooperative. Over the years he also worked in the accounting, member services and marketing departments, developing a hands-on appreciation of all aspects of the electric utility business, and working with customers on their needs and expectations. In 1975 he became Assistant Manager, and in 1976 he began working as executive vice president/general manager of Whitley County REMC. During that time he not only ran the daily operations of his cooperative, but used his talents as a leader to serve as president of the REMC Managers Association in Indiana and as president of the Board of Directors of Wabash Valley Power Association, the generation and transmission cooperative that provides wholesale power to cooperatives throughout central and northern Indiana.

In 1986 Mr. Stocker left Whitley County REMC to work for 11 years at Wabash Valley power, where he was vice president of member and corporate relations and vice president of marketing. During that time he also moved onto the regional stage, serving a term as vice president of the Great Lakes Electric Consumers Association.

In 1997 the board of directors of Indiana Statewide, recognizing Mr. Stocker's knowledge of the program and respect among his peers at a time when the electric industry was facing tumultuous change, asked Mr. Stocker to serve as CEO of the trade group. He took up that leadership role from 1997 until this day.

This impressive record of professional achievement is only a part of Mr. Stocker's role in the American community however. During this time of advancement in his employment, Mr. Stocker also engaged in numerous personal and civic activities that are even better representative of the qualities that are at the foundation of American communities. For example, Mr. Stocker pursued post-secondary education while holding a full time job, and received his bachelor degree from Indiana University in 1975. He served in the Army National Guard from 1964 to 1970.

As a community leader, Mr. Stocker took on the role of Whitley County United Way Drive Chairman. He joined and rose through the ranks of the Masons and Scottish rite. He served as an officer of the Aboite Township Community Association and as president of the Times Comer Little League. He was a long time active member and volunteer in the Columbia City United Methodist Church, and was a member of the board for the Carmel Dad's Club. Among all these roles, he fit in time to join the Indianapolis Airport Rotary Club as well.

As a family man, a community volunteer, and a professional member of the electric utility industry in Indiana, Elmer Stocker has exemplified the best values of American life for many years now. I wanted to share with the members today that this good man will soon enjoy the satisfaction of reaping the rewards of his long service through a well-deserved retirement, in which I am sure he will continue to volunteer good works. Thank you for indulging me in this time today, and especially thank you to Elmer Stocker for all he has given to our proud State of Indiana.

## TRIBUTE TO THE REVEREND JAMES WILLIAM BESSERT

### HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 27, 2005*

Mr. CAMP. Mr. Speaker, I rise today to pay tribute to the Reverend James William Bessert as he celebrates the 25th anniversary of his ordination as a Roman Catholic priest.

As many do, I know him simply as Father Jim. I am proud to call him a friend and join with so many others in offering our congratulations to Father Jim, a servant of God who has truly dedicated himself to walking the path of Christ.

In his 25 years as a priest, Father Jim has shared the Good News and his gift of music since his first ordained assignment as associate pastor of St. Maria Goretti Parish in Bay City to his present calling as pastor at St. Brigid of Kildare Parish in Midland, Michigan. I am especially privileged as a graduate of St. Brigid School and native son of the parish to acknowledge Father Jim's positive impact on the church and the school communities.

At a time when some parishes and schools face the heart-wrenching challenge of decreased membership and enrollment, St. Brigid is experiencing a rebirth on both accounts. The pews are filled with families and the sanctuary resounds with worshipful song. Since he arrived at St. Brigid in 1999, Father Jim's vision and example have proven a reason for this blessing in downtown Midland. With a shepherd's care, he walks with the flock of St. Brigid in learning and loving the way of Christ.

As the members of the community of believers, we offer our prayers and congratulations to Father Jim on his silver anniversary as a priest and wish him many more years of inspired and inspiring leadership. We pray that the sustaining strength of the Spirit continues to guide him.

On behalf of Michigan's Fourth Congressional District, may God continue to lead Father Jim to do His will.

## IN HONOR OF SERGEANT MICHAEL EGAN, UNITED STATES ARMY

### HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 27, 2005*

Mr. CASTLE. Mr. Speaker, I rise today to pay tribute to Army Sergeant Michael Egan, who made the ultimate sacrifice in the service of his country on September 19, 2005 at the age of 36. While on patrol near Ramadi, Sergeant Egan's convoy came under ambush

when an improvised explosive device exploded near his vehicle, claiming the lives of Egan and three comrades.

Following a distinguished career with the United States Marine Corps, including service in Operation Desert Storm, Michael Egan retired and returned to civilian life in 1999. He accepted a job with Reliance Electric in the Philadelphia area, where he was known for his tireless work ethic, eagerness to learn, and outgoing personality. In 2003, Michael made the decision to once again serve his country, joining the United States Army as a member of the Pennsylvania National Guard.

Michael leaves behind a loving wife, Maria, and a three-year-old daughter, Samantha. A dedicated family man, he recently relocated his family to Delaware in the interests of his daughter's education.

In closing Mr. Speaker, Michael Egan will be deeply missed by all who knew him. For Michael's heroic service and valiant sacrifice, our country will forever be indebted to him and his family. I join the countless voices in thanking him for his selfless contributions to our Nation.

## IN RECOGNITION OF THE ACHIEVEMENTS OF THE DANNY FOUNDATION

### HON. ELLEN O. TAUSCHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 27, 2005*

Mrs. TAUSCHER. Mr. Speaker, I rise today to recognize the achievements of The Danny Foundation, a non-profit foundation established in 1986 with the mission of providing leadership in keeping babies safe from preventable injuries and deaths associated with unsafe cribs, dangerous children's products, and unsafe sleep environments.

The Danny Foundation's tenacity has been unrelenting, and the accolades the Foundation has received have been unprecedented and well-deserved. The Danny Foundation, often acting alone, prompted and pushed for the establishment of virtually all current government crib manufacturing standards has conducted an untold number of programs and efforts to warn and educate the public about unsafe cribs.

Over the past 19 years, the Foundation has significantly reduced the number of infant injuries and deaths by 84 percent, and can proudly proclaim that the majority of today's new cribs are both safe and reliable.

None of The Danny Foundation's work could have been accomplished without John and Rose Lineweaver. John and Rose, the founders of The Danny Foundation, have dedicated their lives to preventing other families from suffering a needless tragedy similar to the crib accident that eventually took their son Danny's life. Their passion for the well-being of infants across our country is extraordinary and worthy of significant praise and thanks.

It is in that spirit that I ask all my colleagues in the United States House of Representatives to join me in honoring the accomplishments of The Danny Foundation and the passion of its founders, John and Rose Lineweaver.

## HONORING DR. MILDRED L. ALDRIDGE

### HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 27, 2005*

Mr. KILDEE. Mr. Speaker, I rise before you today with a heavy heart, as I ask my colleagues in the 109th Congress to join me in honoring the life and accomplishments of a remarkable woman, Dr. Mildred L. Aldridge. Dr. Aldridge passed away on Thursday, September 22. I am deeply saddened by this loss, for Mildred and the Aldridge family have been inspirations to many throughout the city of Flint, as well as the county, State and Nation.

It is difficult to imagine my hometown of Flint, MI, without Dr. Mildred Aldridge's influence. Married for 54 years to the late Reverend Dr. Avery Aldridge, she stood at her husband's side, helping found Foss Avenue Baptist Church on December 2, 1956. In addition to her many duties and responsibilities at the church, Mildred served as instructor of the Adult Ladies' Fellowship Class, which in the past 23 years grew from 5 participants to 125. Under her leadership, the class sponsors an Annual Autumn Tea and Music Recital, a drive to collect eyeglasses for needy people in the Caribbean and South Africa, and medical supplies for various missions in Africa. Mildred also operated as coordinator for the Youth and Young Adult retreats, and the New Year's Eve retreat.

Professionally, Mildred was a graduate of the University of Michigan and Eastern Michigan University. She received advanced training in administration and curriculum from Michigan State University and received honorary doctorates from Arkansas Baptist College and Selma University. She worked as an elementary school teacher, middle school guidance counselor, and was the principal of Doyle Rider Community School. Later she became director of Eagle's Nest Child Care & Development Center as well as administrative assistant and coordinator for Foss Avenue Baptist Church Enterprises. Mildred was a proud member of the NAACP, Urban League, C.S. Mott Community College Foundation Advisory Board, Visually Impaired Center of Flint Board, Flint Congress of School Administrators, and National Association of Elementary School Principals.

Dr. Aldridge leaves to cherish and carry on her legacy her son, Rev. Derek Aldridge, daughter Karen Aldridge-Eason, and 10 grandchildren.

Mr. Speaker, I ask the House of Representatives to join me in offering condolences to the family of Dr. Mildred Aldridge, and in thanking them for sharing her with our community. The greatest tribute we can render to her is to emulate her love, her dedication, her humility, and her Christ-centered strength.

## CELEBRATING THE 90TH BIRTHDAY OF PEARL SCHENKLER, AN EXEMPLARY CITIZEN

### HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 27, 2005*

Mr. ACKERMAN. Mr. Speaker, I rise today to honor Pearl Schenkler, a rare and special woman on the occasion of her 90th birthday.

Pearl was born in 1915 in New York City to immigrant parents. The second of four daughters in a family that truly lived the American dream, Pearl learned from the example of her parents. Her father, a steelworker, and her mother, a homemaker, unique in their commitment to education, insisted on sending each of their four daughters to college. Inspired by her two younger sisters, Pearl graduated college and became a teacher in the New York Public School System. Pearl spent the first part of her career teaching the second grade in P.S. 221 in Harlem and finished her remarkable career of service not far from my childhood home at P.S. 154 in Queens.

Her commitment to teaching and molding her students was second only to her efforts in raising a strong family. Pearl and her husband Max were married for more than 50 years. He, too, was an educator and together they taught and learned. Their two children, my friends Carole Jacobson and Michael Schenkler, are illustrations of how the important values that weave the fabric of our city have been nurtured by children of immigrant parents and shared with the next generation. Pearl Schenkler gave her children the same meaningful start her parents gave to her.

Carole and Michael and their many cousins, all of whom I have the pleasure of knowing, are part of the wonderful story of our great country. Pearl Schenkler, her parents, her husband, her sisters and brothers-in-law helped to build my home borough of Queens into a beacon of learning and understanding. In 1954, Pearl and Max moved their family from the Bronx to Kew Gardens Hills. Soon, Pearl's parents and eventually all her siblings called that neighborhood their home. The borough of Queens, New York was the beneficiary of the talent, knowledge and kindness the family shared with their neighbors and the greater community.

In one of the great tradition of those before them, Pearl and Max, like so many other New Yorkers, eventually retired to Florida, where Pearl quickly took to working for others and joined the Boca Chapter of B'nai B'rith Women. She became the editor of the Boca Raton Clarion, the organization's newspaper, winning nationwide awards for the best publication from some four hundred chapters of B'nai B'rith. Pearl began spending countless hours helping local children who were sick or in need, as well as helping to fund the construction of a hospital in Israel. She then moved on to become President and led the Boca Raton Chapter for a number of years. Even with all of these selfless responsibilities, Pearl and Max still made time for family. They visited New York often and their kids and grandkids were frequent guests in Boca. During his later years, Pearl spent much of her time caring for Max, her life companion who passed away after a wonderful and fulfilling life at the age of 93.

Mr. Speaker, as Pearl looks back and treasures her memories of 90 wonderful years, she will continue to be flanked by family. On October 8, 2005, her 90th birthday, her children and grandchildren will be with her in Florida to celebrate this momentous occasion.

Mr. Speaker, I ask my colleagues in the House of Representatives to please rise and join me in congratulating my friend Pearl Schenkler and sending her our very best wishes for a very happy 90th birthday.

## SPEECH OF PAKISTANI PRESIDENT PERVEZ MUSHARRAF TO THE AMERICAN JEWISH CONGRESS/ COUNCIL FOR WORLD JEWRY

### HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 27, 2005*

Mr. LANTOS. Mr. Speaker, just a few days ago, it was my great honor and pleasure to share the dais with President Pervez Musharraf, who is, quite literally, the ''Indispensable Man'' in Pakistan's politics today—and who promises to be one of the most significant and pivotal figures in Pakistan's history.

In a remarkable demonstration of vision and daring—and at considerable personal and political risk—the Pakistani President addressed the American Jewish Congress and the Council for World Jewry at a dinner in New York City. On that occasion, Mr. Speaker, he emphasized the commonalities among Islam, Judaism, and Christianity, and stressed the importance of working cooperatively to defeat terrorism. He expressed his positive appraisal of Prime Minister Sharon's decision to withdraw Israeli forces from Gaza, and urged cooperation between Israeli and Palestinian leaders with the hope that both sides will ''shun confrontation and pursue peace and reconciliation.''

Mr. Speaker, the Pakistani President took a very positive step in this direction earlier this month with his support for the unprecedented meeting between the Israeli and Pakistani foreign ministers in Istanbul—an event that we all hope will usher in a new era of cooperation and friendship between these two countries that are of vital importance to the United States. In light of Pakistan's weight and influence in the Islamic world, we also hope and expect that it will be a step toward a process of mutual recognition between Israel and all the Muslim-majority nations of the world. By demonstrating to Israel that its own courageous peace initiatives are both appreciated and reciprocated, President Musharraf has made a most important contribution toward the Middle East peace, for which every person of good will prays.

President Musharraf is a man of vision. When we met in Washington three years ago, I urged him to follow the example of the great modernizer Mustafa Kemal Ataturk, the founder of the modern, secular Republic of Turkey, a nation with which President Musharraf is intimately familiar. He has, in fact, blazed a trail that I believe Ataturk himself would admire. At a time when the civilized world is engaged in a global war against Islamic terrorism, President Musharraf has emerged as the quintessential Muslim leader of moderation, decency, reason, and acceptance of pluralism.

Also, Mr. Speaker, President Musharraf's pragmatic and constructive attitude toward resolving Pakistan's differences with India has brought with it the promise of finally bringing an end to more than half a century of animosity.

He has transformed Pakistan into a tried-and-true ally in the war against terrorism, despite two al-Qaeda attempts against his life. He is a beacon to other Muslim states as the model of a moderate and enlightened Islamic leader.

Mr. Speaker, in New York, I told President Musharraf that we in Congress, on both sides of the aisle, deeply appreciate his courage and his role in creating a new Pakistan and a deeper U.S.-Pakistan friendship.

I also want my colleagues in the Congress to have the opportunity to read the excellent address the Pakistani President gave in New York at the American Jewish Congress and the Council for World Jewry. I ask that it be placed in the RECORD, Mr. Speaker, and I urge my colleagues to give it thoughtful attention.

ADDRESS TO THE AMERICAN JEWISH CONGRESS

Honorable Mr. Jack Rosen, Excellencies, Distinguished guests.

Let me start by expressing my personal and my nation's grief and condolences over the devastation, loss of lives and human suffering caused by Hurricane Katrina in the south eastern states especially New Orleans.

I thank Mr. Jack Rosen for inviting this distinguished gathering under the auspices of the American Jewish Congress. This is a unique occasion. It signifies an endeavor for mutual understanding in a time of uncertainty and fear. The unfortunate events of recent history have created division and tension between the followers of the three great monotheistic faiths—Islam, Christianity and Judaism. Your invitation card described this event as a historic occasion. For a leader of Pakistan, it is indeed so, and I feel privileged to be speaking to so many members of what is probably the most distinguished and influential community in the United States. I also deeply appreciate that in arranging this event, the American Jewish Congress has invited members of other prominent organizations and associations representing the spectrum of American society.

I always speak my mind candidly. And I always do so with total sincerity. This is what I will do this evening. There is no longer any time for ambivalence or leisurely diplomacy.

The world has entered an era where a number of threats—terrorism, political conflicts, proliferation, poverty—have assumed global and catastrophic dimensions. They have to be resolved urgently and with finality. They cannot be merely managed in the hope that they can be resolved later. We can no longer leave these wounds festering. They pose a great danger to the world at large and our future generations.

Our world today has been transformed, by the revolutions in communications and information technology, into a global village. People move, interact and affect each other. The good or bad in one region transcend geopolitical boundaries and have a global impact. The homily: ''the common heritage of mankind'' is now a visible reality. We are jointly responsible for the well-being, progress and prosperity of our peoples—indeed of mankind at large. Each people, nation, and religion must live with each other, accommodate each other, and do no harm to each other. Today, truly, we are our ''brother's keeper''. This is a heavy responsibility—given that our world has great wealth, but also grave poverty; great achievements, but also grave injustice; unprecedented capacity for progress and prosperity, but also the awesome capability to destroy our planet.

Ladies and Gentlemen, the major monotheistic religions of the world—Judaism, Christianity and Islam share a common heritage and converge on a multiplicity of universal values. Yet, today, our great religions—which should be a source of hope, tolerance and peace—are seen to be pitted against each other. How and why did this happen? Is it possible to reshape the future for the common benefit of humanity—for all of us? These are the questions I would like to address this evening.

On this occasion, it is relevant to recall that Jews and Muslims have more similarities and few divergences in their faith and culture. The oneness of God (which Muslims call Tauheed), is common to both Islam and Judaism. The Muslim greeting, Salam O Alaikum (peace be upon you), is akin to the Jewish greeting, Shalom, which also means peace. When I watched the last scene in the famous movie ''Schindler's List'', it concludes with a quotation from the Talmud: ''Killing one innocent person is like the murder of humanity and saving one innocent person is like saving humanity.'' The identical words appear in the Holy Quran.

According to the Holy Quran and our Holy Prophet (PBUH) Jews and Christians are the ''People of the Book'', belonging to the same spiritual tradition. Abraham, Moses and Jesus are among the most revered prophets of Islam. Moses is the prophet who is most frequently referred to in the Holy Quran. Our experiences and histories intertwine in many regions of the old world and most significantly in the Holy Land.

The history of interaction between the Islamic and Jewish communities is rich and long. This includes the shining examples of Jewish communities coexisting in harmony within Islamic societies in Cordova, Baghdad, Istanbul and Bokhara, contributing to a rich mosaic of culture and traditions. Many Jewish historians have referred to the days of Muslim Spain as the ''golden period'', when Jewish communities flourished intellectually, politically and economically in an environment of religious tolerance and scholarly inspiration.

The subsequent wrath of the Inquisition was suffered jointly by Muslims and Jews. Indeed, over the centuries, Jewish communities and Islamic societies from Central Asia to Spain, have not only lived together and shared prosperity, but also suffered together.

The past six decades are, therefore, an aberration in the long history of Muslim-Jewish cooperation and coexistence. Many learned studies have been written about the reasons for the hostility and violence that has occurred. I do not wish to dwell on this. Each of us has his own understanding and perception. But, it is relevant to recall that the gulf between the Muslim and Jewish communities arose in what was the bloodiest century in human history, marked by world wars, genocide and mass deportations, in which millions perished. It was in this bloody century that the Jewish people suffered their greatest tragedy—the Holocaust—whose commemoration will be on the agenda of this year's session of the United Nations General Assembly. It was also in this brutal century that other peoples suffered their greatest tragedies—Palestinians, Kashmiris, Bosnians, Rwandese. We must not forget; but we must forgive. Suffering often engenders anger; but this must be soon replaced by compassion. And, we have witnessed such compassion from the Jewish community. It was Jewish groups in the US who were in the forefront in opposing the

ethnic cleansing of Muslims in Bosnia. I am told that the largest contributor to the Bosnian cause was the Jewish-American businessman and philanthropist—George Soros. More recently, in the backlash against Muslims, including Pakistani immigrants, after 9/11, they received legal and other assistance from several Jewish groups, I wish to acknowledge and appreciate this.

These noble examples are a source of hope. Hope that we can convert this century into one which will see universal peace, progress and prosperity. This aspiration is achievable but only if we pursue reconciliation and cooperation.

There are a host of challenges we all face in common—political, social and environmental. One of the most pervasive threats we confront is international terrorism. The world today is in the grip of terror. Explosives, car bombs, suicide bombers have all added a new destructive dimension to terrorism. Terrorism threatens to destabilize all modern societies. It is anti-progress. It must be rejected. It cannot be condoned for any reason or cause.

The people of Pakistan have suffered from terrorism. We continue to suffer because of extremism in our region. We are making our contribution to the fight against terrorism. Our efforts have won international appreciation. Pakistan is participating in international action against international terrorism through police and military action, intelligence sharing and measures to curb terrorist financing.

But, I believe, we cannot limit ourselves to fire fighting and local actions against individuals and groups. We should also look for the deeper causes of this malaise and for the motivations that drive individuals to extreme irrational behavior to commit acts of terrorism. The question that arises is: what pushes a human being to such extremes of desperation that he takes his own life to kill others? I have no doubt whatsoever that any attempt to shy away or ignore the root causes of terrorism is shutting ones eyes to reality and is a sure recipe for failure. Military action or use of force against the terrorists today is not, in itself, the ultimate solution to the malaise. It merely buys us time to implement profound policies to eliminate the phenomenon.

A parallel danger lies in fallacious theories and polemical campaigns motivated by prejudice. The postulated clash between civilizations, specifically between Islam and the West, has no basis in history. Civilizations have grown and prospered throughout history, influencing, interacting with and enriching each other. Regrettably, the theory has inspired attempts to turn it into a self-fulfilling prophecy. There are tendencies to associate Islam with terrorism and even suggestions that this great religion of tolerance, compassion and peace, somehow, denies espousal of these universal values. To my mind this is a hate campaign. In today's dynamic world, we need, more than ever before, to foster understanding and harmony among societies. Should we tolerate such campaigns in our midst when we demand their rejection elsewhere? Therefore, I strongly support the endeavor to promote interfaith and inter-civilization dialogue and harmony.

However, it is a fact that, today, most of those involved in terrorist acts, as well most of those who suffer the consequences of these acts, are Muslims. Obviously, there is a deep disturbance and malaise within Islamic societies, which has become specially acute in recent years. The reasons are plain to see. Since the end of the Cold War, almost every major festering problem and conflict affects and torments the Islamic world. Palestine has been at the heart of the troubles in the Middle East. In our region, Kashmir has been the source of tension and conflict. The unfortunate history of Afghanistan spawned extremism and terrorism. Turmoil in Iraq causes great concern in the Islamic world and the rest of the international community. These and other political issues have given rise to a deep sense of anger, desperation and humiliation in the Arab and Muslim populations. It is this political and social environment which breeds terrorism and extremism.

At the same time, I do not shy away from pointing to the failure within the Islamic societies to embrace reform, progress and modernity. The Muslim world emerged from decades of colonization, politically, economically and socially stunted. Political independence did not always lead to good governance. Many of us have remained trapped in a time warp, still struggling to reconstruct our political, social and economic systems to respond to the challenges of our times. In Islamic societies, there is a divide between the outlook of the protagonists of modernity and the custodians of orthodoxy. The resultant economic deprivation and social backwardness are also the source of extremism. And extremism creates a fertile recruiting ground for terrorism.

Ladies and Gentlemen, if we are to succeed against terrorism and end extremism, we must, therefore address the root causes. The leaders of today must change the course of events instead of merely reacting to a series of catastrophic events—such as 9/11 and 7/7.

First of all, I feel we need to clearly understand that terrorism and extremism are two different phenomena. Each requires a different strategy. Lumping terrorism and extremism together, or behaving as if they are synonymous, is a fallacy. Terrorism has to be met head on with all the force required to suppress and eradicate it. In the case of extremism, the battle has to be won in the hearts and minds of people. It cannot be achieved through the use of force. We must adopt separate short term and long-term strategies to address terrorism and extremism. Such immediate and long-term strategies have to be implemented at three tiers: the global level, the Muslim world level and the national level in the concerned countries.

In the immediate context, terrorism, as I said, has to be confronted with force all over the world. Intimate cooperation and coordination of intelligence and squeezing the underworld funding of terrorists and extremists organizations will facilitate counter terrorism operations to a large degree.

At the same time, to ensure success, it is essential, together with the use of force, to promote the resolution of the political disputes, which are exploited by terrorists to justify their criminal actions. Among these political disputes, may I be allowed to say clearly that the Palestinian and Kashmir disputes are ripe for resolution. One can draw satisfaction from the fact that visible signs of movement are appearing towards an end to both these disputes. We ought to put our collective weight behind a push for their final solution. Secondly, for the long term, the socio economic revival of the Muslim world, focusing particularly on education and poverty alleviation, will also erode the core of terrorism and extremism.

I have strongly advocated reform, social and economic progress and rejection of extremism in Islamic societies. In parallel, I have emphasized that the international community, particularly the West, must facilitate the resolution of outstanding problems, in particular the problem of Palestine. I have described this two-pronged approach as Enlightened Moderation. Regardless of the nomenclature, this dual approach responds to the realities of our historical and political circumstances, which cannot be wished away.

The strategy of Enlightened Moderation, at the global and Muslim world level, will also help to end extremism. Domestically, religious bigotry, hate campaigns and confrontational tendencies have to be curbed. This has to be done through bold, determined, well thought out and indigenously applicable strategies. The misuse of religion to spread militancy, hatred and violence has to be suppressed. An international discourse as well as national debate in affected societies, on religious harmony must be initiated. In the Muslim world, I feel we need to initiate a serious discourse to promote an understanding of the true Islam. We must then project its real essence to the world.

I would like to say with pride that today Pakistan is perhaps the only country which is actively confronting and addressing the issue of terrorism and extremism through well-considered and comprehensive separate strategies. The results are already visible on the ground. We are determined to persist with and sustain this effort until we gain complete ascendancy over the terrorist and extremist segments with our national fabric.

Ladies and Gentlemen, I would be remiss if, while addressing the American Jewish Congress, I did not express my views on the Israeli-Palestinian problem. I do not have an iota of doubt that this lies at the heart of terrorism in the Middle East and beyond. In view of its global impact, it is incumbent on the international community—especially the West and the US—to ensure a peaceful resolution of the dispute. Both parties involved—the Israelis and the Palestinians—must shun confrontation and pursue peace and reconciliation.

Israel rightly desired security. This will remain incomplete until the creation of an independent and viable Palestinian state is assured. Israel must come to terms with geopolitical realities and allow justice to prevail for the Palestinians. The Palestinians' desire for freedom and nationhood is as intense as that of any other people. They want their own independent state.

We see hope in recent events. We have welcomed the Israeli decision to pull out of Gaza. The peace process, as set out in the ''Road Map'', must be pursued as agreed. We hope Israel will also soon withdraw from the West Bank. This will set the stage for the establishment of the independent state in Palestine. By respecting Palestinian aspirations, Israel will attain its legitimate desire for assured security. I am convinced that peace in Palestine that does justice to both the Israelis and the Palestinians will bring to a close the sad chapter in the history of the Middle East. It will revive the historical ties between Islam and Judaism. It will extinguish the anger and frustration that motivates resort to violence and extremism. What better signal for peace could there be than the opening of embassies in Israel by Islamic countries like Pakistan?

There will remain the difficult ''final status'' issues to be resolved. None is more sensitive than the fate of the Holy City of Jerusalem (which we call Al-Quds al-Sharif). It is a city that is sacred to Jews, Christians and Muslims. It was the first Qibla of Islam. The first edict of Caliph Omar when he entered Jerusalem, over fourteen centuries ago, was to annul the five hundred years of exile of the Jewish people. He invited them to return and build their homes in the Holy City. For durable peace and harmony between Israelis and Palestinians—indeed between Israel and the Muslim world—it is such a gesture of reconciliation and realism that is required of Israel. Any final settlement should respect the international character of Jerusalem as well as international law and the resolutions of the Security Council.

I have always believed that the courage required to compromise and reconcile is far greater than that required to confront. I appeal to Israel to show that courage. I appeal to the American Jewish Congress, and the entire Jewish Community, to use their considerable influence to put an end to the Palestinian dispute once and for all and to usher in a period of peace and tranquility in the Middle East and perhaps the whole world. Failure is no longer an option.

Ladies and Gentlemen, let me conclude with a word about the prospects of Pakistan's relations with Israel. Pakistan has no direct conflict or dispute with Israel. We pose no threat to Israel's security. We trust that Israel poses no threat to Pakistan's national security. But, our people have a deep sense of sympathy for the Palestinian people and their legitimate aspirations for statehood. In response to the bold step taken by Prime Minister Sharon to withdraw from the Gaza, Pakistan decided to initiate an official contact with Israel. Our Foreign Ministers met in Istanbul through the good offices of our Turkish friends. As the peace process progresses towards the establishment of an independent Palestinian state, we will take further steps towards normalization and cooperation, looking to full diplomatic relations.

Ladies and Gentlemen, we can remain mired in old prejudices and keep the world hostage to the politics of perennially defining and redefining of enemy, or we can move forward with courage and reach out to work for the rebirth of history and a new future of peace, harmony, mutual respect, dignity and shared prosperity. We can lose this opportunity to narrow vision and a failure to see humanity in each other. The responsibility to make the right choice is in our hands.

## RESOLUTION OF INQUIRY ON TSA SCREENER CUTS

### HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 27, 2005*

Mr. BLUMENAUER. Mr. Speaker, today, I am introducing a resolution of inquiry regarding the recent reallocation of Transportation Security Administration airport screeners that is leading to massive cuts in screener workforce levels at Portland International Airport, in my district, and at many other airports across the country. This resolution directs the Secretary of Homeland Security to turn over to Congress all the information in his possession regarding this screener reallocation. Only with this information can our airport authorities ensure that they were treated fairly by this process and can Congress do its oversight job to ensure that our air transportation system is safe, efficient, convenient, and an engine of economic growth for our communities.

## TRIBUTE TO DORIS AND IVORY MURPHY

### HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 27, 2005*

Mr. CLYBURN. Mr. Speaker, it is with great pride that I rise today to pay tribute to two glowing flames that found one another at a young age, and have had the fortune of sharing their lives for the last 50 years.

Ivory and Doris Murphy are two dear friends of my wife, Emily, and me. Our paths first crossed in Charleston, South Carolina in 1962. That chance meeting blossomed into a 43-year friendship that has grown stronger over time, despite the physical distance that has separated us since 1967. Ivory and Doris are a dynamic couple who serve as an inspiration to everyone whose lives they touch.

Both Doris and Ivory grew up in a rural community near Wallace, North Carolina. They met in 1953, and two years later were married. Ivory enlisted in the Air Force and their life together became an extraordinary adventure, which Doris dropped out of Fayetteville State University to pursue.

Shortly after coming to Charleston (South Carolina) Air Force Base, from Albuquerque, New Mexico, Doris decided to return to Fayetteville State from which she received a degree in education while raising three children, Ivory, Jr., Andrea, and Octavius. Ivory's career took them to Air Force bases around the world in distant places like Greenland, Libya and Thailand.

In 1977, Ivory retired from the Air Force, and the Murphy family settled in Goldsboro, North Carolina. Ivory began a second career with Allstate Insurance Co., and Doris devoted herself to a career in education working her way up from classroom teacher to principal. In 1994 Doris was named "Assistant Principal of the Year" while serving at Spring Creek Elementary School.

Ivory and Doris' strong foundation in family and faith has sustained them through their 50-year marriage. The Murphy's golden anniversary is as much a celebration of the institution of marriage as it is this couple who set the standard for so many around them.

Mr. Speaker, I ask you and my colleagues to join me today in honoring a couple that has persevered throughout a lifetime of joys and adversities. Their dignity, grace and love after 50 years together are an inspiration for all of us.

## TRIBUTE TO GENE KREKEL

### HON. JAMES A. LEACH

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 27, 2005*

Mr. LEACH. Mr. Speaker, a friend passed away this week.

Who was Gene Krekel and why do we mourn his passing?

The irony in America is there are a lot of lawyer jokes. Actually good lawyers are the most respected people in the community. Gene personifies the best in his profession—the professional who is careful in judgment and caring in concern. His career and his life were characterized by decency and a steadfast commitment to causes.

Gene was a Republican, the Des Moines county Chairman and my campaign leader for many years, but Gene had as many Democratic as Republican friends. His commitment to his chosen party had little to do with partisanship and everything to do with selfless fair play.

American divides between two political teams, each with a great heritage. The modern-day trend is to accentuate differences, appeal to lowest-common-denominator instincts, and resort to divisive strategies. Gene was an old-fashioned political loyalist who was appalled by such tactics. He believed in principles and values, friendship rather than grudges.

It may have been courtroom training, which while advocacy-oriented, recognized that all sides generally have some justice to their case; it may have been his understanding that there will always be another battle to follow that caused him to eschew the negative. But his approach to work and life were rooted in a deeper instinct as well. Gene was born on a Des Moines County farm and always maintained a rural reserve in a city profession. While temptations to glibness and cynicism abound in our society, Gene was imbued with a genteel Iowa optimism that evoked trust in all with whom he dealt.

It is this trust that caused everyone associated with good causes to seek his leadership. From politics to his church, from bar associations to 4–H, Gene could be counted on for the thoughtful mettle that had earned him Phi Beta Kappa honors in college and order of the coif in law school.

But of all his activities, the one Gene enjoyed the most was the Des Moines county fair, which for many years he chaired. Gene loved, above all, the youth education projects: the showing of cattle and hogs, chickens and sheep, rabbits and gerbels. It was the tie of generations and the nature and history of Iowa's agricultural enterprise that appealed so deeply to him.

None of us can imagine Gene's disappointment not to meet in this life his first grandchild due in just a few weeks. This tragedy is more poignant because Gene and Debbie suffered together one of the gravest of life's tragedies, the death of their son Eric in a car accident eight years ago.

In their close-knit family, nothing could have been sadder that the passing of this freckle faced boy who developed a genius for happiness and friendship.

Now Debbie and Molly are left alone, struck by the loss of the anchor of the family. Their grief is ours also.

This big man with a big hand and bigger heart will be much missed by all who had the good fortune to be touched by his gentleness.

## GENERAL WELFARE

### HON. THOMAS G. TANCREDO

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 27, 2005*

Mr. TANCREDO. Mr. Speaker, I recently spoke with a young high school student in the wake of the Katrina disaster. He was quite interested in discussing the taxpayers role in absorbing costs of reconstruction and relief in the affected areas. He was so enthusiastic, in fact, that he presented me with a research paper he drafted for his government class. The paper provides some interesting historical insights, and I submit it for the RECORD.

GENERAL WELFARE

(By Zachary Robinson)

THE NEW TESTAMENT CHRISTIAN SCHOOL.—The year was 1829, and the setting for a Constitutional test was the nation's capital. A

fire had swept through a large part of Washington D.C. leaving many people homeless and in need of help. As one might expect, many people wanted to help, including the Congress of the United States of America. On the morning after the fire, with compassionate haste, Congress voted twenty thousand dollars of the nation's money to be given to the victims of the fire. One well known congressman in particular voted in approval of this bill; his name was Davy Crockett.

When Crockett returned to his home state, he expected to be greeted with much praise and approval for having extended kindness to those in need with his vote in favor of this bill. However, as he was walking down a small, country road, he instead received a surprising rebuke! He met up with a voter from his state. Asking this man if when the time came to reelect Crockett as a Congressman he would vote for him, the man, whose name was Horatio Bunce, responded to Crockett by telling him that he would most definitely not! His reason, even more shocking to Crockett, was because of the way that Crockett had voted on the bill afore mentioned! A shocked and confused Crockett asked him why he was not happy with his position on this bill. Bunce then reminded him that no power had ever been given to the Congress by the Constitution to spend the public's money for the benefit of a special group of people, no matter how desperate the situation was. Any money spent by Congress had to be spent on something that would benefit the whole country equally and not just a special part of it. Crockett quickly realized that he had been wrong failing in the true application of the Constitution's original intent. He apologized to Bunce and his other constituents for what he had done promising that he would always remember the lesson that Bunce had taught him that day concerning the Congress' power in the spending of the people's money as clearly stated in the Constitution.

After this occurrence, Crockett was faced with another Constitutional decision concerning this same controversial 'general welfare' clause. Congress was to vote again on whether they should give money to a special group. This time it was an individual—a widow of a deceased naval officer. When it came time to vote, Congressman Crockett rose and boldly said the following:

''Mr. Speaker, I have as much sympathy as . . . any man in this House, but . . . Congress has no power to appropriate this money as an act of charity. Every member upon this house floor knows it. We have the right as individuals, to give away as much of our own money as we please in charity; but as members of Congress we have no right to appropriate a dollar of the public money . . . Mr. Speaker, I have said the we have the right to give as much of our own money as we please. I am the poorest man on this floor. I cannot vote for this bill, but I give one week's pay to the object, and if every member of the Congress will do the same, it will amount to more than the bill asks.''

The bill was turned down as a result of this and Crockett did give one week of his pay as an act of charity to the widow, but, interestingly enough, not one of the other Congressman did the same! This is an important point for us to understand. When the Congressmen were going to give money to the widow that was not theirs to give, the amount of money to be given was to be large. But when it came to giving out of their own pockets, they could not bring themselves to do it! It seems that it is much easier for people to be generous and compassionate with money that is not theirs than to meet other's needs with their own.

In Article 1, Section 8, paragraph 1, clause 4 of the Constitution of the United States, it states that Congress has the power to spend money for the ''general welfare of the United States.'' The key word in this statement is the word ''general.'' When the writers included the word ''general'' in this sentence, they wanted the people to know and understand that Congress was only allowed to spend money that would benefit the people of the United States as a whole equally, not as a special group or just part of its population.

In fact, there is no provision in the Constitution for the use of monies to be given to any special interest groups, states, cities, or citizens. This would be called special welfare and cannot be found anywhere in the Constitution! Obviously, this clause is now violated all of the time as it has been grossly twisted and misinterpreted ever since the Supreme Court, which has no authority to write law, supported this 'special welfare' view of this clause in 1936. Now we pay taxes and Congress uses them to pay for things that do not help everyone equally in our nation but fall instead to special people with special needs. This is wrong and goes against what the founder's original intentions were for the resource of the people's money that they have been entrusted to protect.

Members of Congress need to be reminded of what the Constitution actually says and means so the abuse of this power will not continue and true 'general welfare' can be reinstated! Also, in light of today's recent tragedies, do not think I am advocating for the neglect of those in our country who are truly in need. On the contrary, the much needed special welfare for specific groups and crisis' can and should be encouraged where it has always been best served—at the local individual, town, and/or state levels. Here is where it can most effectively be given and protected meeting the needs where they can be more clearly understood and aided.

May we all become more respectful and responsible with the interpretation of our Constitution concerning our nation's money learning the lesson Davy Crockett learned so long ago. May we also rise to the occasion when it presents itself and dig deep in our own pockets giving what is ours to give when our fellow countrymen are in obvious need. May we recognize this is what makes our country so strong and great! This—our individual liberty and character to do what is right knowing one day it might be ourselves who are in need of a helping hand!

May God bless America!

## CELEBRATING THE 25TH ANNIVERSARY OF THE LOCAL SUPPORT INITIATIVES CORPORATION

### HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 27, 2005*

Ms. KAPTUR. Mr. Speaker, I am pleased to announce that tomorrow, Wednesday, September 28, 2005, the Local Initiatives Support Corporation will celebrate its 25th anniversary here in Washington. LISC certainly has a lot to celebrate.

This national organization was born out of the foresight of Mike Svirdoff and the Ford Foundation, with just $10 million and the goal of identifying 50 to 100 local economic development organizations worthy of support. Even Mr. Svirdoff himself might not have envisioned that, within a quarter of a century, LISC would grow into an organization that has raised more than $6 billion dollars in grants, loans and equity for more than 1,700 community development corporations nationwide. These funds support projects in 38 cities and rural areas in 37 states.

LISC's mission is to help ''resident-led, community-based development organizations transform distressed communities and neighborhoods into healthy ones—good places to live, do business, work and raise families.'' It works toward these ends by providing comprehensive services to the CDCs it serves, from capital to technical expertise, training, and information. In addition, LISC supports the development of local leadership and the creation of affordable housing, commercial development, industrial and community facilities, and jobs. In short, it helps residents build and strengthen their own communities.

LISC is an intermediary for more than 900 corporations and foundations, providing technical and financial resources to help CDCs become fiscally sound institutions capable of carrying out a range of community revitalization activities. LISC's second focus is in improving local community development environments. The strength of the organization lies in its abilities to forge partnerships among local LISC programs, community organizations, foundations, commercial interests, and state and local governments. In addition, LISC branches beyond its local focus by advocating for neighborhood-based development and informing related public policy decisions at the federal level.

I have witnessed the value of LISC's work first hand, as our local branch has revitalized many of the most distressed communities in Toledo, OH. Toledo LISC currently funds one dozen of our community development corporations, and over its 15-year presence has funded nearly two dozen. As of December 31, 2004, contributions from corporations, individuals, small businesses and foundations totaling $3.6 million had leveraged nearly $60 million for Toledo CDCs.

As a result of these investments, redevelopment projects have replaced deteriorated homes and buildings with sought-after housing and commercial real estate. One such project was the creation of Toledo's newest sub-division of market-rate single-family homes. Of the ten new homes constructed thus far, nine have already been sold. This development was possible in part because of a pre-development loan from LISC to the Organized Neighbors Yielding eXcellence (ONYX) CDC. Another of LISC's successes is a result of its alliance with the Toledo Warehouse District Association. The Association developed a mixed-use property with 11 lofts and 10 commercial spaces within walking distance of a variety of entertainment venues. This project cost $2.9 million and included Historic Tax Credits, Lucas County Linked Deposit, a city of Toledo Economic Development Loan, a Congressional special purposes grant, and financing through Fifth Third and Sky Bank. Again, the project was possible because of start-up funds from LISC.

Since welcoming LISC into my neighborhood in 1989, it has been my honor to be associated with an organization so important to both our communities and the nation at large. I congratulate LISC on its past successes and encourage corporations, foundations, and individuals alike to continue to support LISC and its worthy mission of converting blighted neighborhoods into vibrant communities.

PERSONAL EXPLANATION

## HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 27, 2005*

Mr. BLUMENAUER. Mr. Speaker, had I been present for the three final votes on Thursday, September 8th, 2005, I would have voted as follows:

Rollcall vote No. 462: I would have voted ''aye'' on H.R. 3668, the ''Student Grant Hurricane and Disaster Relief Act.''

Rollcall vote No. 463: I would have voted ''aye'' on H. Res. 428, expressing the sincere gratitude of the House of Representatives to the foreign individuals, organizations, and governments that have offered material assistance and other forms of support to those who have been affected by Hurricane Katrina.

Rollcall vote No. 464: I would have voted ''aye'' on H. Res. 427, relating to the terrorist attacks against the United States on September 11, 2001.

RESOLUTION INTRODUCTION STATEMENT

## HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 27, 2005*

Mr. SMITH of New Jersey. Mr. Speaker, I rise today to introduce legislation designed to help poor farmers in African nations who are being undercut and devastated by the continued subsidies some of the world's wealthiest countries offer to their own farmers.

Developed world subsidies drive down global prices for farm products. For farmers in wealthy nations, this often involves the amount of profit possible; for African farmers, this involves their very survival. Since more than 70 percent of Africans depend on the agricultural sector for their livelihoods, normalizing global agricultural trade is an issue of life or death for many African farmers who have few, if any, alternatives to farm Income.

For every six dollars daily the United States and the nations of the European Union spend on agricultural subsidies in their own nations, we spend one dollar on official aid to developing countries. This means that the positive impact of our aid programs is being undercut by trade-distorting subsidies, which are crushing the very people our aid is intended to help.

Developed countries agreed to negotiate a multilateral end to agricultural subsidies through the World Trade Organization with a target date of January 1st of this year. That deadline was missed, and the current Doha round of WTO trade talks may fail, largely because of the issue of continuing agricultural subsidies. President Bush recently reiterated America's commitment to accelerate the end of all developed world agricultural subsidies.

American cotton subsidies have been said to endanger the welfare of African cotton farmers in several African nations, but European dairy and meat subsidies pose an even broader threat to African farm incomes. When a Japanese cow can produce more daily revenue than even the most industrious African farmer, something is seriously wrong with the economic order. Curtailing developed world agricultural subsidies will allow Africans to be more self-sufficient. It is estimated that such a change would result in as much as a 45 percent increase in the net agricultural trade by sub-Saharan Africa and a 5.1 percent increase in African farm income.

It is the responsibility of our government, as well as other governments, to address the needs of our farmers, but it should not be done at the expense of low-income African farmers. This resolution, cosponsored by Mr. PAYNE, Mr. ROYCE, Mr. FLAKE and Mr. MEEKS, calls for a multilateral end to agricultural subsidies as quickly as possible and for developed nations to work with African nations to mutually remove remaining impediments to equitable agricultural trade in the global marketplace.

IN RECOGNITION OF THE KAUKAUNA TIMES VILLAGER'S 125TH ANNIVERSARY

## HON. MARK GREEN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 27, 2005*

Mr. GREEN of Wisconsin. Mr. Speaker, it is my privilege to recognize before this House the Times-Villager newspaper in celebration of its 125 years in publication.

The first edition of the Kaukauna Times-Villager was published on September 16, 1880 by C.H. Hopkins and L.A. Gates. Despite its humble beginnings, the paper's circulation has grown to include the Villages of Kimberly and Little Chute, helping record their unique history and culture. From the Great Depression to the September 11, 2001 terrorist attacks, the Times-Villager has reported some of the most monumental events in our nation's history. But through it all the newspaper has remained true to its Heart-of-the-Valley roots.

Mr. Speaker, it is my honor to recognize the Kaukauna Times-Villager for its years of dedicated service to northeastern Wisconsin. And, on behalf of the citizens of Wisconsin's 8th Congressional District, I say congratulations on this incredible accomplishment.

COMMEMORATING THE ACHIEVEMENTS OF BISHOP S.C. MADISON

## HON. CHARLIE NORWOOD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 27, 2005*

Mr. NORWOOD. Mr. Speaker, I rise today to honor the lifetime achievements and contributions of Bishop S.C. Madison and his wife Mrs. Deloris Madison to the United House of Prayer for All People, Augusta, Georgia, and to our country as a whole.

Their efforts show their dedication to bettering their fellow man both spiritually and naturally.

Since Bishop Madison became the leader and spiritual advisor of the United House of Prayer for All People in 1991, he embarked on a nationwide building program that included the building and dedication of over 130 houses of worship throughout the United States.

Included in that number were four built or completely refurbished in the Greater Augusta Area.

In these sanctuaries, he promotes wholesome values and a decent way of life.

His tenure in the ministry has exceeded fifty-five years, and he has no intentions of stopping! His soul-stirring messages are memorable, and they serve as a constant inspiration to his congregations that if you do the right thing, ''Life can be beautiful.''

Not only has Bishop Madison endeavored to better the spiritual body of his congregations, but he has also made other thoughtful contributions to the communities where his congregations reside.

Augusta, Georgia has been fortunate to benefit from his commitment to the community.

Continuing the House of Prayer's commitment to affordable housing, Bishop Madison has maintained housing for Augusta residents—The McCollough Townhouse Square Apartments—that were built with no government subsidies.

He has also acquired houses, apartments, and vacant lots in the city of Augusta. After remodeling, refurbishing, or demolishing and rebuilding them, he has made these properties available to the community once again.

Countless families are able to realize the goal of residing in new homes because of his tireless efforts with no help from the government.

Bishop Madison has also made contributions to the Greater Augusta Business Community with the building and renting of the S. C. Madison Building in Downtown Augusta.

Amazingly, his contributions are not just felt in the city of Augusta, but he exhibits that same entrepreneurial spirit in many other cities throughout the United States.

Mrs. Madison, a native of Augusta, Georgia, has mirrored her husband's commitment. She was the catalyst of the ''First Lady's Scholastic Achievement Awards,'' which not only seeks to inspire children to achieve the honor roll status in their local schools but also promotes the fine values of being an upstanding citizen.

This program began in 1995, has grown every year, and is now celebrating its tenth anniversary.

Thousands of young minds have been challenged, cultivated, and motivated because she is willing to dare them to reach higher heights in the classroom.

She constantly encourages chilren to strive to complete secondary education to make sound economic contributions to our country as well as live the life of a dutiful citizen.

Bishop and Mrs. Madison both have been honored nationwide for their strong commitments not only to the congregations of the United House of Prayer for All People, but also to the city of Augusta.

The contributions they have made to this community are far reaching.

The efforts of Bishop and Mrs. Madison have improved the quality of life of so many, and the people of the Ninth Congressional District of Georgia stand in sincere appreciation for their diligence, dedication, and far-reaching contributions over the years.

## TRIBUTE TO MR. HERBERT D. KATZ

### HON. ROBERT WEXLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 27, 2005*

Mr. WEXLER. Mr. Speaker, Representatives ALCEE L. HASTINGS, KENDRICK B. MEEK, and DEBBIE WASSERMAN SCHULTZ, and I rise to recognize Mr. Herbert D. Katz for his dedication as a member of the South Florida Jewish Community for the past 35 years. During this time, Herb has held numerous leadership positions in organizations including AIPAC and the United Jewish Appeal (UJA). Herb has served on AIPAC's National Board of Directors for over 20 years and played a key role in strengthening U.S.-Israeli relations, especially on Capitol Hill. Herb's knowledge, credibility and passion for politics have led him to foster key relationships with a wide-range of elected officials, and we deeply value his activism, patriotism and exemplary public service.

Herb Katz has dedicated his life to enhancing U.S.-Israeli ties and has an extraordinary history of championing Jewish causes at the local, national and global level. He served on the UJA Young Leadership Cabinet in its earliest years. He also served as the president of Jewish Federation of Hollywood in the early 1970s and was the first president of the newly established Jewish Federation of Broward County in 1996. He chaired the Board of Overseers of the Center for Advanced Judaic Studies at the University of Pennsylvania. He also served as president of the National Board of American Friends of Hebrew University, which awarded him an honorary degree. Herb and his wife Ellie have selflessly exemplified the highest form of hesed and have demonstrated exemplary Jewish leadership and pro-Israel political activism, and we hold them both in the utmost regard.

It is therefore with great pleasure that we offer our heartfelt congratulations to Herb for being honored by AIPAC—one of the foremost advocacy organizations in the world.

Herb's commitment and dedication to U.S.-Israeli relations is immeasurable and his leadership continues to be critical to maintaining the unbreakable bond between the two nations. It is our honor to join AIPAC and its members in recognizing Herb. We thank him for his work, and wish him mazel tov and much continued success.

## HONORING BARBARA T. BOWMAN FOR LIFELONG COMMITMENT TO EDUCATION

### HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 27, 2005*

Mr. DAVIS of Illinois. Mr. Speaker, I rise today to congratulate Barbara T. Bowman, who tonight will receive the prestigious Harold W. McGraw, Jr. Prize in Education. Professor Bowman is co-founder and former president of Erikson Institute, and currently serves as chief officer of the Chicago Public Schools' Office of Early Childhood Education.

Along with Professor Bowman, Sharon Lynn Kagan and Ellen Moir are being honored during an awards ceremony at the New York Public Library. They have been chosen to receive the prestigious 18th annual award for their work in early childhood education and teacher professional development. They have brought academic innovation, as well as a tireless focus in preparing students and teachers for success.

Professor Bowman is a lifelong proponent of higher education for those who teach and care for young children, and a pioneer in building knowledge and understanding of the issues of access and equity for minority children. She co-founded Erikson Institute in 1966 to educate preschool teachers to work with children from low-income families in the Head Start program. Today, largely because of Bowman's leadership, Erikson's educational programs reach more than 2,500 students and, through them, hundreds of thousands of children.

Professor Bowman and her husband are residents of the Hyde Park Community in Chicago, and they are well known for their community, civic, and political activities. They represent the best of citizenship and what it means to live in a free and democratic society.

I salute Professor Bowman and the other honorees for their outstanding contributions to education. These individuals have dedicated themselves to improving education in this country and their accomplishments continue to make a difference today.

## HOUSE INTERNATIONAL RELATIONS COMMITTEE MARK-UP OF H. RES. 375, H. RES. 408, AND H. RES. 419

### HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 27, 2005*

Ms. MCCOLLUM of Minnesota. Mr. Speaker, I want to express my support for H. Res. 375, as well as H. Res. 408 and H. Res. 419, all requesting information from the Administration regarding plans and communication leading up to the war in Iraq, as well as requesting information regarding the leak of CIA Agent Valerie Plame's name to the media. These resolutions highlight a disturbing trend within the Bush Administration to hide critical information from Congress and the American people. The President owes Americans the truth, especially when it involves the lives of our sons and daughters.

Like so many of my colleagues, and so many of my constituents in the 4th District of Minnesota, I was profoundly disturbed when I learned of the so-called Downing Street Memo in May 2005. This document details minutes of a July 2002 meeting between British Prime Minister Tony Blair and his cabinet. The minutes of the meeting indicate that British officials believed President Bush had already decided to pursue war with Iraq. The minutes further appear to indicate that the Bush Administration was intentionally distorting intelligence information to justify the case for invading Iraq.

Concern by Congress and the American people regarding the Downing Street Memo have escalated since first reported. Earlier this year, over ninety Members of the House sent a letter to President Bush requesting a full accounting of these allegations. The President has yet to respond to this letter. However, the British government has not disputed the authenticity of the Downing Street Memo, and a former senior Bush Administration official has confirmed the accuracy of this account to the press. The failure of the Administration to address these concerns and to adequately investigate the leak of an undercover CIA agent's name to the media is obstructionist. This is a meter of accountability and transparency, and I support all three of these resolutions.

While all Americans stand united in support of our troops, President Bush has offered no plan for success in Iraq. In fact, most Americans now agree that the President's complete mishandling of the war in Iraq has transformed Iraq into a terrorist haven and made our own nation less safe. As a member of the minority party in Congress, I will continue to hold the Bush Administration accountable for the flawed and dangerous policy in Iraq.

H. Res. 375, H. Res. 408, and H. Res. 419 should be favorably reported out of the House International Relations Committee, and the citizens of this country should finally be told the truth by this Administration.

## NEXTENERGY CENTER GRAND OPENING

### HON. CAROLYN C. KILPATRICK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 27, 2005*

Ms. KILPATRICK of Michigan. Mr. Speaker, I rise today to recognize NextEnergy, a nonprofit organization in my district of Detroit. It is a leader in the development and research of technologies that will make our nation more energy independent.

On September 29, leaders from Michigan and around the country will celebrate the grand opening of the NextEnergy Center, a state-of-the-art alternative energy innovation center. This is a wonderful day for everyone interested in making sure that Michigan is at the forefront of alternative technologies which will create jobs and ensure energy security with economic growth in the years ahead. As a member of the House Appropriations Committee, I have been a supporter of Congressional funding for this effort, and I have no doubt that this federal investment will pay many dividends.

At the beginning of the 20th century, the City of Detroit and the State of Michigan revolutionized personal transportation with the development and production of motor vehicles. The automobile industry became a key part of our state's heritage and way of life.

Now at the dawn of the 21st century, we need to find new ways to power our cars and trucks. We want to develop better systems to improve energy efficiency and reduce air pollution. And we know that there is no better place to lead this new effort than from the heart of the Motor City. We have the knowledge, the talent, the expertise, the creativity, and the drive to get the job done.

With the opening of the NextEnergy Center, another important milestone has been reached. It will showcase a new breed of emerging technologies. From my discussions with the automobile companies and other industry leaders, I know that advanced technologies offer great promise for the future. But

much research and testing is still required before some are commercially viable. That is why the NextEnergy Center is so important and will play a vital role in developing breakthroughs.

By working with the automotive, electric power and defense industries, NextEnergy offers an exciting mix of opportunities. I am pleased that companies from Minnesota, New York, Texas and other states recognize the value of this effort and are signing up to do business.

The commitment to alternative energy innovation will ultimately address the needs of consumers, train a new generation of workers and lay the foundation for technologies in the marketplace. The future is bright for NextEnergy and I am pleased to be a supporter.

## PROVIDING FOR CONSIDERATION OF H.R. 2133, SCHOOL READINESS ACT OF 2005

SPEECH OF

### HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 22, 2005*

Mr. MOORE of Kansas. Mr. Chairman, since I have been in Congress, I have been a consistent supporter of Head Start. This program assists over 900,000 children and their families nationwide, including the 1,421 children enrolled in 6 Head Start programs in the Third Congressional District of Kansas. Thanks to this program, children enrolled in Head Start in the district are nearly twice as likely as other low-income children to receive basic medical care and over three times as likely to receive dental care. In the Third Congressional District, 77 percent of Head Start children have received basic primary health care, and 76 percent have a continuous, accessible source of dental care. The program has also provided mental health services to over 150 children in the district and has provided assistance to 200 children with disabilities.

I commend the Education and Workforce Committee for working in a bipartisan manner, by reporting legislation that did not include provisions that prevented similar legislation from being enacted in the 108th Congress. Specifically, the Education and Workforce Committee did not include language permitting faith based organizations to discriminate on the basis of religion, which was part of similar legislation in the 108th Congress.

During the debate on H.R. 2123, the House adopted an amendment offered by Representative JOHN BOEHNER, which permits faith based organizations to make hiring decisions based on a person's religion. I cannot, therefore, vote for H.R. 2123 because it undermines fundamental civil rights protections against employee discrimination for Head Start teachers and volunteers. Since the inception of Head Start, this civil rights protection has allowed for religious organizations to participate in programs, while maintaining constitutional and civil rights standards. I appreciate the important contributions faith based organizations make to the education of thousands of students, through participating in the Head Start program. If the repeal of existing civil rights protections becomes law, then teachers or parent volunteers could lose their jobs based solely on their religion.

The Head Start program provides essential early childhood education services, and I will continue to support its important work. I cannot, however, vote for this legislation that permits discrimination in hiring.

## PERSONAL EXPLANATION

### HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 27, 2005*

Mr. POE. Mr. Speaker, due to preparations for Hurricane Rita in my district, I unfortunately missed the following votes on the House floor on Friday, September 22, 2005.

I ask that the RECORD reflect that had I been able to vote that day, I would have voted "yea" on Rollcall vote number 488 (Sauder Amendment to H.R. 2123), 489 (Stearns Amendment to H.R. 2123), 491 (Musgrave Amendment to H.R. 2123), 492 (Boehner Amendment to H.R. 2123), and Rollcall vote number 493 (Final Passage of H.R. 2123, School Readiness Act). I strongly support these amendments and the bill because they take important steps to prepare children for success in school.

I also ask that the RECORD reflect that had I been able to vote that day, I would have voted "nay" on Rollcall vote number 490 (Davis (D–IL) Amendment to H.R. 2123).

## TRIBUTE TO THE TEAM OF CIVILIAN ENGINEERS STATIONED AT THE COLD WEATHER TEST DETACHMENT, IN LADD, ALASKA

### HON. DARRELL E. ISSA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 27, 2005*

Mr. ISSA. Mr. Speaker, I rise today to pay tribute to the team of civilian engineers stationed at the Cold Weather Test Detachment, in Ladd, Alaska during World War II. I first became aware of the significant contributions of the engineers at Ladd Field through the first hand accounts of my constituent, Mr. Paul J. Burchett.

From 1942 to 1945, Mr. Burchett and his colleagues served at the Cold Weather Test Detachment in Ladd, Alaska. Civilian employees, Mr. Burchett and his colleagues voluntarily worked alongside our servicemen during the war. They endured extreme weather conditions and worked to ensure the safety of our pilots and our planes in the frigid temperatures of Alaska. The contribution that Mr. Burchett and his colleagues made to support the war effort will not be forgotten. Even today, their innovative work is still used for both commercial and military applications.

While at Ladd Field, Mr. Burchett's commanding officer, Colonel R. Stewart, highly praised Mr. Burchett, and his work. In a report to Mr. Burchett's company, Stewart wrote, "As a result of his diligence and interest, Mr. Burchett was most helpful in assisting maintenance personnel of this organization. As a result of his efforts, many of the problems which were experienced were readily overcome, thus averting a serious loss of time. Mr. Burchett was keenly interested in his work, and spent many hours over the normal working day in accomplishing his mission."

After World War II, Mr. Burchett worked as a professor at Pasadena City College for 35 years. While there, he continued to develop after-war designs for experimental aircraft. Mr. Burchett helped develop aircraft for Lockheed from 1937–1959. While working for Lockheed, Mr. Burchett helped develop the first working jet fighter.

Mr. Burchett, now 90 years of age, has led a remarkable life. Until recently his work at Ladd Field was classified. This is why I now wish to recognize that work and commend Mr. Burchett on a lifetime of dedicated service to his nation. He deserves our respect and gratitude.

## HONORING THOMAS HEALY OF ALPHAPOINTE ASSOCIATION FOR THE BLIND

### HON. EMANUEL CLEAVER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 27, 2005*

Mr. CLEAVER. Mr. Speaker, I proudly rise today to pay tribute to Thomas Healy and Alphapointe Association for the Blind, who will retire from the organization September 30, 2005. During his 25 year tenure as President and CEO, Thomas has been the guiding force behind Alphapointe's flourishing as a nonprofit organization in the Greater Kansas City community.

Mr. Healy has been a community leader at Alphapointe for his 34 years with the organization, and as President and CEO helped Alphapointe achieve heights worthy of praise by the organization's founder, Catherine Hale.

To understand how deeply Mr. Healy has touched the Greater Kansas City community, we must all understand what a unique company he has been leading. Founded in 1911 and originally incorporated as the Kansas City Association for the Blind in 1916, Alphapointe was first a group of blind men and women who gathered together for company and recreation. Originally a social organization, Alphapointe has expanded its sense of purpose to provide not only needed social services like rehabilitation and educational services, but also jobs.

Today, the company proudly manufactures over 30 million plastic bottles for pharmaceuticals and over 11 million writing instruments each year. It is not the volume or product of Alphapointe's production that makes it unique; it is the composition of the company's employee base. Over half of the employees, from management to custodial staff, are blind or disabled. Remaining true to its foundation, Alphapointe continues to provide a place of community for all. Under his leadership and guidance, Thomas has helped this vital organization grow from a company of 55 employees to more than 160 earning more than $20 million per year.

Mr. Speaker, I ask that you and our colleagues in the House join me in saluting Mr. Thomas Healy and Alphapointe Association for the Blind for their years of dedicated service to the City of Kansas City, Missouri and the surrounding metropolitan community. Thank you Thomas, we will miss seeing you at the helm, but know you will continue to be an advocate and guided voice in our area as a member of Alphapointe's Advisory Board of Directors.

# *Daily Digest*

# Senate

## *Chamber Action*

*Routine Proceedings, pages S10461–S10527*

**Measures Introduced:** Five bills and four resolutions were introduced, as follows: S. 1774–1778, S.J. Res. 25–26, and S. Res. 252–253. **Pages S10513–14**

**Measures Reported:**

S. 572, to amend the Homeland Security Act of 2002 to give additional biosecurity responsibilities to the Department of Homeland Security, with an amendment in the nature of a substitute.

S. 939, to expedite payments of certain Federal emergency assistance authorized pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act, and to direct the Secretary of Homeland Security to exercise certain authority provided under that Act, with an amendment in the nature of a substitute.

S. 1700, to establish an Office of the Hurricane Katrina Recovery Chief Financial Officer, with an amendment in the nature of a substitute.

S. 1736, to provide for the participation of employees in the judicial branch in the Federal leave transfer program for disasters and emergencies.

S. 1738, to expand the responsibilities of the Special Inspector General for Iraq Reconstruction to provide independent objective audits and investigations relating to the Federal programs for Hurricane Katrina recovery, with amendments.

S. 1777, to provide relief for the victims of Hurricane Katrina. **Page S10513**

**Measures Passed:**

***Jacob L. Frazier Post Office Building:*** Senate passed H.R. 3767, to designate the facility of the United States Postal Service located at 2600 Oak Street in St. Charles, Illinois, as the ''Jacob L. Frazier Post Office Building,'' clearing the measure for the President. **Page S10480**

***Karl Malden Station:*** Committee on Homeland Security and Governmental Affairs was discharged from further consideration of H.R. 3667, to designate the facility of the United States Postal Service located at 200 South Barrington Street in Los Angeles, California, as the ''Karl Malden Station,'' and the bill was then passed, clearing the measure for the President. **Page S10480**

***Servicemembers' Group Life Insurance Enhancement Act:*** Committee on Veterans Affairs was discharged from further consideration of H.R. 3200, to amend title 38, United States Code, to enhance the Servicemembers' Group Life Insurance program, and the bill was then passed, after agreeing to the following amendment proposed thereto: **Page S10480**

Isakson (for Craig) Amendment No. 1872, in the nature of a substitute. **Page S10480**

***Water Resources Research Act Amendments:*** Senate passed S. 1017, to reauthorize grants for the water resources research and technology institutes established under the Water Resources Research Act of 1984, after agreeing to the committee amendments. **Page S10481**

***Gulf Coast Emergency Water Infrastructure Assistance Act:*** Committee on Environment and Public Works was discharged from further consideration of S. 1709, to provide favorable treatment for certain projects in response to Hurricane Katrina, with respect to revolving loans under the Federal Water Pollution Control Act, and the bill was then passed, after agreeing to the following amendment: **Page S10481**

Isakson (for Inhofe) Amendment No. 1873, in the nature of a substitute. **Page S10481**

***Student Financial Assistance Waiver Extension:*** Committee on Health, Education, Labor, and Pensions was discharged from further consideration of H.R. 2132, to extend the waiver authority of the Secretary of Education with respect to student financial assistance during a war or other military operation or national emergency, and the bill was then passed, clearing the measure for the President. **Page S10520**

***Breast Cancer Research Stamp Extension:*** Senate passed S. 37, to extend the special postage stamp for breast cancer research for 2 years. **Page S10520**

**Roberts Nomination:** Senate continued consideration of the nomination of John G. Roberts, Jr., of Maryland, to be Chief Justice of the United States. **Pages S10461–80, S10481–S10508, S10526–27**

A unanimous-consent-time agreement was reached providing for further consideration of the nomination at 9:30 a.m., on Wednesday, September 28, 2005. **Page S10521**

**National Law Enforcement Officers Memorial Maintenance Fund Act—Referral Agreement:** A unanimous-consent agreement was reached providing that the Committee on the Judiciary be discharged from further consideration of H.R. 2107, to amend Public Law 104–329 to modify authorities for the use of the National Law Enforcement Officers Memorial Maintenance Fund, and the bill was then referred to the Committee on Energy and Natural Resources. **Pages S10520–21**

**Messages From the House:** **Page S10512**

**Measures Referred:** **Page S10512**

**Measures Placed on Calendar:** **Pages S10512, S10520**

**Executive Communications:** **Pages S10512–13**

**Additional Cosponsors:** **Pages S10514–15**

**Statements on Introduced Bills/Resolutions:** **Pages S10515–19**

**Amendments Submitted:** **Pages S10519–20**

**Authority for Committees to Meet:** **Page S10520**

**Privilege of the Floor:** **Page S10520**

**Adjournment:** Senate convened at 9:45 a.m., and adjourned at 7:40 p.m., until 9:30 a.m., on Wednesday, September 28, 2005. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S10521.)

# *Committee Meetings*

*(Committees not listed did not meet)*

## DEFENSE ACQUISITION PROCESSES

*Committee on Armed Services:* Committee held a hearing to examine needed improvements to defense acquisition processes and organizations, receiving testimony from Gordon R. England, Acting Deputy Secretary, Kenneth J. Krieg, Under Secretary for Acquisition, Technology and Logistics, Admiral Edmund P. Giambastiani, Jr., USN, Vice Chairman, Joint Chiefs of Staff, and Lieutenant General Ronald T. Kadish, USAF (Ret.), Chairman, Defense Acquisition Performance Assessment Project, all of the Department of Defense.

Hearing recessed subject to the call.

## ABANDONED MINE RECLAMATION

*Committee on Energy and Natural Resources:* Committee concluded a hearing to examine S. 1701, to amend the Surface Mining Control and Reclamation Act of 1977 to improve the reclamation of abandoned mines, and S. 961, to amend the Surface Mining Control and Reclamation Act of 1977 to reauthorize and reform the Abandoned Mine Reclamation Program, after receiving testimony from Thomas D. Shope, Chief of Staff, Office of Surface Mining Reclamation and Enforcement, Department of the Interior; Evan J. Green, Wyoming Department of Environmental Quality, Cheyenne; Steve Hohmann, Kentucky Department for Natural Resources, Frankfort, on behalf of the Interstate Mining Compact Commission; Joe Shirley, Jr., The Navajo Nation, Window Rock, Arizona; Andrew McElwaine, Pennsylvania Environmental Council, Harrisburg, on behalf of the Pennsylvania Abandoned Mine Land Campaign; Charles Gauvin, Trout Unlimited, Arlington, Virginia; Daniel J. Kane, United Mine Workers of America, Fairfax, Virginia; and Lorraine Lewis, UMWA Health and Retirement Funds, and David Finkenbinder, National Mining Association, both of Washington, D.C.

## NOMINATION

*Committee on Foreign Relations:* Committee concluded a hearing to examine the nomination of John J. Danilovich, of California, to be Chief Executive Officer, Millennium Challenge Corporation, after the nominee testified and answered questions in his own behalf.

## U.S. ENERGY SECURITY

*Committee on Foreign Relations:* Subcommittee on International Economic Policy, Export and Trade Promotion concluded a hearing to examine energy supplies in Eurasia and implications for U.S. energy security, including the region's potential to uncover additional reserves and expand production in coming years with the participation of U.S. energy companies, after receiving testimony from Paul E. Simons, Deputy Assistant Secretary of State for Energy, Sanctions and Commodities; Karen Harbert, Assistant Secretary of Energy for Policy and International Affairs; Alastair Ferguson, TNK–BP, Moscow, Russia; J. Robinson West, PFC Energy, and Zeyno Baran, The Nixon Center, both of Washington, D.C.; and Michael T. Klare, Hampshire College, Amherst, Massachusetts.

## ALTERNATIVE PERSONNEL SYSTEMS

*Committee on Homeland Security and Governmental Affairs:* Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia concluded a hearing to examine assessing progress in the Federal government regarding alternative personnel systems, focusing on systems to learn where personnel systems have been successfully employed and what steps have been taken in their development to ensure effective implementation and

operation, after receiving testimony from Dan G. Blair, Deputy Director, Office of Personnel Management; David M. Walker, Comptroller General of the United States, Government Accountability Office; Jeffery K. Nulf, Deputy Assistant Secretary for Administration, and Hratch G. Semerjian, Deputy Director, National Institute of Standards and Technology, Technology Administration, both of the Department of Commerce; Arleas Upton Kea, Director, Division of Administration, Federal Deposit Insurance Corporation; and C. Morgan Kinghorn, Jr., National Academy of Public Administration, Colleen M. Kelley, National Treasury Employees Union, and John Gage, American Federation of Government Employees (AFL–CIO), all of Washington, D.C.

**HOUSING ASSISTANCE**

*Committee on Homeland Security and Governmental Affairs:* Subcommittee on Federal Financial Management, Government Information, and International Security concluded an oversight hearing to examine housing-related programs for the poor, focusing on existing challenges in measuring improper rent subsidy payments in housing assistance programs at HUD, as well as Federal oversight of the Low-Income Home Energy Assistance Program, after receiving testimony from James M. Martin, Assistant Chief Financial Officer for Financial Management, Department of Housing and Urban Development; David G. Wood, Director, Financial Markets and Community Investment, and Jim Wells, Director, Natural Resources and Environment, both of the Government Accountability Office; and Josephine Bias Robinson, Director, Office of Community Services, Administration for Children and Families, Department of Health and Human Services.

**INTELLIGENCE**

*Select Committee on Intelligence:* Committee met in closed session to receive a briefing on certain intelligence matters from officials of the intelligence community.

# House of Representatives

## *Chamber Action*

**Public Bills and Resolutions Introduced:** 30 public bills, H.R. 3897–3926; 1 private bill, H.R. 3927; and 13 resolutions, H.J. Res. 68; H. Con. Res. 250–254; and H. Res. 460–461, 463–467 were introduced. **Pages H8386–88**

**Additional Cosponsors:** **Pages H8388–89**

**Reports Filed:** Reports were filed today as follows:

H.R. 2491, to amend the Solid Waste Disposal Act to authorize States to restrict receipt of foreign municipal solid waste and implement the Agreement Concerning the Transboundary Movement of Hazardous Waste between the United States and Canada, with an amendment (Rept. 109–235); H. Res. 462, providing for consideration of the bill (H.R. 3402) to authorize appropriations for the Department of Justice for fiscal years 2006 through 2009 (Rept. 109–236); and H.R. 3824, to amend and reauthorize the Endangered Species Act of 1973 to provide greater results conserving and recovering listed species, with an amendment (Rept. 109–237). **Page H8386**

**Speaker:** Read a letter from the Speaker wherein he appointed Representative Petri to act as Speaker pro tempore for today. **Page H8359**

**Recess:** The House recessed at 12:37 p.m. and reconvened at 2 p.m. **Page H8360**

**SUSPENSIONS:** The House agreed to suspend the rules and pass the following measures:

***Natural Disaster Student Aid Fairness Act:*** H.R. 3863, amended, to provide the Secretary of Education with waiver authority for the reallocation rules in the Campus-Based Aid programs, and to extend the deadline by which funds have to be reallocated to institutions of higher education due to a natural disaster; **Pages H8362–65**

***Supporting the goals and ideals of "Lights On Afterschool!", a national celebration of after-school programs:*** H.J. Res. 66, to support the goals and ideals of "Lights On Afterschool!", a national celebration of after-school programs, by a yea-and-nay vote of 403 yeas with none voting "nay", Roll No. 494; **Pages H8366–67, H8374–75**

***Staff Sergeant Michael Schafer Post Office Building Designation Act:*** H.R. 3703, to designate the facility of the United States Postal Service located at 8501 Philatelic Drive in Spring Hill, Florida, as the "Staff Sergeant Michael Schafer Post Office Building"; **Pages H8367–68**

***Randall D. Shughart Post Office Building Designation Act:*** H.R. 2062, to designate the facility of the United States Postal Service located at 57 West

Street in Newville, Pennsylvania, as the "Randall D. Shughart Post Office Building"; and **Pages H8368–69**

***Supporting the goals and ideals of Domestic Violence Awareness Month:*** H. Con. Res. 209, to support the goals and ideals of Domestic Violence Awareness Month and to express the sense of Congress that Congress should raise awareness of domestic violence in the United States and its devastating effects on families, by a yea-and-nay vote of 404 yeas with none voting "nay", Roll No. 496.

**Pages H8370–74, H8376**

**Suspensions—Failed:** The House failed to agree to suspend the rules and pass the following measure:

***Maudelle Shirek Post Office Building Designation Act:*** H.R. 438, to designate the facility of the United States Postal Service located at 2000 Allston Way in Berkeley, California, as the "Maudelle Shirek Post Office Building", by a yea-and-nay vote 190 yeas to 215 nays, Roll No. 495.

**Pages H8369–70, H8375–76**

**Recess:** The House recessed at 3:34 p.m. and reconvened at 6:30 p.m. **Page H8374**

**Recess:** The House recessed at 8:31 p.m. and reconvened at 9:39 p.m. **Page H8383**

**Senate Message:** Messages received from the Senate today appears on pages H8360, H8383.

**Senate Referrals:** S. 1017 was referred to the Committee on Resources; and S. 1709 was referred to the Committees on Transportation and Infrastructure and Energy and Commerce. **Page H8384**

**Quorum Calls—Votes:** Three yea-and-nay votes developed during the proceedings of today and appear on pages H8374–75, H8375–76, and H8376. There were no quorum calls.

**Adjournment:** The House met at 12:30 p.m. and adjourned at 9:40 p.m.

# *Committee Meetings*

## HUD—HURRICANE KATRINA

*Committee on Appropriations:* Subcommittee on Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and Independent Agencies held a hearing on Department of Housing and Urban Development (Hurricane Katrina). Testimony was heard from the following officials of the Department of Housing and Urban Development: Roy Bernardi, Deputy Secretary, Community Planning and Development; and Brian Montgomery, Assistant Secretary and Commissioner, FHA.

## RESOLUTION—DISAPPROVING RECOMMENDATIONS OF THE DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION

*Committee on Armed Services:* Ordered adversely reported H.J. Res. 65, Disapproving the recommendations of the Defense Base Closure and Realignment Commission.

## THREATS IN ASIA

*Committee on Armed Services:* Committee Defense Review Threat Panel held a hearing on Threats in Asia. Testimony was heard from public witnesses.

## INTERNATIONAL DEBT POLICY

*Committee on Financial Services:* Subcommittee on Domestic and International Monetary Policy, Trade, and Technology held a hearing entitled "IDA–14: Historic Advance or Incremental Change in Debt and Development Policy." Testimony was heard from the following officials of the Department of the Treasury: Timothy D. Adams, Under Secretary, International Affairs; and Bobby J. Pittman, Jr., Deputy Assistant Secretary, Multilateral Development Institutions and Policy.

## GOVERNMENT AGENCY PERFORMANCE

*Committee on Government Reform:* Subcommittee on Federal Workforce and Agency Organization held a hearing entitled "It's Time to React—Reauthorizing Executive Authority to Consolidate Tasks: Establishing Results and Sunset Commissions (H.R. 3276 and H.R. 3277)." Testimony was heard from Clay Johnson, Deputy Director, Management, OMB; and public witnesses.

## BUSINESS ACTIVITY TAX SIMPLIFICATION ACT

*Committee on the Judiciary,* Subcommittee on Commercial and Administrative Law held a hearing on H.R. 1956, Business Activity Tax Simplification Act of 2005. Testimony was heard from Earl Ehrhart, member, House of Representatives, State of Georgia; Joan Wagnon, Secretary of Revenue, State of Kansas; and public witnesses.

## METHAMPHETAMINE EPIDEMIC ELIMINATION ACT

*Committee on the Judiciary:* Subcommittee on Crime, Terrorism, and Homeland Security held a hearing on H.R. 3889, Methamphetamine Epidemic Elimination Act. Testimony was heard from Representatives Souder and Kennedy of Minnesota; Joseph T. Rannazzisi, Deputy Chief, Office of Enforcement Operations, DEA, Department of Justice; and a public witness.

## MISCELLANEOUS MEASURES

*Committee on Resources:* Subcommittee on Forests and Forest Health held a hearing on the following bills: H.R. 679, To direct the Secretary of the Interior to convey a parcel of real property to Beaver County, Utah; H.R. 2069, Utah Recreational Land Exchange Act of 2005; H.R. 3462, To provide for the conveyance of the Bureau of Land Management parcels known as the White Acre and Gambel Oak properties and related real property to Park City, Utah; and H.R. 3818, Forest Service Partnership Enhancement Act of 2005. Testimony was heard from Jack Troyer, Regional Forester, Inner Mountain Region 4, Forest Service, USDA; Chad Calvert, Deputy Assistant Secretary, Lands and Minerals Management, Department of the Interior; Dana Williams, Mayor, Park City, Utah; and public witnesses.

## MISCELLANEOUS MEASURES

*Committee on Resources:* Subcommittee on Water and Power held a hearing on the following measures: H.R. 1564, Yakima-Tieton Irrigation District Conveyance Act of 2005; H.R. 2873, Albuquerque Biological Park Title Clarification Act; H.R. 2925, To amend the Reclamation States Emergency Drought Relief Act of 1991 to extend the authority for drought assistance; H.R. 3443, To direct the Secretary of the Interior to convey certain water distribution facilities to the Northern Colorado Water Conservancy District; and a measure regarding a water supply project near Madera, California. Testimony was heard from Jack Garner, Acting Deputy Commissioner, Bureau of Reclamation, Department of the Interior; and public witnesses.

## DEPARTMENT OF JUSTICE APPROPRIATIONS AUTHORIZATION ACT, FISCAL YEARS 2006 THROUGH 2009

*Committee of Rules:* Granted, by voice vote, a structured rule providing one hour of general debate on H.R. 3402, to authorized appropriations for the Department of Justice for fiscal years 2006 through 2009, equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. The rule waives all points of order against consideration of the bill. The rule provides that the amendment in nature of a substitute recommended by the Committee on the Judiciary now printed in the bill shall be considered as an original bill for the purpose of amendment. The rule waives all points of order against the amendment in the nature of a substitute recommended by the Committee on the Judiciary.

The rule makes in order only those amendment printed in the Rules Committee report accompanying the resolution. The rule provides that the amendments printed in the report may be considered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole. The rule waives all points of order against the amendments printed in the report. Finally, the rule provides one motion to recommit with or without instructions. Testimony was heard from Chairman Sensenbrenner and Representatives Flake, King of Iowa, Kolbe, Bartlett of Maryland, Brown-Waite of Florida, Conyers, Slaughter, Maloney of New York, Stupak, McCarthy of New York, Holt, Watson, Cuellar and Herseth.

## SOCIAL SECURITY DISABILITY

*Committee on Ways and Means:* Subcommittee on Social Security and the Subcommittee on Human Resources held a joint hearing on the Commissioner of Social Security's proposed regulation to improve the disability determination process. Testimony was heard from Jo Anne B. Barnhart, Commissioner, SSA; Judge Howard D. McKibben, Chair, Judicial Conference Committee, Federal-State Jurisdiction, Administrative Office of the U.S. Courts; and public witnesses.

## HURRICANE—ROLE OF FEMA

*Select Bipartisan Committee to Investigate the Preparation for and Response to Hurricane Katrina:* Held a hearing entitled ''Hurricane Katrina: the Role of the Federal Emergency Management Agency. Testimony was heard from Michael D. Brown former Under Secretary, Emergency Preparedness and Response and Director, FEMA, Department of Homeland Security.

---

## COMMITTEE MEETINGS FOR WEDNESDAY, SEPTEMBER 28, 2005

*(Committee meetings are open unless otherwise indicated)*

### Senate

*Committee on Appropriations:* business meeting to markup H.R. 2863, making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, 2 p.m., SD–106.

*Committee on Commerce, Science, and Transportation:* to hold hearings to examine S. 1334, to provide for integrity and accountability in professional sports, and S. 1114, to establish minimum drug testing standards for major professional sports leagues, 10 a.m., SH–216.

*Committee on Energy and Natural Resources:* business meeting to consider pending calendar business, 11:30 a.m., SD–366.

Subcommittee on Public Lands and Forests, to hold oversight hearings to examine the grazing programs of the Bureau of Land Management and the Forest Service, including proposed changes to grazing regulations, and the status of grazing permit renewals, monitoring programs and allotment restocking plans, 2:30 p.m., SD–366.

*Committee on Environment and Public Works:* to hold hearings to examine the role of science in environmental policy making, 9:30 a.m., SD–406.

*Committee on Finance:* to hold hearings to examine community rebuilding needs and effectiveness of past proposals relating to Hurricane Katrina, 10 a.m., SD–215.

*Committee on Foreign Relations:* to hold hearings to examine the international response to Darfur, 9:30 a.m., SR–325.

*Committee on Homeland Security and Governmental Affairs:* to resume hearings to examine responding to the immediate needs of victims relating to recovering from Hurricane Katrina, focusing on the needs of those displaced, today and tomorrow, 9:30 a.m., SD–342.

*Committee on the Judiciary:* to hold hearings to examine protecting copyright and innovation in a post-Grokster world, 9:30 a.m., SD–226.

## House

*Committee on Agriculture,* Subcommittee on Livestock and Horticulture, hearing to review the development of a private sector-based National Animal Identification System (NAIS), 1:30 p.m., Longworth.

*Committee on Appropriations,* Subcommittee on Defense, hearing on Department of Defense (Hurricane Katrina), 3 p.m., 2359 Rayburn.

Subcommittee on Energy and Water Development, and Related Agencies, hearing on Corps of Engineers (Hurricane Katrina), 2 p.m., 2362–B Rayburn.

*Committee on Armed Services,* Committee Defense Review Threat Panel, hearing on threats in Middle East and Africa, 10 a.m., 2118 Rayburn.

*Committee on Energy and Commerce,* to mark up H.R. 3893, Gasoline for America's Security Act of 2005, 8 a.m., 2123 Rayburn.

Subcommittee on Oversight and Investigations, hearing entitled "Guarding Against Waste, Fraud, and Abuse in Post-Katrina Relief and Recovery: The Plans of Inspectors General, 10 a.m., 2123 Rayburn.

*Committee on Financial Services,* Subcommittee on Financial Institutions and Consumer Credit, hearing entitled "Private Sector Priorities for Basel Reform," 10 a.m., 2128 Rayburn.

*Committee on Government Reform,* Subcommittee on Regulatory Affairs, hearing entitled "The Impact of Regulation on U.S. Manufacturing: Spotlight on the Environmental Protection Agency," 10 a.m., 2154 Rayburn.

*Committee on Homeland Security,* Subcommittee on Economic Security, Infrastructure Protection, and Cybersecurity, hearing entitled "Solving the OTM Undocumented Alien Problem: Expedited Removal for Apprehensions along the U.S. Boarder," 2 p.m., 311 Cannon.

Subcommittee on Management, Integration, and Oversight, hearing entitled "Sniffing Out Terrorism: The Use of Dogs in Homeland Security," 11 a.m., 311 Cannon.

*Committee on International Relations,* hearing and briefing on United Nations Rhetoric or Reform: Outcome of the High-Level Event, 10:30 a.m., 2172 Rayburn.

Subcommittee on Western Hemisphere, hearing on Keeping Democracy on Track: Hotspots in Latin America, and to mark up a resolution expressing the sense of Congress that the Government of the United States should actively support the aspirations of the democratic political and social forces in the Republic of Nicaragua toward an immediate and full restoration of functioning democracy in that county, 1:30 p.m., 2172 Rayburn.

*Committee on the Judiciary,* Subcommittee on the Constitution, to mark up H. Res. 97, Expressing the sense of the House of Representatives that judicial determinations regarding the meaning of the Constitution of the United States should not be based on judgments, laws, of pronouncements of foreign institutions unless such foreign judgments, laws or pronouncements inform an understanding of the original meaning of the Constitution of the United States, 3 p.m., 2141 Rayburn.

*Committee on Resources,* to mark up the National Energy Supply Diversification and Disruption Prevention Act, 10 a.m., 1324 Longworth.

*Committee on Rules,* to consider H.R. 3824, Threatened and Endangered Species Recovery Act of 2005, 3 p.m., H–313 Capitol.

*Committee on Transportation and Infrastructure,* Subcommittee on Aviation, oversight hearing on Current Situation and Future Outlook of U.S. Commercial Airline Industry, 2 p.m., 2167 Rayburn.

*Committee on Veterans' Affairs,* oversight hearing regarding the status of seamless transition between the Department of Defense and the Department of Veterans Affairs, 10:30 a.m., 334 Cannon.

*Committee on Ways and Means,* hearing on United States-Japan Economic and Trade Relations, 1 p.m., 1100 Longworth.

*Permanent Select Committee on Intelligence*, executive, hearing on the Military Intelligence Program, 1 p.m., H–405 Capitol.

*Next Meeting of the* SENATE

9:30 a.m., Wednesday, September 28

Senate Chamber

**Program for Wednesday:** Senate will continue consideration of the nomination of John G. Roberts, Jr., of Maryland, to be Chief Justice of the United States.

*Next Meeting of the* HOUSE OF REPRESENTATIVES

10 a.m., Wednesday, September 28

House Chamber

**Program for Wednesday:** Consideration of Suspensions: (1) H. Res. 388, Expressing the sense of the House of Representatives regarding the July, 2005, measures of extreme repression on the part of the Cuban Government; (2) H.R. 3200, Servicemembers' Group Life Insurance Enhancement Act of 2005; (3) H.R. 3864, Assistance for Individuals with Disabilities Affected by Hurricanes Katrina and Rita Act of 2005; (4) S. 1752, To amend the United States Grain Standards Act to reauthorize that Act; and (5) H. Con. Res. 245, Expressing the sense of Congress that the United States Supreme Court should speedily find the use of the Pledge of Allegiance in schools to be consistent with the Constitution of the United States. Consideration of H.R. 3402, Department of Justice Appropriations Authorization Act, Fiscal Years 2006 through 2009.

## Extensions of Remarks, as inserted in this issue

HOUSE

Ackerman, Gary L., N.Y., E1957
Blumenauer, Earl, Ore., E1960, E1962
Brown-Waite, Ginny, Fla., E1954
Burgess, Michael C., Tex., E1950, E1952, E1953, E1954
Camp, Dave, Mich., E1956
Castle, Michael N., Del., E1956
Cleaver, Emanuel, Mo., E1964
Clyburn, James E., S.C., E1960
Davis, Danny K., Ill., E1963
Dingell, John D., Mich., E1953
Dreier, David, Calif., E1954
Farr, Sam, Calif., E1951, E1952
Green, Mark, Wisc., E1962
Higgins, Brian, N.Y., E1950, E1951, E1952
Issa, Darrell E., Calif., E1964
Jones, Stephanie Tubbs, Ohio, E1951, E1952
Kaptur, Marcy, Ohio, E1961
Kildee, Dale E., Mich., E1957
Kilpatrick, Carolyn C., Mich., E1963
Lantos, Tom, Calif., E1949, E1958
Leach, James A., Iowa, E1960
McCollum, Betty, Minn., E1963
Markey, Edward J., Mass., E1955
Meek, Kendrick B., Fla., E1953
Miller, George, Calif., E1955
Moore, Dennis, Kans., E1964
Musgrave, Marilyn N., Colo., E1950, E1952
Norwood, Charlie, Ga., E1962
Pence, Mike, Ind., E1956
Poe, Ted, Tex., E1964
Porter, Jon C., Nev., E1953
Sanders, Bernard, Vt., E1950, E1951
Schiff, Adam B., Calif., E1953
Smith, Christopher H., N.J., E1962
Tancredo, Thomas G., Colo., E1960
Tauscher, Ellen O., Calif., E1957
Wexler, Robert, Fla., E1963

Congressional Record

The *Congressional Record* (USPS 087–390). The Periodicals postage is paid at Washington, D.C. The public proceedings of each House of Congress, as reported by the Official Reporters thereof, are printed pursuant to directions of the Joint Committee on Printing as authorized by appropriate provisions of Title 44, United States Code, and published for each day that one or both Houses are in session, excepting very infrequent instances when two or more unusually small consecutive issues are printed one time. ¶Public access to the *Congressional Record* is available online through *GPO Access*, a service of the Government Printing Office, free of charge to the user. The online database is updated each day the *Congressional Record* is published. The database includes both text and graphics from the beginning of the 103d Congress, 2d session (January 1994) forward. It is available through *GPO Access* at www.gpo.gov/gpoaccess. Customers can also access this information with WAIS client software, via telnet at swais.access.gpo.gov, or dial-in using communications software and a modem at 202–512–1661. Questions or comments regarding this database or *GPO Access* can be directed to the *GPO Access* User Support Team at: E-Mail: gpoaccess@gpo.gov; Phone 1–888–293–6498 (toll-free), 202–512–1530 (D.C. area); Fax: 202–512–1262. The Team's hours of availability are Monday through Friday, 7:00 a.m. to 5:30 p.m., Eastern Standard Time, except Federal holidays. ¶The *Congressional Record* paper and 24x microfiche edition will be furnished by mail to subscribers, free of postage, at the following prices: paper edition, $252.00 for six months, $503.00 per year, or purchased as follows: less than 200 pages, $10.50; between 200 and 400 pages, $21.00; greater than 400 pages, $31.50, payable in advance; microfiche edition, $146.00 per year, or purchased for $3.00 per issue payable in advance. The semimonthly *Congressional Record Index* may be purchased for the same per issue prices. To place an order for any of these products, visit the U.S. Government Online Bookstore at: bookstore.gpo.gov. Mail orders to: Superintendent of Documents, P.O. Box 371954, Pittsburgh, PA 15250–7954, or phone orders to 866–512–1800 (toll free), 202–512–1800 (D.C. area), or fax to 202–512–2250. Remit check or money order, made payable to the Superintendent of Documents, or use VISA, MasterCard, Discover, American Express, or GPO Deposit Account. ¶Following each session of Congress, the daily *Congressional Record* is revised, printed, permanently bound and sold by the Superintendent of Documents in individual parts or by sets. ¶With the exception of copyrighted articles, there are no restrictions on the republication of material from the *Congressional Record*.

**POSTMASTER:** Send address changes to the Superintendent of Documents, *Congressional Record*, U.S. Government Printing Office, Washington, D.C. 20402, along with the entire mailing label from the last issue received.