

activist view on this issue. She participated in a ceremony herself. Then, when asked about her view toward same-sex unions, she said she considers it a continuing legal controversy. Her words: I really don't have an understanding of it, concerning the Michigan law. In Michigan, the State has defined marriage as the union of a man and a woman, both by the legislature and the people. She says it is not entirely settled. Here is an activist on a core issue, a difficult issue, one I think we all believe should be decided by legislative bodies and not by the courts. She would be one who would have a tendency to rule from the bench.

I urge my colleagues to vote against Judge Neff.

The ACTING PRESIDENT pro tempore. The Senator from Vermont.

Mr. LEAHY. Mr. President, Judge Neff was voted out of the committee with strong bipartisan support and was on the agenda to be confirmed under Republican control of the Senate last year when we had the snag on judges. She has my strong support and the support of the committee. I urge that she be confirmed.

If nobody else is seeking recognition, I yield back the remainder of my time.

The ACTING PRESIDENT pro tempore. The question is, Will the Senate advise and consent to the nomination of Janet T. Neff, of Michigan, to be United States District Judge for the Western District of Michigan?

The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from North Dakota (Mr. DORGAN), the Senator from Hawaii (Mr. INOUE), the Senator from South Dakota (Mr. JOHNSON), the Senator from Arkansas (Mrs. LINCOLN), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from Colorado (Mr. ALLARD), the Senator from North Carolina (Mr. BURR), the Senator from Georgia (Mr. CHAMBLISS), the Senator from Nevada (Mr. ENSIGN), the Senator from Arizona (Mr. MCCAIN), the Senator from South Dakota (Mr. THUNE), the Senator from Louisiana (Mr. VITTER), and the Senator from Ohio (Mr. VOINOVICH).

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 83, nays 4, as follows:

[Rollcall Vote No. 240 Ex.]

YEAS—83

Akaka	Cantwell	Craig
Alexander	Cardin	Crapo
Barrasso	Carper	DeMint
Baucus	Casey	Dodd
Bayh	Clinton	Dole
Bennett	Coburn	Domenici
Biden	Cochran	Durbin
Bingaman	Coleman	Enzi
Bond	Collins	Feingold
Boxer	Conrad	Feinstein
Brown	Corker	Graham
Byrd	Cornyn	Grassley

Gregg	Lott	Sanders
Hagel	Lugar	Schumer
Harkin	McCaskill	Sessions
Hatch	McConnell	Shelby
Hutchison	Menendez	Smith
Inhofe	Mikulski	Snowe
Isakson	Murkowski	Specter
Kennedy	Murray	Stabenow
Kerry	Nelson (FL)	Stevens
Klobuchar	Nelson (NE)	Sununu
Kohl	Pryor	Tester
Landrieu	Reed	Warner
Lautenberg	Reid	Webb
Leahy	Roberts	Whitehouse
Levin	Rockefeller	Wyden
Lieberman	Salazar	

NAYS—4

Brownback	Kyl
Bunning	Martinez

NOT VOTING—13

Allard	Inouye	Thune
Burr	Johnson	Vitter
Chambliss	Lincoln	Voinovich
Dorgan	McCain	
Ensign	Obama	

The nomination was confirmed.

#### NOMINATION OF PAUL LEWIS MALONEY TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF MICHIGAN

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to Executive Calendar No. 139, which the clerk will report.

The assistant legislative clerk read the nomination of Paul Lewis Maloney, of Michigan, to be United States District Judge for the Western District of Michigan.

The ACTING PRESIDENT pro tempore. The question is, Will the Senate advise and consent to the nomination of Paul Lewis Maloney, of Michigan, to be a United States District Judge for the Western District of Michigan?

The nomination was confirmed.

#### NOMINATION OF ROBERT JAMES JONKER TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF MICHIGAN

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to Executive Calendar No. 154, which the clerk will report.

The assistant legislative clerk read the nomination of Robert James Jonker to be United States District Judge for the Western District of Michigan.

The ACTING PRESIDENT pro tempore. The question is, Will the Senate advise and consent to the nomination of Robert James Jonker, of Michigan, to be United States District Judge for the Western District of Michigan?

The nomination was confirmed.

The ACTING PRESIDENT pro tempore. Motions to reconsider are laid on the table.

The President will be notified of the Senate's action.

#### LEGISLATIVE SESSION

The ACTING PRESIDENT pro tempore. The Senate will return to legislative session.

The Senator from Oklahoma is recognized.

#### TERRORISM

Mr. INHOFE. Mr. President, during the last week that we were not here during the Fourth of July recess, there was a lot of misinformation floating around about things that may or may not be happening concerning the war on terrorism. I would like to make some clarifications, if I could.

I think it is very significant that we understand what is really going on, not what some of the media tell us is going on. I have found through my experience—and I say this: I come to the floor with probably having made more trips to the Iraqi AOR, 14 in total, than any other Member, so I have been there quite a few times. I have watched the changes as the changes have taken place.

Let me share with my colleagues, first of all, a little background. The United States Code defines terrorism as premeditated, politically motivated violence perpetrated against non-combatant targets by subnational groups or clandestine agents. Their goal is to inflict the maximum amount of damage and pain to civilians irrespective of age, race, gender, or religion. It will remain a global threat for the foreseeable future. It is global. I think a lot of people don't realize how global this is but, if we just look at the things that have happened recently, including terrorist attacks in Somalia, Kenya, and Tanzania. We remember in those places the Embassies being blown up. The United States, France, Morocco, Turkey, Spain, Indonesia, Great Britain, Jordan, Egypt, Saudi Arabia, Philippines, Algeria, Yemen, and Tunisia are just a partial list of some of the places where there have been terrorist attacks.

The National Counterterrorism Center reported approximately 14,000 terrorist attacks during 2006. Over 50 percent of the attacks occurred in Iraq or Afghanistan. Reported incidents decreased for Europe, Eurasia, South Asia, and the Western Hemisphere.

Now, the following terrorist-related attacks occurred within the past 30 days outside of Iraq and Afghanistan. The mentality that somehow it is all happening in Iraq is false. There were some statements made in declaring certain areas in Iraq to potentially be the terrorist capital, but we will talk about that in a minute.

A car bomb exploded outside of the Somalian Prime Minister's residence killing six people. This is all in the last 30 days. A bomb exploded in front of a crowded tea shop in Thailand killing 1 woman and wounding 28 others. That was on June 8. An explosion outside the

Ambassador Hotel in Nairobi, Kenya, killed 1 and injured 37. I might add that was a mere 3 days from the time I was actually staying in that hotel. A bomb exploded outside a clothing shop in Istanbul, Turkey, wounding 14 people. A car bomb in a Beirut seaside neighborhood killed 10 people and wounded 11 others. Suicide bombers drove an SUV into the Glasgow airport doors, injuring six people. A suicide bomber drove into a convoy of Spanish tourists, killing nine people and wounding five others. That is just what has been taking place in the last month.

In the United States, President Bush organized and energized the Federal Government to pass the PATRIOT Act which broke down the walls between Federal law enforcement and intelligence communities. It created the Department of Homeland Security, merging 22 different Government organizations. It created the position of Director of National Intelligence to seamlessly integrate operations of intelligence agencies.

We have had this problem for a long time. I recall when I was first elected, when I came from the House to the Senate, and my predecessor was David Boren, who is now the President of Oklahoma University, and the last thing he told me before I was sworn in was one of the biggest problems we have is in coordinating our intelligence communities so that everybody knows what everybody else is doing. We hadn't really done that until 9/11 came along and we started getting serious about it. I am sure President Boren will be very glad to know that this is an important improvement that has been made. We directed the National Security Agency to monitor terrorist communications and established a program to detain and question key terrorist leaders and operatives. I know there is a lot of talk about what is torture and what is not torture. But we do know that HUMINT, human intelligence, is very, very important. It is something we have to consider, the lives of those who would be lost versus the lives of criminals who are being interrogated.

We placed state-of-the-art equipment in major cities in the United States to detect nuclear and radiological weapons and biological agents. We placed advanced screening and equipment and Homeland Security personnel at foreign ports to prescreen cargo headed for the United States.

I think it is very interesting that a lot of people are talking about how much this has cost.

Everything I have read costs something. The question is, How many lives has it saved? That is something very difficult to ascertain. Fighting the terrorists is a coalition of more than 90 nations. It is not just the United States, it is the United States and 90 other nations—a coalition of nations that has sought to synchronize diplomatic, intelligence, law enforcement,

economic, financial, and military power to attack terrorism globally. I believe it is working. As the President has recently said, to strike our country, the terrorists only have to be right once. To protect our country, we have to be right 100 percent of the time. As we learned on 9/11, and many times in other countries, it only takes one time for them to be successful. We know that some of the results are significant.

We captured an al-Qaida operative named Ali Saleh al-Marri in the United States, who we believe was targeting water reservoirs, the New York Stock Exchange, and the U.S. military academies in December 2001. This was the first post-9/11 plot that was thwarted. Al-Marri offered himself as a martyr to Khalid Shaikh Mohammed, the mastermind of 9/11. He was his No. 1 man. He sent him to the United States after he received training in poisons at an al-Qaida camp.

It is kind of interesting that people say there is no connection between Iraq and al-Qaida when, in fact, we know now and can release information on several training camps that were there. Very likely, he could have been trained in that particular camp.

The British authorities broke up a plot to blow up passenger airplanes flying to America, which could have rivaled 9/11. We know that happened. The plot was foiled in August of 2006. They planned to blow up as many as 12 U.S.-bound passenger jets. They planned to use liquid explosives hidden in carry-on luggage. U.S.-British authorities had a group under surveillance for many months, and many of the suspects were British citizens of Pakistani origin. They thwarted that. That didn't happen. That could have happened and, very likely, would have except for all these efforts of the United States and other countries.

We broke up two other post-9/11 aviation plots—one targeting the Library Tower in Los Angeles and the other targeting the east coast. An al-Qaida leader in Southeast Asia, known as Hambali, recruited Jemaah Islamiyah operatives of Asian origin. The plot was derailed early in 2002 with international cooperation. Library Tower is the tallest building west of the Mississippi, 1,018 feet tall. It is among the 25 tallest buildings in the world. That didn't happen. That was planned. It could have happened. It was stopped by this combined effort.

Four men were indicted in an alleged plot to attack John F. Kennedy International Airport by blowing up a jet fuel supply. They planned to hit the fuel farms and a 40-mile aviation fuel supply pipeline, and they specifically targeted the symbolism of JFK, sought to invoke emotional reaction saying, "It is like killing the man twice." That is their statement. Suspects were tied to extremist groups in South America and the Caribbean, specifically Guyana and Trinidad. One suspect was a former airport cargo worker. They sought

massive disruption of the U.S. economy by cutting off this major artery of travel that connects the United States to the rest of the world—over a thousand flights a day, half of which are international, 45 million passengers and 1.5 million tons of cargo a year.

They disrupted a plot by a group of al-Qaida-inspired extremists to kill American soldiers at Fort Dix in New Jersey, which was the result of a 16-month investigation by the Justice Department and the FBI. Suspects had taken an incriminating video to the store to be transferred to DVD. The video showed calls for jihad and radical and violent ranting in Arabic, including images of the men firing assault weapons.

Terrorists attempted to detonate two car bombs using cell phones in London's West End. That happened over the last recess we had. It heightened public awareness and quick police action prevented detonations of two Mercedes car bombs. This was a concerted effort. We and the Brits were in on that. All others on this team worked very well and very effectively.

Now, in Iraq, we have had success that is critical to our long-term fight against terrorism. Osama bin Laden calls the struggle in Iraq a "war of destiny." Al-Qaida sees victory in Iraq as a religious strategic imperative, a base from which to launch new attacks around the globe.

While I am troubled the war has cost us, I believe it is absolutely necessary for us to be able to have this success. I can recall a year ago standing at this podium in the Senate quoting al-Qaida, saying Ramadi—that province in Iraq was going to become the terrorist capital of Iraq. When I was in Ramadi a matter of days ago, we found that there are new groups of people cooperating now that never cooperated before. I think some of the people in this body who were talking about surrender resolutions and all that—it got their attention. Maybe that performed a useful function because all of a sudden the people woke up. I learned something there too. All these political leaders we hear about, such as Prime Minister Maliki and Defense Minister Jasim and Dr. Rubiya, and some of the rest—I thought they were the ones who were the leaders. I think it is the clerics in the mosques. All of a sudden, they became concerned and, up until that time, we had been monitoring all of the procedures and the performances they have had on a weekly basis in the mosques. Eighty-five percent of them have been, up until December of this last year, anti-American messages. As of April, there haven't been any anti-American messages. That shows that the clerics have gotten involved in this thing. In Tulsa, OK, we have neighborhood watch programs, where people get neighbors to watch and see what is going on. This is happening throughout Iraq, where they are spraying orange spray paint around IEDs that haven't

been detonated so our troops could disarm them. Those things have happened. I think the joint security stations have been very successful in Baghdad. Instead of our troops going out and coming back into the green zone at night, they stay and get to know and develop close, intimate relationships with the Iraqi security forces and their families. That has had a tremendously positive effect.

The future will be difficult in the fight against terrorism. It is not a sprint, it is a marathon. We have to remain vigilant, determined, and strong. I want our troops to come home as badly as anybody. When you think about the consequences of losing this thing, all it would take for these people who are crying out about their feelings and saying let's get out of Iraq, all it would take is one successful terrorist attack similar to those that have been stopped through this joint effort. We would have to pay dearly.

I hope people will sit back and realize we have access to information the general public doesn't have. Sure, the polls show the majority of people would like to have our troops come back. I would, too, but when you ask the questions and give them the alternatives, they would rather win this war than resign from it.

#### FAIRNESS DOCTRINE

Mr. INHOFE. Mr. President, I am pleased to cosponsor, with Senator COLEMAN, an amendment to prohibit the reimplementing of the Fairness Doctrine.

As we may remember, over the past few weeks, the Fairness Doctrine has received a lot of attention. Some Senators spoke about the need to reinstitute this doctrine. The Fairness Doctrine is a regulation the Federal Communications Commission developed to require FCC-licensed broadcasters to provide contrasting viewpoints on controversial issues. However, the FCC conducted a review of this regulation in 1985, concluding that "we no longer believe that the Fairness Doctrine serves the public interest." In explaining why the FCC reached this conclusion, they wrote:

The interest of the public is fully served by the multiplicity of voices in the marketplace today and that the intrusion by Government into the content of programming unnecessarily restricts the journalistic freedoms of broadcasters.

The FCC's refusal to enforce the Fairness Doctrine was later upheld in the D.C. Circuit Court of Appeals.

Why would a regulation that was found to be unnecessary over 20 years ago be controversial today? Well, we found out why. On June 22, the Center for American Progress issued a report called "The Structural Imbalance of Political Talk Radio." Keep in mind that the Center for American Progress is a liberal think tank funded by George Soros and led by John Podesta and a lot of former Clinton White

House people in it. The report issued was authored, in part, by a former Clinton White House adviser. This report, not surprisingly, found that 91 percent—I believe this to be true—of political talk radio programming was conservative and 9 percent was progressive or liberal. However, what is surprising is the report suggested antifree market and antifree speech recommendations to supposedly provide balance in talk radio programming. There is a very controversial statement I made in the presence of a couple of our fellow Senators not too long ago when they were talking about the fact that there is so much conservative bias in talk radio. I said it is market driven. That is what America is all about. It is market driven. There is no market for the progressive or liberal programming.

I remember when the DOD was trying to feed the American Forces Radio and television services in the Armed Forces Network and have 50 percent of the programming be liberal. We fought that out on the floor of the Senate and we won because freedom of speech is more important. Consequently, we have gone back and let them decide—our troops—as to the programming they want. It is all done in a fair way so our troops at least can hear what they want to hear over talk radio.

This is for those people who think they have balanced political talk radio. This is a report on that subject. As I go through this, first of all, it identifies the problem they consider—conservative bias. That is what the American people want. It says:

If commercial radio broadcasters are unwilling to abide by these regulatory standards or the FCC is unable to effectively regulate in the public interest, a spectrum use fee should be levied on owners to directly support local, regional, and national broadcasting.

That is this report. In other words, they are saying not only do these people who, because of their popularity, because of the content and the way they deliver it—not only would they lose their programs, but they would also have to give money to support public broadcasting. This is the most outrageous thing I have ever seen.

I don't think this can happen in America. When you get John Podesta and the former Clinton White House team and their minds set to doing something, they are smart people, and I don't take this lightly. I ask as many people as possible to support our efforts to pass legislation to stop any effort to reinstitute the Fairness Doctrine. I think we should call it something else, such as the Government-run broadcasting.

With that, I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

#### UNANIMOUS-CONSENT REQUEST— H.R. 1585

Mr. REID. Mr. President, I ask unanimous consent that when the Senate resumes consideration tomorrow of Senator WEBB's amendment No. 2012, that the second-degree amendment be withdrawn and there be 4 hours for debate equally divided in the usual form on that amendment, and that at the conclusion or yielding back of that 4 hours, the Senate vote, without intervening action, on the Webb amendment.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. MCCONNELL. Reserving the right to object, I say to my good friend the majority leader, this amendment was just laid down a couple hours ago. The chairman of the committee and the ranking member of the committee were not even here today. The ranking member will be here tomorrow. He has not even had an opportunity to make his opening statement. We wish to offer a side by side, probably to be offered by Senator LINDSEY GRAHAM, a member of the committee. I was hoping we might be able to enter into a consent agreement that gave us a chance for an alternative, which is frequently the way these things are handled.

Bearing that in mind, Mr. President, I am constrained to object.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. REID. Mr. President, my friend has stated he would object to 4 hours, and I assume the same answer would be to 6 hours or 8 hours; is that right, I say to my friend.

Mr. MCCONNELL. Mr. President, I say to my friend the majority leader, yes, at the moment. I am hopeful we can work out an agreement under which we could have a side by side, which is the way these things are often done in the Senate.

Mr. REID. I understand that, Mr. President, what I suggest then is this: Senator LEVIN has been here all day. He didn't give his opening statement because he was occupied doing other business. He is here now. He was here all today in the Senate. I talked with him earlier this morning. What I suggest then is we get an agreement that if, in fact, I file cloture tomorrow, we can have a cloture vote on Wednesday. That way we wouldn't do it tonight. We will work with the minority leader. I think there is a strong possibility we could do side by sides. We wouldn't lose anything by waiting until tomorrow to see if we can work out some agreement.

What I am asking is that rather than my filing cloture tonight, hopefully I won't have to do it tomorrow, but if I did on this amendment, rather than waiting until Thursday to vote on it, could I have an agreement from my