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## Senate

The Senate met at 9:45 a.m. and was called to order by the Honorable DAVID VITTER, a Senator from the State of Louisiana.

The PRESIDING OFFICER. Today's prayer will be offered by the former Senate Chaplain, Dr. Lloyd John Ogilvie.

### PRAYER

The guest Chaplain offered the following prayer:

Gracious God, You have chosen us to be present to Your presence in each moment of this day. Our souls snap to attention. We salute You as sovereign of our beloved Nation and personal Lord of our lives.

Lord, on behalf of the people of this Nation, I pray for the women and men of this Senate and all who serve with them. Continue to put a bellows on the red embers in the hearth of their hearts. Set them aflame again with the passion of patriotism. Rekindle in them a sense of their divine election by You. You have made work in government one of the highest callings. Our times demand greatness—the greatness of seeking Your best for our Nation, dependence on Your supernatural guidance, and commitment to unity as Americans.

On this day of the State of the Union Address by our President, we ask for Your special blessing on him. We renew our loyalty to him as our President, our attentiveness to listen to him, and our prayerful reflection on his vision for the awesome issues before our Nation and our terrorism-turbulent world. As he stands before the joint session of Congress and our Nation, clear the prayer channels as we join with Americans everywhere in prayer for Your guidance for him.

Today, Lord, we praise You for the courageous life of Coretta Scott King, so faithfully committed to the cause of human rights and equality.

And now, Spirit of the living God, fall afresh on the Senators as they seek to work together with civility and mutual respect. You are Jehovah Shammah who promises to be present

with us, Immanuel, our Saviour, who will never leave nor forsake us.  
Amen.

### PLEDGE OF ALLEGIANCE

The Honorable DAVID VITTER 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.

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, January 31, 2006.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable DAVID VITTER, a Senator from the State of Louisiana, to perform the duties of the Chair.

TED STEVENS,  
President pro tempore.

Mr. VITTER thereupon assumed the chair as Acting President pro tempore.

### RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

### SCHEDULE

Mr. FRIST. Mr. President, this morning we will have the final closing remarks with respect to the confirmation of Judge Alito to be Associate Justice of the Supreme Court. The vote on the confirmation is scheduled for 11 o'clock this morning. I remind all of our colleagues to be seated at their desks in the Senate Chamber for this historic vote.

Following the confirmation vote, we will consider the nomination of Ben Bernanke to be a member and the Chairman of the Federal Reserve to succeed Chairman Alan Greenspan. Under the time agreement, we will have 1 hour of debate under the control of Chairman SHELBY and the ranking member, Senator SARBANES. No rollcall vote is necessary on the Bernanke nomination, and we will have a voice vote on the confirmation.

Finally, this evening the Senate will gather in the Senate Chamber at 8:30 and proceed as a body to the House Chamber at 8:35 to hear the President's annual State of the Union Address. Members are asked to please plan their schedules accordingly for today's events.

I yield the floor.

### RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The minority leader is recognized.

### ALLOCATION OF TIME

Mr. REID. Mr. President, before the majority leader leaves the floor, we have an hour of time divided before the 11 o'clock vote. I know the short amount of time we have is allocated to the very second. I am wondering if it would be appropriate to have a full hour prior to the vote. I guess my question is, How much time do you need on your side?

### PATRIOT ACT REAUTHORIZATION

Mr. REID. Mr. President, a small number of provisions of the USA PATRIOT Act are due to expire. Senate Democrats stand ready to provide law enforcement with all necessary tools to keep Americans safe from terrorism. Democrats supported the original PATRIOT Act that was passed in 2001. We supported the reauthorization bill that passed the Senate unanimously this past summer. And we support reauthorization of the PATRIOT Act now with modest improvements.

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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A reauthorization bill should continue to provide the Government with the tools it needs to fight terrorism but must also include sufficient checks to protect against potential governmental abuse of these expansive powers. There is widespread bipartisan support for a reauthorization bill that will protect both national security and the rights of innocent Americans.

I applaud Senators SUNUNU, CRAIG, MURKOWSKI, and HAGEL for their principled stand on this issue. I urge the White House to work with these Senators and with Senators LEAHY and SPECTER to craft a bill that all Senators can support. If a compromise cannot be reached before the end of this week, we are willing to enact another short-term extension of the current law. There has already been discussion of a 6-week extension of the act to give negotiators time to finalize a long-term reauthorization bill. That approach will be satisfactory to this side of the aisle. We do not want the PATRIOT Act to expire. There is no reason it should.

#### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

#### EXECUTIVE SESSION

#### NOMINATION OF SAMUEL A. ALITO, JR., TO BE AN ASSOCIATE JUSTICE OF THE SUPREME COURT OF THE UNITED STATES

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to executive session and resume consideration of Calendar No. 490, which the clerk will report.

The legislative clerk read the nomination of Samuel A. Alito, Jr., of New Jersey, to be an Associate Justice of the Supreme Court of the United States.

The ACTING PRESIDENT pro tempore. Under the previous order, the time until 10:20 a.m. shall be equally divided.

The Senator from Illinois is recognized.

Mr. DURBIN. Mr. President, will the Chair clarify before the time begins how much time we have now to debate?

The ACTING PRESIDENT pro tempore. Right now the minority side has 12 minutes, 30 seconds.

Mr. DURBIN. I thank the Chair. If he will be kind enough to notify me when I have reached 6 minutes.

The ACTING PRESIDENT pro tempore. Certainly.

Mr. DURBIN. I ask unanimous consent that Senator SCHUMER be recognized to follow me for the remaining period of time allotted to the Democratic side.

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

Mr. DURBIN. Mr. President, after voting on war, a vote on a Supreme Court nominee is the most important vote a U.S. Senator can cast. The selection of a Justice to the Supreme Court of the United States is one of those moments when 100 Senators speak for the rights, the hopes, and the dreams of 300 million Americans. Soon this Senate will vote on a lifetime appointment to the Supreme Court for Judge Samuel Alito. Judge Alito is likely to receive more "no" votes than any confirmed Supreme Court Justice in the history of the United States, other than Clarence Thomas. Why?

Two reasons: The first is Sam Alito's legal career which separates him from the legal mainstream in America. The second is the judge whom Judge Alito would replace. This is no ordinary vacancy. This is the Sandra Day O'Connor vacancy on the Supreme Court. In case after case during her career, Sandra Day O'Connor has cast the fifth and decisive vote. Her votes helped preserve the constitutional rights that many of us cherish: workers' rights, disability rights, the right to privacy, the separation of church and state, and the principle that in a democracy no man or woman is above the law.

As we prepare to vote for Justice O'Connor's successor, I am reminded of the words of Justice Harry Blackmun. Like Justice O'Connor, Justice Blackmun was a lifelong Republican. He was chosen to write the majority opinion in *Roe v. Wade*. In his dissent in a 1989 case that narrowed the protections of *Roe v. Wade*, Justice Blackmun wrote:

For today, the women of this Nation still retain the liberty to control their destinies. But the signs are evident and very ominous, and a chill wind blows.

I may be wrong about Judge Alito. If I am, no one will be more pleased. But I fear on this January morning in the Senate Chamber, a chill wind blows, a chill wind which will snuff out the dying light of Sandra Day O'Connor's Supreme Court legacy.

When you read his record as a Justice Department lawyer and a Federal judge, it seems unlikely that Justice Alito will preserve Justice O'Connor's respected record of measure and moderation. In case after case during his 15 years on the bench, Judge Alito has consistently sided with powerful special interests, big business, and the heavy hand of government against the individual. In many of these cases, Judge Alito was the lone voice. More than any of the 29 judges with whom he served, Sam Alito stood alone. Rarely did he stand on the side of the poor, the powerless, and the dispossessed.

Over the past several weeks during our hearings, we looked closely at the decisions he rendered. We heard about a case in which Sam Alito wrote a dissent denying a fair trial to an African-American defendant who was forced to stand trial for murder before an all-White jury. We heard about the case in which Judge Alito was the only judge on his court to rule that the Constitu-

tion authorized a strip-search of a 10-year-old girl not listed in the search warrant. We heard about a case in which Judge Alito was the only judge on his court to vote to dismiss the case of a mentally retarded man who was the victim of a brutal sexual assault in his workplace. He voted to dismiss this man's case because his lawyer wrote a poor legal brief.

Judge Alito has consistently ruled against those whose lives have been touched by the crushing hand of fate. As an ambitious young lawyer seeking a job with the Reagan administration, Judge Alito wrote flatly:

The Constitution does not protect a right to an abortion.

As a judge, he voted to uphold a controversial restriction on reproductive freedom, a position later rejected by the Supreme Court and Justice O'Connor.

When I asked Judge Alito at his hearing, is *Roe v. Wade* settled law in America, he did the Federalist Society shuffle, dancing away from admitting what he really believes. In all his words, never once would he say what John Roberts said, that *Roe v. Wade* is settled precedent.

With Sam Alito's nomination, when it comes to privacy rights and personal freedom, a chill wind blows for America.

In the area of Executive power, I fear that Judge Alito will do the most damage to our constitutional rights and civil liberties. His history tells us he will be more likely to defer to the President's power than to defend fundamental rights. Judge Alito is a disciple of a controversial theory that gives Presidents extremely broad powers. The so-called unitary executive theory has been cited by the administration in more than 100 bill signings.

What it basically says, according to some of its proponents, is that a President can ignore the laws he doesn't care to follow. I fear that Judge Alito will be an easy ally for this President or any President who seizes more power than the Constitution ever envisioned.

Last Friday I was walking through O'Hare Airport. A woman in an airline employee uniform came by and said hello as she passed. Then she came back to me.

She stopped me and she said: Senator, isn't this Alito thing really about holding a President back from doing things he should not be allowed to do? Isn't this really about checks and balances? It was a wonderful moment, a moment when a person who is busy with their life and family paused to think about the values that make America so unique.

There are some who will cheer the elevation of Judge Alito to the Supreme Court.

Yesterday, the New York Times ran a story with the headline, "In Alito, G.O.P. Reaps Harvest Planted in '82." The article lifted the veil behind the Alito nomination. It revealed that

Judge Alito is among a small group of lawyers who have been precleared by the ultraconservative Federalist Society.

We all remember the fury on the far right when President Bush first nominated Harriet Miers for this opening. Ms. Miers was not one of their chosen few, so they hounded her until the President withdrew her name from consideration.

But the far right is rejoicing with the name of Sam Alito. For the vast majority of Americans, there is no rejoicing. When we look to the Supreme Court as the last refuge for our rights and liberties, Sam Alito is no cause for celebration; he is a cause for great concern.

On this January morning, a chill wind blows.

Mr. President, I yield the floor.

Mr. SCHUMER. Mr. President, how much time remains before I begin?

The ACTING PRESIDENT pro tempore. There is 5 minutes 15 seconds remaining.

Mr. SCHUMER. Would it be possible to ask unanimous consent for an additional 2 minutes? I also ask unanimous consent that an additional 2 minutes be given to the other side.

The ACTING PRESIDENT pro tempore. Is there an objection?

Mr. SESSIONS. Mr. President, I thought the leaders agreed not to ask for additional time. Otherwise, I would not have an objection. I don't know what Senators Reid and Frist said. They have the time set for an 11 o'clock vote. So I am inclined to object unless—

The ACTING PRESIDENT pro tempore. There is objection. The Senator from Illinois is recognized.

Mr. DURBIN. I renew the request. At the risk of being smitten, I think we can afford 4 more minutes on a Supreme Court nominee.

Mr. SESSIONS. I will not object.

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

The Senator from New York is recognized.

Mr. SCHUMER. Mr. President, in a few minutes, we will vote on the nomination of Judge Samuel Alito to the Supreme Court. In a few hours, we will hear the President tell us about his view of the state of the Union. Without doubt, Judge Alito today has the votes to win confirmation. Without doubt, the President tonight will boast of his nominee's victory in this vote. But I must say that I wish the President were in a position to do more than claim partisan victory tonight. The Union would be better and stronger and more unified if we were confirming a different nominee—a nominee who would have united us more than divided us. Had he chosen such a person, the President could have taken the lecture this evening and rightfully claimed the mantle of leadership in the United States of America. Instead, this is not a day of triumph for anybody except the conservative minority who

caused the President to capitulate to their demands when Harriet Miers was not to their liking. There will be more votes against this nominee than on any since Clarence Thomas, who was hardly a unifying figure.

Tonight, when the President announces, to applause, the fact of Judge Alito's confirmation, what he should really hear, because of the partisan nature of his choice, is the sound of one hand clapping. While some may rejoice at Judge Alito's success, millions of Americans will come to know that the lasting legacy of this day will be ever more power for the President and less autonomy for the individual.

While some may exalt at the packing of the Court with yet another reliable, extreme voice in the mold of Scalia and Thomas, millions of Americans will be at risk of losing their day in court when they suffer the yoke of discrimination. Some may celebrate the elevation of a Judge Alito to the Supreme Court, but millions of Americans will suffer the consequences of a jurisprudence that would strip Congress of the power to make their lives better in countless ways.

Why, then, with so many Americans at risk, so many rights at jeopardy, will Judge Alito win confirmation? What does his confirmation mean for the future of the Supreme Court? I have been thinking about this long and hard. It is an important question, and I don't have an easy answer, but I believe several things are clear.

For one thing, even though Judge Alito has demonstrated a record of being well out of the mainstream on a host of issues, my friends from across the aisle dutifully march in rigid lockstep when the President nominates one of their choosing but oppose those who do not share their values and visions. Republican Senators should be aghast at Judge Alito's endorsement of vast Executive power, and they should be alarmed at his rejection of a woman's right to choose.

The hill will be steeper when a nominee evades, as Judge Alito did, answering questions about his core judicial beliefs. All evidence points to the fact that he will still hold his constitutional view that the right to choose is not protected in the Constitution, that he will still believe the Federal Government doesn't have the power to regulate machine guns, and the evidence supported the conclusion that he will turn back the clock on civil rights. But he was clever enough not to say so directly. So that, too, has been a factor.

In the end, there is one more thing at work here. The American people have grown accustomed to the umbrella of protection they have under the Constitution. They are loathe to believe that those rights could, with one nominee, evaporate into thin air. Who can believe it? Who wants to believe it? Even though no nominee since Robert Bork has such a clear record of being opposed to so many things the American people hold dear, the public

doesn't want to believe that Judge Alito will remove those protections, even when the record is clear. Who wants to believe that after 40 years, a single nominee to the Supreme Court could eviscerate title VII? Yet that is just what his colleagues on the Third Circuit accused him of attempting to do. Who wants to believe that a single nominee, one so seemingly soft-spoken and erudite, would, with the stroke of a pen, take average Americans' rights away and not give them their day in court?

People naturally don't want to believe the worst. Perhaps people think of Earl Warren and David Souter, who defied their President and did not stroke as hard a line as their benefactors might have hoped. But I say to the American people, the days of Warren and Souter are over. The days of stealth nominees whose views may not match the President are over. That is clear when a small minority pushed the President to withdraw Harriet Miers.

In the coming months and years, we will be watching the Court. We will be watching the votes. We will be watching our two newest Justices. And make no mistake, we will make sure the American people understand the implication of these votes today. Elections do have consequences. But votes such as these also have consequences on future elections, and I believe that when the American people see the actual Court decisions which are rendered by the new Court, they will have a strong and countervailing reaction.

Again, I wish President Bush could tonight claim to lead a united country, but with this nominee and with this vote, sadly, he cannot.

I yield the remainder of my time to the Senator from Alabama.

Mr. SESSIONS. Mr. President, I thank the Senator.

Indeed, it has been most distressing to me to see this nominee, the epitome of a restrained, principled and highly respected judge, be portrayed as some sort of extremist. It is beyond my comprehension, frankly. Questions have been raised about different cases. Alito answered each and every one of those questions in front of the Judiciary committee. Senator SCHUMER and I serve on the committee. He was asked about them repeatedly. He was asked 677 questions, and he answered a higher percentage of them than perhaps any judge in history—97.3 percent. A Clinton appointee, Justice Ginsburg, for example, was only asked 384 questions, and she only answered 80 percent of them. Justice Breyer, another Clinton appointee, was asked 355 questions, and he answered 82 percent.

So Judge Alito was most forthcoming. He was asked more questions and grilled and grilled, and he answered them with skill, fairness, and reasonableness. He was unflappable in his testimony and so judicious in his approach to every question. It was a tour de force, a real model of how a judge should perform. I could not be

more proud of him and more proud of President Bush for nominating him.

They say this nomination divides the country. Whom does it divide? It divides the hard left, who wants the Court to eliminate all expression of religion from public life. We see the words "In God We Trust" above the door in this Chamber. We had a chaplain open this Senate with prayer. Are we going to have the Supreme Court come in and strike those things down? People are very confused about those issues today. We have people who want to get rid of religion from the public square. They know they cannot achieve this by votes, so they want a judge to do these things. They are not happy with the U.S. Constitution. They want a judge to quote foreign law to reinterpret the words in our statutes and in our Constitution. That is not what the rule of law in America is about.

We have had a lot of extreme cases redefining the meaning of marriage. States have defined marriage since the founding of the Republic. Now all of a sudden we have lifetime-appointed, unelected judges discussing, and some court finding, that the legislature's definition of marriage—people who are responsible to the people, the legislative branch—is not correct. So the judges are now going to reinterpret that definition and make it say what they want it to say. They are going to take people's private property, not for public use, as the Constitution says. Now the court says we can take even poor people's homes so that someone can build a private shopping center. That is not what the Constitution says.

I know of judges who thought it would be better policy if the Constitution said what they want it to, so they just made it say that. But that is not a principled approach to the law; it is not the American approach to law. President Bush said we don't need that kind of judge. We want judges who are faithful and principled to the rule of law. They say Judge Alito is extreme. That is not so. It is an incredibly false charge.

What about the American Bar Association? Those of us on the Republican side have been somewhat critical of them over the years. The ABA is pretty liberal in all of the resolutions it passes. Sometimes it is very liberal. We felt that liberal persuasion infected their evaluation of judicial nominees. But they still evaluate nominees in a very careful way.

The American Bar Association reported to our committee, after surveying 2,000 people, personally interviewing 300, having teams of scholars read all of the writings Judge Alito ever wrote or participated in, and then they voted among themselves. They talked to lawyers who litigated against Judge Alito when he was in practice and judges who served with him and litigants who appeared before him, people who have known him, judges who served with him, and 300 were interviewed in depth. This committee of the

American Bar Association—15 of them from all over the country—reviewed all of that. Many of them participated directly in the interviews. Sometimes, people will tell the ABA things they may not tell the newspaper, things that are bad about somebody. They came back with a unanimous conclusion that Judge Alito was entitled to the highest possible rating. The American Bar Association, after a most intensive review, has given him the highest possible rating. Would they have done that if they thought he was an extremist? Would they have done that if they thought some of these cases we have heard about were wrongly decided or extreme in any way? No, they would not. So did his colleagues on the bench. One of the most extraordinary panels of witnesses I have ever seen involved judges who served with him on the Third Circuit, not a rightwing circuit. The Third Circuit, if anything, is considered a moderate to liberal circuit. It is in the Northwest, and Philadelphia is the seat of the Third Circuit. New Jersey is also in that circuit. Judge Alito served on that bench for 15 years.

People have suggested that somehow he is a tool of President Bush. He had a lifetime appointment on the Federal bench in the Third Circuit and has served for 15 years. He has not been a part of any of this terrorism stuff we have heard about or any of these rulings involving the Administration. He hasn't been a part of it at all. He comes to it with all his skills and intelligence as an honored graduate at Princeton and Yale, where he served on the Yale Law Review. He will bring his insight into these cases, which is exactly what we want—an unbiased umpire to deal with the issues.

Mr. Stephen Tober and others explained how one gets a unanimous ABA rating. The American Bar Association panel repeatedly gave him high marks. They said Judge Alito "has . . . established a record of both proper judicial conduct and evenhanded application in seeking to do what is fundamentally fair."

One of the three members of the ABA who testified was a civil rights attorney, an African American who represented the University of Michigan in that famous affirmative action quota case. He said this about Alito. He said that all the people they contacted concluded that Judge Alito was held in "incredibly high regard."

The ABA witnesses said they were unaware of anyone who has claimed that Alito intentionally did anything wrong with regards to the Vanguard matter that has been raised repeatedly and I guess dropped now since we haven't heard that much about it.

We now hear this interesting argument that we needed Harriet Miers. They are now harkening back to Harriet Miers nomination, claiming the Republicans are at fault for her withdrawal. Not one Republican Senator I am aware of ever said Harriet Miers should not be voted on or said they

would vote against Harriet Miers. Some raised questions about her experience, as did Senator SCHUMER, who raised the issue a few moments ago. When Harriet Miers was being considered, Senator SCHUMER said:

I think there are three places where Harriet Miers yet hasn't sort of met the burden of proof. The first is qualifications, the second is independence, and the third, most importantly, we have to know her judicial philosophy.

So Senator SCHUMER, who is now asking that we have Harriet Miers, was raising serious questions about her a few weeks ago.

She withdrew. She withdrew because she was sitting at the right hand of the President during so many of these matters involving the war on terrorism. The other side had already made clear they were going to demand her personal conversations, her personal documents, her communications with the President, which are legal documents protected by client-attorney privilege. She realized it was going to be a matter that would probably not be acceptable to the Members of the Senate. It would be an uncomfortable process for her, and she withdrew.

Mr. President, what is the remainder of the time on this side?

The ACTING PRESIDENT pro tempore. The Senator has 5 minutes remaining.

Mr. SESSIONS. Mr. President, the case we have heard the most about is Doe v. Groody. The allegation has been made time and again that Judge Alito ordered the strip search of a 10-year-old girl.

I was a prosecutor for nearly 15 years. I read the case. I was at the Judiciary Committee and heard Alito testify. I would like to share some thoughts about that case. The reason I would like to talk about it is because I would like for everyone who is hearing me talk to understand that this is a typical example of distortion and misrepresentations of the actions of Judge Alito. It is so wrong and so biased and so unfair that it ought to embarrass those who made the charges against him. He clearly did the right thing, in my opinion and it has been misrepresented. It is symbolic of what has been said about other cases that I don't have time to talk about at this late date.

In Doe v. Groody, police officers were investigating a drug-dealing group at a certain house. They went to the judge and presented an affidavit to search that house and all persons on the premises. They presented adequate probable cause to believe that a drug-dealing operation was going on in the house, and the judge agreed.

There was a form for a search warrant and that said John Doe was to be searched. In this case, the judge directly incorporated an affidavit attached to the warrant for purposes of probable cause. The affidavit is where officers asserted probable cause to search all persons on the premises. This was a magistrate in a State court

years before Judge Alito ever knew the case existed. He was sitting on the Federal appellate bench at the time.

So officers go out and do a search, and a female police officer takes the mother, along with the 10-year-old child, into the bathroom. She asks them to pull down their trousers and lift up their shirts so that she could detect whether there were any hidden drugs or weapons. They did not take off their undergarments, nor was there any intrusive touching. The female officer saw no drugs hidden on the mother or the girl, and that was the end of that until sometime later when the police officers were sued personally for money damages.

When it came before Judge Alito, he concluded that the affidavit had been made a part of the warrant that asked for the privilege of searching people on the premises, which gave the police officers at least a reasonable basis to believe they had the authority to do so. They got a warrant. They asked for this privilege. They thought, by attaching the affidavit to the warrant that they had the power to search everyone on the premises. I don't know what the right answer is legally, but I do agree with Judge Alito that the police officer could reasonably have felt that they were operating under the law, and should not be personally liable for money damages to some dope dealer.

American police officers need to pay attention to this matter if this is what my colleagues think is bad law. They get sued enough trying to do their duty.

One of the more fabulous panels we ever had, I thought, were colleagues on the bench who served with Judge Alito. Judge Edward Becker has been on the bench for 25 years, the full time that Judge Alito has been on that bench. One of the more respected appellate judges in America said these things about Judge Alito. This is a man they are accusing of being some radical, some extremist. This is what Judge Becker, who has been on the Federal bench for 25 years, said: Sam Alito "is gentle, considerate, unfailingly polite, decent, kind, patient, and generous. I have never once heard Sam raise his voice, express anger or sarcasm or even try to proselytise. He expresses his views in measured and tempered ways."

On integrity, Judge Becker says:

Judge Alito is the soul of honor. I have never seen a chink in the honor of his integrity which I view as total.

On intellect:

He is brilliant, he is analytical and meticulous and careful in his comments and his written word.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mr. SESSIONS. Mr. President, I conclude with these words:

He is not doctrinaire, but rather open to differing views and will often change his mind in light of the views of a colleague.

This is the man who has been nominated and who is entitled to confirma-

tion by the Senate. I thank the President and yield the floor.

The ACTING PRESIDENT pro tempore. Under the previous order, the time from 10:24 a.m. to 10:34 a.m. shall be under the control of the Senator from Vermont.

Mr. LEAHY. Mr. President, I yield to the distinguished Senator from Delaware.

The ACTING PRESIDENT pro tempore. The Senator from Delaware.

Mr. BIDEN. Mr. President, I will vote no on the nomination of Judge Alito to the Supreme Court for three reasons: first, his expansive view of Executive power; second, his narrow view of the role of the Congress; and third, his grudging reading of antidiscrimination law reflecting a lack of understanding of congressional intent and the nature of discrimination in the 21st century.

First, Judge Alito's expansive view of Presidential power.

In November 2000, Judge Alito said that "the unitary executive theory . . . best captures the meaning of the Constitution's text and structure."

Justice Thomas in his Hamdi dissent lays out his views on the power of an unchecked unitary executive to wage war and exercise foreign policy.

Although Judge Alito said his interpretation of the unitary executive was much narrower and that he couldn't recall Justice Thomas using that term, I find Judge Alito's explanation not at all convincing.

I understand the term "unitary executive" in the manner in which John Yoo—the administration's legal architect—conceives of executive power.

I asked Judge Alito whether he agreed with Professor Yoo's reasoning that would allow the President under his absolute power—even in the absence of an emergency or imminent threat—to invade another country, to invade Iran tomorrow, no matter what Congress says.

Judge Alito declined to answer this basic, fundamental question.

Traditionally "conservative" Justices, such as Robert Jackson, strongly believed in the wisdom of checks and balances.

Judge Alito was asked repeatedly at the hearing about Justice Jackson's famous concurring opinion in the 1952 steel seizure case. During the Korean War, President Truman attempted to nationalize the steel mills in order to avoid a labor work stoppage that would have had negative effects on the war effort. A 6 to 3 Supreme Court ruled against President Truman.

Justice Jackson put it this way about what was at stake:

[N]o doctrine that the Court could promulgate would seem to me more sinister and alarming than that a President whose conduct of foreign affairs is so largely uncontrolled, and often even is unknown, can vastly enlarge his mastery over the internal affairs of the country by his own commitment of the Nation's armed forces to some foreign venture. . . . That military powers of the Commander in Chief were not to supersede representative government of internal af-

fairs seems obvious from the Constitution and from elementary American history.

Justice Jackson also laid out a three-part framework for how to view subsequent cases in which the President is arguing he's doing something under his Commander in Chief authority—a framework the Rehnquist Court embraced as "analytically useful" in the 1981 case of *Dames & Moore v. Regan*. First, is the instance in which "the President acts pursuant to an express or implied" authorization of Congress. Second, "when the President acts in absence of either a congressional grant or denial of authority." And third, when the President takes "measures incompatible with the expressed or implied will of Congress."

Judge Alito showed remarkably little appreciation and understanding of this framework, at one point confusing prong two and prong three of Justice Jackson's framework. Judge Alito's record and his answers at the hearing raise great concern that both individual freedoms and the separation of powers are in jeopardy.

In 1984, Judge Alito wrote that he did not "question the authority that the Attorney General should have absolute immunity" in cases involving wiretaps. This again signifies a willingness by Judge Alito to give the President and his officers dangerously expansive powers.

At his hearings, Judge Alito tried to distance himself from his previous statement, claiming he was only doing the bidding of his clients. But at the same time, he refused to definitively say that he did not personally believe his previous assertion.

It is also useful to note that we are currently in midst of a potentially endless war. The war on terror is almost 5 years old; and, unfortunately, shows no signs of abating. Will these expansive Presidential powers become a permanent fixture? What kind of powers do we want our President to have in dealing with a war that may go on for decades? Should our courts have no role?

In 1986, Alito drafted a proposal to make full use of presidential signing statements in order to "increase the power of the Executive to shape the law." It was yet another way to increase the power of the executive at the expense of the other branches.

Senator LEAHY asked Judge Alito at the hearing, "wouldn't it be constitutional for the Congress to outlaw Americans from using torture?" This is exactly what the Senate attempted to do in voting overwhelmingly on a bipartisan basis to support the so-called McCain anti-torture amendment.

But when this legislation was signed into law by President Bush on December 30, 2005, he issued a "Presidential signing statement" stating basically that no matter what me legislation says on its face, he could still order torture in certain circumstances. Specifically, the statement read that the "executive branch shall construe this [prohibition] in a manner consistent

with the constitutional authority of the President to supervise the unitary executive branch. . . ."

That is what is at stake with "Presidential signing statements." As my colleague Senator LEAHY has pointed out, President Bush has cited the unitary executive 103 times in these "Presidential signing statements."

Judge Alito, at this hearing, responded to Senator LEAHY's question about whether Congress could outlaw torture this way:

Well, Senator, I think the important points are that the President has to follow the Constitution and the laws. . . . But, as to specific issues that might come up, I really need to know the specifics.

To me this is a dangerous nonanswer and one that is entirely consistent with President Bush's use of a signing statement to override Congress's outlawing of torture. The implications are very troubling.

Judge Alito's view of the Executive is what worries me most. He referred to Justice Jackson in the Steel Seizure case many times. But I want to read one, short quote by Justice Jackson.

Justice Jackson said in 1952:

With all its defects, delays and inconveniences, men have discovered no technique for long preserving free government except that the Executive be under the law, and that the law be made by parliamentary deliberations. Such limitations may be destined to pass away. But it is the duty of the Court to the last, not first, to give them up.

I believe they'll be destined to pass away with this Justice.

To allow the President—whether this one or any future one—to be unconstrained in his or her powers; to be able to pick and choose which laws he or she wants to follow, is unacceptable. The Supreme Court was intended by our Founders to serve as a bulwark against executive overreaching. Any nominee to the Court who doesn't agree is a nominee who should not be confirmed.

Second, Judge Alito has a very narrow view of congressional power.

Judge Alito will very likely join with the present members of the Court who have struck down three dozen federal laws in less than 20 years—laws which said, for example, you can't have guns within 1,000 feet of an elementary school; laws requiring a 5-day background check for a handgun purchase; laws battling violence against women; laws requiring the clean-up of low level nuclear waste; laws designed to ensure freedom of religion; laws saying states can't steal somebody's ideas and inventions.

This recent level of "conservative" judicial activism is more than six times the rate over the history of our Republic. Over the first seven decades of the Court's existence, in comparison, only two federal laws were held unconstitutional.

On his 1985 job application, Judge Alito wrote, "I believe very strongly in . . . federalism"—the principle that has been used by this activist court to knock down Federal law after Federal law.

In an October 27, 1986, draft letter on behalf of Assistant Attorney General for Legislative Affairs, John Bolton, Alito urged President Reagan to veto the "Truth in Mileage Act." Alito drafted these words for President Reagan:

My Administration believes that the Constitution intended to establish a limited Federal government, one that would not interfere with the vast array of activities that have been in the states' traditional concern. Over time, Congress has taken steps to eviscerate that constitutional scheme by legislating in numerous areas that should be governed by State law.

Judge Alito continued his federalist activism on the bench. As a judge, he has fully embraced—and even aggressively sought to broaden—the Supreme Court's federalism opinions, most centrally in his sole dissenting opinion in the *Rybar* case.

In that case, Judge Alito called federalism "vital" and said that "even today, the normative case for federalism remains strong." The majority of his colleagues in that case sharply criticized Judge Alito's opinion:

While the dissent writes in the name of 'constitutional federalism' it recognizes that even Lopez abjures such a requirement . . . but overlooks that making such a demand of Congress or the Executive runs counter to the deference that the judiciary owes to its two coordinate branches of government, a basic tenet of the constitutional separation of powers. Nothing in Lopez requires either Congress or the Executive to play Show and Tell with the Federal courts at the peril of invalidation of a Congressional statute.

At his hearings, Judge Alito did nothing to allay concerns that he would continue to push this activist federalism agenda if confirmed to the Supreme Court. For example, he refused to recognize the well-settled nature of some of the Court's bedrock Commerce Clause precedents. And as a Supreme Court Justice, he would no longer be bound to follow these precedents.

When asked about these issues by Chairman SPECTER and others, Judge Alito provided answers that reinforced my view that he has a very low regard for Congress's power to legislate. When Chairman SPECTER asked Judge Alito whether he would "overturn [] congressional acts because of [Congress's] method of reasoning," Judge Alito gave the following answer:

I think that Congress's ability to reason is fully equal to that of the judiciary.

On its face, that may sound like a good answer; but it's not. Under the rational basis test—a cornerstone of constitutional law—the Supreme Court has greatly deferred to Congress's judgment and reasoning ability.

Under the rational basis test, the Supreme Court has historically and rightfully deferred to Congress's reasoning as to why it did what it did—after all, this is the branch that can hold hearings; the branch that can call witnesses; and the branch that can build a record . . . all things the Court can't do. Judge Alito's answer seems to question this bedrock principle.

What does this mean? What is at stake here? Does Judge Alito agree with those on the intellectual right who are attempting to reverse a healthy consensus going back to the days of the Great Depression that our government can act as a shield to protect Americans from the abuse of powerful interests?

Michael Greve of the American Enterprise Institute puts it straight forwardly:

I think what is really needed here is a fundamental intellectual assault on the entire New Deal edifice. We want to withdraw judicial support for the entire modern welfare state.

What is at stake if this view gains ascendancy in our Supreme Court?

If the Court is allowed to second-guess congressional judgment, a broad range of vital Federal legislation could potentially hang in the balance.

Can we protect the air we breathe? Can we keep arsenic out of our drinking water? Can we keep tobacco companies from targeting our kids? Can we establish minimum national standards to provide equal opportunity and human dignity for society's most vulnerable members—our elderly, our disabled, women victimized by violence? That is all at stake.

Listen to the debates going on behind these constitutional issues. It's about devolution of government. It is about stripping—as a matter of law—the right of the Federal Government to do much of anything other than provide the national defense.

Justice Thomas has voted to strike down over 65 percent of the Federal laws that have been challenged before the Supreme Court. Justice Thomas wrote in one of his opinions recently, "If anything, the wrong turn was the Court's dramatic departure in the 1930s." What most view as a "healthy consensus," Judge Thomas and others call "a wrong turn."

What is at risk if this view of the Constitution ever gained full ascendancy? The Clean Air Act, the Safe Drinking Water Act, the Clean Water Act, and the Endangered Species Act, all rely on the Congress's commerce clause power.

The intellectual right is also determined to elevate private property at the expense of protecting our safety, well-being, and communities. Under their reading of the appropriate language in the Constitution—the takings clause of the fifth amendment—the only way to keep a chemical plant out of your neighborhood would be to compensate the chemical plant to not build because you are taking their property.

Our bedrock civil rights laws are also based on post-1937 constitutional interpretations.

There also could be no Federal minimum wage and no maximum hour laws. We wouldn't be having a debate about increasing the minimum wage because there wouldn't be one.

The consequence of this judicial philosophy is to shift power to the already

powerful and eliminate the ability of the less powerful to use the democratic branches of government to rebalance the playing field.

And the intellectual right understands that in order to shift power, you need to focus on the courts. In 1988, a Reagan Justice Department document stated:

There are few factors that are more critical to determining the course of the nation and yet are more often overlooked than the values and philosophies of the men and women who populate the third co-equal branch of the government, the federal judiciary.

Obviously, every judge could impact the course of the Nation; but most important are the nine Justices on the United States Supreme Court.

And that is why Judge Alito was selected to our highest Court, a consequence of which will be to threaten Congress's power to protect the American people.

Third, Judge Alito lacks an understanding as to how prejudice plays out in the real world and has a very restrictive view of the antidiscrimination legislation Congress has passed.

Earlier this month, I was thinking about my vote as I was preparing to speak before a Martin Luther King, Jr., event. And I reread his letter from the Birmingham jail.

Everybody was telling him, "We won. Give it up. Give it up." And here is what he wrote, laying out a standard by which to measure ourselves.

Dr. King wrote:

When you are harried by day and haunted by night by the fact you are Negro, living constantly at tiptoe stance, never quite knowing what to expect next, and are plagued with inner fears and outer resentments; when you [are] forever fighting a degenerating sense of 'nobodiness,' then you will understand why we find it difficult to wait.

We shouldn't wait. We should own up to the fact that prejudice is still around and has evolved. It's not the prejudice of the '60s when they would say, "we don't want any blacks here," or more descriptive terms.

Now it's more subtle. They say, "we're not sure you'd fit in." New words, for old sins.

All public officials, including judges, must understand prejudice still lurks in the shadows. Judge Alito's record demonstrates that he does not look into the shadows.

There is no question Judge Alito has ruled a number of times for the little guy, women, and minorities, but it's mostly in cases where the outcome was clear. When it was a close call, time and again Judge Alito ended up almost inevitably on the other side, many times dissenting from every one of his colleagues looking at the case.

Judge Alito disagreed with all 10 of his colleagues and would have overturned the jury in Barbara Sheridan's case, stating that an employer "may not wish to disclose his real reasons" for making personnel decisions.

In another solo dissent, he would have deferred to a corporation's "sub-

jective business judgment." His other colleagues said his approach would "eviscerate" antidiscrimination law.

Our courts are where the less powerful are supposed to get a fair shake. Our courts are supposed to safeguard individuals against powerful institutions; they are where a single individual—even one who's not wealthy or well-connected—is on the same footing as a powerful corporation.

I focused on discrimination cases to try to find out how Judge Alito reasoned. What I found troubled me, as did how he reasoned in other cases I asked him about, including the Family and Medical Leave Act case.

Judge Alito told me that he "can't know everything about the real world." So, in this case, he discounted any gender-related connection to the sick leave provisions, despite the fact that one in four people taking sick leave under the Act were women with difficult pregnancies, and one of the reasons we wrote the law was because we know about the stereotyping of women.

Now, I don't think Judge Alito is a bad guy, but it is clear he has a blind spot; a dangerous blind spot for millions of Americans who still suffer from discrimination and stereotypes—however subtle or sophisticated.

To my colleagues who would say it is inappropriate to look at the judicial philosophy or substantive rulings of our nominees to the Supreme Court, I would ask the following rhetorical question. Can you imagine on that hot, steamy Philadelphia summer in 1787, with the Founders sitting on the second floor so no one could hear what they were doing; can you imagine them saying, by the way, we are going to have three coequal branches of government. Two of them will be scrutinized by the American people, and the presumption will be that they are not entitled to the office unless a majority of the people conclude they should hold the office. But as for the third branch, all we want to know is are they honorable, decent, and straightforward?

It is also useful to point out that it is right to subject nominees to the Supreme Court to more exacting standards than nominees to the lower courts, for as the highest court in the land, the Supreme Court dictates the judicial precedents that all lower courts are bound to respect.

As a result, there are hundreds of lower court nominees I would neither have personally nominated nor would have voted for confirmation to the Supreme Court, but whom I did support for lower courts.

But the Supreme Court is different. Because the Supreme Court is not bound by precedent in the way lower courts are—a point Judge Alito agreed to at his hearing—the judicial philosophy of Supreme Court nominees is not only fair game; it is crucial. This is the reason I have voted against a much higher percentage of Supreme Court nominees than lower court nominees

during my time in the Senate, from Bork to Thomas, from Rehnquist to Roberts.

It is also important to remember that we currently have a Justice serving on the Supreme Court nominated by President Ford. We even have judges still serving in the lower courts appointed by Presidents Kennedy and Eisenhower. From the early 1800s, in fact, the average time federal judges spend on the bench has increased from 15 years to 24 years. By that count, a Justice Alito may still be handing down decisions in the year 2030.

Judge Alito, like Justice Thomas before him, has supported the theories of strict construction and originalism. He stated:

I think we should look to the text of the Constitution and we should look to the meaning that someone would have taken from the text of the Constitution at the time of its adoption.

According to originalist logic, many Supreme Court decisions that are fundamental to the fabric of our country are simply wrong. Perhaps even more importantly, how would a Justice Alito deal with the big issues of the future: for instance, can microscopic tags be implanted in a person's body to track his every movement? Can patents be issued for the creation of human life? Can brain scans be used to determine whether a person is inclined toward criminal behavior? What about the questions we can't even conceive of from this vantage point?

Twenty or 30 years into the future, what would a Justice Alito be saying about important issues of the day? That is what makes today's vote so momentous.

And when I look at all the evidence before us—Judge Alito's writings, his statements, his judicial records, his opinions, and the little we learned about him in these hearings—I am forced to conclude that he should not serve on the Supreme Court. That is why I am voting no.

I yield the floor and thank my colleague.

Mr. KOHL. Mr. President, I rise today after a thorough examination of the nomination of Judge Samuel Alito, Jr., to the Supreme Court. After that thorough examination, I cannot support the nomination of Judge Alito to the Supreme Court. I fear that a Justice Alito will narrow our rights, limit our freedoms, and overturn decades of progress. To confirm Judge Alito to the Supreme Court would be to gamble with our liberties, a bet I fear the Constitution—and the American people—would lose.

Generations of Americans have looked to the Supreme Court as more than a simple legal tribunal asked to decide cases and controversies. Rather, we expect the Supreme Court to guard our liberties, protect our rights, and—where appropriate—expand our freedoms.

This process of bringing life to the promises of the Constitution has never

moved predictably—or smoothly. As Martin Luther King, Jr., once noted, “Human progress is neither automatic nor inevitable. Every step toward the goal of justice requires . . . the tireless exertions and passionate concern of dedicated individuals.” Throughout American history, those “dedicated individuals” have fought on many battle-grounds—from the steps of the White House and Congress, to the dangerous back roads traveled by the Freedom Riders. And somehow the fight always leads to the Supreme Court—it is there that these brave individuals have found refuge and, through their victories, changed America for the better.

Many of these victories are now identified with individuals through familiar case names: *Brown v. Board of Education*, *Gideon v. Wainwright*, *Baker v. Carr* and *Miranda v. Arizona*. Judge Alito has stated his allegiance to the principles of these cases—and we are grateful for that. But we would expect any nominee to any court in this land to agree that schools should not be segregated and votes should count equally. That is a starting point. But we must dig much deeper to discover whether Judge Alito should serve as an Associate Justice on the Supreme Court of the United States.

We must ask ourselves: how will Judge Alito view the next “dedicated individuals” who come before him seeking justice? What of the next *Brown*? The next *Gideon*? We do not consider Judge Alito for a seat on the bench in 1954 or 1965 but, rather, in 2006, and possibly 2036. Given his narrow judicial philosophy—on display throughout his legal career—Judge Alito is unlikely to side with the next “dedicated individual.”

This narrow judicial philosophy is clear, for example, in his views on civil rights. In his now famous 1985 job application, he took issue with the Warren Court decisions that established one-person/one-vote, *Miranda* rights, and protections for religious minorities. These statements leave the clear impression that his antagonism toward these decisions—decisions that helped religious and racial minorities receive protection from majority abuses—motivated Judge Alito’s pursuit of the law.

While Judge Alito claimed that he was merely describing his opinions as a young man, his judicial opinions suggest a more well-formed philosophy of limited rights and restricted civil liberties.

He was in the extreme minority of judges around the country when he found that Congress has no ability to regulate machine guns. His efforts to strike down portions of the Family and Medical Leave Act were rejected by then-Chief Justice Rehnquist. He raised the bar to unreachable heights repeatedly in employment discrimination cases, to the point where the majority of his court concluded that he was attempting to “eviscerate” the laws entirely.

His restrictive view of constitutional liberties was echoed in his thoughts about a woman’s right to choose. In a 1985 job application, he expressed a legal view that there was no such right and worked hard to craft a legal strategy that would chip away at—and ultimately—eliminate that right from the Constitution.

When asked about this, Judge Alito has said—in essence—that was then and this is now. Yet even years after his work for the Reagan administration, his narrow views on privacy echoed throughout his opinion in *Planned Parenthood v. Casey*. He would have placed more restrictions on a woman’s freedom than other conservative judges—including the woman he seeks to replace on the Supreme Court.

Even today, Judge Alito is unwilling to declare that *Roe v. Wade* is “settled law”—a pronouncement that Chief Justice Roberts made with ease. Judge Alito affirmed that one person/one-vote, integrated schools, and some privacy rights were settled, but not a woman’s right to choose.

In addition, Judge Alito’s decisions call into question our right to be free of police intrusion and government power. For example, Judge Alito, in disagreement with his colleagues in the Reagan Justice Department, argued that the police acted reasonably in shooting—and killing—a fleeing, unarmed, teenage suspect. In many opinions as a judge, he deferred reflexively to the police in cases involving the interpretation of search warrants—including one permitting the strip search of a 10-year-old-girl.

At a time in our history when the balance between our security and our civil liberties requires the active involvement of the courts, Judge Alito’s deference to Presidential power concerns us. He promoted the radical idea of a “unitary executive”—the concept that the President is greater than, not equal to, the other branches of Government. Judges are meant to protect us from unlawful surveillance and detention—not simply abide the President’s wishes.

Although it is the most important standard, judicial philosophy is not the only measure of a nominee. We had hoped that Judge Alito would have been able to satisfy the concerns we had with his record at his hearing. Instead, he chose to avoid answering many of our questions. His inability or unwillingness to answer those questions in even the most general manner did a disservice to the country and to his nomination.

For example, when questioned on his support for Judge Bork—calling him “one of the most outstanding nominees of the century”—Judge Alito answered that he was just supporting the administration’s nominee.

When questioned about his membership in the Concerned Alumni of Princeton, he said he could not remember this group—despite citing it with pride in a job application.

When questioned about whether *Bush v. Gore* should have been heard by the Supreme Court, Judge Alito said that he had not thought about it as a judge and did not have an opinion.

In each of the six Supreme Court nominations that I have voted on, I have used the same test of judicial excellence. Justices Souter, Breyer, Ginsburg, and Roberts passed that test. Judge Alito does not.

Judge Alito’s record as a professional—both as a Justice Department official and as a judge—reflects something more than a neutral judicial philosophy. Instead, it suggests a judge who has strong views on a variety of issues, and uses the law to impose those views.

Judge Alito has the right to see, read, and interpret the Constitution narrowly. And we have the obligation to decide whether his views have a place on the Supreme Court. I have decided they do not, and so I will oppose Judge Alito’s nomination today.

#### NOMINATION OF JUDGE SAMUEL ALITO TO THE U.S. SUPREME COURT

Mr. AKAKA. Mr. President, I rise today in opposition to the confirmation of Judge Samuel Alito as an Associate Justice of the United States. In the months since President George W. Bush nominated Judge Samuel Alito as an Associate Justice on the U.S. Supreme Court, I have carefully considered his record. I evaluated his long history of government service and his work on the U.S. Court of Appeals for the Third Circuit, and I have closely followed his confirmation hearings.

When I review all the evidence before me, I do not believe Judge Alito will be able to fairly apply the principles embodied in the U.S. Constitution. Our Constitution sets forth important civil rights and privacy protections that are fundamental to our way of life today. In recent years, these freedoms have been precariously protected by a delicate balance on the Supreme Court, with Justice O’Connor frequently tipping the scales in favor of the civil rights and privacy protections that so many Americans depend upon. I am disheartened by the reality that so many of these freedoms will likely be eroded when Judge Alito joins the Court.

Judge Alito’s approach to the law is not merely conservative, it is extreme. Judge Alito’s opinions in race and gender employment discrimination cases have crafted a restrictive interpretation of civil rights laws that would make it much more difficult for women and minorities to prevail or even receive a jury trial. I am also troubled by Judge Alito’s statement in his infamous 1985 job application that he was “particularly proud” of his work in the Reagan administration, where he counseled the administration to restrict affirmative action and limit remedies for racial discrimination.

I cherish our system of checks and balances in Government, where each branch of the Government is coequal with the other. I believe that it is critical that this balance, which our forefathers so wisely and carefully created, is protected and maintained. However, Judge Alito supports the “unitary executive” theory, an expansive view of Presidential powers that he and his colleagues set forth while working in the Office of Legal Counsel of the Reagan Justice Department. Since joining the Third Circuit, Judge Alito made it clear that he still holds the premise of the “unitary executive” theory to be true, and this approach concerns me, especially in this political climate. This approach also undermines Congress’s authority to protect the public. Judge Alito has ruled that Congress did not have the authority to pass the Family Medical Leave Act or to enact a Federal ban on the possession or transfer of machine guns. In both cases, the Supreme Court disagreed with Judge Alito’s conclusions and upheld these protections, demonstrating that Judge Alito’s opinions are not in the mainstream.

I take my responsibility to provide advice and consent seriously. I cannot support Judge Alito’s nomination. Unfortunately, Judge Alito is expected to be confirmed as Justice Sandra Day O’Connor’s replacement. This means he will be in the position to affect a number of critical issues in the coming years. Important questions on privacy, the environment, Presidential power, and women’s reproductive rights will all come before the Court to be resolved. With Judge Alito sitting on the Supreme Court, I am very concerned about the direction the Court will take our great Nation. Although during his hearings Judge Alito promised that he would not legislate from the bench, his record indicates otherwise. For the sake of our country, I am hopeful that Judge Alito will take seriously his commitments to uphold the principles of our Constitution.

Ms. CANTWELL. Mr. President I rise to discuss the nomination of Judge Samuel A. Alito, Jr., to the Supreme Court to the United States.

After closely and carefully studying his record and recent testimony before the Judiciary Committee, I have decided to vote against Judge Alito’s confirmation to the Supreme Court of United States.

Of course, it is vital that any lifetime appointee to the highest court in the Nation possess the breadth of experience and character necessary to review the most significant, complex, and far-reaching legal questions of our time.

But that is not enough. I see disappointing and clear evidence in Judge Alito’s long record, rulings, and statements of dangerously skewing the balance and relationship between our branches of Government. I do not expect any nominee to the Supreme Court to predict and promise with certainty how he or she will rule in any and all future cases.

But I do expect nominees to make clear that they would protect the most basic rights of individuals and the fundamental structure and foundations of our democracy. Yet I cannot be sure that Judge Alito would do either. Indeed, I question whether he would show due respect for the authority of Congress or apply a necessary check to the reach of the executive.

Serving as that check has long been one of the Court’s most solemn obligations. Today, that role is more important than ever. We have seen evidence of a National Security Agency’s eavesdropping program operating in question of a legal framework and without due oversight. We are seeing literally, in wartime, a President reach without probable cause or warrant at the expense of individual rights and the most basic protections of the Constitution. Yet it is a question whether Judge Alito would adequately control that reach.

Judge Alito has a record of concern when it comes to placing and consolidating the rights of the government over the rights of the individual. Consider, for example, how Judge Alito would give virtually unfettered authority to the police to trample on the clear privacy protections given to every American as demonstrated in his 2004 dissent in *Doe v. Groody*. In this case he would have upheld the strip search of a 10-year-old girl and her mother, despite the fact that they were not suspected of any crime nor named in any search warrant.

When asked at his hearing about this case, and his minority opinion, Judge Alito repeatedly sought to portray it as “a rather technical issue,” a question of whether the police affidavit should be incorporated into the warrant itself, and suggested that the police were operating under time pressure.

These claims are inconsistent with the facts, as made clear by Judge Alito’s colleague, then-Judge Michael Chertoff, now Secretary of Homeland Security. According to Judge Chertoff, the approach advocated by Alito in *Groody* “might indeed transform the judicial officer into little more than the cliché ‘rubber stamp.’” The American people deserve a Supreme Court Justice who understands how important privacy rights are to all Americans, even the most vulnerable. They deserve more than just a rubber stamp.

History shows that our courts have often stood up to Presidential overreaching during wartime: protecting the right of habeas corpus during the Civil War; forbidding the president from authorizing domestic warrantless wiretaps during the Cold War; and in the War on Terror by an 8-to-1 margin, the Supreme Court held that the President cannot indefinitely detain American citizens without allowing them to challenge their detentions before a neutral decisionmaker, another power this administration had claimed.

Worse still, in areas where precedent is sparse or dated—such as the war on

terror and the executive’s power to carry it out—Judge Alito’s record and testimony suggests that he is far more likely to defer to the ideological ambitions of our President than the protection and rights of our citizens.

To be sure, there is nothing wrong with an aggressive executive, especially at times of great peril. An aggressive executive, however, also requires a strong and functional Congress, the responsive voice of the people. I have questions, however, if Judge Alito’s rulings will narrowly define the law and therefore threaten the authority and ability of Congress to govern effectively and affirmatively.

Writing in *Chittister v. Department of Community & Economic Development*, Judge Alito wrote that parts of the Family and Medical Leave Act, FMLA, which allow employees to leave when they or family members are seriously ill, were not applicable against the States. When passing the legislation Congress had identified the importance of both men and women in caring for young children and family members with serious health conditions.

Congress also pointed to the burden that family caretaking imposes on women. But Judge Alito denied those findings. He saw no “existence, much less the prevalence, in public employment of personal sick leave practices that amounted to intentional gender discrimination in violation of the Equal Protection Clause.”

This view essentially deflated Congress’s ability to defend civil rights. He wrote: “Even if there were relevant findings or evidence, the FMLA provisions at issue here would not be congruent or proportional. Unlike the Equal Protection Clause, which the FMLA is said to enforce, the FMLA does much more than require nondiscriminatory sick leave practices; it creates a substantive entitlement to leave. This is ‘disproportionate to any unconstitutional conduct that conceivably could be targeted by the Act.’”

The Supreme Court later rejected Alito’s position on the FMLA.

Ultimately, the Commerce clause is about understanding Congress’s power to protect our families and its ability to respond to threats that immediately affect those families. In February, for example, the Court is scheduled to hear arguments on the scope of the commerce clause in two critical cases that could restrict the geographic jurisdiction of the Clean Water Act to one percent of its current coverage.

In my State, we know how fragile our precious natural resources can be. The Pacific Northwest is blessed with incredible beauty. But habitat loss and other pressures threaten some of my State’s most iconic species, salmon that spawn our great rivers and birds that depend on old growth forests.

We also know that how we treat those resources and that wildlife speaks to our priorities as a people and a nation. How do we value our communities and ensure their safety? How do

we honor an individual's freedom and his or her rights?

While I do not expect any judicial nominee to prejudge future cases, I do expect all nominees to make their positions clear on protecting the most basic rights of individuals and the fundamental structure and foundations of our democracy. In the end, I cannot be sure that Judge Alito would do either.

As I mentioned earlier, I believe that Judge Alito has a record of concern when it comes to placing and consolidating the rights of the government over the rights of the individual, and he has not provided the answers to adequately reassure the people of our Nation. I must conclude that he would neither show due respect for the authority of Congress nor apply a necessary check to the reach of the executive. With great respect for the institution, I cannot vote to confirm Judge Alito to the Supreme Court of the United States.

Mr. CHAFEE. Mr. President, President Bush has nominated Judge Samuel Alito to replace Justice Sandra Day O'Connor on the Supreme Court. Justice O'Connor has had a remarkable career of public service. Her strong and moderate voice on the Supreme Court will be missed. I was lucky to get to socialize with her and her husband through mutual acquaintances and recommend her book about growing up on a ranch in arid Arizona—The Lazy B. She is an exceptional person.

As is the custom, Judge Alito sought a meeting with any Senator so interested. For our meeting, I suggested the Capitol steps and he agreed since it was a warm sunny day. I thought it was appropriate to be visually connected to two of the three branches of government as we talked about constitutional issues. If confirmed, the decisions he will make on the Supreme Court will affect the lives of Americans profoundly.

Judge Alito has outstanding legal credentials and an inspiring life story. However, I am greatly concerned about his philosophy on some important constitutional issues. In particular, I carefully examined his record on executive power, women's reproductive freedoms and the commerce clause of article 1, section VIII of the Constitution.

On executive power, it is likely that cases dealing with the fourth amendment will be heard by the Supreme Court. The fourth amendment reads:

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

To me this language is very clear that a warrant is required for a search. That premise is now being questioned regarding warrantless wiretaps.

At the Judiciary Committee hearings, Judge Alito was asked a question on executive powers and warrantless

wiretapping. He said he would have to determine "whether the President's power, inherent powers, the powers given to the President under article 2 are sufficient, even taking away congressional authorization, the area where the President is asserting a power to do something in the face of explicit congressional determination to the contrary".

The only power in article 2 that Judge Alito could be referring to would be:

The President shall be Commander in Chief of the Army and Navy of the United States. . . .

Judge Alito was also asked ". . . is it possible under your construct that an inherent Constitutional power of the President could, under some analysis or some case, override what people believe to be a Constitutional criminal statute?" Judge Alito responded that this was possible, noting a "possibility that that might be justified".

How far do we want Commander in Chief stretched? As Justice O'Connor wrote in a recent case, "a state of war is not a blank check for the President when it comes to the rights of the Nation's citizens".

On the issue of *Roe v. Wade* as with other issues, I am less interested in what Judge Alito wrote or said as a lawyer for his client the Reagan Administration, than how he has ruled as a judge and how he testified at his nomination hearing. As an appellate court judge, Judge Alito was the lone dissenter on *Planned Parenthood v. Casey*, a court case reviewing the *Pennsylvania Abortion Control Act*.

The Supreme Court wrote on this landmark affirmation of *Roe v. Wade*:

These matters, involving the most intimate and personal choices a person may make in a lifetime, choices central to personal dignity and autonomy, are central to the liberty protected by the Fourteenth Amendment. At the heart of liberty is the right to define one's own concept of existence, of meaning, of the universe, and of the mystery of human life. Beliefs about these matters could not define the attributes of personhood were they formed under compulsion of the state.

The five majority Justices, who wrote that, were all Republican appointees: two Reagan appointees, one each of Bush "41", Ford and Nixon.

An important standard of law is the concept of *stare decisis*—it stands decided. At the hearing Chairman SPECTER asked Judge Alito to discuss his view of *stare decisis*. He responded:

It's not an inexorable command, but it is a general presumption that courts are going to follow prior precedents". In the Supreme Court dissent on *Casey*, the justices who arguably wanted to overturn *Roe v. Wade* wrote "*stare decisis* is not . . . a universal inexorable command.

Not only did Judge Alito rule in favor of the *Pennsylvania Abortion Control Act* as a lower court judge, he used the same language as the high court dissenters at his Supreme Court nomination hearing. *Stare decisis* is not an inexorable command.

Additionally, at his nomination hearing Judge Roberts was willing to call *Roe v. Wade* "settled law" but Judge Alito refused to make a similar statement.

The last point I would like to make concerning constitutional law is on the commerce clause. As you know the Constitution creates a Government of limited power—Congress can only enact legislation in areas that are specifically set out under the Constitution. Congress is expressly prohibited from enacting legislation in other areas, leaving this authority to the States per the tenth amendment:

The powers not delegated to the United States by the Constitution . . . are reserved to the States respectively, or to the people.

Every law enacted by Congress must be based on one of the powers enumerated in the Constitution. The Framers of the Constitution gave Congress broad power to regulate immigration, national security and economic activity between the states, and left most other power with the States.

However, section VIII of article 1 states that "the Congress shall have the power to regulate Commerce . . . among the several states". This is the commerce clause and it is the most powerful provision in the Constitution providing Congress the authority to enact legislation in a host of areas—including environmental protection. A key Supreme Court case regarding the commerce clause was in 1942 when the Supreme Court upheld legislation that allowed USDA to set quotas on local wheat growing. The Court noted that while crops regulated may never actually enter into interstate commerce, such local activity, coupled with similar activity in other States as an aggregate has a direct impact on interstate commerce. Since then using the "aggregate effects test" or "substantial effects test" Congress has passed broad ranging environmental legislation such as the Clean Air Act, Clean Water Act and the Endangered Species Act, all of which were signed into law by Republican President Nixon.

While I agree there should be constitutional limits on legislative power, Judge Alito seems to have agreed with Justice Thomas who wrote:

I believe we must further reconsider our substantial effects test with an eye toward constructing a stand that reflects the text and history of the Commerce Clause.

Indeed in a dissent to a gun case heard before his court Judge Alito wrote:

In sum, we are left with no appreciable empirical support for the proposition that the purely intrastate possessions of machine guns, by facilitating the commission of certain crimes, has a substantial effect on interstate commerce, and without such support I do not see how the statutory provision at issue here can be sustained.

What is noteworthy in this dissent is that Judge Alito was alone with all members of his appeals court ruling the other way.

If "the aggregate or substantial effects tests" are overruled as Justice

Thomas has advocated, federal environmental laws could be ruled unconstitutional. Indeed on February 21, the Court is scheduled to hear arguments on two cases, *Carabell v. United States* and *United States v. Rapanos*.

In both cases the lower court upheld protection of wetlands, which are currently protected under the Clean Water Act. Environmentalists argue that these wetlands are critical to the health of our nation's water supply and wildlife habitat.

Industry groups argue that the Army Corps of Engineers has no authority under the Clean Water Act to regulate "isolated wetlands" that have no connection with "navigable waters." This would be a major setback to the Clean Water Act.

The critical issue is whether under the commerce clause, Congress has the authority to regulate non-navigable bodies of water within a single State. Based on the writing of Judge Alito, he would appear to side with the faction what would greatly limit the ability of Congress to protect such "intrastate" issues.

These constitutional issues, the scope of executive power, women's reproductive freedoms and the commerce clause are likely to be heard by the Supreme Court in the coming months. I care deeply about these issues.

Believe me, having been an executive in government, I want to support President Bush's choice to the Supreme Court. The President did win the election. He has made his promises and I have made mine.

I am a pro-choice, pro-environment, pro-Bill of Rights Republican and I will be voting against this nomination.

Ms. LANDRIEU. Mr. President, confirmation of a Supreme Court Justice is one of the most important duties the Senate performs under the Constitution. We should consider the nomination of Judge Alito carefully and conduct our debate on this nominee with dignity and respect.

The Supreme Court is the final arbiter of whether the laws of our land conform to the Constitution. Once confirmed to the Court, Justices serve for life, beholden only to the Constitution and the rule of law. It is an awesome responsibility; and for such an important event, we must have a confirmation process fitting of that responsibility. Too often in recent years, we have not.

Though the judicial branch of our government is supposed to be independent of politics, the nomination and confirmation process has become far too political to the point that it no longer serves the Nation's interests, regardless of partisan or philosophical differences.

Judge Alito, whom I have met and found to be an honorable, intelligent man, was placed in the unfortunate position of having been selected as a result of this process. As my colleagues know, he was not the President's first choice to fill Justice Sandra Day

O'Connor's seat. John Roberts was. After his nomination was switched to become Chief Justice, Harriet Miers became the President's second choice. After she was attacked by members of the President's own party, her nomination was withdrawn. Again, politics prevailed.

Judge Alito's nomination was the President's third choice for this seat and, in many ways, a gesture to the organized interest groups of the President's party who had derailed Ms. Miers' nomination. Unfortunately, it was a nomination of, by, and for politics.

This highly charged political process spilled over into the confirmation hearings before the Judiciary Committee. To secure confirmation, Judge Alito said as little as possible. The strategy was clear: hide, don't explain or embrace, your judicial philosophy.

The Supreme Court nomination and confirmation process has become a game of hide-the-ball. It is a process that does not help to inform Senate deliberations, and it sadly leaves the American people uninformed about who will be sitting on this highest of American courts until it may be too late.

The chairman and ranking member of the Judiciary Committee are not to blame for what has happened to the confirmation process. I also thank Judge Alito for his willingness to appear before the committee for as long as he did. But the entire process is clearly not what the Framers of our Constitution intended. No one in America should be afraid to speak his or her mind openly and honestly. The American people are poorly served by a process that places tactical politics above guiding principle.

If confirmed, Judge Alito will replace one of the most important justices on the Court today, Sandra Day O'Connor. Justice O'Connor is a conservative, appointed by a conservative President. Over time, she became a consensus builder on the Court who took great pains to strike a careful balance in her opinions, never forgetting that the Court's decisions have real consequences for real people. She was open-minded and independent. Her influence on the Court was tremendous and her reasoning always carried great weight. She did not prejudge cases and applied the law to the facts in a fair manner.

Justice O'Connor, who was appointed by President Reagan, was a swing vote on a number of important decisions. Whether you or I agree with her individual opinions or not, I think she acted responsibly: someone committed to equal justice under the law, who applied the law to the facts as presented to her and did not "overreach" from the bench. She showed proper respect for the legislative branch and was careful not to cater to Executive authority.

While Samuel Alito has solid qualifications to become a Supreme Court Justice, it is our duty to look deeper.

Though we can never know how a Justice will decide a case before it is presented and argued, it is important to know, during the confirmation process, which principles of judicial philosophy will underlie a potential Justice's future constitutional interpretations. We can give advice and consent to a Supreme Court nomination without this information or these insights, as this Senate is about to do. But without this information and these insights, we cannot give informed advice or informed consent.

It was never intended that the Senate be a rubberstamp, approving everyone the President nominated simply because he sent them to us. The Framers expected Senators to bring wisdom and understanding to the task, not to simply check off boxes on an application form.

Judge Alito's record gives me cause for concern. And his testimony during the confirmation hearings unfortunately did very little to lessen that concern. His opinions and dissents on the bench leave open very serious questions as to how he views fundamental civil rights for all Americans and how he views protecting the individual rights of average citizens, especially when they are threatened by powerful forces, including the government itself. Judge Alito's nonanswers to so many questions presented to him at the confirmation hearing added to those troubling concerns.

I have voted for conservative judges nominated by Republican Presidents many times. John Roberts was the most recent. But I must oppose this nomination. I want my vote against confirmation to send a signal to all who care that the Supreme Court nomination process has become far too political and far too removed from the original purposes set forth by the Framers of the Constitution.

It is time for all of us, Republicans and Democrats of every possible philosophical persuasion, to stand up against a process that so poorly serves the people of the States we represent in this great body.

The ACTING PRESIDENT pro tempore. The Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, on this rainy morning in our Nation's Capital, we just learned the sad news of the passing of Coretta Scott King. We are reminded again of the crucial role our courts played in making real the promises of our national charter, the Constitution. It was the courts to whom Dr. Martin Luther King spoke, and they responded.

The Nation mourns the loss of another civil rights leader and is reminded again of the vital role our courts play as the place where ordinary Americans can turn for justice when justice is denied them. Coretta Scott King and her late husband, Dr. Martin Luther King, Jr., put their lives on the line to bring those promises to untold millions of Americans. Let us never

squander or take for granted all that has been achieved. Let us keep their dream alive.

That is why, since this debate began last Wednesday, I posed the fundamental question this nomination raises: whether the Senate is going to serve its constitutional role as a check on the President by preserving the Supreme Court as a constitutional check on the expansion of Presidential power.

This nomination now before us is an unacceptable threat to the fundamental rights and liberties for all Americans now and for generations to come. This President is in the midst of a radical realignment of the powers of the Government and its intrusiveness into the private lives of Americans.

I am concerned that if confirmed, this nominee is going to further erode the checks and balances that have protected our constitutional rights for more than 200 years. This is a crucial nomination, one that can tip the balance of the Supreme Court radically away from constitutional checks and balances and from the protection of Americans' fundamental rights.

The vote that the Senate is about to take has real consequences, not just for the 100 of us in this body but for 295 million Americans. We stand in their shoes. We stand in the shoes of generations to come. The vote will determine whether Samuel Alito, Jr., replaces Justice Sandra Day O'Connor on the Supreme Court of the United States. A vote for this nomination is a vote against constitutional checks and balances. A vote for this nomination is a vote against maintaining the fundamental rights and liberties of ordinary Americans.

Republican Senators have pretended that judicial philosophy and personal views do not matter because judges simply apply the rule of law, as if it were some mechanical calculation. Personal views and judicial philosophy often come into play on close and controversial cases. We all know this to be true. Why else did Republican supporters force President Bush to withdraw his previous nominee for this vacancy, Harriet Miers, before she even had a hearing? It mattered to them when the nominee was Harriet Miers. And it matters now. The only difference is that those who hounded Harriet Miers to withdraw are confident that Judge Alito will pass their litmus tests. Harriet Miers failed their litmus tests because, despite all the backroom whispers and public winks and nods, her conservative opponents were not confident that she would rule the way they wanted. Those from among the President's supporters who castigated Ms. Miers wanted certain results. The President allowed his choice to be vetoed by an extreme faction within his party, before hearings or a vote. As Chairman SPECTER has said, they ran her out of town on a rail. Like the more than 60 moderate and qualified judicial nominees of President Clinton on whom Republicans would neither

hold hearings or votes—by what was in essence a pocket filibuster. They do not want an independent federal judiciary. They want certain results.

The President says he is fulfilling a campaign promise. I remind him of his biggest campaign promise to be a uniter and not a divider. He could have nominated so many people who would have united this country, would have gotten 90 to 100 votes in the Senate. Republicans and Democrats would have felt united, and the country would have felt united. But instead of uniting the country through his third choice—and this was his third choice—to succeed Justice O'Connor, the President has chosen to reward a faction of his party at the risk of dividing the country.

Those so critical of his choice of Harriet Miers were the very people who rushed to endorse the nomination of Judge Alito. Unlike what has been said on this floor, the criticism of his choice of Harriet Miers came from the Republican Party. But instead of rewarding his most virulent supporters, the President should have rewarded the American people for the unifying choice that would have broad support.

Think how much better America could have done. America can do better if we have consultation—here we didn't have it—to select one of the many consensus conservative Republican candidates who could have overwhelmingly been approved by the Senate.

Judge Alito was asked at the hearing how he got to this nomination. I think we understand the real answer to that question. It has little to do with Judge Alito's family story and a great deal to do with the pressures that forced the President to withdraw the nomination of Harriet Miers and this President's efforts to avoid any check on his expansive claims of additional powers.

This is a President who has been conducting secret and warrantless eavesdropping on Americans for more than 4 years. This President has made the most expansive claims of powers since America's patriots fought the War for Independence to rid themselves of the overbearing power of King George III. He has done so to justify illegal spying on Americans without the essential check of judicial oversight to justify actions that violate our values and laws against torture and protecting human rights, and in order to detain U.S. citizens and others on his say-so—just on his say-so—without any judicial review or due process. This is a time in our history when the protections of Americans' liberties are at risk, as are the checks and balances that have served to constrain abuses of power for more than 200 years.

The President wanted a reliable Justice who would uphold his assertions of power, his most extreme supporters want someone who will revisit the constitutional protection of privacy rights, and his business supporters wanted somebody favorable to powerful special interests.

A Supreme Court nomination should not be conducted through a series of

winks and nods designed to reassure the most extreme factions while leaving the American people in the dark. No President should be allowed to pack the courts, but especially the Supreme Court, with nominees selected to enshrine Presidential claims of Government power. The checks and balances that should be provided by the courts, Congress, and the Constitution are too important to be sacrificed to a narrow, partisan agenda. A Democratic-controlled Senate stood up to Democratic President Franklin Roosevelt when he proposed a Court-packing scheme. The Senate acted as the Senate should and so rarely does today, to say "no" to a President. I will not lend my support to an effort by this President to undermine our constitutional checks and balances or to move the Supreme Court radically to the right.

The Supreme Court belongs to all Americans, not just the person occupying the White House, not just to a narrow faction of a political party. The President continues to choose confrontation over consensus and to be a divider rather than the uniter he promised Americans he would be. Rather than sending us a nominee for all Americans, the President chose a divisive nominee who raises grave concerns about whether he would be a check on Presidential power and whether he understands the role of the courts in protecting fundamental rights.

The Supreme Court is the ultimate check and balance in our system. Independence of the courts and its members is crucial to our democracy and way of life. The Senate should never be allowed to become a rubber stamp, and neither should the Supreme Court.

As the Senate prepares to vote on this nomination, we should be mindful of Justice O'Connor's critical role on the Supreme Court. Her legacy is one of fairness I want to see preserved. Justice O'Connor has been a guardian of the protections of the Constitution provides the American people. Of fundamental importance, she has come to provide balance and a check on Government intrusion into our personal privacy and freedoms. In the Hamdi decision she rejected the President's claim he could indefinitely detain a U.S. citizen. She said not even the President is above the law. She upheld the fundamental principle of judicial review. She wrote that even war "is not a blank check for the President when it comes to the rights of the Nation's citizens."

The American people deserve a Supreme Court Justice who inspires confidence that he or she will not be beholden to the President, but will be immune to pressures from the Government or from partisan interests. The stakes for the American people could not be higher. The appointment of the next Supreme Court Justice must be made in the people's interest and in the Nation's interest, not partisan interest or the President's interest.

It is as the elected representatives of the American people, all the people,

that we are charged with the responsibility to examine whether to entrust their precious rights and liberties to this nominee. The Constitution is their document. It guarantees their rights from the heavy hand of Government intrusion and their individual liberties to freedom of speech and religion, to equal treatment, to due process and to privacy. I want all Americans to know that the Supreme Court will protect their rights. I want a Supreme Court that acts in its finest tradition as a source of justice. The Supreme Court must be an institution where the Bill of Rights and human dignity are honored.

This is Judge Alito's single moment in his lifetime, the only moment in his lifetime, of accountability before the prospect of a lifetime on our Nation's highest Court. But it is also an accountability moment for each of the 100 Senators in the decision we reach on this crucial nomination because we have to speak for 295 million Americans.

I urge all Senators to consult their consciences and their best judgment before casting their votes on this critically important nomination. But, in good conscience, based on the record, I cannot, I will not, vote for this nomination.

Mr. President, what is the parliamentary situation?

The ACTING PRESIDENT pro tempore. The Senator has 25 seconds remaining.

Mr. LEAHY. Mr. President, obviously I am distressed for many reasons about this nomination, not the least of which is everything Judge Alito said indicated he would not be a check and balance. I so wish—and I have said this to President Bush personally—I so wish he had been a uniter and not a divider. We could be here with a Senate unanimously approving a nominee, instead of this divisive battle.

I yield the floor.

The ACTING PRESIDENT pro tempore. Under the previous order, the time from 10:34 until 10:44 shall be under the control of the Senator from Pennsylvania. He is now recognized.

Mr. SPECTER. I thank the Chair.

Mr. President, as the Senate moves toward the vote on the nomination of Judge Samuel A. Alito, Jr., to be Associate Justice of the Supreme Court, we are mindful of the very heavy responsibility under the Constitution which the Senate has for confirmation of a Supreme Court Justice for a lifetime appointment. There is no vote as important, except for a declaration of war or the resolution authorizing the use of force, which is the practical equivalent of a declaration of war.

In our society, the Supreme Court of the United States is the final decision-maker in, as the process has worked out, many cutting-edge questions that come before the Supreme Court. The Supreme Court decides the issue of who shall live, who shall die—the decision which they had recently on the Oregon

law or the application of the death penalty. It is the final protector of civil rights, the adjudicator of the Commerce clause, as to what Congress can do by way of legislation, and its authority and power is magnified because so many of the decisions of the Court are on a 5-to-4 count. When we have Justice O'Connor retiring as the swing vote on so many cases, there is an even heavier air of responsibility as we move through the confirmation process of Judge Alito.

It is our responsibility to examine the nominee in terms of his qualifications. Those qualifications have been established by virtue of his educational background and his professional background. We have to make a determination of his temperament, and I believe we saw poise and patience under a very difficult confirmation process. The confirmation process has evolved and, candidly, I think Judge Alito's was a little tougher, a little more confrontational than most. That is the right of the Senators. But he certainly had ample poise and ample calm and demonstrated steadfastness and temperament.

The tougher inquiry is when we bear in and focus on what he is going to do if confirmed? What are his jurisprudential approaches? I think we have come too much to the point in our confirmation process of looking for definite answers. Some have objected to the confirmation of nominees because there is no guarantee on how they will vote in certain cases. A nominee to the Supreme Court is not supposed to give guarantees. A nominee to the Supreme Court is supposed to respond as to factors to be considered and give us an idea of his or her reasoning power. He or she is not supposed to give us guarantees on how they would rule. This goes back to President Lincoln, who said we should loathe somebody who told us in advance how he or she would rule when nominated to the Supreme Court of the United States.

There is a lot of anxiety about a woman's right to choose. I share that anxiety and I share that concern. We have seen in the history of the Court that early indications as to how an individual may feel about a woman's right to choose will not necessarily be the determinant as to how that nominee will vote when the nominee is a Justice on the Supreme Court. We have the operative case on a woman's right to choose. It is *Casey v. Planned Parenthood*, decided in 1992. It retained the woman's right to choose but modified the rationale from *Roe v. Wade* in 1973. The opinion was written jointly by Justice O'Connor, Justice Anthony Kennedy, and Justice David Souter. Prior to their becoming Supreme Court Justices, all had expressed opposition to abortion rights, opposition to a woman's right to choose. But when they came to the Court and they took a look at the precedents, when they took a look, as their joint opinion said, on reliance, they sustained the principle of a woman's right to choose.

While you had Judge Alito's statement in 1985, 21 years ago, about his own view on the subject, he made it emphatic that as a jurist he would look to precedent and his own personal views would not dominate his thinking as he applied the law in a constitutional setting.

He was also questioned at length about his work in the Solicitor General's Office on the Thornburgh case. Too much is made of what an individual does in an advocacy capacity representing a client. But Judge Alito was questioned at great length about the philosophical underpinnings of a woman's right to choose. He agreed with Justice Harlan's dissent in *Poe v. Ullman* about the Constitution being a living document. And he agreed with Cardozo in *Palko v. Connecticut*, that constitutional interpretation represents the values of an evolving society. He went about as far as he could go without making a commitment in advance.

When it came to the question of Executive power, here again he described the philosophical underpinnings of the President's authority and he agreed with Justice O'Connor that a state of war does not give a President a blank check. He outlined the considerations going to Justice Jackson's concurrence in the steel seizure case, about how he would face an issue on Executive power.

The Congress of the United States can do considerably more by way of oversight on what the Executive does, and we are going to have a hearing next Monday on the President's power for surveillance. What is the President's authority in the face of a statute, the Foreign Intelligence Surveillance Act, which requires court approval for certain surveillance operations? What are the President's article II powers as Commander in Chief? There could be a great deal more activism by the Congress. You don't have to wait for these cases to come to the Supreme Court of the United States. But if, as, and when the question does arise, I think Judge Alito outlined the jurisprudential considerations, and he is on target.

When it comes to congressional power, we could also do a lot more. The Supreme Court has been insulting in its characterization of our reasoning power, striking down legislation to protect women against violence, disagreeing with our method of reasoning, or striking down portions of the Americans With Disabilities Act, as Justice Scalia said, being a taskmaster. We are preparing legislation in the Judiciary Committee to grant Congress standing to go to court to uphold the constitutionality of our statutes.

Mr. President, how much time do I have remaining?

The PRESIDENT pro tempore. The Senator has 40 seconds.

Mr. SPECTER. When you take a look at the values of an individual, who knows him better than the judges with whom he worked?

Seven judges came before the Committee to testify and they all authenticated the conclusion that he does not have a predetermined set of values that he is going to try to force upon the country.

All factors considered, I think he is worthy of confirmation by this body.

I thank the Chair, and I yield the floor.

Mr. ROBERTS. Mr. President, I rise today to offer my support for Judge Samuel Alito, Jr., for Associate Justice to the U.S. Supreme Court. I am honored to have the opportunity to again participate in a nomination for the Supreme Court. The casting of our votes from our Senate desks, as set forth by Senate tradition, is indicative of the meaningfulness and the importance of the confirmation vote for a judicial nomination to the Supreme Court. As before, I am humbled and honored to represent my fellow Kansans in this manner.

Over the course of the hearings, the Nation has had an opportunity to learn more about Judge Alito's character, professional experience, and approach to the law. It is clear that Judge Alito's educational background is quite impressive. The son of public school teachers, Judge Alito grew up in a family in which the importance of education and hard work were firmly rooted. His father, who arrived in the United States as an infant, knew firsthand the struggles of growing up in poverty. His ability to pull himself up by his bootstraps and emphasizing education as the window to a better life laid a firm foundation for his family.

It is no surprise that Judge Alito's exceptional educational background boasts of two formidable Ivy League universities—a notable accomplishment resulting from hard work and a keen mind. However, during his testimony, his statements demonstrated that he fully recognized what an opportunity it was to attend these renowned universities and took full advantage. He said:

It was a time of turmoil at colleges and universities. And I saw some very smart people and very privileged people behaving irresponsibly. And I couldn't help making a contrast between some of the worst of what I saw on the campus and the good sense and the decency of the people back in my own community.

It is this type of commonsense that resonates with my Kansas constituents.

One only needs to look at Judge Alito's résumé to see his extensive experience in both prosecuting and applying the law. His distinguished career includes almost 15 years as a Federal prosecutor within the Department of Justice, 3 years as the U.S. Attorney for New Jersey, and most recently, 15 years as a Federal judge on the U.S. Court of Appeals for the Third Circuit. Judge Alito is well versed in the law. While some have alleged that his decisions are biased and that he is an ideologue with a political agenda, his

record, his testimony, and the testimony of his colleagues and others who have worked with him dispel those allegations. During his confirmation hearing before the Senate Judiciary Committee, Judge Alito stated:

The role of a practicing attorney is to achieve a desirable result for the client in the particular case at hand, but a judge can't think that way. A judge can't have any agenda. A judge can't have any preferred outcome in any particular case. And a judge certainly doesn't have a client. The judge's only obligation—and it's a solemn obligation—is to the rule of law, and what that means is that in every single case, the judge has to do what the law requires.

His fellow colleagues on the U.S. Court of Appeals affirm his open-mindedness, impartiality, and decisions based on the facts and the law. Notably, the American Bar Association—long viewed as the gold standard among my colleagues on the other side of the aisle—reviewed Judge Alito's judicial background and gave him their highest rating of "Well Qualified."

In a time of judicial encroachment in which courts are increasingly imposing their political will on the Nation, Judge Alito's judicial record demonstrates his efforts to stem that tide. In his testimony he refers to the role of the judiciary as very important, but limited by the authorities set forth in the Constitution. The judicial branch's responsibility lies in interpretation and application of the law and not enacting policy judgments. In other words, he is guided by the rule of law set forth by the Constitution. Others describe Judge Alito's judicial philosophy as a philosophy of restraint and in accordance with the rule of law. Other witnesses from a broad range of ideologies who know Judge Alito confirm that he is measured and judicial in his decisions.

In closing, I would like to comment on the increasing political nature in which judicial nominees are subjected to during the nominations process. During my remarks on the nomination of now Chief Justice John Roberts, I highlighted the elevated level of partisanship in the Senate. This trend of partisan bickering further threatens the comity and respect that has long been the standard for conducting Senate business. The tenor and manner of questioning, or grilling as referred to in the news headlines, of Judge Alito frays the spirit of our constitutional fabric under which we operate. I call on my colleagues to work together to raise the level of discourse in these hallowed Halls of Congress.

Mr. SHELBY. Mr. President, I rise today to support the nomination of Judge Samuel Alito to be an Associate Justice of the U.S. Supreme Court.

Judge Alito's education, legal training, and judicial record have positioned him well to serve our Nation with honor and dignity on the Supreme Court. A graduate of Princeton and Yale, Judge Alito has more than 30 years of legal experience. Over the years, he has served as a judicial clerk,

a prosecutor, an appellate lawyer before both the U.S. Court of Appeals and the U.S. Supreme Court. He has served as legal counsel to the U.S. Government and most recently as a judge on the U.S. Court of Appeals for the Third District. Judge Alito has a full breadth of experience in both criminal and civil cases as well as the trial and appeals phases of the judicial system.

I believe Judge Alito's record on the U.S. Court of Appeals for the Third District shows that he is a fair and impartial jurist. During his tenure on that court, it has been clear that he takes all legal theories and arguments into account when making decisions and issuing rulings. Judge Alito is well respected by his colleagues and has even received their praise for the manner and tone he takes in working through the facts to arrive at a decision. I do not recall anyone questioning his ability to do the job and in fact, he received a unanimous "well-qualified" rating from the American Bar Association, its highest rating.

While many have criticized Judge Alito's supposed judicial philosophy, I believe that his written decisions and statements as well as his appearance before the Judiciary Committee confirmed his ability to set personal views and ideology aside so as to not cloud his interpretation of the law. I commend Judge Alito for his poise and composure throughout one of the most arduous hearings in recent memory.

The time has come for Congress and the President to serve as a check on the judicial activism that has become so prevalent in the judiciary today.

I believe that we must have judges that interpret the Constitution and the law rather than manipulate it to meet their personal ideologies. Judge Alito fits that mold.

Mr. President, I am proud to support Judge Alito and look forward to him becoming the next Associate Justice on the United States Supreme Court.

The PRESIDENT pro tempore. Under the previous order, the Democratic leader is recognized time until 10:54.

Mr. REID. Mr. President, in his opening statement to the Judiciary Committee, Judge Samuel Alito asked, "How in the world did I get here?" That rhetorical question raises a serious concern about him, and it has shadowed his nomination from the very beginning. The fact is, Judge Alito became President Bush's candidate to replace Justice Sandra Day O'Connor only after the radical rightwing torpedoed the nomination of White House counsel Harriet Miers and insisted that someone with Sam Alito's ideology be put in her place. That is how Judge Alito "got here."

I continue to believe that Harriet Miers received a raw deal. She is an accomplished lawyer, a trailblazer for women, and a strong advocate of legal services for the poor. Not only was she denied the up-or-down vote that my Republican colleagues say every nominee deserves, but she was never even

afforded the chance to make her case to the Judiciary Committee.

I believe radical elements in the President's own party demanded that Miers withdraw not because of her lack of judicial experience as some exclaimed but because they were insufficiently confident she would support their extreme agenda. Remember, approximately 40 percent of all people who have ever served on the Supreme Court had no judicial experience.

The rightwing distrust of Harriet Miers and their immediate elation when Judge Alito was named raised my suspicions on the day that he was nominated. Those suspicions were heightened when Alito's 1985 application for a job in the Reagan administration came to light. In it, Alito stated, "I am and always have been a conservative." He spoke proudly of his work on behalf of the extreme agenda of the Reagan Justice Department, his disagreement with landmark rulings of the Warren Court in favor of equal rights, and his membership in rightwing organizations. In effect, the 1985 document amounted to Judge Alito's pledge of allegiance to conservative, radical Republican ideology.

I don't propose the Alito nomination is on the basis of a 20-year-old job application. Instead, I view that document as a roadmap to Judge Alito's subsequent judicial opinions and speeches.

Judge Alito's judicial opinions have been largely consistent with his ideological signals; that is, the signals he sent in the 1985 job application. One of the most prominent and eminent legal scholars in all of America, Professor Cass Sunstein of the University of Chicago Law School, who generally supported the nomination of Chief Justice John Roberts, analyzed Alito's opinions and found "a remarkable pattern" of "almost uniformly conservative" dissents. Professor Sunstein concluded that "the real question about Alito involves the disturbingly close link between his political convictions and his legal conclusions."

My concern about Judge Alito falls into three broad categories. First, I fear he will not vindicate the role of the judiciary as a check on executive branch power. Second, he is a leader in the so-called federalism movement which would limit congressional power to pass environmental laws and remedy other national problems. Third, in disputes between ordinary American citizens and the powerful corporations and government, Judge Alito is often—and too often—on the side of the powerful and against the interests of the individual.

First, I am disturbed by Judge Alito's overall bowing to Executive pressure, bowing to Executive power. At a time when President Bush asserted unprecedented authority over the lives of American citizens and the Republican-controlled Congress seems too willing to cede those powers to him, I cannot support the nomination

of a judge predisposed to giving the President the benefit of every doubt.

In matters ranging from domestic spying to the use of torture, the current President has effectively declared himself above the law. Meanwhile, a Congress controlled by the President's party has stripped the courts of jurisdiction to hear habeas corpus cases brought by Guantanamo detainees, some of whom have absolutely nothing to do with terrorism. In the face of such profound threats to the separation of powers in our Constitution, we need a Supreme Court comprised of independent and impartial judges willing to stand up to imperial Presidencies.

Rather than serving as a check on President Bush's abuses of power, I worry that Judge Alito will instead serve as a rubberstamp. Both on and off the bench, Alito's writings and opinions show a record of extreme deference to Executive power, whether exercised by the President or by Federal and local law enforcement officials.

Even before he was a judge, Alito made a name for himself arguing for expansive Executive power. As a Justice Department attorney, he wrote that the Attorney General should have absolute immunity from lawsuits arising from illegal wiretaps. He also argued on the side of a Tennessee police officer who shot and killed an unarmed 15-year-old boy not because the officer believed the boy was armed, but to prevent escape from a petty crime.

Alito's judicial rulings on executive power heighten my concerns in this area. In the recent decision of *United States v. Lee*, he found that an FBI undercover probe that included audio and video surveillance of the defendant's hotel suite without a warrant did not violate the Fourth Amendment.

The government wins, you lose.

In an earlier case in which Judge Alito voted to uphold the strip-search of a 10-year-old girl, then-Judge Michael Chertoff, now President Bush's Secretary of Homeland Security, criticized Alito's views as threatening to "transform the judicial officer into little more than the cliché 'rubber stamp.'"

Again, government wins, you lose.

Judge Alito's unshakable deference to police officers conducting intrusive searches seems to extend to his view at the power of the President to act unilaterally when setting national policies.

In a speech to the Federalist Society in November 2000, he professed his strong belief in the so-called "unitary executive" theory of constitutional law, a theory embraced by those who advocate for expanding executive powers at the expense of the judicial and legislative branches of government.

Judge Alito's disturbing views on the constitutional separation of powers is also reflected in his refusal to condemn laws in which Congress strips courts of jurisdiction to hear certain disputes. For example, Senator LEAHY asked the

nominee if Congress could strip the Supreme Court of jurisdiction over all cases arising under the First Amendment. Alito declined to respond directly, saying the matter was the subject of academic dispute.

These comments lead me to doubt that Judge Alito fully appreciates that the role of the courts is to protect constitutional rights and liberties in the face of an overreaching majority.

Second, I am concerned that Judge Alito would limit the authority of Congress to address environmental protection and other national needs. I fear that Alito would join Justices Scalia and Thomas in their activist campaign to narrow congressional power under the Commerce Clause, a movement that threatens important public health and welfare laws in the name of "federalism."

Once again, the roots of Judge Alito's ideology can be found in his work during the Reagan Administration. As Deputy Attorney General in 1986, Judge Alito recommended that President Reagan veto the Truth in Mileage Act, a law designed to prevent odometer tampering, because "it violates the principles of federalism."

And again, Judge Alito seems to have carried his Reagan-era ideology with him when he joined the Third Circuit. In the Chittester case, for example, he held that Congress lacks authority to allow State employees to enforce aspects of the Family and Medical Leave Act. His logic would cripple the ability of Congress to help people with real problems, such as those who are disabled. Again, government wins, you lose.

There is every reason to fear that Judge Alito will work to continue the Court's unwarranted restriction of Congressional power in these areas.

Third and finally, Judge Alito's nomination troubles me because in his 15 years on the bench he has repeatedly and consistently favored the power of government and corporations over the rights of individual American citizens. As many commentators have observed, Judge Alito hardly ever sides with the proverbial "little guy."

The government wins, you lose.

A Knight-Ridder review of Alito's 311 published opinions on the 3rd Circuit Court of Appeals found that Judge Alito very rarely supports individual rights claims. In a separate study, Professor Sunstein found that Judge Alito ruled against the individual in 84 percent of his dissent—84 percent of the time.

Again, government wins, you lose.

In civil rights cases, Judge Alito has often voted to impose higher barriers for people with claims of discrimination.

In *Bray v. Marriott Hotels*—a case dealing with race discrimination—his colleagues said Title VII of the Civil Rights Act "would be eviscerated" if Alito's approach were followed. Again, big business would win, and you would lose. And in *Nathanson v. Medical College of Pennsylvania*, he dissented in a

disability rights case where the majority said: "few if any Rehabilitation Act cases would survive" if Judge Alito's view were the law.

Again, big business and government wins, you lose.

Perhaps the most important instance when the rights of an individual conflict with the interests of the government are when the state seeks to carry out the death penalty.

How anyone could come up with the conclusion of Judge Alito's is really hard to understand.

Senators LEAHY and FEINGOLD asked Judge Alito whether it would be unconstitutional to execute an "unquestionably innocent man."

The obvious answer from anyone would be quite clear. It would be plainly unconstitutional. But Judge Alito refused to say so. Instead, he spoke in bland bureaucratic terms about the need for the innocent person to file the proper petitions under proper Federal rule.

Remember, the question was, "Would it be unconstitutional to execute an unquestionably innocent man?" Of course, it would.

That was a chilling moment. If the Constitution means anything it means that the state cannot put to death an "unquestionably innocent" person. If Judge Alito cannot say that without equivocation, he is not the kind of judge I want on the Supreme Court of the United States.

These three broad concerns about Judge Alito's record on the bench are all the more troubling in light of the fact that Judge Alito has been nominated to replace Justice Sandra Day O'Connor, a national icon who has been a voice of moderation and reason on the Court for the last quarter of a century.

President Bush was not obligated to nominate a clone of Justice O'Connor. But this President has no mandate to move the Supreme Court and American law in a radical rightward direction. That is precisely what replacing Justice O'Connor with Judge Alito will accomplish.

That Judge Alito has been nominated to replace Justice O'Connor is relevant in another sense. Justice O'Connor was the first of only two women ever to sit on the Supreme Court. It remains disturbing to me that she would be replaced by a man, leaving only one woman on the nine-member Court.

Today, more than half of the nation's law students are women. There are countless qualified women on the bench, in elective office, in law firms, and serving as law school deans. I can't believe the President searched the country and was unable to find a qualified female nominee. But maybe he was unable to find a qualified female nominee who satisfied the radical far right wing of the Republican Party.

Meanwhile, for the third time, this President has turned down the opportunity to make history by nominating the first Hispanic to the Court. How

much longer must Hispanics across America wait before they see someone on the nation's highest court who shares their ethnic heritage and their shared experiences?

I have no doubt that Sam Alito is a decent man.

But a confirmation debate is not a popularity contest. The rights and liberties of the American people are at stake. This particular nomination raises profound questions about our system of checks and balances.

We need to ask whether a Justice Alito will serve as an effective check on a swaggering President and his reckless policies.

At this critical moment in our Nation's history, I cannot support the confirmation of this nominee to fill this vacancy on the Supreme Court of the United States.

The PRESIDENT pro tempore. Under the previous order, the majority leader is recognized.

Mr. FRIST. Mr. President, at the end of a debate in the Senate there is rarely a question of whether everything has been said—only whether every Senator has said it.

After 92 days since this nomination was announced, after 30 hours of Judiciary Committee hearings, after Judge Alito answered more than 650 questions, and after 5 days of debate on the floor of the Senate, there is little left to be said. So I will be brief.

To President Bush I say thank you. To President Bush I say thank you for nominating such an exceptionally qualified individual as Sam Alito to serve on the Supreme Court.

To my Senate colleagues I say well done to the supermajority of Senators who joined yesterday to elevate principle above partisan politics and defeat an unjustified filibuster of this nomination.

And to Judge Alito I say: You deserve the seat on the Supreme Court. Today, you will become the 110th Justice to serve on the Court throughout America's history. It is a seat that is reserved for a few but that impacts millions. May the Constitution and rule of law be the light that illuminates each case that comes before you.

So, momentarily, we will vote from our desks, a time-honored tradition that demonstrates, once again, how important and consequential every Member takes his duty under the Constitution to provide advise and consent on a Supreme Court nomination and to give the nominee the fair up-or-down vote he deserves. It is time to call the roll.

There is only one thing left to say. I ask for the yeas and nays on the nomination of Samuel Alito to serve as Associate Justice of the Supreme Court of the United States.

The PRESIDENT pro tempore. Is there a sufficient second?

There is a sufficient second.

The question is, Will the Senate advise and consent to the nomination of Samuel A. Alito Jr., of New Jersey, to be an Associate Justice of the Supreme

Court of the United States? On this question, the yeas and nays have been ordered. Senators are requested to vote from their seats.

The clerk will call the roll.

The assistant legislative clerk called the roll.

The PRESIDENT pro tempore. The Chair admonishes all present that no reaction to a Senate vote is permitted under Senate rules.

The result was announced—yeas 58, nays 42, as follows:

[Rollcall Vote No. 2 Ex.]

YEAS—58

Alexander	DeWine	McConnell
Allard	Dole	Murkowski
Allen	Domenici	Nelson (NE)
Bennett	Ensign	Roberts
Bond	Enzi	Santorum
Brownback	Frist	Sessions
Bunning	Graham	Shelby
Burns	Grassley	Smith
Burr	Gregg	Snowe
Byrd	Hagel	Specter
Chambliss	Hatch	Stevens
Coburn	Hutchinson	Sununu
Cochran	Inhofe	Talent
Coleman	Isakson	Thomas
Collins	Johnson	Thune
Conrad	Kyl	Vitter
Cornyn	Lott	Voinovich
Craig	Lugar	Warner
Crapo	Martinez	
DeMint	McCain	

NAYS—42

Akaka	Feingold	Menendez
Baucus	Feinstein	Mikulski
Bayh	Harkin	Murray
Biden	Inouye	Nelson (FL)
Bingaman	Jeffords	Obama
Boxer	Kennedy	Pryor
Cantwell	Kerry	Reed
Carper	Kohl	Reid
Chafee	Landrieu	Rockefeller
Clinton	Lautenberg	Salazar
Dayton	Leahy	Sarbanes
Dodd	Levin	Schumer
Dorgan	Lieberman	Stabenow
Durbin	Lincoln	Wyden

The nomination was confirmed.

The PRESIDENT pro tempore. The majority leader.

Mr. FRIST. I move to reconsider the vote.

Mr. MCCONNELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. FRIST. Mr. President, I ask unanimous consent that the President be immediately notified of the Senate's action.

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

NOMINATIONS OF BEN S. BERNANKE TO BE A MEMBER AND CHAIRMAN OF THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

Mr. FRIST. Mr. President, I now ask that the Senate proceed to the nominations of Ben Bernanke, as under the previous order.

For the information of colleagues, we will begin debate on the Bernanke nominations now and will conclude the remaining debate after the policy lunches.

The PRESIDENT pro tempore. I cannot hear the leader.

Mr. SARBANES. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The majority leader has the floor.

Mr. FRIST. 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. SHELBY. 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.

Under the previous order, the Senate will proceed to consideration of Executive Calendar Nos. 440 and 441, which the clerk will report.

The legislative clerk read the nomination of Ben S. Bernanke, of New Jersey, to be a member of the Board of Governors of the Federal Reserve System.

The legislative clerk read the nomination of Ben S. Bernanke, of New Jersey, to be Chairman of the Board of Governors of the Federal Reserve System.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. Mr. President, I rise this morning in support of the nominations of Benjamin S. Bernanke to be a member and the Chairman of the Board of Governors of the Federal Reserve System.

In November of 2005, I chaired our Banking Committee hearing regarding this nomination, and we heard from Dr. Bernanke on a wide range of economic issues. In reporting this nomination to the floor for consideration, I would reiterate that President Bush has made a superb appointment in selecting Dr. Ben Bernanke for this position.

This nomination is of great importance to our Nation and our economy. As the central bank, the Federal Reserve has the responsibility for conducting monetary policy to maintain maximum employment, stable prices, and moderate long-term interest rates. As the U.S. continues to lead the world economy, sound stewardship of the Federal Reserve also affects the global marketplace.

The Chairman of the Federal Reserve would certainly have a big enough job to do if he were tasked only with serving as head of the central bank of the United States. But his job also entails the supervision and regulation of financial institutions, including some of the largest financial entities in the world. The Federal Reserve must ensure the safety and soundness of these institutions and monitor any potential for systemic risk. The American consumer also counts upon the Federal Reserve to foster the fair and efficient delivery of services to customers of financial institutions.

The Federal Reserve also plays a major role in operating the Nation's payment system. Evolving technology continues to change the way we pay for goods and services. The Federal Reserve must oversee these innovations

and adaptations and make certain the U.S. payment system is effective, reliable, and safe.

For nearly two decades, it has been impossible to raise the topic of the Federal Reserve without also mentioning Alan Greenspan, and I will do so briefly here today. Alan Greenspan has been the face and the voice of the Federal Reserve for over 18 years. Today he is chairing his last session of the Federal Open Market Committee.

Chairman Greenspan has made a big impression on all of us—here in Congress, our Nation, and across the world. During his tenure, the U.S. economy and our financial system have withstood a number of significant shocks, including the stock market crash of 1987, the Asian debt crisis which affected capital globally, and, of course, the catastrophic effects of 9/11, which hit the heart of the U.S. financial industry and which affected all of us and our economy in many ways.

Chairman Greenspan also oversaw the longest economic expansion in American history. Because of our economic success, even in the face of great challenges, some consider Chairman Greenspan to be the greatest central banker of all time. I commend Chairman Greenspan for his exemplary service and dedication to our country.

Now it is time for a transition at the Federal Reserve System. As I noted, this will be the first time in nearly two decades that the Congress has had a new nominee before us for consideration. Certainly stepping into Mr. Greenspan's shoes will be a tremendous challenge.

While it may seem a daunting task to follow as distinguished a chairman as Alan Greenspan, we should be mindful of two things.

First, in 1987, many observers wondered whether an economist named Alan Greenspan could successfully follow in the wake of the vaunted Paul Volcker as Chairman of the Federal Reserve. Each person who sits in the Chairman's seat has the opportunity to make that position his own and to become a leader in his own right. That is what has been done, in large part, due to the caliber of the men who Presidents of the United States have chosen for the task.

Second, I would also note that many individuals who hold diverse viewpoints on other topics are in agreement that President Bush has selected the best possible candidate to serve as the next Federal Reserve Chairman. Indeed, Dr. Ben Bernanke may well be the finest monetary economist of his generation. He has both a distinguished career in academia as well as in the policymaking arena.

The list of his experience and achievements is long. I do not have enough time this morning to mention all of them, but I want to mention some of his most important qualifications because his nomination requires someone with the rare expertise that Dr. Bernanke has acquired.

As he moves on to become the Federal Reserve Chairman, Dr. Bernanke will be completing his duties as Chairman of the President's Council of Economic Advisers. During his service at the CEA, Dr. Bernanke provided the President and our Nation with sound economic advice on a variety of significant policy issues. But before his service at the Council of Economic Advisers, Dr. Bernanke served with great distinction as a member of the Board of Governors of the Federal Reserve System from 2002 to 2005. This experience gives him an inside knowledge of the Federal Reserve and the financial markets.

Dr. Bernanke has earned the tremendous respect and confidence of policymakers in this country as well as around the world. He previously served as chair of the economics department at Princeton University, and prior to that tenure he was an associate professor of economics at the Graduate School of Business at Stanford University. He also served as a visiting professor of economics at New York University and at the Massachusetts Institute of Technology. He was the director of the Monetary Economics Program of the National Bureau of Economic Research. In 1975, he received his B.A. in economics from Harvard University, where he graduated with honors. In 1979, he received his Ph.D. in economics from MIT.

It will be difficult to follow the long and successful tenure of Alan Greenspan. Dr. Bernanke is an excellent choice for the job. Few individuals have this mix of practical and academic experience, especially his prior experience at the Federal Reserve. The Banking Committee reviewed this nomination thoroughly, and we believe Dr. Bernanke will serve this country well at the helm of the Federal Reserve.

I urge my colleagues to support this nomination.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. ALLARD. Mr. President, I would like to say a few words on behalf of Dr. Bernanke. But before I do, I would like to state for the record what a great pleasure it has been to work with Dr. Greenspan. It was an honor to have had the opportunity to hear his testimony in committee and to work with him on public policy issues. I wish him well as he moves on to other endeavors. The country is forever grateful for his service as Chairman of the Federal Reserve.

I had an opportunity to sit down and visit with Dr. Bernanke. I was impressed not only with him personally but also with the conversation we had and his record. He is going to bring a lot to the Fed. I join the chairman of the Banking Committee in support of Dr. Bernanke.

Dr. Bernanke is known for his tough stance on fighting inflation. Many expect that Dr. Bernanke's views on interest rates will be similar to Dr.

Greenspan's because of his stance on controlling accelerating inflation with interest rate hikes. When I had a chance to visit with him, he stressed the importance of communication and transparency. As Chairman of the Federal Reserve, that is going to be a big part of his responsibilities.

He argued that the final say on debts and deficits lies with the President and the Congress. I couldn't agree more that we need to do more to control deficit spending and the debts we have accumulated over the years. Dr. Bernanke shared with me that his first priority will be to maintain continuity with the policies and strategies established during the Greenspan years.

We have to recognize Dr. Bernanke for what he has already contributed. He is one of the world's leading experts on the subject of how central banks, such as the Fed, should set interest rates and cause the money supply to expand or contract. The combination of Dr. Bernanke's academia, intellect, and his work for and with the Fed will greatly facilitate his transition as the new chairman of the Federal Reserve.

Wall Street and the investment world seemed to like the nomination of Dr. Bernanke as the new Chairman of the Federal Reserve. The Dow Jones Industrial was up some 169.78 points. It was the biggest 1-day point percentage gain since last April. So the response from Wall Street has been good.

Dr. Bernanke spent 20 years at Princeton as a professor of economics and public affairs. He also served as the chairman of Princeton University's economic department. Before being appointed to the President's Council of Economic Advisors, he served as a Governor of the Federal Reserve. His current and past positions have groomed Dr. Bernanke and serve as an apprenticeship to succeed Chairman Greenspan.

Dr. Bernanke was widely considered one of the leading candidates to replace Dr. Greenspan as Chairman of the Federal Reserve. I was glad to see the President make his appointment, and I urge my colleagues to join me in supporting Dr. Bernanke as Chairman of the Federal Reserve.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. SARBANES. Mr. President, what is the parliamentary situation?

The PRESIDING OFFICER. The Senator from Maryland controls 30 minutes. The Senator from Alabama has 18 minutes 43 seconds remaining.

Mr. SARBANES. Mr. President, I yield 2 minutes to the Senator from Massachusetts who wishes to speak on a different subject.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

(The remarks of Mr. KENNEDY and Mr. SARBANES are printed in today's RECORD under "Morning Business.")

Mr. SARBANES. Mr. President, I join my able colleague from Alabama in supporting the nomination of Ben

Bernanke to be a member and Chairman of the Federal Reserve Board of Governors. We will be voting on a 14-year term on the Board of Governors, one of the longest terms we give to anyone other than Federal judges in the workings of our political system, and a 4-year term to be the Chairman of the Federal Reserve Board.

Before I address Dr. Bernanke, I wish to take a moment, as my colleagues have, to say a word about Chairman Alan Greenspan. Chairman Greenspan chairs the Federal Reserve Open Market Committee that is right now taking place. Then he steps down. He has served for over 18 years as Chairman of the Federal Reserve, the second-longest tenure in our history, exceeded only by William McChesney Martin. There have been occasions when I have differed with Chairman Greenspan on some of his decisions, most notably the green light he gave to large and excessive tax cuts in 2001 which helped to precipitate us into a serious deficit situation. But this ought not obscure the many accomplishments and successes during his long tenure.

Others have referenced the stock market crash which happened only a few months after he took office; the Asian Russian long-term capital management crisis, some 10 years later in the late 1990s; and, of course, the 9/11 attacks in 2001. Throughout all of that, he brought a steadying presence to the workings of the financial system and a shrewd understanding of the situation and what needed to be done to address it.

I commend Chairman Greenspan for bringing greater transparency into the workings of the Federal Reserve system, something which Dr. Bernanke has indicated he intends to continue and support, and Chairman Greenspan's rejection of rigid policymaking, rejecting the idea that there was a rigid formula or ideology by which you could establish a monetary policy. In particular, he was able to push the limits on lowering unemployment and providing jobs while still being able to control inflation. As a result we were able to get the unemployment rate down to levels that everyone previously had argued would lead to a spurt of inflation. Chairman Greenspan thought that wouldn't happen. It didn't happen. Now we have established different benchmarks in terms of monetary policy.

Dr. Bernanke, whose nomination is before us, is no stranger to the Senate. This is the fourth time in 3 years that we have been called upon to consider his nomination to a very significant position. In 2002, he was nominated to serve as a member of the Federal Reserve Board of Governors. He was re-nominated to that position in the following year. In 2005, he was nominated to serve as Chairman of the President's Council of Economic Advisors. Today, we have his nomination to serve as Chairman for a term of 4 years and as a Governor for a term of 14 years.

There is no question about Dr. Bernanke's qualifications for the position to which he has been nominated. He has served with distinction on the Federal Reserve Board from all accounts. He has had direct experience of economic policymaking at the Council of Economic Advisors and he has a very distinguished academic and scholarly background with a B.A. in economics from Harvard and a Ph.D. in economics from MIT. He has been on the faculty at MIT and at Stanford. Most recently, of course, he was at Princeton, where he served as chair of the economics department from 1996 to 2002, a department recognized as one of the very best, if not the best, in the country.

He commands great respect from his peers in the profession and I think great respect from all who have come in contact with him.

I do, though, want to take a moment to speak a bit about the seriousness of the economic challenges we face and which Dr. Bernanke will face as he assumes this important responsibility. We have seen the weakest recovery in our labor market of any post recessionary period since World War II—that is, in 60 years. While we have had some recent improvement, compared with recoveries from previous recessions, we have fallen well short. Furthermore, real wages have fallen over the past few years for middle class and working Americans.

Meanwhile, U.S. economic policy has been marked by a recklessness in its reliance on borrowing on the apparent assumption that substantial borrowing at home and abroad can go on and on and will always remain a continuing option for us. The consequence of this is that we are running dangerous current account deficits and substantial budget deficits in amounts that dwarf anything we have previously experienced. Many observers think that these deficits—the fiscal deficit and the current account deficit threaten our economy and our ability to deal with the challenges of the future.

Mr. President, the most recent figures indicate that economic growth has slowed to almost a crawl over the past 3 months. It was just over 1 percent in the last quarter of last year. That is the lowest rate of growth since 2002, and but for the buildup of inventories that took place in the fourth quarter, economic activity fell by three-tenths of 1 percent. So it was only the inventory accumulation that kept us from experiencing negative economic growth.

Mr. Bernanke, along with his colleagues at the Fed and those on the Open Market Committee, will face questions concerning the conduct of monetary policy. Of course, monetary policy doesn't exist in a vacuum. It plays a significant role in determining the shape and direction of the economy. Therefore, we need to consider it in the broader context. In fact, the Federal Reserve Act clearly mandates two goals: maximum employment and

stable prices. Those goals are set out in the Federal Reserve Act and constitute the guidance and direction from the Congress to the Federal Reserve for the objectives in the conduct of monetary policy.

The act says:

The Board of Governors of the Federal Reserve system and the Federal Open Market Committee shall maintain long-run growth of the monetary and credit aggregates commensurate with the economy's long-run potential to increase production so as to promote effectively goals of maximum employment, stable prices, and moderate long-term interest rates.

Accomplishing the Fed's dual mandate is the most important responsibility of the Chairman of the Federal Reserve. The experience of the 1990s, with unemployment down at 4 percent and inflation below 3 percent, demonstrated that these goals can be harmonized, unlike the assertion by some that they are inherently in conflict. Dr. Bernanke was pressed on this point in his confirmation hearing because he has been a proponent of what is called "inflation targeting," which requires the Fed to set a specific numeric target for inflation, announce that target to the markets and then manage the economy with the objective of reaching that target.

I want to underscore the importance of the Fed honoring its statutory dual mandate and not replacing it with a policy of inflation targeting. We must be concerned that if a numerical figure were to be set for inflation to the detriment of other considerations, employment foremost among them, policymaking would shift and so, too, would the debate about the health and strength of the economy. I fear that the focus of the debate would become not whether the Fed was successful in meeting the dual mandate, but rather the Fed's one-sided success or failure in reaching a numerical inflation goal.

Chairman Greenspan himself has made this point. Bloomberg News recently reported:

Fed Chairman Alan Greenspan has rejected adopting a target, saying it would rob U.S. policymakers of the flexibility they need to respond to developments in a rapidly changing economy.

I was, therefore, somewhat reassured when at his confirmation hearing Dr. Bernanke told the Banking Committee that he "subscribes entirely to the Humphrey-Hawkins mandate," which puts employment growth and output growth on a fully equal footing with inflation in terms of the Federal Reserve's objectives. Furthermore he went on to say, "I would not be interested in pursuing that matter"—referring to inflation targeting—"if I thought it involved changing the mandate of the Federal Reserve."

Mr. President, I put this issue out here only as a matter to be focused on as we move ahead into the future. Dr. Bernanke indicated that it was not his intention to seek changes in the Federal Reserve Act. I think that is a wise and prudent course to follow. How much time remains?

The PRESIDING OFFICER. The Senator has 14 minutes 20 seconds remaining.

Mr. SARBANES. I yield myself an additional 3 minutes. We learned last week that our economy slowed dramatically over the past 3 months to a growth rate of 1.1 percent, the slowest growth level in the past 3 years and, obviously, insufficient to meet our needs. Moreover, as I noted, even that modest growth was based entirely on inventory growth, which is a one-time shot for the economy and not a sustainable basis for growth.

The current unemployment rate of about 5 percent obscures the fact that the job creation during the course of this administration is the worst since the Hoover administration. In other words, every previous administration since that of Herbert Hoover has produced more jobs than this administration has produced. In fact, real wages are down for a great number of Americans, and it is little wonder that working Americans are concerned about their economic future.

Given these factors and the potential problems with our record level of deficits and debt at home and abroad, I urge the Fed to consider taking a pause from what has been a steady upward push in interest rates. We have had 13 successive increases in interest rates. Short-term rates have gone from 1 percent to 4.25 percent. We had 1-percent growth in the economy last quarter.

Furthermore, let me note two or three other serious issues. One is our current account deficit. Our international accounts are steeply imbalanced. We expect the current account deficit to approach \$800 billion for 2005, in excess of 6 percent of GDP. We are borrowing from abroad over \$2 billion on a daily basis to finance this deficit, and there is a broad consensus among economic experts that current account deficits of this magnitude are not sustainable. We will be obligated to pay this debt out into the future, which means it will come right out of the standard of living at home. Warren Buffet, talking about this situation, warned that we risk becoming what he called a "sharecropper's society."

Furthermore, as we continue to fall deeper into debt with the rest of the world, we are experiencing growing imbalances here at home. Real wages for the majority of working Americans have declined, while the real incomes of the wealthiest have increased astronomically. A recent Bloomberg News story observed that U.S. wages are lagging inflation and, even with unemployment near a 4-year low, workers have little leverage to demand higher pay. Other articles have reported the record bonuses that are now being given out on Wall Street. In fact, Chairman Greenspan in testimony before the committee stated:

I think the income distribution issue is very critical because you can't have a significant inequality of income and expect to have support for the type of institutions which have made this country great.

Mr. President, I also note the Fed's responsibility for carrying out important supervisory and regulatory authority over the safety and soundness of the Nation's banking and financial system. In the area of consumer protection, the Fed has broad jurisdiction over a host of consumer laws—the Community Reinvestment Act, Truth in Lending Act, Truth in Savings Act, Home Mortgage Disclosure Act, Electronic Funds Transfer Act, the Equal Credit Opportunity Act, and the Homeowners Equity Protection Act. These are major responsibilities of the Fed over and above its monetary policy responsibilities.

Finally, as I indicated, I intend to vote for this nominee. I think this nominee is extremely well qualified. He will assume the chairmanship at a time when the economy faces problems that have serious implications for our future economic health and the prospect of a rising standard of living for working Americans. In the current climate, our Nation will be well served by a policy of prudence and independent thought on the part of the Federal Reserve. I am hopeful that Dr. Bernanke will draw upon his distinguished work as an academic economist and his experience as a policymaker at the highest level of the Federal Government to make a prudent and independent policy the hallmark of the Fed in coming years.

Mr. DOMENICI. Mr. President, I rise today to express my support for the nomination of Dr. Ben Bernanke to be Chairman of the Federal Reserve. The Federal Reserve, or the Fed as it is commonly known, was created by Congress over 90 years ago to create a safe and stable financial system for the American people. The Chairman of the Federal Reserve must be a person of sound and prudent judgment and strong character. Throughout his academic and professional career, Dr. Bernanke has exhibited all these traits and I laud President Bush for nominating him to this important public position.

For the past 18 years, Americans have become accustomed to the sound analysis and policy judgments of outgoing Chairman Alan Greenspan. During this period, we as a nation have experienced several transformational events. The stock market crashed in 1987, a mere 2 months into Chairman Greenspan's tenure, and we have also dealt with financial crises in Asia, Latin American, and even closer, Mexico. The country has also suffered major natural disasters and terrorist attacks on our homeland. Throughout these occasions, Chairman Greenspan guided our Nation's financial markets with astute analyses and sound policy decisions. As a result, our economy has endured a number of shocks and continues to reemerge from each stronger than it was before.

In his hearings before the Senate, Dr. Bernanke displayed the candor and intellectual gravitas that has endeared

him to colleagues and policymakers throughout his long and distinguished career. Dr. Bernanke was graduated from Harvard College with a bachelor's degree and he later went on to earn a doctorate from the Massachusetts Institute of Technology. Since then he has taught economics to students at some of America's most prestigious universities and has become a highly regarded scholar of banking and monetary policy. Dr. Bernanke has a history of public service, having served on his local school board in Montgomery Township, NJ, the U.S. Census Advisory Board, and most recently the Council of Economic Advisers.

Our economy faces a number of challenges in the near future. Some of which include the pressures on the Social Security system, rising health care costs, and stresses on the Federal budget. Dr. Bernanke promises to bring a sound, fair, and nonpartisan economic adviser to the President and Congress on a number of macroeconomic matters. I laud his desire to continue pursuing policies aimed at maximum employment and control over inflation.

Dr. Bernanke's qualifications for this job are impeccable, and I ask my colleagues to join me in supporting his nomination to be the fourteenth Chairman of the Federal Reserve.

Mr. CHAMBLISS. Mr. President, I rise today in support of the nomination of a fellow Georgian, Dr. Ben Bernanke, to serve as not only a member of the Board of Governors of the Federal Reserve System, but to succeed Dr. Alan Greenspan as the next Chairman of the Board.

Dr. Greenspan has served America well for more than 18 years. During his service as Chairman, he guided the U.S. economy through a number of challenging hurdles including the stock market crash of 1987, the financial crises in Mexico and Asia, recessions in the United States and other spikes in the economy from corporate scandals, terrorist attacks, and natural disasters. Dr. Greenspan's tenure also includes the longest economic expansion in U.S. history which lasted from 1991–2001. For these reasons, it is clear why many refer to Chairman Greenspan as one of the greatest central bankers of all time.

While his footsteps will be difficult to follow, I am fully confident that Dr. Bernanke will continue Chairman Greenspan's legacy by guiding our economy in the right direction, and making the best decisions not only for the American people, but for the role of the United States in the global marketplace.

The Federal Reserve Board guides the Nation and its economy with a safe, flexible, and stable monetary and financial system. As the U.S. economy continues to grow, so does the role of the Federal Reserve Board in the global marketplace. Therefore, the qualifications for the Chairman of the Federal Reserve System must be held to the highest standard. I feel Dr.

Bernanke's impeccable qualifications and financial expertise make him an excellent candidate to succeed Dr. Greenspan.

Dr. Bernanke graduated from Harvard University with the highest honors and later received his Ph.D. in Economics from the Massachusetts Institute of Technology. Most recently he served as Chairman of the President's Council of Economic Advisers, CEA, where he "provided the President with objective economic analysis and advice on the development and implementation of a wide range of domestic and international economic policy issues." Prior to serving as Chairman of the CEA, Dr. Bernanke served 4 years on the Board of Governors of the Federal Reserve System.

Dr. Bernanke's expertise is well respected in the academic community. He was a professor of Economics at Stanford University and later served as a professor of Economics and Public Affairs at Princeton University, where he also served as Chairman of their Economics department for 6 years. Dr. Bernanke also served as the Director of the Monetary Economics Program of the National Bureau of Economic Research, as a member of the National Bureau of Economic Research's Business Cycle Dating Committee, and he has also worked for two terms as a member of New Jersey's Montgomery Township Board of Education, and as the Editor of the *American Economic Review*.

Dr. Bernanke is also one of the most cited authors in the financial community. He has also given several important lectures at the London School of Economics on monetary theory and monetary policy. Dr. Bernanke has also been the recipient of many prestigious fellowships and awards including the renowned Guggenheim Fellowship, the Sloan Fellowship and the Econometric Society Fellowship.

I have no doubt that with such an impressive background, Dr. Bernanke will serve with impartiality and will continue to guide our economy, as Dr. Greenspan has done for the last 18 years, down a stable and prosperous path. I urge my colleagues to join me in support of this distinguished nominee, and confirm Dr. Bernanke to the Board of Governors, and as Chairman of the Board for the next 4 years.

Mr. HATCH. Mr. President, I would like to take this chance to say a few words of thanks to Alan Greenspan for his service to our Government and to wish him well as he leaves the Federal Reserve. Alan Greenspan has done a commendable job as Chair of the Fed, and we are, indeed, fortunate to have had him in that position for the past 18 and a half years.

The previous two decades have seen an amazingly large number of crises that have impacted financial markets. The stock market crash of 1987, the Savings and Loan collapse and subsequent bailout in 1990, the Mexican bond crisis of 1994, the Asian financial panic

in 1997, Russia's bond default and the subsequent collapse of Long Term Capital Management in 1998, the collapse of the tech bubble in 2000, and the implosion of Enron in 2001.

In recent years, we have witnessed a sharp rise in housing prices, along with a concomitant chorus of financial experts exhorting him to "do something." Besides these various financial crises, the United States has also been the victim of a massive terrorist attack in 2001, which shut down financial markets for over a week, and we were forced to intervene militarily in Kuwait, Afghanistan, and Iraq.

Despite the staggering number of potentially catastrophic events, the United States has had only two short recessions in the past 20 years, a record that is to me simply amazing. Of course, it would be wrong to give the Federal Reserve and Alan Greenspan full credit for the prosperous conditions of the previous quarter century, but it is impossible to conceive of us achieving this level of prosperity without a vigilant and responsible Federal Reserve.

The main contribution of Chairman Greenspan and the Federal Reserve in the past 18½ years has been the taming of inflation. The effort to control this scourge began with Paul Volker, of course, but the specter of inflation does not die easily. It took Alan Greenspan another 10 or 15 years to finally rid the financial markets of the fear that as the economy expands, so must the rate of inflation. The evidence of high inflation's demise can be seen merely by looking at mortgage rates. The record low interest rates of the past few years has allowed tens of thousands of families in my home State of Utah to afford to buy their own home, something that was beyond the reach of many before.

Chairman Greenspan's success in taming inflation and creating a stable economic climate has paved the way for our next Fed Chairman, Ben Bernanke, to explicitly state that low inflation is his primary goal. Indeed, countries all over the world are following our lead of having an independent central bank dedicated to a stable price system, modeled after the one in the United States. This is no small credit to the ability of Mr. Greenspan and the capable economists employed by the Federal Reserve.

The pressure on the Chair of the Federal Reserve to "do something" in response to crises, both real or perceived, can be great. It is to his credit that Chairman Greenspan has been able to resist many of those calls and avoided meddling in situations where the potential economic benefits from such action were slight, but the potential costs heavy. In central banking, inaction is most often the better part of valor.

At this time, I would also like to express my enthusiastic support for the nomination of Ben Bernanke to be the next Chairman of the Federal Reserve's Board of Governors. Mr. Bernanke has

served quite admirably for the past 4 years both as a member of the Board of Governors and for the past 9 months as the head of the President's Council of Economic Advisers. He is a world-renowned scholar on monetary economics and the banking industry, and is one of the preeminent experts on the causes and consequences of the Great Depression.

Before Dr. Bernanke came to Washington, he was a professor of economics at Princeton University, perhaps the top school for economics in the world. He also served as its department chair for a number of years. While living in Princeton, he served on the local school board for a number of years, putting the lie to any notion that he has ever been an ivory tower academic unfamiliar with how the real world operates.

Benjamin Bernanke brings a gifted intellect, a wide variety of relevant experience, and an understanding of the importance of what the Federal Reserve does and the harm that it can bring to an economy. I wholeheartedly encourage my colleagues to join with me in voting for his nomination.

Mr. MENENDEZ. I rise in support of the nomination of Ben Bernanke, of my home State of New Jersey, to be the next Chairman of the Federal Reserve. Once again, New Jersey is honored that the President has nominated one of our own to serve our Nation in such a vital position.

Dr. Bernanke has a remarkable record of scholarship. He graduated from Harvard with top honors and later earned a doctorate in economics from the Massachusetts Institute of Technology, MIT. Dr. Bernanke then entered academia and has taught at some of the preeminent universities of our Nation, starting at Stanford before continuing at MIT and New York University and eventually ending as the Chairman of the Economics Department at Princeton University. He has also served our Nation with distinction in his roles at both the Council of Economic Advisers and the Federal Reserve.

As the newest member of the Senate Committee on Banking, Housing, and Urban Affairs, I look forward to working with Dr. Bernanke in ensuring that inflation remains in check, that our Nation's deficits are addressed and dealt with in a forthright manner, and that all Americans are able to successfully participate in our country's economy. He has a reputation of basing his decisions on sound economics, rather than ideology and partisanship, and I expect this to continue in his new role as Chairman.

Mr. President, I would be remiss if I did not also take this time to thank Alan Greenspan for his almost two decades of service and economic stewardship as the outgoing Chairman.

I am quite pleased that the President has nominated my fellow New Jerseyan, Dr. Bernanke, to be Chairman of the Federal Reserve and am

confident that he will do a good job in his new position, while making our shared State of New Jersey proud.

Mr. President, I yield the floor.

Mr. SHELBY. Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator has 18 minutes 43 seconds remaining. The Senator from Maryland has 8 minutes 5 seconds remaining.

Mr. SHELBY. Does the Senator wish to continue?

Mr. SARBANES. I will yield half of the remaining time to Senator DORGAN and the other half to Senator SCHUMER.

The PRESIDING OFFICER. The Senator from New York is recognized for 4 minutes 17 seconds.

Mr. SCHUMER. Thank you, Mr. President. I rise in strong support of the nomination of Mr. Bernanke to become Chairman of the Federal Reserve. First, I would be remiss if I didn't say a few words of congratulations to Alan Greenspan, who has truly been a giant in the field. He will be missed. He hovered over our economy similar to a caring guardian and has done an incredibly fine job. Every American of every political stripe should be grateful that Alan Greenspan served so well and so long. I called him yesterday to wish him well. He will do just fine. He is 79 and he is entitled to retire. I, for one, with no aspersions on Mr. Bernanke, wish he would have even stayed a little longer.

I think Mr. Bernanke is extremely well qualified for the job for a number of reasons. That is why I strongly support his nomination. He is erudite, he is smart, and he is one of those rare people who has made monetary policy his life's work. Many of us would not choose to do that, but he did and he has done it very well.

Second, Mr. Bernanke has assured us that he will follow the policies of Chairman Greenspan. That bespeaks well of his wisdom because Chairman Greenspan did such a superb job managing monetary policy. Anybody who says that starts with a leg up.

Third, he is not an ideologue. He is a solid, thoughtful person. He does not go to the extreme. He does not have a narrow theory that governs the way economic policy should be made. He assured us, despite some rumors to the contrary, for instance, that he would not follow a mechanistic, formulaic monetary policy. That is very important because our economy is so complicated and there are so many international considerations that you cannot be mechanistic in this changing new world, and he is not.

He is also not an ideologue in terms of general economic policy. He is not one of these people who advocate tax cuts above all, even if it plunges us into greater deficits. He is a thoughtful, moderate man. He is the right choice for the job.

Senator GRAHAM and I have been very concerned about the balance of trade with China and them pegging their currency at a low rate. He showed

sympathy—in fact, greater sympathy than many—when we talked about that with him.

There are great challenges for Chairman Bernanke. There is the internationalization of the economy. That affects monetary policy because, as I said, there are loopbacks. What happens with the yen and the yuan and the Euro affects the dollar in ways that did not occur before when so little of our economy was based on international trade.

He has to deal with another problem in our society—the agglomeration of wealth to the top. Our society cannot continue with the top 10 percent that glomerates most of the wealth. I hope he will speak out on issues beyond monetary policy because we don't have any respected voices who do that without a partisan edge, other than the Chairman of the Fed.

I make one final point. Contrast the nomination of Dr. Bernanke and Judge Alito. Dr. Bernanke is a moderate. There was consultation, and he is getting every Democratic vote. Judge Alito was a partisan nomination. There was no consultation. He is regarded by many of us on key issues at the extreme, and we had a divided vote. I hope and pray that in the future, the President will follow the nomination process more like he did with Dr. Bernanke, a unifying choice, rather than like Judge Alito, a partisan choice.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. DORGAN. Mr. President, I will be brief. I had thought I agreed to the unanimous consent request in exchange for 10 minutes to speak on this nomination, but if that time does not exist, I will truncate my remarks.

Mr. SHELBY. Mr. President, I will be glad to yield to the Senator from North Dakota some of my time.

Mr. DORGAN. Mr. President, in that case, let me compliment the chairman and ranking member, which I would have done in any event. Let me spend more time complimenting them for their work.

The Banking Committee is very important in the Senate. It takes a very serious view of these issues and I know did a very thorough job in the hearings held late last year on this nomination for Chairman of the Federal Reserve Board. I thank the chairman for his courtesy, and I thank the chairman and the ranking member for their work, not just on this nomination but on so many important issues.

I don't come to the Chamber to oppose Mr. Bernanke's nomination. That is not my purpose. I wish him well. I want him to succeed. He is going to be confirmed almost unanimously today by the Senate.

Chairman Greenspan and I have had very significant differences over a long period of time. But I wish him well. I want to thank him for his service to our country, even if we have different views about monetary policy.

I know people will talk about big shoes to fill. Whenever someone leaves, there are big shoes to fill. I don't know if the shoes are big, little, Ferragamos or Payless—but they are shoes. We have someone else answering to the call of public service, in this case someone well qualified.

Mr. Bernanke has served at the Federal Reserve Board dealing with monetary policy and at the White House dealing with fiscal policy for President Bush. The Senate will confirm him today, and he will go back to the Federal Reserve Board as Chairman.

What I wanted to say today is that we have the twin issues of fiscal policy and monetary policy, and there needs to be some responsibility to understand how they work together to improve this country's future. I am very concerned about this country's economic future for reasons that Senator SARBANES touched on a moment ago. I wish to describe it to my colleagues.

I think the Federal Reserve Board for some long while—and, yes, it was under Chairman Greenspan's stewardship—has been providing green lights saying, It is OK, go right ahead, to a series of fiscal policy moves which has put us deep in debt. It is not just in budget policy where we have these deep and abiding long-term deficits and, therefore, increases in the Federal debt. We also have large trade deficits. In about a week and a half, we will have an announcement about last year's trade deficit. My expectation is it is going to be about \$750 billion, the highest in history. That debt is devastating to this country. It is unsustainable. At the same time, in fiscal policy, the Federal debt will increase in this fiscal year somewhere around \$650 billion.

I wish to put up a chart that shows what is happening. This is the wall of debt in fiscal policy. You will see year after year after year, going from 2006 to 2011, up to \$12 trillion in fiscal policy debt. Extend this another 5 years, and you get to \$16 trillion. This is a relentless wave of bad news in fiscal policy that we cannot continue. This is just fiscal policy. The trade policy debt looks even worse. Its growth is even more dramatic. Of course, that relates to the issues of jobs.

Last week, we heard Ford Motor say: Oh, by the way, we are going to cut 30,000 workers. Several months ago, it was General Motors saying: By the way, we are going to cut 20,000 to 30,000 workers. Four months before that, it was General Motors calling in the heads of the companies that provide the General Motors' parts. 300 people in a room, and the person in charge of parts for General Motors said this to them: You need, when making parts for General Motors cars, to outsource those jobs to China to get the costs down.

Where is all this heading? Ford, General Motors, parts to China. \$750 billion trade deficit in a year? It is headed in the wrong direction, and we are today selecting one person who is going to be

in a position of very significant influence in our Government about the direction of this country. Mr. Bernanke will play a significant role in determining the amount of economic growth and opportunity that will exist in the future, what kind of good jobs we will have, and how many.

Our fiscal policy, judged by anyone soberly looking at the facts, is seriously off track. I don't blame Mr. Bernanke for that, although he most recently worked at the White House in the fiscal policy arena. It is not a question of blame, it is a proposition that all of us, Republicans and Democrats, liberals, conservatives, moderates, must finally come together to say this is unsustainable.

Our country is off track in fiscal policy and trade policy. This debt will have consequences. And in the construct of monetary policy, it is critically important that Mr. Bernanke understand these messages and not do as has been done in most recent years and put up a big old green light and say to friends in Congress: Oh, by the way, go ahead, it will all work out; be happy. Fine. That is exactly what has happened in recent years, with a couple of exceptions.

The Federal Reserve Board is a strong central bank that is largely accountable to no one. I know, go back to the nineteen-teens when the Federal Reserve Board was created, and it was said on the floor of the Senate, we are not creating a central bank, we are not creating a strong central bank, and we are not for certain creating a strong central bank accountable to no one, but that's exactly what happened. You can make the case over a long period of time that things have gone pretty well with monetary policy here, fiscal policy there.

My colleague from Maryland talks about economic stabilizers. You can talk about some successes. Our recessions have been less deep in recent years because of economic stabilizers and some thoughtful approaches to dealing with monetary policy and fiscal policy. But I believe it is very important for us to understand where we are. If you don't understand where you are at the moment, it is pretty hard to figure out where you are going.

As we consider the nomination of one of the most important people in this country with respect to economic policy, a new Chairman of the Federal Reserve Board, I call attention once again to the fact that we have very serious, abiding, long-term economic problems which, unless resolved, will injure this country's long-term opportunity to remain a world economic power. It is that serious.

One final point. There is a little fund down at the Federal Reserve Board to which I also wish to call attention. I assume Mr. Bernanke knows of it. It is a fund in which \$12.9 billion exists. It is a fund at the Federal Reserve Board which is called a surplus account. The Federal Reserve Board, I remind every-

one, effectively creates money. It does not need a rainy-day fund because it will never lose money. It has not suffered an annual loss in some 90 years. And yet the Federal Reserve Board has a rainy-day fund, a surplus fund, which has grown now to \$12.9 billion.

I believe the Fed and the Congress ought to take a hard look at that and ask themselves, given the fact we are choking on debt these days, is there any reason that the Federal Reserve should continue to have a surplus fund of \$12.9 billion? The Fed wants a fund apparently because it might lose money someday. The Fed makes money. The Fed creates money. The Fed does not need \$12.9 billion in a surplus account.

So as Mr. Bernanke receives his approval of the Senate today, my hope is he might, with Members of Congress, take a look at that issue. Senator REID and I and others asked for a GAO report on that 10 years ago now—and the Fed blithely ignores the consequences of any of that and does what it wants to do. In fact, at that point, the reserve or surplus rainy-day fund was \$4.5 billion. Not only did the criticism of that fund not deter them, it has grown now to nearly triple that amount, in a rainy-day fund in a climate where it never rains. I am sorry, but Mr. Bernanke should take a good, hard look at that, and so should the Congress.

Having said all that, pointing out especially that we have very abiding and serious fiscal policy problems and trade policy problems, my hope is that Mr. Bernanke, in seizing the reins of our monetary policy in this country as Chairman of the Federal Reserve Board, has a successful tenure. I wish him well. I want him to do well. I want our country to do well. I come to the Chamber only to ask that all of us finally join together, including the Chairman of the Federal Reserve Board, to see where we are and where we must be if we want a strong America in the future, one that grows and finds opportunities for our children and grandchildren.

I again thank my two colleagues for the time. I yield the floor.

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

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SHELBY. Mr. President, I reserve the remainder of my time at this point.

The PRESIDING OFFICER. The Senator from Alabama reserves the remainder of his time, 11 minutes 17 seconds.

The Senator from Georgia is recognized.

(The remarks of Mr. ISAKSON and Mr. OBAMA are printed in today's RECORD under "Morning Business.")

Mr. OBAMA. Mr. President, today I am introducing a resolution honoring the life and contributions of Coretta Scott King. I hope all my colleagues will join me in this effort.

Mr. SARBANES. Will the Senator yield? Will the Senator place me on his resolution?

Mr. OBAMA. I am happy to.

#### 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.

Thereupon, the Senate, at 12:26 p.m., recessed until 2:15 p.m., and reassembled when called to order by the Presiding Officer (Mr. VOINOVICH).

#### NOMINATIONS OF BEN S. BERNANKE TO BE A MEMBER AND CHAIRMAN OF THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM—Continued

Mr. BUNNING. Mr. President, I rise today to oppose the nomination of Dr. Ben Bernanke to be Chairman of the Board of Governors of the Federal Reserve. I am not one who relishes opposing President Bush's nominees or his policies. I have been supportive of an overwhelming majority of them, but I have opposed a nominee or two on a few occasions. This is one of those rare occurrences.

Dr. Bernanke has an impressive resume and career. He received his bachelor of arts in economics in 1975 from Harvard University. From there he headed off to Massachusetts Institute of Technology where he received his Ph.D. in economics in 1979. He was assistant professor of economics in the graduate School of Business at Stanford University from 1979 to 1983 and then became associate professor of economics at Stanford's graduate School of Business from 1983 to 1985.

Ben Bernanke then popped over to Princeton University. There he became a professor of economics and public affairs from 1985 to 1994. He stayed at Princeton and ultimately became chair of its economic department until 2002. He was then appointed to serve as a member of the Board of Governors of the Federal Reserve System by President Bush.

Dr. Bernanke was then tapped as chairman of the President's Council of Economic Advisers and he has held that post since June of 2005.

Of course, along with this academic and employment résumé, Dr. Bernanke has received many honors and fellowships along the way. He has also published many articles on a wide variety of economic issues, articles relating to monetary policy, inflation targeting, microeconomics, central banking, and many other issues relating to economic and monetary theories.

This all sounds very impressive, and it is. It is an economic elitist dream.

For some, it can be a nightmare. I hope he does not hold too many of the ivory-towered theories of academia for real-world wisdom as he heads off to be the next Fed Chairman.

I voted for Ben Bernanke in the Banking Committee and in the Senate to be the Fed Governor in 2002. I supported him to the Board of Governors at the Fed because of a private meeting we had.

Over the years I have had some great concern about the Federal Reserve and the way it operates. One of my biggest concerns is that the Federal Open Market Committee, the FOMC, suffers from "group think." It seems to me no one ever challenges the Fed Chairman. I rarely, if ever, witnessed or heard any of the Fed Governors publicly challenging or disagreeing with Chairman Alan Greenspan.

Chairman Greenspan has done an admirable job during his tenure at the Federal Reserve. He had a difficult task. Part of his job was to predict the future. However, I believe Chairman Greenspan has always erred on the side of raising interest rates. I am not alone with this opinion. History has shown he has made many mistakes in raising rates for too long. My problem is when he did that, not one Governor raised their voice. Instead, they either bit their tongue out of fear they would be viewed as not a team player or perhaps what might be worse is that they all agreed with each other and simply reinforced bad ideas.

Diversity of thought and dissension is, indeed, necessary within the Federal Reserve. After all, the Chairman of the Fed and its Board of Governors essentially have the greatest power over shaping our economy. And the economy affects every American.

I understand the argument that to have an FOMC rife with dissension might not be the best for the markets. I have heard the argument that it would rattle the markets and send Wall Street into a tizzy. Yes, overall, it is important the FOMC speak with one voice. However, the pendulum can swing too far from dissent. My fear is that the FOMC under Chairman Greenspan has arguably suffered from group think and that the FOMC has unintentionally become a rubberstamp for Chairman Greenspan's recommendations.

We need an FOMC that is truly independent. It must be independent from the Congress and the executive branch. We cannot have a Fed that is influenced by the President. We certainly know the Fed does not pay any attention to Congress. For the FOMC to function properly, its members must challenge the Chairman. No Chairman should be able to dominate. There must be intellectual sparring so all members are heard and the FOMC can come up with the best decision for the country.

The Federal Open Market Committee needs independent voices. Dr. Bernanke promised me he would be an independent voice as a member of the

FOMC. He promised me he would stand up to the Chairman if he thought he was being rolled. Sadly, I have not seen very much evidence of him being independent. I never saw him vote, not once, against the Chairman. I never, ever saw him challenge the Chairman. And as far as I can tell, they never had a disagreement.

As important as it is for the FOMC member to be independent, it is more important the Chairman be independent. The Fed Chairman must not give in to outside pressures. Monetary policy decisions must be made for the good of the country and not for political considerations. When Dr. Bernanke was a Fed Governor, I did not witness him showing independence from the Chairman at all. During his tenure as a Fed Governor, there were 23 votes taken by the FOMC committee. Not once did Dr. Bernanke vote against Chairman Greenspan. I don't think that is independence; that is group think. He did not show independence as a Fed Governor. How can we be sure he will be an independent person as Chairman of the Fed?

The pressures to go along for a quick political fix will be even greater. Will he stand up to the President? Will he stand up to the New York Times, the Washington Post, the Wall Street Journal? Will he stand up to the business and economic pundits in the broadcast media or anyone else when they call for rate increases or decreases? I am not convinced he will. The past is prologue. I hope I am wrong.

It is mainly for this reason that in 2005 I opposed his confirmation as Chairman of the President's Council of Economic Advisers. I hope Ben Bernanke proves to be a fine Chairman of the Federal Reserve. I hope he uses his vast knowledge of our economy to make correct monetary policy decisions. I hope he gains the trust of Wall Street, much like the last two chairmen.

Dr. Bernanke has talked about bringing more transparency to the Fed. I hope he does this. I hope he continues to be plain spoken.

One other reason I oppose Dr. Bernanke is because he says he will continue the policies of Chairman Greenspan. That does not sit well with me. I hope this is not completely true. I hope Ben Bernanke refrains from talking about things outside the purview of the Federal Reserve. One of my biggest problems with Chairman Greenspan was that he talked about everything under the sun: tax policy, trade deficits, budgets, fiscal policy, the Nation's oil patch. The Fed's jurisdiction is narrowly scoped to monetary policy, but if you asked Chairman Greenspan about monetary policy, he would talk about everything under the Sun without ever answering your questions. If you asked him something that had nothing to do with monetary policy, he was more than happy to give you a clear and concise answer. Hopefully, Dr. Bernanke will be a different

kind of chairman in that respect. Hopefully, he will talk only about monetary policy and not interfere with tax and fiscal policy. Those matters should be left to the legislative branch and other areas of the executive branch.

Also, Chairman Greenspan's problems were not just the fact that he talked outside the monetary policy arena. Yes, Chairman Greenspan's tenure held relatively low inflation with growing economic conditions. However, his record came about from the creation of a fat market bubble that ultimately popped. Then there was a housing bubble. It led to an unbalanced economic recovery fueled by cash raised from soaring home prices. This resulted in record household debt and negative consumer savings rates.

We also witnessed the endless bailouts of Chairman Greenspan. There was the 1997 Fed bailout of the Asian crisis. There was the long-term capital management bailout in 1998. We had a financial crisis and the Fed got involved with Mexico and all this led to a huge trade and Federal budget deficits. This was all further affected by record energy prices which raised the cost of goods and services.

After almost 20 years, Chairman Greenspan is now acknowledging some of the bad consequences of his decisions. He said inflation may be creeping in. But Chairman Greenspan leaves knowing that his mess will fall to his apprentice, Ben Bernanke.

Yes, Dr. Bernanke has an impressive resume. But the question is whether he knows what is waiting for him around each economic corner. It is indeed ironic that Dr. Bernanke finds it necessary to continue the Greenspan policies. I hope this is not true. This would be disastrous. These policies have not been the best for our economy.

I hope Dr. Bernanke does not follow too closely in the footsteps of Chairman Greenspan in his approaches. But regardless, he just might inherit a mess from Chairman Greenspan. If so, I hope he can clean it up.

I hope there is no damaging recession or financial crisis looming. If so, I hope Ben Bernanke does not live up to his nickname of "Helicopter Ben," and throw the U.S. mint's printing presses into overdrive.

I have no personal qualms with Dr. Bernanke. We simply differ on opinions. I do not relish opposing President Bush's nominees. But, regretfully, I must oppose Dr. Ben Bernanke to be Chairman of the Federal Reserve.

Mr. President, I ask unanimous consent that I be recorded as being opposed to Ben Bernanke's nomination upon its approval.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BUNNING. Mr. President, I yield the floor and 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. SHELBY. 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. SHELBY. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator yields back his time.

Does the Senator from Kentucky yield back his time?

He does.

The question is on Calendar No. 440. The question is, Will the Senate advise and consent to the nomination of Ben S. Bernanke, of New Jersey, to be a member of the Board of Governors of the Federal Reserve System?

The nomination was confirmed.

Mr. SHELBY. I move to reconsider the vote.

Mr. BUNNING. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question is on Calendar No. 441. The question is, Will the Senate advise and consent to the nomination of Ben S. Bernanke, of New Jersey, to be Chairman of the Board of Governors of the Federal Reserve System?

The nomination was confirmed.

Mr. SHELBY. I move to reconsider the vote.

Mr. BUNNING. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

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

The PRESIDING OFFICER (Mr. COLEMAN). Without objection, it is so ordered.

Under the previous order, the President will be immediately notified of the Senate's action.

#### LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

The Senator from Oregon.

Mr. WYDEN. Mr. President, I ask unanimous consent to speak for up to 30 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### TAXES AND HEALTH CARE

Mr. WYDEN. Mr. President, while Senators talk about prebuttal and rebuttal speeches before the State of the Union speech, I hear middle-class folks saying "drop the buts and make our lives easier." I know because in January, when I was home, I held 21 community meetings. The big issues then were those where the second word was

"bill"—medical bills, gas bills, heating bills, mortgage bills, college bills, and especially tax bills.

It is not hard to see why those are the issues. Middle-class folks in this country are not keeping up. Even their wages do not keep up with inflation. And while they want a better life for their kids—the way their parents wanted for them—they stay up nights worrying that they cannot make it happen.

So today I want to spend a few minutes discussing just two issues: taxes and health care. I believe in each of these two issues Congress could work on a bipartisan basis for genuine relief for the middle class. We may not hear about it tonight, but as middle-class folks begin pulling together their 1099s, their W-2s, their schedule this and schedule that, and all of what they have to do to comply with filling out their tax forms, I simply wanted to come to the floor and say it does not have to be this way.

I brought, today, just part of what constitutes the regulations and rules for complying with taxes in America. One of the experts in the field told me there have been more than 14,000 amendments to the Tax Code since the last major overhaul in 1986. It comes to almost three for every working day in America.

This year, Americans are going to spend \$140 billion on tax compliance. Americans are going to spend more money complying with the tax rules than the Federal government is spending on higher education in our country.

I have come to the floor today because I want to make it clear I do not think it has to be that way. I have developed an alternative. My one-page 1040 form is just 30 lines long. Take your income from all sources, subtract your deductions, take your credits, send it off to the IRS, and you can even add a note: I'm done. Have a nice day.

I filled this out myself, and that in and of itself is a little bit of a revolution because it has been a long time since a member of the Senate Finance Committee or someone in the other body on the Ways and Means Committee could fill out their own tax form.

What happens today? More than three million people, for example, have to essentially fill out their taxes twice. They have that alternative minimum tax staring at them. Scores of families are pulling together shoe boxes full of receipts, shouting across the living room, "Honey, can you find that receipt for the copier that we bought months ago?" because part of it is for business and part of it was used for the family. I say it does not have to be this way.

I have shown that you can have a one-page 1040 form. The President's advisory committee report that came out in the fall had a similar form—I do not happen to agree with all they did, but their one-page form isn't that much longer than mine. For purposes of Government work, we could put the two of

them together and really do something meaningful on a bipartisan basis to simplify the Tax Code, to use that \$140 billion now spent on compliance on something I know the Presiding Officer has a great interest in—education and infrastructure and other areas that are of great importance to our country.

But on top of simplifying the Tax Code, there is more that has to be done to help the middle class. I suspect we are not going to hear about it tonight, but Warren Buffett, the second wealthiest man in America, pays a lot lower tax rate than his receptionist. That is because there is a double standard.

We hit people a lot harder when they work for wages than when they make their money off investments. I am not interested in soaking anybody. I believe in markets. I believe in creating wealth. But something is out of whack when middle-class folks have to spend the time to figure out how to wade through all of this and spend literally much of the money they want to spend on their families on just filling out their taxes—it is not right to hammer people who work for a living.

Here is the way it works. If a cop working outside the Capitol gets a little bit of a pay raise—maybe \$500—that cop pays 25 percent of the pay raise to the Federal Government in income taxes and pays Social Security payroll taxes on top of it. If, however, you make your money on investments—we want everybody to do well in that area also—you pay 15 percent of what you make on your investments in income taxes and you do not pay any Social Security payroll taxes.

There is a double standard. We discriminate against people who work for a living. In Ohio, in Oregon, across the country, if you work hard, play by the rules, and work for a wage, you get hit a lot harder than the people who make their money on investments.

I have already said I am not interested in soaking anybody. I happen to believe marginal rates are a big deal. And because I do, I have not raised the top rate in my proposal. I have three tax brackets: 15, 25, and 35 percent. So it is progressive. I have said to colleagues on the other side of the aisle, folks in the administration, there is plenty of flexibility in my proposal. If we want to make it 13, 23 and 33, I am up for that, too. We can do that in a bipartisan way.

But tonight, I suspect, instead of hearing that we ought to take on the tax bureaucracy embodied in a few of these volumes, in effect we are going to be told to re-up for business as usual. I don't think it has to be that way. I refer colleagues to what happened in 1986, 20 years ago. Then we had a Republican President, revered by millions of Americans, Ronald Reagan, who worked with Democrats, Dan Rostenkowski, Bill Bradley, Dick Gephardt. They found common ground in a proposal that has many of the same features I bring to the Senate today.

They were concerned about marginal rates. There were Democrats, such as myself, who think marginal rates are a big deal. They worked together with a Republican President to achieve a significant success. They removed a lot of clutter from the Tax Code. I wish we hadn't gone back over the last 20 years since that historic legislation and added it all back, those more than 14,000 provisions. But it happened. We all know it has a little bit to do with the lobbyists, because the lobbyists all come and ask for this particular break or another. I had one of our colleagues say to me: Ron, I don't agree with every part of your proposal, but you are right, probably every 20 years you ought to automatically cleanse the Tax Code. You automatically ought to give it a bath.

So I come tonight to say I am interested in working on a bipartisan basis to do something about all this dead wood. I would rather preserve the trees that go into all these volumes and simplify the life of middle-class folks. We have our folks talking on cell phones all day and pagers and practically tethered to the Internet. I know of young people trying to get ahead. They work 12, 14 hours a day. They come home and they are still checking their e-mail. Do we want to put them through another 30 hours of preparing their taxes?

I filled out my one-page 1040 form. I already said the President's Advisory Panel on tax reform had some good ideas. We could come up with an alternative. But we have to want to lead. We have to want to lead as President Reagan did, as Bill Bradley did. We have to say we want to do it on a bipartisan basis.

I am hopeful that if we hear tonight about business as usual on taxes, I can join with colleagues on the other side of the aisle. I have already talked to some on the Finance Committee where I am honored to serve. I have discussed it both with Chairman GRASSLEY and Senator BAUCUS, two who frankly are role models for bipartisanship.

I came today to particularly talk about how this could help middle-class folks. I am going to put in the RECORD examples of how various middle-class people would be affected. I will ask unanimous consent to print in the RECORD some examples of how my proposal would help the middle class.

Under my proposal we will have a lot of middle-class people, people making \$70, \$80, \$90,000 a year—there are a lot of them in Ohio and Oregon—will get a significant amount of relief. Essentially, all those families who make up to \$150,000 a year, primarily on wage income, maybe a little bit of investment thrown in, they are going to get real tax relief or they are going to stay about the same. I want to see us do it in a fiscally responsible way. I know this is of great concern to the Senator from Ohio. The Congressional Research Service said that it is possible to get the tax relief to millions of middle-class people that is outlined in my leg-

islation, the Fair Flat Tax Act, and pay down the Federal deficit by \$100 billion. That is clearly not all you have to do to stop the hemorrhaging of the Federal budget, but at least it is a downpayment.

The Senator from Ohio has done an awful lot of good work in terms of pay-as-you-go budgeting and taking on health care costs and some of the skyrocketing cost of entitlements. My proposal doesn't pretend to deal with all of the red ink we see in the Federal budget, but it does get real tax relief to middle-class people and does it in a fiscally responsible way, with the Congressional Research Service saying that it would pay down the Federal deficit by \$100 billion over the next few years.

I will be back on the floor over the next few days and weeks trying to make the case for bipartisanship to overhaul the tax system. I don't think it is possible to continue to add a piece here and a piece there and make any sense out of all this. We will only be adding more and more volumes. For example, virtually every Senator I have talked to wants to deal with the alternative minimum tax. We know there are a lot of people being swept up in the alternative minimum tax who certainly don't consider themselves fat cats. They weren't the kind of people anybody was talking about when the AMT came into being. But we are getting to the point now where it is almost impossible to put a patch on the AMT without having that change ripple all the way through the system.

What we ought to say, on a bipartisan basis, is we can make the code simpler, flatter, and fairer. I have described today how it can be made simpler. I have a one-page 1040 form. The President's advisory commission has one that is a bit longer, but they are close enough for purposes of Government work. I have three brackets in my tax proposal: 15, 25, and 35. It is fine with me to adjust the numbers a little bit, particularly the idea of going down a couple of points for each of the brackets. The biggest challenge in terms of working out a bipartisan proposal is on the issue of fairness, because that is obviously in the eye of the beholder. What is fair to one person may not be fair to somebody else.

I want to close on one point with respect to taxes. Ronald Reagan signed a bill in 1986 that treated investment income the way wage income was treated. Ronald Reagan in 1986, working with Bill Bradley, Dick Gephardt, a host of Democrats, signed a bill that treated investment income as it treated wage income. He did it because he thought the overall set of tax brackets made sense. I happen to think mine do as well. Colleagues may have other approaches. What we know for a fact is what was done in 1986 worked. The stock market was not hampered. For colleagues on the other side of the aisle, a Republican got elected President in 1988 so no Republican was hurt

by tax reform, where there was bipartisan leadership.

I come to the floor with my first comments, that while, unfortunately, we are not going to hear about comprehensive tax reform tonight, this Senator wants to make it clear that this is a cause I am not giving up on. I am going to push this at every possible opportunity. I am going to work with colleagues on the other side of the aisle. We know that you can't get anything important done unless it is bipartisan. I am going to do it because I don't think you can defend business as usual with this tax system. The simplification that I have come to argue for makes sense. Frankly, that ought to be a no-brainer for everyone. We can make the code flatter.

Let's roll up our sleeves and try to come up with a system that is fairer for everybody, the way it was done back in 1986. If we can get it done—and I have the good fortune of being able to stay on the Senate Finance Committee, if the people of Oregon honor me with a chance to continue to serve there—this time I am going to fight those lobbyists who will try to go back and clutter it up. Frankly, that is what happened in 1986. Nobody really said "no" after that historic reform.

How much time do I have remaining?

The PRESIDING OFFICER. There is 10½ minutes.

Mr. WYDEN. I want to conclude on another pocketbook issue for the middle class by talking about health care. I am a Senator who believes there ought to be private choices in American health care. There are some who think that all the health care ought to be privatized, some who think that Government ought to do everything. I am one who believes there is a role for both the private sector and for Government in health care.

Unfortunately, I voted for the Medicare prescription drug program. As a former director of the Oregon Gray Panthers, I still have the welts on my back to show for it. I never conceived that the administration of this program could be so bungled. We have bedlam out there right now with seniors with advanced degrees trying to sort all this out. Again, it did not have to be this way. If, for example, the administration had at least standardized the policies a little bit so that people could compare the various prescription drug coverages available, we could have avoided this chaos. There is a model for this as well, a model used for the private health insurance supplements that seniors bought to add to their Medicare.

Before I came to Congress, I was director of the Gray Panthers. It was not uncommon for a senior to have 10, 15 private health insurance policies. We drained that swamp. Now seniors for the most part have only one Medigap policy. It meets their needs. The insurance industry has indicated it works for them. We ought to be trying to standardize or at least make more un-

derstandable the private health policies that seniors are looking at now to meet their prescription drug needs.

I have suggested this to the Secretary of Health and Human Services. To his credit, he has indicated that he is interested in pursuing it. The administration of this program didn't have to roll out this way. It could have been simpler and more understandable, if the choices that were made available to seniors had simply been structured in a clearer, more understandable way.

There is a second thing that needs to be done on health care. Senator SNOWE and I got 51 votes late last year for our legislation to lift the restriction on Medicare's right to bargain to hold down the cost of prescription medicine. The way Medicare is buying this medicine defies anything that goes on in the private sector. It is similar to somebody going to Costco and buying toilet paper one roll at a time. Nobody would shop the way Medicare is purchasing these prescription drugs.

By my count, Senator SNOWE and I now have 53 votes for our legislation to lift the restriction on Medicare bargaining. I commend a number of colleagues who have been involved. On our side of the aisle, Senators STABENOW and FEINSTEIN have done a lot of heavy lifting. Senator MCCAIN has been a wonderful supporter. We ought to pass that legislation. We ought to make it possible for Medicare to bargain to hold down the cost of medicine. I look forward to talking to our colleagues further, including the distinguished Senator in the chair.

There are other steps that ought to be taken to hold down the costs in health care. I hope we will hear about them tonight. One of the best is to make more accurate information available about how doctors and hospitals price their services.

It is possible to shop for just about anything in the United States, but you cannot shop very much for health care. It makes no sense at all. Senator CORNYN, the distinguished Senator from Texas, has a great interest in this issue. Other colleagues do as well. But if we are serious about holding down costs—I think the President will talk about cost containment tonight—let's get better, more understandable, more usable information about doctors and hospitals out to the American people. That is step No. 2.

Step No. 3 involves end-of-life care—one of the most controversial issues in American health care. As my colleagues know, I was the one who blocked the original Schiavo legislation from coming up on the floor. Let me talk about something all of us can agree on, and that is we ought to expand hospice and comfort care to deal with end-of-life services because this is something which will help us save money, will avoid some of the family tragedies that result in these horrible, polarizing kinds of problems such as we saw in the tragic Schiavo case.

There is no reason, given the fact that a growing fraction of the health

care dollar gets spent in the last few months of an individual's life, that to be both compassionate and hold down health care costs, Republicans and Democrats cannot join hands on expanding hospice care as an alternative to what our citizens face now with end-of-life choices.

The fourth step is an area the Chair has a great interest in, and that is health care technology. We know many communities have multiple technologies, such as MRI machines. There are some very exciting and tremendous new products that are available. Many communities have lots of these technologies, and some have none at all. There is a maldistribution of health care resources. So an area I have a great interest in is, making it possible in communities in Minnesota and Oregon for health care providers to share these technologies, perhaps even giving them a waiver of antitrust restrictions, so that rather than everybody having to keep up with the Joneses and adding to health care expenses in an area that has fueled our costs, let's figure out a way that will not freeze innovation. Nobody wants to do that.

The Senator from Minnesota has been a leader in that field. We don't want to freeze innovation, but we want to hold down costs and make sure there is access. I think there are ways in which we can create incentives to share these exciting health care technologies. I have suggested just one this afternoon. That is a way to hold down health care costs.

Mr. President, to recap, let's clean up the Medicare prescription drug benefit. Let's figure out how to get better and more accurate information about doctors and hospital costs and services out. Let's expand hospice and compassionate end-of-life care. And let's make sure there are incentives to better use health care technology.

Those are four practical steps which can hold down health care costs and improve health care services in our country.

I close by way of saying that I came to the Senate floor today because I had those 21 town meetings at home. I heard middle-class people talk about all the issues where the second word was "bill"—medical bill, tax bill, mortgage bill, gas bill, home heating bill. They are concerned about economics and their pocketbooks. We don't need all this dead wood in our tax system. We can come up with a 1-page alternative. I proposed one, as have others. We can work in a bipartisan way to hold down health care costs.

Tonight, we may not hear about some of what I have discussed this afternoon, but I look forward to working with colleagues on both sides of the aisle and with the Bush administration because on both the tax issue and the health care issue, we can do better.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

(The remarks of Mr. LAUTENBERG are printed in today's RECORD under "Morning Business.")

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

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. DURBIN are printed in today's RECORD under "Morning Business.")

Mr. DURBIN. Mr. President, 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. FRIST. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

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#### THE RETIREMENT OF JUSTICE SANDRA DAY O'CONNOR

Mr. FRIST. Mr. President, today has been an extraordinarily historic and eventful day, one in which we have paid tribute to, and reflected upon, the great deeds and towering leadership of some of the most consequential individuals of the 20th century. It has also been a fast-paced day of action, of looking to the future, guiding America toward our most cherished goals and most cherished ideals.

One person we honor today, who has helped lead that journey, is retiring Supreme Court Justice Sandra Day O'Connor. For over two decades, Justice O'Connor has presided over some of the most complex, difficult, and vexing debates of our times.

Justice O'Connor, who turns 76 this year, retires with a sterling reputation as a brilliant legal scholar, a fair and impartial jurist, and an individual of impeccable personal integrity.

Born in the humble town of El Paso, TX, to Harry and Ada Mae, the young Sandra Day grew up on her family's cattle ranch in southeastern Arizona. It was not far and wasn't long to Stanford University where she graduated magna cum laude with a bachelor's degree in economics. She was accepted into the university's prestigious school of law and earned a coveted position on the law review's board of editors. She completed law school in only 2 years and finished near the top of her class. Among her classmates was a young man who would later sit beside her on the highest Court in the land: the late Chief Justice William Rehnquist.

Despite her extraordinary credentials, the private sector didn't easily

welcome a woman into its male-dominated ranks. After a frustrating job search in the private sector, the young lawyer began her career as Deputy County Attorney of San Mateo, CA. A 4-year stint in Europe, where her husband was posted, and 3 sons later, Sandra Day O'Connor became Arizona's Assistant Attorney General in 1965.

She served 4 years before being appointed to fill an unexpired seat in the Arizona State Senate. In the State senate she proved herself an adept and popular lawmaker. She rose to its highest office to become the first woman State majority leader ever in the history of the United States.

In 1975, Sandra Day O'Connor was elected judge of the Maricopa County Superior Court, and 4 years later, in 1979, was appointed to the Arizona Court of Appeals. There she served until President Ronald Reagan appointed her Associate Justice to the Supreme Court.

Twenty-five years ago, on September 21, 1981, the Senate unanimously confirmed her nomination. On that day, Sandra Day O'Connor again made history. She became the first female Justice in the Court's history. When asked for her reaction to her nomination, Sandra Day O'Connor said:

I can only say I will approach [my work on the bench] with care and effort and do the best job I possibly can do.

So she has. Justice O'Connor has served with distinction and as an example to all Americans that, through persistence and hard work, the highest peaks can be achieved. Despite her early professional obstacles, she never surrendered her determination, her focus, nor did she surrender her Southwestern roots. Fiercely proud of her heritage, Justice O'Connor and her brother H. Alan Day authored a best selling memoir entitled "Lazy B: Growing Up on a Cattle Ranch in the American Southwest." Anyone who has entered the inner compounds of Justice O'Connor's Supreme Court office has seen that sign that reads: "Cowgirl Parking Only: All Others will be Towed."

About 11 years ago, when Karen and I first came to Washington, DC, we didn't really know anybody here. We were a little bit lost, a physician and his family moving to this city. We early on met John and Justice O'Connor. Since that time, we have had the opportunity to be with them socially. We respect their wonderful and loving relationship, which has been always and continues to be manifested in so many wonderful ways. They welcomed our family to this Washington community and expressed that welcome in warm and heartfelt ways, again and again.

To echo the words of Ronald Reagan, Sandra Day O'Connor is "truly a 'person for all seasons,' possessing those

unique qualities of temperament, fairness, intellectual capacity and devotion to the public good which have characterized the 101 'brethren' who have preceded her."

Sandra Day O'Connor has served this country for over five decades as an Arizona State Senator and majority leader, State court judge, assistant State attorney general, and in the capacity of which she will long be remembered, as an Associate Justice of the Supreme Court of America. The "cowgirl from Arizona" may never have dreamed of riding to the highest Court in the land but, boy oh boy, is America fortunate that she did.

On behalf of my fellow Senators and the American people, I offer my deepest gratitude to Justice O'Connor for her service to this great Nation, and I wish Mrs. O'Connor the best in all of her future endeavors.

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

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. FRIST are printed in today's RECORD under "Morning Business.")

(The remarks of Mr. CHAMBLISS are printed in today's RECORD under "Morning Business.")

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

The PRESIDING OFFICER. Without objection, it is so ordered.

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#### MORNING BUSINESS

Mr. FRIST. Mr. President, I ask unanimous consent that there now be a period for morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

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#### RETIREMENT OF MR. JAMES M. PHILPOTT

Mr. STEVENS. Mr. President, I rise to pay tribute to Mr. James M. Philpott, Assistant Deputy Chief of

Staff for Resource Management, U.S. Army Pacific, who, in early 2006, will retire from a distinguished career spanning 35 years of exemplary service to America.

Mr. Philpott began his Federal career as a Comptroller Management Intern with the U.S. Army Pacific in 1971. He has served with Army organizations in Hawaii, Okinawa, mainland Japan, Korea, and Fort Huachuca, AZ. Mr. Philpott also spent 2 years with the U.S. Department of Energy where he directed the Comptroller's independent financial management review and analysis function.

During his more than 30 years involved in Army resource management, Mr. Philpott was a highly respected leader and expert on the Army budget and a wide range of related issues concerning the Asia-Pacific region. He played a critical role in the formulation, approval, and execution of U.S. Army Pacific budgets that produced a much-needed strengthening of America's defense posture and enabled our military to fulfill its many demanding commitments within the Pacific area of responsibility.

Mr. Philpott developed and led a diverse staff of analysts. Over the years, he mentored and guided a generation of Army budget and management analysts. Mr. Philpott was the primary leader in tracking and resolving budget and realignment matters involving U.S. Army Pacific. He meticulously tracked numerous and complex actions affecting the funding and manpower available to the command. Mr. Philpott has been a loyal and trustworthy adviser to nine commanding generals of U.S. Army Pacific, spanning 19 years. His expertise of Pacific resource management matters is unparalleled.

Mr. Philpott produced substantial top-quality analysis on complex economic, fiscal, and budget topics for commanders of U.S. Pacific Command and U.S. Army Pacific and other senior leaders. He also improved support for these leaders by initiating important resource management reforms that saved staff time and improved the quality of decisionmaking data.

For his extraordinary achievements, Mr. Philpott received the Meritorious Service Award three times. He was awarded the Nick Hoge Award for Professional Development, and Superior Civilian Service Award and Commander's Award two times. He earned the deep respect of leaders throughout the U.S. Army Pacific, Department of the Army, and with Congress's defense oversight committees. These leaders benefited enormously from his exceptional knowledge and dedication. Mr. Philpott's service has substantially helped our Nation's leaders make the wisest possible allocation of its defense resources in order to ensure America's future security.

Throughout his distinguished career, Mr. Philpott has had the resolute support of his wife Kathy and his three

children. He has earned the deep gratitude of the American people. I join my staff, particularly our Defense Appropriations Subcommittee Staff Director, Sid Ashworth, in wishing Mr. Philpott and his family all the best in the coming years.

#### TRIBUTE TO ALAN GREENSPAN

Mr. FRIST. Mr. President, today marks the end of one of the most outstanding public service careers in this country's history.

Today, Dr. Alan Greenspan steps down as Chairman of the Board of Governors of the Federal Reserve System.

These last 18 years many accolades have been showered on Chairman Greenspan's leadership in steering monetary policy—a period that included some very difficult waters.

But I think the true strength of his leadership can be measured by the numbers. The Chairman, I understand, devours statistics in helping to make sound decisions. And the measurable results have been impressive.

Since being appointed to the chairmanship—first by President Reagan in August 1987, and then, later, by Presidents George Bush, Bill Clinton, and George W. Bush—U.S. economic growth has averaged 3 percent per year.

The annual rate of increase in consumer prices has similarly averaged a low 3 percent annually.

If price stability is the key responsibility of our independent Federal Reserve System, one can only conclude that Chairman Greenspan's leadership has been extraordinarily successful.

Meanwhile, the number of payroll jobs in America has grown from 102 million when he took on the chairmanship to nearly 135 million today. The unemployment rate has averaged slightly more than a low 5½ percent.

But Chairman Greenspan has been more than an outstanding captain of the economic seas. He has been a shrewd analyst and forecaster, shaping the economic future.

One key statistic that the Chairman brought to the public's attention—and particularly to those of us involved in the policy process—is the issue of productivity.

He was the first to recognize that the rise of productivity allowed unemployment to fall lower than many economists thought possible without stoking the fires of inflation, therefore, allowing the Federal Reserve to keep interest rates low.

Over his tenure, productivity growth averaged 2.2 percent per year, nearly double the rate of growth in the seventies and eighties.

There were major challenges along the way:

Only 2 weeks after taking his position at the Federal Reserve, the stock market dropped nearly 23 percent—marking the worse 1-day decline in the market's history.

There was an Asian and Russian financial crisis in 1998.

And, of course, the tragedy of September 11 that hit directly at the heart of our financial system.

In each instance, quick action by the Chairman to provide liquidity into the market through interest rate decisions allowed for the economy, indeed the global economy, to right itself, stabilize, and continue to grow.

One measure of the Chairman's counsel has been his highly anticipated testimonies before the Committees of Congress. Those hearings have always been sold out, headliner events. We have always listened very closely.

On a more personal level, it has been my distinct pleasure to have gotten to know Alan Greenspan and discuss informally with him the challenges that confront this country—in particular, our health care system and the increasing costs of health care, pensions and public entitlements.

I will miss those discussions with Mr. Greenspan. But I am confident that he will continue to offer his wise counsel to those who request it. For he will always remain, at heart, a public servant seeking to better the lives of citizens throughout this country and the world.

A counselor to Presidents and Congresses, a thoughtful thinker, flexible and non doctrinaire, Chairman Greenspan possesses the rare ability to communicate complicated ideas clearly and to make difficult decisions under complex, dynamic and uncertain conditions. For 18 years, he has done so consistently. For 18 years, he has done so masterfully.

Alan Greenspan leaves the Federal stage a giant in his field.

And if my high praise suggests a dash of "irrational exuberance," so be it. Chairman Greenspan is deserving of our highest regard.

On the passing of John Maynard Keynes, the British economist Alfred Marshall wrote that: "a great economist must possess a rare combination of gifts: mathematician, historian, statesman, philosopher." Alan Greenspan possesses each in large measure.

Thank you, Mr. Chairman, for your outstanding service to your country and to your fellow Americans.

On behalf of the U.S. Senate, best wishes to you in all of your future endeavors.

#### HONORING OUR ARMED FORCES

SPECIALIST PRINCE KOA TEEWIA

Mr. CARPER. Mr. President, I would like to set aside a few moments today to reflect on the life of SPC Prince Koa Teewia. Prince epitomized the best of our country's brave men and women who fought to free Iraq and to secure a new democracy in the Middle East. He exhibited unwavering courage, dutiful service to his adopted country, and above all else, honor. In the way he lived his life—and how we remember him—Prince reminds each of us how good we can be.

Born in Liberia in 1979, Prince was separated from his mother when she

visited the United States, and civil war broke out in her native country. Due to security concerns, she was not allowed to return to her homeland to be with her children. After his father fled the war-torn region in 1990, Prince stayed with an aunt and eventually found refuge in neighboring Sierra Leone.

One by one, his mother managed to find ways for her eldest sons to join her in the United States. Prince was finally reunited with his parents when he moved to Durham, NC, in 1998 to live with friends and relatives. Shortly after his return, his parents moved to Delaware in the hopes of finding better paying employment. Prince stayed behind in North Carolina with the hopes of furthering his education and to enroll in classes at North Carolina Central University.

Prince Teewia had always wanted to join the military of his adopted homeland and, in 2004, he signed up for the 101st Airborne Division, based out of Fort Campbell, KY. He had been deployed in Iraq for less than a month when he was killed on December 29, 2005, by a roadside bomb that detonated next to the humvee he was riding in.

Specialist Teewia was granted full status as a U.S. citizen shortly after his death. This distinction was bestowed upon him because of his honorable service in the Armed Forces and his willingness to pay the ultimate cost while performing his duty in Iraq.

Prince was laid to rest with full military honors in Delaware Veterans Memorial Cemetery in Bear, DE, on January 13, 2006. He is survived by his parents John and Rebecca, his maternal grandparents, as well as eight brothers and six sisters.

I rise today to commemorate Prince, to celebrate his life, and to offer his family our support and our deepest sympathy on their tragic loss.

**BUDGET SCOREKEEPING REPORT**

Mr. GREGG. Mr. President, I hereby submit to the Senate the budget scorekeeping report prepared by the Congressional Budget Office under section 308(b) and in aid of section 311 of the Congressional Budget Act of 1974, as amended. This report meets the requirements for Senate scorekeeping of section 5 of S. Con. Res. 32, the first concurrent resolution on the budget for 1986.

This report shows the effects of congressional action on the 2006 budget through January 25, 2006. The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of the 2006 concurrent resolution on the budget, H. Con. Res. 95. Pursuant to

section 402 of that resolution, provisions designated as emergency requirements are exempt from enforcement of the budget resolution. As a result, the attached report excludes these amounts.

The estimates show that current level spending is under the budget resolution by \$14.015 billion in budget authority and by \$379 million in outlays in 2006. Current level for revenues is \$17.286 billion above the budget resolution in 2006.

Since my last report, dated November 18, 2005, the Congress has cleared and the President has signed the following acts that changed budget authority, outlays, or revenues: Military Quality of Life and Veterans Affairs Appropriations Act, 2006, P.L. 109-114; Transportation, Treasury, Housing and Urban Development, the Judiciary, the District of Columbia, and Independent Agencies Appropriations Act, 2006, P.L. 109-115; Valles Caldera Preservation Act of 2005, P.L. 109-132; Naval Vessels Transfer Act of 2005, P.L. 109-134; An act to provide certain authorities to the Department of State, P.L. 109-140; Terrorism Risk Insurance Extension Act of 2005, P.L. 109-144; Department of Defense, Emergency Supplemental Appropriations to Address Hurricanes in the Gulf of Mexico, and Pandemic Influenza Act, 2006, P.L. 109-148; Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2006, P.L. 109-149; Second Higher Education Extension Act of 2005, P.L. 109-150; Employee Retirement Preservation Act, P.L. 109-151; TANF and Child Care Continuation Act of 2005, P.L. 109-161; National Defense Authorization Act for 2006, P.L. 109-163; and, United States-Bahrain Free Trade Agreement Implementation Act, P.L. 109-169.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONGRESSIONAL BUDGET OFFICE,  
U.S. CONGRESS,  
Washington, DC, January 26, 2006.

Hon. JUDD GREGG,  
Chairman, Committee on the Budget, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The enclosed tables show the effects of Congressional action on the 2006 budget and are current through January 25, 2006. This report is submitted under section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended.

The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions for fiscal year 2006 that underlie H. Con. Res. 95, the Concurrent Resolution on the Budget for Fiscal Year 2006. Pursuant to section 402 of that resolution, provisions designated as emergency requirements are exempt from enforcement of the budget resolution. As a result, the enclosed current level report excludes these amounts (see footnote 1 on Table 2).

Since my last letter, dated November 17, 2006, the Congress has cleared and the President has signed the following acts that changed budget authority, outlays, or revenues:

Military Quality of Life and Veterans Affairs Appropriations Act, 2006 (Public Law 109-114);

Transportation, Treasury, Housing and Urban Development, the Judiciary, the District of Columbia, and Independent Agencies Appropriations Act, 2006 (Public Law 109-115);

Valles Caldera Preservation Act of 2005 (Public Law 109-132);

Naval Vessels Transfer Act of 2005 (Public Law 109-134);

An act to provide certain authorities to the Department of State (Public Law 109-140);

Terrorism Risk Insurance Extension Act of 2005 (Public Law 109-144);

Department of Defense, Emergency Supplemental Appropriations to Address Hurricanes in the Gulf of Mexico, and Pandemic Influenza Act, 2006 (Public Law 109-148);

Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2006 (Public Law 109-149);

Second Higher Education Extension Act of 2005 (Public Law 109-150);

Employee Retirement Preservation Act (Public Law 109-151);

TANF and Child Care Continuation Act of 2005 (Public Law 109-161);

National Defense Authorization Act for 2006 (Public Law 109-163); and

United States-Bahrain Free Trade Agreement Implementation Act (Public Law 109-169).

The effects of the actions listed above are detailed in the enclosed tables.

Sincerely,  
DONALD B. MARRON,  
Acting Director.

Enclosure.

TABLE 1.—SENATE CURRENT-LEVEL REPORT FOR SPENDING AND REVENUES FOR FISCAL YEAR 2006, AS OF JANUARY 25, 2006

(In billions of dollars)

	Budget Resolution <sup>1</sup>	Current Level <sup>2</sup>	Current Level Over/Under (-) Resolution
<b>On-budget</b>			
Budget Authority .....	2,094.4	2,080.4	-14.0
Outlays .....	2,099.0	2,098.6	-0.4
Revenues .....	1,589.9	1,607.2	17.3
<b>Off-budget</b>			
Social Security Outlays <sup>3</sup> .....	416.0	416.0	0
Social Security Revenues <sup>4</sup> .....	604.8	604.8	*

Source: Congressional Budget Office.

Note: \* = Less than \$50 million.

<sup>1</sup>H. Con. Res. 95, the Concurrent Resolution on the Budget for Fiscal Year 2006, assumed the enactment of emergency supplemental appropriations for fiscal year 2006, in the amount of \$50 billion in budget authority and approximately \$62.4 billion in outlays, which would be exempt from the enforcement of the budget resolution. Since the current level totals exclude the emergency appropriations in Public Laws 109-13, 109-61, 109-62, 109-68, 109-73, 109-77, 109-88, 109-106, 109-114, 109-135, and 109-148 (see footnote 1 on Table 2), the budget authority and outlay totals specified in the budget resolution have also been reduced (by the amounts assumed for emergency supplemental appropriations) for purposes of comparison.

<sup>2</sup>Current level is the estimated effect on revenue and spending of all legislation that the Congress has enacted or sent to the President for his approval. In addition, full-year funding estimates under current law are included for entitlement and mandatory programs requiring annual appropriations even if the appropriations have not been made.

<sup>3</sup>Excludes administrative expenses of the Social Security Administration, which are off-budget.

<sup>4</sup>The Employee Retirement Preservation Act (Public Law 109-151) has a loss of revenue of \$1 million.

TABLE 2.—SUPPORTING DETAIL FOR THE SENATE CURRENT-LEVEL REPORT FOR ON-BUDGET SPENDING AND REVENUES FOR FISCAL YEAR 2006, AS OF JANUARY 25, 2005  
(In millions of dollars)

	Budget Authority	Outlays	Revenues
<b>Enacted in Previous Sessions:</b>			
Revenues	n.a.	n.a.	1,607,650
Permanents and other spending legislation	1,293,035	1,250,308	n.a.
Appropriation legislation	0	382,272	n.a.
Offsetting receipts	-479,872	-479,872	n.a.
<b>Total, enacted in previous sessions:</b>	<b>813,163</b>	<b>1,152,708</b>	<b>1,607,650</b>
<b>Enacted This Session:</b>			
<b>Authorizing Legislation:</b>			
TANF Extension Act of 2005 (P.L. 109-19)	148	165	0
An act approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2005 (P.L. 109-39)	0	0	-1
Dominican Republic-Central America-United States Free Trade Agreement Implementation Act (P.L. 109-53)	27	27	-3
Energy Policy Act of 2005 (P.L. 109-58)	141	231	-588
Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (P.L. 109-59)	3,444	36	9
National Flood Insurance Program Enhanced Borrowing Authority Act of 2005 (P.L. 109-65)	2,000	2,000	0
Pell Grant Hurricane and Disaster Relief Act (P.L. 109-66)	2	2	0
TANF Emergency Response and Recovery Act of 2005 (P.L. 109-68)	-4,965	105	0
Natural Disaster Student Aid Fairness Act (P.L. 109-86)	36	18	0
Community Disaster Loan Act of 2005 (P.L. 109-88)	751	376	0
Medicare Cost Sharing and Welfare Extension Act of 2005 (P.L. 109-91)	354	341	0
An act to extend the special postage stamp for breast cancer research for two years (P.L. 109-100)	-1	-1	0
Valles Caldera Preservation Act of 2005 (P.L. 109-132)	0	2	0
Naval Vessels Transfer Act of 2005 (P.L. 109-134)	-26	-26	0
An act to provide certain authorities to the Department of State (P.L. 109-140)	1	1	0
Terrorism Risk Insurance Extension Act of 2005 (P.L. 109-144)	210	210	0
Second Higher Education Extension Act of 2005 (P.L. 109-150)	-50	-45	0
Employee Retirement Preservation Act (P.L. 109-151)	0	0	-2
TANF and Child Care Continuation Act of 2005 (P.L. 109-161)	73	81	0
National Defense Authorization Act for 2006 (P.L. 109-163)	-23	-24	0
United States-Bahrain Free Trade Agreement Implementation Act (P.L. 109-169)	1	1	-20
<b>Appropriation Acts:</b>			
Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005 (P.L. 109-13)	-39	-21	11
Interior Appropriations Act, 2006 (P.L. 109-54)	26,211	17,301	122
Legislative Branch Appropriations Act, 2006 (P.L. 109-55)	3,804	3,185	0
Homeland Security Appropriations Act, 2006 (P.L. 109-90)	31,860	19,306	0
Agriculture Appropriations Act, 2006 (P.L. 109-97)	99,262	57,294	0
Foreign Operations Appropriations Act, 2006 (P.L. 109-102)	20,979	8,164	0
Energy and Water Appropriations Act, 2006 (P.L. 109-103)	30,459	19,604	0
Science, State, Justice, Commerce Appropriations Act, 2006 (P.L. 109-108)	58,210	35,763	0
Military Quality of Life and VA Appropriations Act, 2006 (P.L. 109-114)	83,519	67,294	0
Transportation, Treasury and HUD Appropriations Act, 2006 (P.L. 109-115)	81,149	69,465	0
Defense Appropriations Act, 2006 (P.L. 109-148)	393,349	273,692	0
Labor, HHS, and Education Appropriations Act, 2006 (P.L. 109-149)	505,060	370,483	0
<b>Total, enacted this session:</b>	<b>1,335,946</b>	<b>945,030</b>	<b>-472</b>
<b>Entitlements and mandatories:</b>			
Difference between enacted levels and budget resolution estimates for appropriated entitlements and other mandatory programs	-68,740	-879	n.a.
<b>Total Current Level<sup>1, 2</sup></b>	<b>2,080,369</b>	<b>2,098,617</b>	<b>1,607,178</b>
<b>Total Budget Resolution</b>	<b>2,144,384</b>	<b>2,161,420</b>	<b>1,589,892</b>
Adjustment to budget resolution for emergency requirements <sup>3</sup>	-50,000	-62,424	n.a.
<b>Adjusted Budget Resolution</b>	<b>2,094,384</b>	<b>2,098,996</b>	<b>n.a.</b>
Current Level Over Adjusted Budget Resolution	n.a.	n.a.	17,286
Current Level Under Adjusted Budget Resolution	14,015	379	n.a.

Source: Congressional Budget Office.

Notes: n.a. = not applicable; P.L. = Public Law.

<sup>1</sup> Pursuant to section 402 of H. Con. Res. 95, the Concurrent Resolution on the Budget for Fiscal Year 2006, provisions designated as emergency requirements are exempt from enforcement of the budget resolution. As a result, the current level totals exclude the following amounts:

	Budget Authority	Outlays	Revenues
Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005 (P.L. 109-13)	0	30,757	0
Emergency Supplemental Appropriations Act to Meet Immediate Needs Arising From Hurricane Katrina, 2005 (P.L. 109-61)	0	7,750	0
Second Emergency Supplemental Appropriations Act to Meet Immediate Needs Arising From Hurricane Katrina, 2005 (P.L. 109-62)	0	21,841	0
TANF Emergency Response and Recovery Act of 2005 (P.L. 109-68)	200	245	0
Katrina Emergency Tax Relief Act of 2005 (P.L. 109-73)	128	128	-3,191
Community Disaster Loan Act of 2005 (P.L. 109-88)	-751	0	0
National Flood Insurance Program Further Enhanced Borrowing Authority Act of 2005 (P.L. 109-106)	15,000	14,000	0
Military Quality of Life and VA Appropriations Act, 2006 (P.L. 109-114)	1,225	1,103	0
Gulf Opportunity Zone Act of 2005 (P.L. 109-135)	27	27	-3,920
Defense Appropriations Act, 2006 (P.L. 109-148)	59,152	36,572	0
<b>Total, enacted emergency requirements</b>	<b>74,981</b>	<b>112,423</b>	<b>-7,111</b>

<sup>2</sup> Excludes administrative expenses of the Social Security Administration, which are off-budget.

<sup>3</sup> H. Con. Res. 95, the Concurrent Resolution on the Budget for Fiscal Year 2006, assumed the enactment of emergency supplemental appropriations for fiscal year 2006, in the amount of \$50,000 million in budget authority and \$62,424 million in outlays, which would be exempt from the enforcement of the budget resolution. Since the current level totals exclude the emergency appropriations in P.L. 109-13, P.L. 109-61, P.L. 109-62, P.L. 109-68, P.L. 109-73, P.L. 109-77, P.L. 109-88, P.L. 109-106, P.L. 109-114, P.L. 109-135, and P.L. 109-148 (see footnote 1 above), the budget authority and outlay totals specified in the budget resolution have also been reduced (by the amounts assumed for emergency supplemental appropriations) for purposes of comparison.

IMPROVING THE PATRIOT ACT

Mr. LEAHY. Mr. President, those of us working constructively and in a bipartisan way to extend the USA PATRIOT Act with improvements have repeatedly offered to meet to work out the remaining differences. Sadly, the Senate leadership has not made the effort to work through the remaining concerns or brought us together.

I have continued meeting and talking with interested Republican and Democratic Senators. Senate staff has finally gotten together this week in a bipartisan meeting. I urge the majority leader to bring together key interested Senators to work out a bipartisan compromise that improves the failed conference report.

A majority of Senators—Republicans and Democrats, those who voted against cloture on the conference report that failed to pass the Senate and those who voted for it urged the Republican leader to act on a short-term, 3-month extension before the end of the last session. Instead, he chose to proceed with a 6-month extension that Republicans in the House found objectionable. That led to the short extension that is about to expire this week. The President had said that he would not approve a short-term extension. House Republicans had said that they would not allow a short-term extension. But just before Christmas they demanded and enacted a shorter extension than anyone else had proposed.

As soon as it became apparent that the conference report filed by the Republican leadership would be unacceptable to the Senate, I joined on Thursday, December 8, in urging a 3-month extension to work out a better bill. On the first day the Senate was next in session, Monday, December 12, Senator SUNUNU and I introduced such a bill, S.2082. We sent out a "Dear Colleague" letter to other Senators on December 13 and that bipartisan bill was cosponsored by 46 other Senators. That bill would have extended the PATRIOT Act until March 31, 2006, to allow us all to work out the remaining differences and

improve this reauthorization legislation in ways to better protect the rights of ordinary Americans. It proposed a commonsense solution to allow us to take a few more weeks to get this right for all Americans.

Contrary to the false claims and misrepresentations by some, there was no effort on either side of the aisle to do away with the PATRIOT Act. That is just not true. Along with others here in the Senate, I am seeking to mend and extend the PATRIOT Act, not to end it. There is no reason why the American people cannot have a PATRIOT Act that is both effective and that adequately protects their rights and their privacy. The only people who were threatening an expiration of the PATRIOT Act were the President and House Republicans. As I noted on December 21, the administration and the Republican congressional leadership were the ones who were objecting to extending the act and threatening to have it expire. That was wrong. That made no sense. They came to their senses in the days that followed. But now, as we approach the expiration of the current extension this Friday, the Republican congressional leadership has taken no further action and we risk sections of the PATRIOT Act expiring, again.

Republican and Democratic Senators joined together last month to say we can do better to protect Americans' liberties while ensuring our national security is as strong as it can be. In the days after 9/11 we acted as Americans, not Democrats, not Republicans. The President's political adviser Karl Rove and the rest of those who are seeking to make the PATRIOT Act a partisan political issue should instead join with our bipartisan coalition and work with us to provide a better balance to protect the rights of Americans.

Every single Senator—Republican and Democratic—voted last July to mend and extend the PATRIOT Act. That bipartisan solution was cast aside by the Bush administration and Republican congressional leaders when they hijacked the conference report, rewrote the bill in ways that fell short in protecting basic civil liberties and then tried to ram it through Congress as an all-or-nothing proposition. I have joined with Senators of both parties in an effort to work to improve the bill. Some of us are working hard to protect the security and liberty of Americans. What is wrong is for the White House to manipulate this into a partisan fight for its partisan political advantage. Instead of playing partisan politics, the Bush administration and Republican congressional leadership should join in trying to improve the law.

This is a vital debate. The terrorist threat to America's security is very real, and it is vital that we be armed with the tools needed to protect Americans' security. At the same time, however, the threat to civil liberties is also very real in America today. The question is not whether the Government

should have the tools it needs to protect the American people. Of course it should. That is why I coauthored the PATRIOT Act 5 years ago, and that is why that Act passed with broad bipartisan support. When I voted for the PATRIOT Act, I did not think it was an ideal piece of legislation, and I knew that it would need careful oversight and, in due course, reform. None of us wants the PATRIOT Act to expire, and those who threatened to let it expire rather than fix it play a dangerous game.

This is about how to reconcile two shared and fundamental goals—ensuring the safety of the American people and protecting their liberty by means of a system of checks and balances that keeps the Government—their Government—accountable. Those goals are not the goals of any particular party or ideology; they are shared American goals. How to balance security with liberty and Government accountability was the most fundamental dilemma with which the Framers of our Constitution wrestled, and how to adjust that balance in the post-9/11 world is a fundamental dilemma before this Congress.

Our Nation is a democracy, founded on the principles of balanced government. We need to restore checks and balances in this country to protect us all and all that we hold dear. Our Congress and our courts provide checks on the abuse of executive authority and should protect our liberties. Congress must write the law so it provides not just a check on Presidential power but also a clear role for the courts. All Americans need to take notice and need to demand that their liberties be maintained. We can do better and must do better for the American people.

#### IRAN'S EFFORTS TO OBTAIN NUCLEAR WEAPONS

Mr. FEINGOLD. Mr. President, as a known sponsor of international terrorism, and in light of the president of Iran's recent apocalyptic statements calling for the destruction of Israel, Iran must not be allowed to develop nuclear weapons. The international community must respond quickly and decisively to Iran's gross disregard of international treaties and obligations and to its concerted and malicious efforts to develop the capability to create nuclear weapons.

The international community must take concerted and decisive action to prevent Iran from furthering its nuclear research and technology development. In its forthcoming meeting on February 2, 2006, the International Atomic Energy Agency (IAEA) Board of Governors should heed the calls by Russia, China, the European Union, and the United States to reaffirm its findings that Iran has blatantly violated its international obligations, recognize the grave nature of Iran's recent actions, and refer Iran to the United Nations Security Council. The Security

Council should then speak with one voice to condemn Iran's actions and send a clear signal that continued defiance of the international community will not be tolerated.

It is essential that the Security Council approve specific actions to prevent the furthering of Iran's nuclear capabilities. The Security Council specifically, and the international community generally, must recognize the potentially devastating link between the violent and defiant rhetoric of Iran's president and his regime's determined effort to undermine approved and transparent methods of developing civilian nuclear technology for energy use.

Congress can also take steps to help stop or slow Iran's acquisition of nuclear and other WMD-related technology, including adding teeth to export control legislation such as the Iran and Syria Nonproliferation Act. The Iran Nonproliferation Enhancement Act, S.1976, that Senator KYL and I introduced late last year would do just that. It would toughen the ISNA by requiring rather than merely authorizing sanctions on proliferators, extending sanctions to the parent companies, and increasing the types of sanctions that apply to proliferators. By adopting this legislation, we would be sending a crystal clear message to would-be proliferators: if you choose to assist Iran in developing nuclear or other WMD-related capabilities, you are also choosing to forgo doing business with the United States.

History teaches us that we cannot ignore the stated intent of those who seek to destroy nations. A nuclear-armed Iran would pose a grave threat to the region, to Israel, and to the entire international community. A concerted international effort is needed to prevent Iran from procuring the technology and materiel needed to develop a nuclear weapon. This effort must begin now, and it must be comprehensive.

#### ADDITIONAL STATEMENTS

##### IN RECOGNITION OF DR. KATHERINE ESTERLY

• Mr. CARPER. Mr. President, I rise today to recognize the achievements of Dr. Katherine Esterly. Kitty, as she is known to her friends, has had an enormous impact on the lives of countless people, many of whom were too young to even realize that she was helping them.

Dr. Esterly has dedicated her life to advancing the field of neonatology, which is the field of pediatric medicine that deals with the care of newborn infants. She has helped countless mothers-to-be and their young children by helping bring healthier babies to term and assisting those newborns who need a little extra care after their delivery. This work transcends the concepts of reduced health care costs and decreased infant mortality rates. It

means healthier babies and stronger families and that is an accomplishment worthy of our praise and admiration.

Katherine Esterly grew up in Norristown, PA, knowing that she wanted to work with children. After graduating from Temple University's medical school in 1951, she moved to Delaware to work towards that goal. Delaware was truly blessed when she made this decision.

Despite her diminutive size and warm personality, Dr. Esterly has always approached her efforts to care for Delaware's babies with a steel will and an unwillingness to accept "no" for an answer. She demands high standards from her colleagues and has lived her life by this same commitment to excellence.

One of the hallmarks of her care is how she continually goes above and beyond the traditional role of simply caring for the newborn child. She uses a gentle hand and an open style of communication to develop a level of trust with parents that greatly improves their hospital experience during such difficult times. Whether it is a reassuring word or a simple explanation of a complex procedure, Kitty is always willing to do whatever it takes to assure parents that their newborn is receiving the best possible care.

Katherine Esterly became a practicing pediatrician in 1954 after completing her internship and residency at the Delaware Hospital. Dr. Esterly then served as an associate in pediatrics for the Children's Bureau of Delaware from 1954 until 1968. During this time, Kitty worked tirelessly to help adoptive and foster children. In 1968, because of her outstanding record of leadership and her dedication to her profession, she was named director of this organization.

After the merger of community hospitals in Wilmington in 1967, the Medical Center of Delaware was formed and a new department of pediatrics was created. Unfortunately, there wasn't a neonatologist on staff at this new institution. Dr. Esterly took the initiative to get the necessary training so she could fill this void in the department's neonatal intensive care unit. She went on to become the director of the neonatology division in 1975. Throughout the 1980s, Dr. Esterly expanded the division and added additional full-time neonatologists to her staff, resulting in a world-class practice where even the sickest of newborns could be cared for.

Dr. Esterly also advanced the cause of nurses by working with colleagues and government officials to highlight and promote the qualifications of professional nurses. Her actions led to nurse practitioners being able to treat patients and write prescriptions, which greatly reduces the workload of practicing physicians and allows for greater responsibility on behalf of nurses.

In addition, Katherine Esterly helped create a neonatal nurse practitioner program for schools in Delaware and New Jersey that continue to train the

next generation of caregivers. Her ability and willingness to share her knowledge has ensured that future generations will continue the work that Kitty pioneered so many years ago.

In 1995, while serving as Governor of Delaware, I appointed Dr. Esterly to serve as the chair of Delaware's Perinatal Board. In this capacity, she spearheads Delaware's efforts to promote the health and welfare of countless numbers of children. The First State and her children are better off because of her efforts.

Most recently, the Katherine L. Esterly Nursing Education Scholarship fund was established for the College of Health Sciences at the University of Delaware. When asked if she would allow her name to be used to distinguish this scholarship, Dr. Esterly, in her customary selfless fashion, not only agreed but also made a personal contribution to the very fund that now bears her name. Her generosity will help ensure that her legacy of caring for Delaware's youngest residents will be preserved and passed on to future generations of caregivers.

Kitty's dedication and innovation in the field of neonatology serves as an example to us all. I rise today to honor her achievements and to thank her on behalf of all Delawareans for her years of hard work, dedication, and constant championing of Delaware's youngest residents.●

#### RECOGNITION OF THE UNIVERSITY OF NORTHERN IOWA

● Mr. HARKIN. Mr. President, on Wednesday, the American Association of Colleges for Teacher Education will present its Best Practice for Collaboration with a Community College Award to the University of Northern Iowa. This award recognizes outstanding collaboration between a university teacher education program and a community college—in this case, Des Moines Area Community College. This partnership is a wonderful example of two fine educational institutions working together to meet the needs of schools in rural Iowa, and I congratulate them for this accomplishment.

Eleven years ago, UNI joined forces with the DMACC campus in Carroll to develop a new approach to address the unique needs of rural school districts. The idea was simple—locate a teacher preparation program where you have the need. Instead of training teachers 160 miles away on its campus in Cedar Falls, UNI established a joint program with DMACC in the heart of rural western Iowa.

Rural communities face many unique challenges, including the need to recruit highly qualified teachers. At the same time, many rural residents have a need to upgrade their skills, but are unable to move to a larger community to attend college. The 2+2 program is a perfect solution. This homegrown approach allows individuals to obtain the training they need to fill the jobs that are literally in their own backyards.

Since 1995, UNI has awarded baccalaureate degrees to nearly 100 teachers at the Carroll campus. It is very important to point out that nearly all of these individuals continue to live in western Iowa, and are working for school districts in the surrounding area.

This program has been an enormous success and I am very proud to have secured Federal funding from the U.S. Department of Education to support this innovative program. UNI is building on this experience and will be expanding the 2+2 model to other fields of study, including technology management, general business and criminology. The University will also expand the partnership to include Western Iowa Tech Community College in Sioux City, Northeast Iowa Community College in Peosta and Calmar, Eastern Iowa Community College in Davenport, and Iowa Western Community College in Council Bluffs.

The success of this project is due to the creative energy and hard work of many individuals from UNI, DMACC and the community of Carroll including: Dr. Constantine Curris, former President of UNI; Dr. Joe Borgen, former President of DMACC; Dr. Robert Koob, President of UNI; Dr. Robert Denson, President of DMACC; Dr. Richard Hawkes, Professor of Teaching at UNI; Dr. Roger Kueter, Director of Community College Projects at UNI; Dr. Jim Knott, Provost of the DMACC Carroll campus; Steve Schultz, coordinator of the 2+2 program for DMACC; Art Neu, former mayor of Carroll and former Lieutenant Governor of the State of Iowa; and Jim Wilson, publisher of the Carroll Daily Times Herald.

I extend my congratulations to all of them on this outstanding achievement.●

#### IN MEMORY OF WILLIAM R. ROBERTSON

● Mrs. BOXER. Mr. President, I am deeply saddened to inform you of the passing of Bill Robertson, former secretary treasurer for the Los Angeles County Federation of Labor, AFL-CIO. I would like to take a few moments to recognize Bill Robertson's many important accomplishments and the tremendous impact he made on the labor movement.

Born in St. Paul, MN, Bill Robertson was a man with humble beginnings. He lost both his parents when he was a child and lived in an orphanage for a brief period. Growing up in difficult circumstances in the middle of the Great Depression shaped Bill's social and personal beliefs. He intimately understood the struggle that working men and women faced to achieve dignity in the United States.

Bill led the Los Angeles County Federation of Labor for nearly two decades. During his tenure, he fought for the rights of working people with passion and great success. In 1975, Bill

Robertson became secretary-treasurer for the Los Angeles County Federation of Labor, AFL-CIO. Under his leadership, The Los Angeles County Federation of Labor saw phenomenal growth. He coordinated many successful labor rights victories and spent a great deal of time building the labor movement and fighting for fairness and equality. In addition to his efforts to further the labor movement, Bill Robertson took steps to assist the city of Los Angeles' homeless population. In the winter of 1985, the city of Los Angeles had authorized a temporary tent shelter to be erected for the city's homeless population. Bill Robertson found this solution to be inadequate and successfully persuaded then Mayor Tom Bradley to authorize construction of a temporary structure to house the 138-bed shelter. Bill Robertson rallied volunteer laborers and secured union funds to buy the construction materials.

Bill also played a major role in bringing prominence and recognition to the city of Los Angeles. In addition to assisting city officials with securing the rights to host the 1984 Olympic Games, Bill also played a pivotal role in establishing a home for a professional football team in Los Angeles. It was through his role as chief negotiator in the \$6.7-million deal in 1980 that brought the Raiders football team from Oakland to the Los Angeles Coliseum. Bill Robertson considered this achievement as one of the proudest of his career.

I invite all of my colleagues to join me and the many members of the labor community in recognizing and honoring Bill Robertson for his guidance and lifelong effort in fighting to improve the lives of working people. He is survived by his wife, Dresden Graham Robertson; his two sons, William and Robert; three grandchildren; and four great-grandchildren.●

#### IN MEMORY OF JUDGE WILLIAM MATTHEW BYRNE, JR.

● Mrs. BOXER. Mr. President, I am deeply saddened to inform you of the passing of Judge William Matthew Byrne, Jr. I would like to take a few moments to recognize Judge Byrne's many important accomplishments and the tremendous impact he made on the judicial system.

William Byrne was born in East Los Angeles in 1930 and attended Loyola High School and the University of Southern California. Before becoming a Federal prosecutor in Los Angeles, he served as a judge advocate from 1956 to 1958 in the U.S. Air Force. In 1967, he was appointed as U.S. attorney by President Lyndon B. Johnson. In 1970, when President Richard Nixon created the President's Commission on Campus Unrest, he chose William Byrne as its executive director.

Byrne became the youngest judge ever appointed to the Federal bench when he was confirmed in 1971 at age 40, and he served as the Central Dis-

trict's chief judge from 1994 to 1998. In more than 30 years of service on the Federal bench, Judge Byrne had the opportunity to handle many cases. He is, however, best known for presiding over the Pentagon Papers case, which was assigned to him just 2 years after his confirmation as a Federal judge. The Pentagon Papers case involved military analyst Daniel Ellsberg and co-defendant Anthony J. Russo, Jr. who were indicted on 12 Federal counts, including conspiracy, theft of Government property, and espionage after an unauthorized release of a secret study of U.S. involvement in the Vietnam War. Judge Byrne dismissed the case in 1973 after ruling that it was the Government that was guilty of misconduct.

I invite all of my colleagues to join me in recognizing and honoring Judge William Matthew Byrne, Jr., for his long and distinguished service to our country.●

#### AWARD FOR EXCELLENCE IN EDUCATION

● Mr. DAYTON. Mr. President, I rise today to honor Woodson Kindergarten Center, in Austin, MN, which recently earned an Award for Excellence in Education for its exceptional and innovative achievements in educating children.

The Woodson Kindergarten Center, which is funded by Austin Public Schools, is truly a model of educational success. The district recognized the advantages of joining together all of its kindergarteners in a single building. This made economic sense and also improved the students' experience, allowing all kindergarten teachers and specialists to work together and to benefit from the expertise each person brought to the team. Currently, 390 children attend Woodson Kindergarten Center, which provides special education services and English language learner services for children of all ages.

At Woodson Kindergarten, students are grouped for reading and math based on skill level. A student who has not mastered all of the skills needed for first grade attends 6 weeks of summer school. Woodson emphasizes reading to children in school and at home and also focuses throughout the day on building children's social skills, including conflict resolution.

Woodson Kindergarten Center better prepares students for first grade and provides a stronger foundation for at-risk children. Its full-day curriculum offers more time for hands-on discovery, for experimenting and making mistakes, for reading the whole story, and for richer, more developmentally appropriate learning.

Much of the credit for Woodson Kindergarten Center's success belongs to its principal, Jean McDermott, and her dedicated teachers. The staff at Woodson Kindergarten Center understand that, in order to be successful, a school

must go beyond achieving academic success; it must provide a nurturing environment where students develop the knowledge, skills and attitudes for a lifetime of success. All of the faculty, staff, and students at the Woodson Kindergarten Center should be very proud of their accomplishments.

I congratulate Woodson Kindergarten Center in Austin, MN, for winning the Award for Excellence in Education and for its exceptional contributions to education in Minnesota.●

#### AWARD FOR EXCELLENCE IN EDUCATION

● Mr. DAYTON. Mr. President, I rise today to honor Dakota Meadows Middle School, in North Mankato, MN, which recently earned an Award for Excellence in Education for its exceptional and innovative achievements in educating children.

Dakota Meadows Middle School is truly a model of educational success. One hundred of the school's eighth-grade art students have created a glass mosaic, measuring 3 feet by 24 feet, for the school's media center. The project was financed by the Prairie Ecology Bus Center. The overall design, based on nature, correlates with the Dakota Meadows Middle School Ecology curriculum, and includes images of fish, birds, and sky. I had the honor to be present at the school for the official unveiling, and found it to be an awe inspiring piece.

The glass mosaic medium was chosen to introduce the students to an ancient medium. The mosaic's dimensions allowed each student to make a unique contribution toward an artistic work of lasting beauty.

Much of the credit for Dakota Meadows Middle School's success belongs to its principal, Shane Baier, and his dedicated teachers. The school and its artist in residence, Dr. Arnoldus Gruter, made it possible for the students to produce their own work of art, which is also their legacy to the school. The students and staff at Dakota Meadows Middle School understand that, in order to be successful, a school must go beyond achieving academic success; it must also provide a nurturing environment where students develop the knowledge, skills and attitudes for a lifetime of success. All of the faculty, staff, and students at Dakota Meadows Middle School should be very proud of their accomplishments.

I congratulate Dakota Meadows Middle School in North Mankato, MN, for winning the Award for Excellence in Education and for its exceptional contributions to education in Minnesota.●

#### AWARD FOR EXCELLENCE IN EDUCATION PRESENTED TO MANKATO WEST HIGH SCHOOL, YOUTH SERVICE LEARNING CLASS, MANKATO, MINNESOTA

● Mr. DAYTON. Mr. President, today I honor last fall's Youth Service Learning class, at Mankato West High

School, in Mankato, MN, which recently earned an Award for Excellence in Education for its exceptional and innovative achievements.

The Youth Service Learning class at Mankato West High School is truly a model of educational success. As part of its fall curriculum, the class embraced Project Homecoming, a statewide effort to raise money to help pay for the cost of bus transportation from Camp Shelby, MS, to Minnesota, for 400 Minnesota National Guard soldiers. The soldiers had been training at Camp Shelby for deployment to Iraq in early 2006. Although they were given 10 days leave for the holidays, no funding was available through the military or National Guard to provide round-trip transportation to Minnesota and back.

The Youth Service Learning class, which focuses on volunteerism and the functioning of nonprofits in the community, gained some real life experience by helping Project Homecoming raise \$75,000 in just under 4 weeks. The students learned how to establish a tax-exempt fundraising effort, engage the media in an event, and raise significant money for a cause they considered extremely important to their communities. In less than 3 days, the students raised over \$1,500 from their schoolmates, made telephone calls to potential donors, and asked their own employers to help in the effort. With the students' help, Project Homecoming reached its \$75,000 goal.

Much of the credit for the Youth Service Learning class's success belongs to Mr. Bruce Borchers, Mankato West principal; Mr. Tim Walz, Youth Service Learning teacher; and Mr. Pat Griffiths, Project Homecoming coordinator. The students and staff who participated in the class understand that in order to be successful, a school must go beyond achieving academic success; it must also provide a nurturing environment where students develop the knowledge, skills, and attitudes for a lifetime of success. All of the faculty, staff, and students should be very proud of their accomplishments.

I congratulate the Youth Service Learning class at Mankato West High School in Mankato, MN, for winning the Award for Excellence in Education and for its exceptional contributions to education in Minnesota.●

#### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

#### EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT ON THE STATE OF THE UNION DELIVERED TO A JOINT SESSION OF CONGRESS ON JANUARY 31, 2006—PM 35

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was ordered to lie on the table:

*To the Congress of the United States:*

Mr. Speaker, Vice President CHENEY, Members of Congress, Members of the Supreme Court and diplomatic corps, distinguished guests, and fellow citizens:

Today our Nation lost a beloved, graceful, courageous woman who called America to its founding ideals and carried on a noble dream. Tonight we are comforted by the hope of a glad reunion with the husband who was taken from her so long ago, and we are grateful for the good life of Coretta Scott King.

Each time I am invited to this rostrum, I am humbled by the privilege, and mindful of the history we have seen together. We have gathered under this Capitol dome in moments of national mourning and national achievement. We have served America through one of the most consequential periods of our history and it has been my honor to serve with you.

In a system of two parties, two chambers, and two elected branches, there will always be differences and debate. But even tough debates can be conducted in a civil tone, and our differences cannot be allowed to harden into anger. To confront the great issues before us, we must act in a spirit of goodwill and respect for one another—and I will do my part. Tonight the state of our Union is strong—and together we will make it stronger.

In this decisive year, you and I will make choices that determine both the future and the character of our country. We will choose to act confidently in pursuing the enemies of freedom—or retreat from our duties in the hope of an easier life. We will choose to build our prosperity by leading the world economy—or shut ourselves off from trade and opportunity. In a complex and challenging time, the road of isolationism and protectionism may seem broad and inviting—yet it ends in danger and decline. The only way to protect our people . . . the only way to secure the peace . . . the only way to control our destiny is by our leadership—so the United States of America will continue to lead.

Abroad, our Nation is committed to an historic, long-term goal—we seek the end of tyranny in our world. Some dismiss that goal as misguided idealism. In reality, the future security of America depends on it. On September 11, 2001, we found that problems originating in a failed and oppressive state seven thousand miles away could bring murder and destruction to our country. Dictatorships shelter terrorists, feed

resentment and radicalism, and seek weapons of mass destruction. Democracies replace resentment with hope, respect the rights of their citizens and their neighbors, and join the fight against terror. Every step toward freedom in the world makes our country safer, and so we will act boldly in freedom's cause.

Far from being a hopeless dream, the advance of freedom is the great story of our time. In 1945, there were about two dozen lonely democracies on Earth. Today, there are 122. And we are writing a new chapter in the story of self-government—with women lining up to vote in Afghanistan . . . and millions of Iraqis marking their liberty with purple ink . . . and men and women from Lebanon to Egypt debating the rights of individuals and the necessity of freedom. At the start of 2006, more than half the people of our world live in democratic nations. And we do not forget the other half—in places like Syria, Burma, Zimbabwe, North Korea, and Iran—because the demands of justice, and the peace of this world, require their freedom as well.

No one can deny the success of freedom, but some men rage and fight against it. And one of the main sources of reaction and opposition is radical Islam—the perversion by a few of a noble faith into an ideology of terror and death. Terrorists like bin Laden are serious about mass murder—and all of us must take their declared intentions seriously. They seek to impose a heartless system of totalitarian control throughout the Middle East, and arm themselves with weapons of mass murder. Their aim is to seize power in Iraq, and use it as a safe haven to launch attacks against America and the world. Lacking the military strength to challenge us directly, the terrorists have chosen the weapon of fear. When they murder children at a school in Beslan . . . or blow up commuters in London . . . or behead a bound captive . . . the terrorists hope these horrors will break our will, allowing the violent to inherit the Earth. But they have miscalculated: We love our freedom, and we will fight to keep it.

In a time of testing, we cannot find security by abandoning our commitments and retreating within our borders. If we were to leave these vicious attackers alone, they would not leave us alone. They would simply move the battlefield to our own shores. There is no peace in retreat. And there is no honor in retreat. By allowing radical Islam to work its will—by leaving an assaulted world to fend for itself—we would signal to all that we no longer believe in our own ideals, or even in our own courage. But our enemies and our friends can be certain: The United States will not retreat from the world, and we will never surrender to evil.

America rejects the false comfort of isolationism. We are the Nation that saved liberty in Europe, and liberated

death camps, and helped raise up democracies, and faced down an evil empire. Once again, we accept the call of history to deliver the oppressed, and move this world toward peace.

We remain on the offensive against terror networks. We have killed or captured many of their leaders—and for the others, their day will come.

We remain on the offensive in Afghanistan—where a fine president and national assembly are fighting terror while building the institutions of a new democracy.

And we are on the offensive in Iraq, with a clear plan for victory. First, we are helping Iraqis build an inclusive government, so that old resentments will be eased, and the insurgency marginalized. Second, we are continuing reconstruction efforts, and helping the Iraqi government to fight corruption and build a modern economy, so all Iraqis can experience the benefits of freedom. Third, we are striking terrorist targets while we train Iraqi forces that are increasingly capable of defeating the enemy. Iraqis are showing their courage every day, and we are proud to be their allies in the cause of freedom.

Our work in Iraq is difficult, because our enemy is brutal. But that brutality has not stopped the dramatic progress of a new democracy. In less than 3 years, that nation has gone from dictatorship, to liberation, to sovereignty, to a constitution, to national elections. At the same time, our coalition has been relentless in shutting off terrorist infiltration, clearing out insurgent strongholds, and turning over territory to Iraqi security forces. I am confident in our plan for victory . . . I am confident in the will of the Iraqi people . . . I am confident in the skill and spirit of our military. Fellow citizens, we are in this fight to win, and we are winning.

The road of victory is the road that will take our troops home. As we make progress on the ground, and Iraqi forces increasingly take the lead, we should be able to further decrease our troop levels—but those decisions will be made by our military commanders, not by politicians in Washington, DC.

Our coalition has learned from experience in Iraq. We have adjusted our military tactics and changed our approach to reconstruction. Along the way, we have benefited from responsible criticism and counsel offered by Members of Congress of both parties. In the coming year, I will continue to reach out and seek your good advice.

Yet there is a difference between responsible criticism that aims for success, and defeatism that refuses to acknowledge anything but failure. Hind-sight alone is not wisdom. And second-guessing is not a strategy.

With so much in the balance, those of us in public office have a duty to speak with candor. A sudden withdrawal of our forces from Iraq would abandon our Iraqi allies to death and prison . . . put men like bin Laden and Zarqawi in

charge of a strategic country . . . and show that a pledge from America means little. Members of Congress: however we feel about the decisions and debates of the past, our Nation has only one option: We must keep our word, defeat our enemies, and stand behind the American military in its vital mission.

Our men and women in uniform are making sacrifices—and showing a sense of duty stronger than all fear. They know what it is like to fight house to house in a maze of streets . . . to wear heavy gear in the desert heat . . . to see a comrade killed by a roadside bomb. And those who know the costs also know the stakes. Marine Staff Sergeant Dan Clay was killed last month fighting the enemy in Fallujah. He left behind a letter to his family, but his words could just as well be addressed to every American. Here is what Dan wrote: "I know what honor is. It has been an honor to protect and serve all of you. I faced death with the secure knowledge that you would not have to . . . Never falter! Don't hesitate to honor and support those of us who have the honor of protecting that which is worth protecting."

Staff Sergeant Dan Clay's wife, Lisa, and his mom and dad, Sara Jo and Bud, are with us this evening. Our Nation is grateful to the fallen, who live in the memory of our country. We are grateful to all who volunteer to wear our Nation's uniform—and as we honor our brave troops, let us never forget the sacrifices of America's military families.

Our offensive against terror involves more than military action. Ultimately, the only way to defeat the terrorists is to defeat their dark vision of hatred and fear by offering the hopeful alternative of political freedom and peaceful change. So the United States of America supports democratic reform across the broader Middle East. Elections are vital—but they are only the beginning. Raising up a democracy requires the rule of law, protection of minorities, and strong, accountable institutions that last longer than a single vote. The great people of Egypt have voted in a multi-party presidential election—and now their government should open paths of peaceful opposition that will reduce the appeal of radicalism. The Palestinian people have voted in elections—now the leaders of Hamas must recognize Israel, disarm, reject terrorism, and work for lasting peace. Saudi Arabia has taken the first steps of reform—now it can offer its people a better future by pressing forward with those efforts. Democracies in the Middle East will not look like our own, because they will reflect the traditions of their own citizens. Yet liberty is the future of every nation in the Middle East, because liberty is the right and hope of all humanity.

The same is true of Iran, a nation now held hostage by a small clerical elite that is isolating and repressing its people. The regime in that country

sponsors terrorists in the Palestinian territories and in Lebanon—and that must come to an end. The Iranian government is defying the world with its nuclear ambitions—and the nations of the world must not permit the Iranian regime to gain nuclear weapons. America will continue to rally the world to confront these threats. And tonight, let me speak directly to the citizens of Iran: America respects you, and we respect your country. We respect your right to choose your own future and win your own freedom. And our Nation hopes one day to be the closest of friends with a free and democratic Iran.

To overcome dangers in our world, we must also take the offensive by encouraging economic progress, fighting disease, and spreading hope in hopeless lands. Isolationism would not only tie our hands in fighting enemies, it would keep us from helping our friends in desperate need. We show compassion abroad because Americans believe in the God-given dignity and worth of a villager with HIV/AIDS, or an infant with malaria, or a refugee fleeing genocide, or a young girl sold into slavery. We also show compassion abroad because regions overwhelmed by poverty, corruption, and despair are sources of terrorism, organized crime, human trafficking, and the drug trade.

In recent years, you and I have taken unprecedented action to fight AIDS and malaria, expand the education of girls, and reward developing nations that are moving forward with economic and political reform. For people everywhere, the United States is a partner for a better life. Short-changing these efforts would increase the suffering and chaos of our world, undercut our long-term security, and dull the conscience of our country. I urge Members of Congress to serve the interests of America by showing the compassion of America.

Our country must also remain on the offensive against terrorism here at home. The enemy has not lost the desire or capability to attack us. Fortunately, this Nation has superb professionals in law enforcement, intelligence, the military, and homeland security. These men and women are dedicating their lives to protecting us all, and they deserve our support and our thanks. They also deserve the same tools they already use to fight drug trafficking and organized crime—so I ask you to reauthorize the Patriot Act.

It is said that prior to the attacks of September 11th, our Government failed to connect the dots of the conspiracy. We now know that two of the hijackers in the United States placed telephone calls to al-Qaida operatives overseas. But we did not know about their plans until it was too late. So to prevent another attack—based on authority given to me by the Constitution and by statute—I have authorized a terrorist surveillance program to aggressively pursue the international communications of suspected al-Qaida operatives and affiliates to and from America. Previous

presidents have used the same constitutional authority I have—and Federal courts have approved the use of that authority. Appropriate Members of Congress have been kept informed. This terrorist surveillance program has helped prevent terrorist attacks. It remains essential to the security of America. If there are people inside our country who are talking with al-Qaida, we want to know about it—because we will not sit back and wait to be hit again.

In all these areas—from the disruption of terror networks, to victory in Iraq, to the spread of freedom and hope in troubled regions—we need the support of friends and allies. To draw that support, we must always be clear in our principles and willing to act. The only alternative to American leadership is a dramatically more dangerous and anxious world. Yet we also choose to lead because it is a privilege to serve the values that gave us birth. American leaders—from Roosevelt to Truman to Kennedy to Reagan—rejected isolation and retreat, because they knew that America is always more secure when freedom is on the march. Our own generation is in a long war against a determined enemy—a war that will be fought by Presidents of both parties, who will need steady bipartisan support from the Congress. And tonight I ask for yours. Together, let us protect our country, support the men and women who defend us, and lead this world toward freedom.

Here at home, America also has a great opportunity: We will build the prosperity of our country by strengthening our economic leadership in the world.

Our economy is healthy, and vigorous, and growing faster than other major industrialized nations. In the last two-and-a-half years, America has created 4.6 million new jobs—more than Japan and the European Union combined. Even in the face of higher energy prices and natural disasters, the American people have turned in an economic performance that is the envy of the world.

The American economy is pre-eminent—but we cannot afford to be complacent. In a dynamic world economy, we are seeing new competitors like China and India. This creates uncertainty, which makes it easier to feed people's fears. And so we are seeing some old temptations return. Protectionists want to escape competition, pretending that we can keep our high standard of living while walling off our economy. Others say that the Government needs to take a larger role in directing the economy, centralizing more power in Washington and increasing taxes. We hear claims that immigrants are somehow bad for the economy—even though this economy could not function without them. All these are forms of economic retreat, and they lead in the same direction—toward a stagnant and second-rate economy.

Tonight I will set out a better path—an agenda for a Nation that competes

with confidence—an agenda that will raise standards of living and generate new jobs. Americans should not fear our economic future, because we intend to shape it.

Keeping America competitive begins with keeping our economy growing. And our economy grows when Americans have more of their own money to spend, save, and invest. In the last 5 years, the tax relief you passed has left \$880 billion in the hands of American workers, investors, small businesses, and families—and they have used it to help produce more than 4 years of uninterrupted economic growth. Yet the tax relief is set to expire in the next few years. If we do nothing, American families will face a massive tax increase they do not expect and will not welcome.

Because America needs more than a temporary expansion, we need more than temporary tax relief. I urge the Congress to act responsibly, and make the tax cuts permanent.

Keeping America competitive requires us to be good stewards of tax dollars. Every year of my presidency, we have reduced the growth of non-security discretionary spending—and last year you passed bills that cut this spending. This year my budget will cut it again, and reduce or eliminate more than 140 programs that are performing poorly or not fulfilling essential priorities. By passing these reforms, we will save the American taxpayer another \$14 billion next year—and stay on track to cut the deficit in half by 2009. I am pleased that Members of Congress are working on earmark reform—because the Federal budget has too many special interest projects. And we can tackle this problem together, if you pass the line-item veto.

We must also confront the larger challenge of mandatory spending, or entitlements. This year, the first of about 78 million Baby Boomers turn 60, including two of my Dad's favorite people—me, and President Bill Clinton. This milestone is more than a personal crisis—it is a national challenge. The retirement of the Baby Boom generation will put unprecedented strains on the Federal Government. By 2030, spending for Social Security, Medicare, and Medicaid alone will be almost 60 percent of the entire Federal budget. And that will present future Congresses with impossible choices—stagging tax increases, immense deficits, or deep cuts in every category of spending.

Congress did not act last year on my proposal to save Social Security, yet the rising cost of entitlements is a problem that is not going away—and with every year we fail to act, the situation gets worse. So tonight, I ask you to join me in creating a commission to examine the full impact of Baby Boom retirements on Social Security, Medicare, and Medicaid. This commission should include Members of Congress of both parties, and offer bipartisan answers. We need to put aside partisan

politics, work together, and get this problem solved.

Keeping America competitive requires us to open more markets for all that Americans make and grow. One out of every five factory jobs in America is related to global trade, and we want people everywhere to buy American. With open markets and a level playing field, no one can out-produce or out-compete the American worker.

Keeping America competitive requires an immigration system that upholds our laws, reflects our values, and serves the interests of our economy. Our Nation needs orderly and secure borders. To meet this goal, we must have stronger immigration enforcement and border protection. And we must have a rational, humane guest worker program that rejects amnesty . . . allows temporary jobs for people who seek them legally . . . and reduces smuggling and crime at the border.

Keeping America competitive requires affordable health care. Our Government has a responsibility to help provide health care for the poor and the elderly, and we are meeting that responsibility. For all Americans, we must confront the rising cost of care . . . strengthen the doctor-patient relationship . . . and help people afford the insurance coverage they need. We will make wider use of electronic records and other health information technology to help control costs and reduce dangerous medical errors. We will strengthen Health Savings Accounts—by making sure individuals and small business employees can buy insurance with the same advantages that people working for big businesses now get. We will do more to make this coverage portable, so workers can switch jobs without having to worry about losing their health insurance. And because lawsuits are driving many good doctors out of practice—leaving women in nearly 1,500 American counties without a single OB-GYN—I ask the Congress to pass medical liability reform this year.

Keeping America competitive requires affordable energy. Here we have a serious problem: America is addicted to oil, which is often imported from unstable parts of the world.

The best way to break this addiction is through technology. Since 2001, we have spent nearly \$10 billion to develop cleaner, cheaper, more reliable alternative energy sources—and we are on the threshold of incredible advances. So tonight, I announce the Advanced Energy Initiative—a 22-percent increase in clean-energy research at the Department of Energy, to push for breakthroughs in two vital areas. To change how we power our homes and offices, we will invest more in zero-emission coal-fired plants; revolutionary solar and wind technologies; and clean, safe nuclear energy.

We must also change how we power our automobiles. We will increase our research in better batteries for hybrid and electric cars, and in pollution-free

cars that run on hydrogen. We will also fund additional research in cutting-edge methods of producing ethanol, not just from corn but from wood chips, stalks, or even leaves. Our goal is to make this new kind of ethanol practical and competitive within 6 years. Breakthroughs on this and other new technologies will help us reach another great goal: to replace more than 75 percent of our oil imports from the Middle East by 2025. By applying the talent and technology of America, this country can dramatically improve our environment . . . move beyond a petroleum-based economy . . . and make our dependence on Middle Eastern oil a thing of the past.

And to keep America competitive, one commitment is necessary above all: We must continue to lead the world in human talent and creativity. Our greatest advantage in the world has always been our educated, hard-working, ambitious people—and we are going to keep that edge. Tonight I announce the American Competitiveness Initiative, to encourage innovation throughout our economy, and to give our Nation's children a firm grounding in math and science.

First: I propose to double the Federal commitment to the most critical basic research programs in the physical sciences over the next 10 years. This funding will support the work of America's most creative minds as they explore promising areas such as nanotechnology, supercomputing, and alternative energy sources.

Second: I propose to make permanent the research and development tax credit, to encourage bolder private-sector investment in technology. With more research in both the public and private sectors, we will improve our quality of life—and ensure that America will lead the world in opportunity and innovation for decades to come.

Third: We need to encourage children to take more math and science, and make sure those courses are rigorous enough to compete with other nations. We have made a good start in the early grades with the No Child Left Behind Act, which is raising standards and lifting test scores across our country. Tonight I propose to train 70,000 high school teachers, to lead advanced-placement courses in math and science . . . bring 30,000 math and science professionals to teach in classrooms . . . and give early help to students who struggle with math, so they have a better chance at good, high-wage jobs. If we ensure that America's children succeed in life, they will ensure that America succeeds in the world.

Preparing our Nation to compete in the world is a goal that all of us can share. I urge you to support the American Competitiveness Initiative . . . and together we will show the world what the American people can achieve.

America is a great force for freedom and prosperity. Yet our greatness is not measured in power or luxuries, but by who we are and how we treat one

another. So we strive to be a compassionate, decent, hopeful society.

In recent years, America has become a more hopeful Nation. Violent crime rates have fallen to their lowest levels since the 1970s. Welfare cases have dropped by more than half over the past decade. Drug use among youth is down 19 percent since 2001. There are fewer abortions in America than at any point in the last three decades, and the number of children born to teenage mothers has been falling for a dozen years in a row.

These gains are evidence of a quiet transformation—a revolution of conscience, in which a rising generation is finding that a life of personal responsibility is a life of fulfillment. Government has played a role. Wise policies such as welfare reform, drug education, and support for abstinence and adoption have made a difference in the character of our country. And everyone here tonight, Democrat and Republican, has a right to be proud of this record.

Yet many Americans, especially parents, still have deep concerns about the direction of our culture, and the health of our most basic institutions. They are concerned about unethical conduct by public officials, and discouraged by activist courts that try to redefine marriage. And they worry about children in our society who need direction and love . . . and about fellow citizens still displaced by natural disaster . . . and about suffering caused by treatable disease.

As we look at these challenges, we must never give in to the belief that America is in decline, or that our culture is doomed to unravel. The American people know better than that. We have proven the pessimists wrong before—and we will do it again.

A hopeful society depends on courts that deliver equal justice under law. The Supreme Court now has two superb new members, Chief Justice John Roberts and Justice Sam Alito. I thank the Senate for confirming both of them. And I will continue to nominate men and women who understand that judges must be servants of the law, and not legislate from the bench. Today marks the official retirement of a very special American. For 24 years of faithful service to our Nation, the United States honors Justice Sandra Day O'Connor.

A hopeful society has institutions of science and medicine that do not cut ethical corners, and that recognize the matchless value of every life. Tonight I ask you to pass legislation to prohibit the most egregious abuses of medical research—human cloning in all its forms . . . creating or implanting embryos for experiments . . . creating human-animal hybrids . . . and buying, selling, or patenting human embryos. Human life is a gift from our Creator—and that gift should never be discarded, devalued, or put up for sale.

A hopeful society expects elected officials to uphold the public trust. Honorable people in both parties are work-

ing on reforms to strengthen the ethical standards of Washington—and I support your efforts. Each of us has made a pledge to be worthy of public responsibility—and that is a pledge we must never forget, never dismiss, and never betray.

As we renew the promise of our institutions, let us also show the character of America in our compassion and care for one another.

A hopeful society gives special attention to children who lack direction and love. Through the Helping America's Youth Initiative, we are encouraging caring adults to get involved in the life of a child—and this good work is led by our First Lady, Laura Bush. This year we will add resources to encourage young people to stay in school—so more of America's youth can raise their sights and achieve their dreams.

A hopeful society comes to the aid of fellow citizens in times of suffering and emergency—and stays at it until they are back on their feet. So far the Federal Government has committed \$85 billion to the people of the Gulf Coast and New Orleans. We are removing debris, repairing highways, and building stronger levees. We are providing business loans and housing assistance. Yet as we meet these immediate needs, we must also address deeper challenges that existed before the storm arrived. In New Orleans and in other places, many of our fellow citizens have felt excluded from the promise of our country. The answer is not only temporary relief, but schools that teach every child . . . and job skills that bring upward mobility . . . and more opportunities to own a home and start a business. As we recover from a disaster, let us also work for the day when all Americans are protected by justice, equal in hope, and rich in opportunity.

A hopeful society acts boldly to fight diseases like HIV/AIDS, which can be prevented, and treated, and defeated. More than a million Americans live with HIV, and half of all AIDS cases occur among African-Americans. I ask Congress to reform and reauthorize the Ryan White Act . . . and provide new funding to States, so we end the waiting lists for AIDS medicine in America. We will also lead a nationwide effort, working closely with African-American churches and faith-based groups, to deliver rapid HIV tests to millions, end the stigma of AIDS, and come closer to the day when there are no new infections in America.

Fellow citizens, we have been called to leadership in a period of consequence. We have entered a great ideological conflict we did nothing to invite. We see great changes in science and commerce that will influence all our lives. And sometimes it can seem that history is turning in a wide arc, toward an unknown shore.

Yet the destination of history is determined by human action, and every great movement of history comes to a point of choosing. Lincoln could have accepted peace at the cost of disunity

and continued slavery. Martin Luther King could have stopped at Birmingham or at Selma, and achieved only half a victory over segregation. The United States could have accepted the permanent division of Europe, and been complicit in the oppression of others. Today, having come far in our own historical journey, we must decide: Will we turn back, or finish well?

Before history is written down in books, it is written in courage. Like Americans before us, we will show that courage and we will finish well. We will lead freedom's advance. We will compete and excel in the global economy. We will renew the defining moral commitments of this land. And, so we move forward—optimistic about our country, faithful to its cause, and confident of victories to come.

Thank you, God bless you, and may God bless America.

GEORGE W. BUSH.  
THE WHITE HOUSE, *January 31, 2006.*

#### MESSAGE FROM THE HOUSE

At 5:15 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has agreed to the following resolution:

H. Res. 650. A resolution informing the Senate that a quorum of the House is present and that the House is ready to proceed with business.

The message also announced that the House has agreed to the following concurrent resolution, without amendment:

S. Con. Res. 77: Concurrent resolution to provide for a joint session of Congress to receive a message from the President on the state of the Union.

#### 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. VITTER:

S. 2227. A bill to amend the Harmonized Tariff Schedule of the United States to remove the 100 percent tariff imposed on roasted chicory and other roasted coffee substitutes; to the Committee on Finance.

By Mrs. LINCOLN (for herself and Mr. PRYOR):

S. 2228. A bill to designate the facility of the United States Postal Service located at 2404 Race Street, Jonesboro, Arkansas, as the "Hattie W. Caraway Post Office"; to the Committee on Homeland Security and Governmental Affairs.

By Mr. KENNEDY:

S. 2229. A bill to provide quality, affordable health care for all Americans; to the Committee on Finance.

By Mr. DODD (for himself and Mr. KENNEDY):

S. 2230. A bill to ensure that members of the Armed Forces have complete personal armored protection necessary for their duties, and for other purposes; to the Committee on Armed Services.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Ms. LANDRIEU:

S. Res. 359. A resolution concerning the Government of Romania's ban on inter-country adoptions and the welfare of orphaned or abandoned children in Romania; to the Committee on Foreign Relations.

By Mrs. MURRAY:

S. Res. 360. A resolution designating the week of February 6 through February 10, 2006, as "National School Counseling Week"; considered and agreed to.

By Mr. ALLEN (for himself and Mr. STEVENS):

S. Res. 361. A resolution honoring professional surveyors and recognizing their contributions to society; considered and agreed to.

By Mr. FRIST (for himself, Mr. REID, Mr. OBAMA, Mr. ISAKSON, Mr. CHAMBLISS, Mr. SANTORUM, Mr. AKAKA, Mr. ALEXANDER, Mr. ALLARD, Mr. ALLEN, Mr. BAUCUS, Mr. BAYH, Mr. BENNETT, Mr. BIDEN, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BROWNBACK, Mr. BUNNING, Mr. BURNS, Mr. BURR, Mr. BYRD, Ms. CANTWELL, Mr. CARPER, Mr. CHAFEE, Mrs. CLINTON, Mr. COBURN, Mr. COCHRAN, Mr. COLEMAN, Ms. COLLINS, Mr. CONRAD, Mr. CORNYN, Mr. CRAIG, Mr. CRAPO, Mr. DAYTON, Mr. DEMINT, Mr. DEWINE, Mr. DODD, Mrs. DOLE, Mr. DOMENICI, Mr. DORGAN, Mr. DURBIN, Mr. ENSIGN, Mr. ENZI, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. GRAHAM, Mr. GRASSLEY, Mr. GREGG, Mr. HAGEL, Mr. HARKIN, Mr. HATCH, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUE, Mr. JEFFORDS, Mr. JOHNSON, Mr. KENNEDY, Mr. KERRY, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LOTT, Mr. LUGAR, Mr. MARTINEZ, Mr. MCCAIN, Mr. MCCONNELL, Mr. MENENDEZ, Ms. MIKULSKI, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Florida, Mr. NELSON of Nebraska, Mr. PRYOR, Mr. REED, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. SALAZAR, Mr. SARBANES, Mr. SCHUMER, Mr. SESSIONS, Mr. SHELBY, Mr. SMITH, Ms. SNOWE, Mr. SPECTER, Ms. STABENOW, Mr. STEVENS, Mr. SUNUNU, Mr. TALENT, Mr. THOMAS, Mr. THUNE, Mr. VITTER, Mr. VOINOVICH, Mr. WARNER, and Mr. WYDEN):

S. Res. 362. A resolution honoring the life of Coretta Scott King and expressing the condolences of the Senate on her passing; considered and agreed to.

#### ADDITIONAL COSPONSORS

S. 8

At the request of Mr. ENSIGN, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 8, a bill to amend title 18, United States Code, to prohibit taking minors across State lines in circumvention of laws requiring the involvement of parents in abortion decisions.

S. 58

At the request of Mr. INOUE, the names of the Senator from South Dakota (Mr. JOHNSON) and the Senator from New Jersey (Mr. MENENDEZ) were added as cosponsors of S. 58, a bill to amend title 10, United States Code, to

permit former members of the Armed Forces who have a service-connected disability rated as total to travel on military aircraft in the same manner and to the same extent as retired members of the Armed Forces are entitled to travel on such aircraft.

S. 403

At the request of Mr. ENSIGN, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 403, a bill to amend title 18, United States Code, to prohibit taking minors across State lines in circumvention of laws requiring the involvement of parents in abortion decisions.

S. 409

At the request of Mr. COLEMAN, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 409, a bill to establish a Federal Youth Development Council to improve the administration and coordination of Federal programs serving youth, and for other purposes.

S. 1173

At the request of Mr. DEMINT, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 1173, a bill to amend the National Labor Relations Act to ensure the right of employees to a secret-ballot election conducted by the National Labor Relations Board.

S. 2049

At the request of Mr. DOMENICI, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 2049, a bill to improve the security of the United States borders and for other purposes.

S. 2157

At the request of Mrs. BOXER, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 2157, a bill to amend title 10, United States Code, to provide for the Purple Heart to be awarded to prisoners of war who die in captivity under circumstances not otherwise establishing eligibility for the Purple Heart.

S. 2178

At the request of Mr. DEWINE, his name was added as a cosponsor of S. 2178, a bill to make the stealing and selling of telephone records a criminal offense.

S. 2179

At the request of Mr. OBAMA, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 2179, a bill to require openness in conference committee deliberations and full disclosure of the contents of conference reports and all other legislation.

S. 2197

At the request of Mr. DOMENICI, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 2197, a bill to improve the global competitiveness of the United States in science and energy technology, to strengthen basic research programs at the Department of

Energy, and to provide support for mathematics and science education at all levels through the resources available through the Department of Energy, including at the National Laboratories.

S. 2198

At the request of Mr. DOMENICI, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 2198, a bill to ensure the United States successfully competes in the 21st century global economy.

S. 2199

At the request of Mr. DOMENICI, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 2199, a bill to amend the Internal Revenue Code of 1986 to provide tax incentives to promote research and development, innovation, and continuing education.

S. 2201

At the request of Mr. OBAMA, the names of the Senator from Hawaii (Mr. AKAKA), the Senator from Washington (Ms. CANTWELL), the Senator from Massachusetts (Mr. KENNEDY) and the Senator from North Dakota (Mr. DORGAN) were added as cosponsors of S. 2201, a bill to amend title 49, United States Code, to modify the mediation and implementation requirements of section 40122 regarding changes in the Federal Aviation Administration personnel management system, and for other purposes.

S. RES. 354

At the request of Ms. LANDRIEU, her name was added as a cosponsor of S. Res. 354, a resolution honoring the valuable contributions of Catholic schools in the United States.

S. RES. 355

At the request of Mr. NELSON of Nebraska, the names of the Senator from Vermont (Mr. LEAHY), the Senator from New York (Mr. SCHUMER) and the Senator from Florida (Mr. MARTINEZ) were added as cosponsors of S. Res. 355, a resolution honoring the service of the National Guard and requesting consultation by the Department of Defense with Congress and the chief executive officers of the States prior to offering proposals to change the National Guard force structure.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KENNEDY:

S. 2229. A bill to provide quality, affordable health care for all Americans; to the Committee on Finance.

Mr. KENNEDY. Mr. President, in this century of the life sciences, medical miracles have the potential to improve the health and extend the lives of millions of Americans and millions more across the world.

But for too many of our citizens, quality affordable health care is a distant dream, and the promise of the century of the life sciences rings hollow.

Forty-six million Americans have no health insurance. Under the current

Administration, the number has climbed every year of this Administration, from 40 million in 2000 to 46 million today. That's equivalent to the population of 24 States and the District of Columbia—combined.

That's 46 million Americans who wonder whether a cough or fever will turn into a serious illness that brings financial ruin, and 46 million Americans who have to make the impossible choice between paying for a visit to the doctor or paying the rent to keep a roof over their heads.

Even these figures understate the problem. Over a two year period, 82 million Americans, one out of every three Americans under 65, will be uninsured for a period of at least two months.

The burden of lack of health insurance falls most heavily on minority populations. Less than 13 percent of white Americans are uninsured, but over 20 percent of African Americans lack health insurance. For Hispanic Americans, the figure is even more appalling—over a third of Hispanic Americans lack coverage.

Over 80 percent of the uninsured are members of working families. They work 40 hours a week, fifty-two weeks a year—but all their hard work can't buy them the health insurance they need to protect themselves and their families—because they can't afford it and their employers don't provide it.

In any given year, one third of the uninsured go without needed medical care. Eight million uninsured Americans fail to take the drugs their doctors prescribe—because they can't afford to fill the prescription. 270,000 children suffering from asthma never see a doctor. 27,000 uninsured women are diagnosed with breast cancer each year. They are twice as likely as insured women not to receive medical treatment until their cancer has spread. As a result, they are 50 percent more likely to die of the disease.

The list of grim examples goes on and on.

Some argue that despite the lack of health care coverage, the uninsured get the care they need. But that's a myth. The facts prove otherwise.

Thirty five percent of the uninsured—over 15 million Americans—skip recommended treatment because of cost. Over a third of the uninsured need care but do not get it, and nearly half postpone care because of its cost. Millions of Americans are at risk of ignoring serious illnesses, because they can't afford to see a doctor for a needed test.

Whether the disease is AIDS or mental illness or cancer or heart disease or diabetes, the uninsured are left out and left behind. In hospital and out, young or old, black or white, they receive less care, suffer more, and are 25 percent more likely to die than those who are insured.

But the large and growing number of the uninsured is only part of the health care crisis. Costs are rising out of con-

trol, making health care coverage less affordable for businesses and individuals, and undercutting American industry in the global marketplace.

There is no doubt that America has the finest health care professionals, the best hospitals and the most creative medical researchers in the world. But having the best components is no guarantee of success for the health care system as a whole.

In the amount of money spent on health care per person, America is first in the world by a large margin. By that standard, we spend 49 percent more than the Swiss, 88 percent more than the Germans, 150 percent more than the British, and 160 more than the Japanese. Despite this enormous expenditure, America's health care system fails all too often to deliver quality health care. Among the world's leading industrialized countries, the United States ranks only 22nd in average life expectancy and 25th in infant mortality.

The most significant difference between the American health care system and those of our economic competitors is that these other nations regard health as a right, not a privilege. They make certain that their citizens have access to good health care. By establishing a national system of care, they have been able to hold down costs and keep quality high.

In the United States, we have refused to commit to quality health care for all Americans.

As a result, those who can afford the best care receive it, but millions of other Americans are left by the wayside.

Because of our fractured system of care, America's health care system is the most economically inefficient in the industrial world. The administrative costs alone of our system are nearly double those of Canada. Reducing our administrative costs to the low level of the Canadian system would save about \$250 billion every year.

The difference between the way health care is financed in Canada and the U.S. saves the Canadian auto industry \$4.00 an hour in worker compensation compared to the U.S. The Canadian branches of the big three automakers have released a joint letter with the Canadian Auto Workers Union stating that the Canadian system is a "strategic advantage for Canada" and "has been an important ingredient" in the success of Canada's "most important export industry."

Wise investments have helped contain health care costs here at home too. Since 1996, costs per patient in the Veterans medical system have actually decreased 7 percent, while private sector costs per patient have increased by 62 percent. The VA system did not achieve these savings by stinting on patient care or denying needed services. The VA has been widely praised for improving its quality of care through investments in information technology and a strong commitment to quality for all.

As a result of America's failure to focus on comprehensive care and cost reduction, costs are soaring out of control. Health care premiums have gone up over 70 percent in the last five years—over 5 times the overall rate of inflation in the economy. More and more small businesses can't afford to offer health care to their employees.

Health care costs mean that working Americans who have health coverage through their job are increasingly worried that their employer will eliminate the coverage on which they rely. Those who obtain coverage on the individual market must often pay huge premiums and accept large gaps in their coverage if they have any history of illness, no matter how slight. Many cannot obtain coverage at any price.

Even those who have health insurance have little security. Millions of Americans have seen health care costs eat away their savings and cut into their paychecks more and more every year.

Since the year 2000, the average cost of a family health insurance policy has increased by over \$4,500, so that it now costs the average family nearly \$11,000 for a health care policy. Family earnings have not kept pace. According to the Kaiser Family Foundation, health insurance premiums climbed by 73 percent over the last five years—but earnings increased only 15 percent.

The costs keep climbing higher and higher. Almost one in five working families have seen their premiums go up over 15 percent—and one in ten have faced increases over 20 percent.

These out-of-control costs are devastating for both individuals and businesses. Working families often face the agonizing choice between paying for health insurance and paying rent or buying groceries. Or they compromise by buying a meager insurance policy that provides little refuge when big danger strikes.

It's no wonder that unpaid medical bills cause nearly half the bankruptcies in America.

It's no wonder that practically every business leader in America cites rising health care costs as a top concern. When General Motors has to spend more on health care than it does on steel, it's time for a change. When ten percent of the total cost of a ton of steel manufactured in the United States is consumed by retiree health benefits alone, it's time for a change. When Starbucks spends more on health care than it does on coffee, it's time for a change.

In world markets, American businesses have to compete with foreign firms whose health costs are heavily subsidized by the government. American workers are the best in the world, but we give other nations an unfair advantage, because we refuse to enact long overdue policies to reduce health costs and ease the heavy burden of health care for American employees.

To say that this Administration and its Republican allies in Congress have

stood idly by as this crisis has worsened would be untrue. To say they have taken no action as 3,000 more Americans have become uninsured during every single day of the Bush Administration would be inaccurate. They have taken action—by making the health care crisis worse.

Tomorrow, the House of Representatives will vote on a budget bill that will make the health care crisis worse for the 50 million Americans for whom Medicaid is literally the difference between life or death. The Republican bill makes them pay more and more for the health care on which their lives depend. I urge the House to reject these distorted priorities.

Currently, communities across the nation are struggling to cope with the disaster caused by the Republican Medicare drug "plan". Millions of seniors have faced a baffling array of choices, instead of the certainty of Medicare in getting the medications they need. Millions of persons with disabilities, or those facing the challenge of HIV/AIDS or living with mental illnesses have been denied the prescriptions they require, or have been told to pay exorbitant fees by the insurance companies that Republicans put in charge of the drug benefit. Try telling those who have been denied their medicines that they are in charge of their health care.

Tonight, the President will try to make the American people believe that the solution to rising health costs is to shift more and more of those costs to patients, or to deny care to those in need. That's the wrong prescription for health care.

The President's proposal will let the wealthiest Americans rack up billions of dollars in tax giveaways, while shifting the costs of health care to working families and those least able to pay.

Our people deserve true health care reform—not gimmicks and giveaways that worsen the crisis. They deserve a guarantee that when they get sick, they'll be able to obtain decent health care at a price they can afford.

Medicare has meant quality health care for millions of senior citizens for forty years. The time has come to make Medicare available to every American who wants to enroll in it. It's the best way to bring the enormous promise of this new century of the life sciences to every American.

America's failure to guarantee the basic right to health care for all its citizens was one of the great public policy failures of the 20th century, and we must not allow that failure to continue in this new century.

There is a better way. Our goal should be an America where no citizen of any age fears the cost of health care, and no employer stops creating jobs because of the high cost of providing health insurance.

We should build on the tried and true and trusted model of Medicare. Administrative costs are low, patient satisfaction is high, and patients have the

right to choose any doctor and hospital they think is best—not the one an insurance company thinks is best for them.

Today I am introducing legislation to extend Medicare to all Americans, from birth to the end of life. Those who prefer private insurance can choose any of the plans offered to members of Congress and the President. I call this approach Medicare for All, because it will free all Americans from the fear of medical expenses and enable them to seek the best possible care when illness strikes. Nothing is more cynical than a Member of Congress who gives a speech denouncing health care for all, then goes off to see his doctor for a visit paid for by the Federal Employees Health Benefit Plan.

To ease the transition, Medicare for All will be phased in by age group, starting with those 55–65 years old and children up to the age of 20.

The plan contains a number of provisions to reduce costs and improve quality, including more effective use of health information technology. It also puts new emphasis on preventive care, because preventing illness before it occurs is always better and less expensive than treating patients after they become ill.

My proposal will be entirely voluntary. Any American who wishes to stay in their current employer-sponsored plan can do so, and employers can tailor their health plans to provide additional services to their employees that wrap around Medicare coverage.

As we implement this reform, financing must be a shared responsibility. All will benefit, and all should contribute. Payroll taxes should be part of the financing, but so should general revenues, to make the financing as progressive as possible.

We can offset a large part of the expense by a single giant step—bringing health care into the modern age of information technology. By moving to electronic medical records for all Americans when they go to the hospital or their doctor, we can save hundreds of billions of dollars a year in administrative costs while improving the quality of care. Equally important, we should pay for health care based on value and results, not just the number of procedures performed or days in a hospital bed.

We all know that Medicare is one of the most successful social programs ever enacted. It makes no sense to make it available only to senior citizens. I have no doubt that if we were enacting Medicare today, we would not limit its benefits to seniors. The need for good health coverage is as urgent today for all Americans as it was for senior citizens 40 years ago, when Medicare was first enacted.

The battle to achieve Medicare for All will not be easy. Powerful interests will strongly oppose it, because they profit immensely from the status quo. But no battle worth fighting is easy—and the struggle to fulfill the promise

of this century of the life sciences for all our citizens is as worthy as any in American history.

I urge my colleagues to make good on the promise of America, and see that all our citizens receive the quality health care that should be their birthright. I urge the Senate to support Medicare for All.

#### SUBMITTED RESOLUTIONS

#### SENATE RESOLUTION 359—CONCERNING THE GOVERNMENT OF ROMANIA'S BAN ON INTERCOUNTRY ADOPTIONS AND THE WELFARE OF ORPHANED OR ABANDONED CHILDREN IN ROMANIA

Ms. LANDRIEU submitted the following resolution; which was referred to the Committee on Foreign Relations.

S. RES. 359

Whereas following the execution of Romanian President Nicolae Ceausescu in 1989, it was discovered that more than 100,000 underfed, neglected children throughout Romania were living in hundreds of squalid and inhumane institutions;

Whereas citizens of the United States responded to the dire situation of these children with an outpouring of compassion and assistance to improve conditions in those institutions and to provide for the needs of abandoned children in Romania;

Whereas, between 1990 and 2004, citizens of the United States adopted more than 8,200 Romanian children, with a similar response from the citizens of Western Europe;

Whereas the United Nations Children's Fund (UNICEF) reported in March 2005 that more than 9,000 children a year are abandoned in Romania's maternity wards or pediatric hospitals and that child abandonment in Romania in "2003 and 2004 was no different from that occurring 10, 20, or 30 years ago";

Whereas there are approximately 37,000 orphaned or abandoned children in Romania today living in state institutions, an additional 49,000 living in temporary arrangements, such as foster care, and an unknown number of children living on the streets and in maternity and pediatric hospitals;

Whereas, on December 28, 1994, Romania ratified the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption which recognizes that "intercountry adoption may offer the advantage of a permanent family to a child for whom a suitable family cannot be found in his or her State of origin";

Whereas intercountry adoption offers the hope of a permanent family for children who are orphaned or abandoned by their biological parents;

Whereas UNICEF's official position on intercountry adoption, in pertinent part, states: "For children who cannot be raised by their own families, an appropriate alternative family environment should be sought in preference to institutional care, which should be used only as a last resort and as a temporary measure. Inter-country adoption is one of a range of care options which may be open to children, and for individual children who cannot be placed in a permanent family setting in their countries of origin, it may indeed be the best solution. In each case, the best interests of the individual child must be the guiding principal in making a decision regarding adoption.";

Whereas unsubstantiated allegations have been made about the fate of children adopted from Romania and the qualifications and motives of those who adopt internationally;

Whereas in June 2001, the Romanian Adoption Committee imposed a moratorium on intercountry adoption, but continued to accept new intercountry adoption applications and allowed many such applications to be processed under an exception for extraordinary circumstances;

Whereas on June 21, 2004, the Parliament of Romania enacted Law 272/2004 on "the protection and promotion of the rights of the child", which creates new requirements for declaring a child legally available for adoption;

Whereas on June 21, 2004, the Parliament of Romania enacted Law 273/2004 on adoption, which prohibits intercountry adoption except by a child's biological grandparent or grandparents;

Whereas there is no European Union law or regulation restricting intercountry adoptions to biological grandparents or requiring that restrictive laws be passed as a prerequisite for accession to the European Union;

Whereas the number of Romanian children adopted domestically is far less than the number abandoned and has declined further since enactment of Law 272/2004 and 273/2004 due to new, overly burdensome requirements for adoption;

Whereas prior to enactment of Law 273/2004, 211 intercountry adoption cases were pending with the Government of Romania in which children had been matched with adoptive parents in the United States, and approximately 1,500 cases were pending in which children had been matched with prospective parents in Western Europe; and

Whereas the children of Romania, and all children, deserve to be raised in permanent families: Now, therefore, be it

*Resolved*, That the Senate—

(1) supports the desire of the Government of Romania to improve the standard of care and well-being of children in Romania;

(2) urges the Government of Romania to complete the processing of the intercountry adoption cases which were pending when Law 273/2004 was enacted;

(3) urges the Government of Romania to amend its child welfare and adoption laws to decrease barriers to adoption, both domestic and intercountry, including by allowing intercountry adoption by persons other than biological grandparents;

(4) urges the Secretary of State and the Administrator of the United States Agency for International Development to work collaboratively with the Government of Romania to achieve these ends; and

(5) requests that the European Union and its member states not impede the Government of Romania's efforts to place orphaned or abandoned children in permanent homes in a manner that is consistent with Romania's obligations under the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption.

#### SENATE RESOLUTION 360—DESIGNATING THE WEEK OF FEBRUARY 6 THROUGH FEBRUARY 10, 2006, AS "NATIONAL SCHOOL COUNSELING WEEK"

Mrs. MURRAY submitted the following resolution; which was considered and agreed to:

S. RES. 360

Whereas the American School Counselor Association has declared the week of Feb-

ruary 6 through February 10, 2006, as "National School Counseling Week";

Whereas the Senate has recognized the importance of school counseling through the inclusion of elementary and secondary school counseling programs in the reauthorization of the Elementary and Secondary Education Act of 1965;

Whereas school counselors have long advocated that the education system of the United States must leave no child behind and must provide opportunities for every student;

Whereas personal and social growth results in increased academic achievement;

Whereas school counselors help develop well-rounded students by guiding them through their academic, personal, social, and career development;

Whereas school counselors have been instrumental in helping students, teachers, and parents deal with the trauma that was inflicted upon them by hurricanes Katrina, Rita, and Wilma;

Whereas students face myriad challenges every day, including peer pressure, depression, and school violence;

Whereas school counselors are usually the only professionals in a school building who are trained in both education and mental health matters;

Whereas the roles and responsibilities of school counselors are often misunderstood, and the school counselor position is often among the first to be eliminated in order to meet budgetary constraints;

Whereas the national average ratio of students to school counselors of 478-to-1 is more than double the 250-to-1 ratio recommended by the American School Counselor Association, the American Counseling Association, the American Medical Association, the American Psychological Association, and other organizations; and

Whereas the celebration of National School Counseling Week would increase awareness of the important and necessary role school counselors play in the lives of students in the United States:

*Resolved*, That the Senate—

(1) designates the week of February 6 through February 10, 2006, as "National School Counseling Week"; and

(2) encourages the people of the United States to observe the week with appropriate ceremonies and activities that promote awareness of the role school counselors perform in the school and the community at large in preparing students for fulfilling lives as contributing members of society.

#### SENATE RESOLUTION 361—HONORING PROFESSIONAL SURVEYORS AND RECOGNIZING THEIR CONTRIBUTIONS TO SOCIETY

Mr. ALLEN (for himself and Mr. STEVENS) submitted the following resolution; which was considered and agreed to:

S. RES. 361

Whereas there are over 45,000 professional surveyors in the United States;

Whereas 2006 marks the 200th anniversary of the end of the Lewis and Clark landmark expedition through the upper reaches of the Louisiana Territory and the American West;

Whereas this journey is one of the most important surveying expeditions in the history of the United States because of the wealth of geographical and scientific information it provided about the new Nation;

Whereas the nature of surveying has changed dramatically since 1785, as it is no

longer limited to the description and location of land boundaries;

Whereas hydrographic surveys are important to the use of all our bodies of water;

Whereas engineering surveys are utilized in the study and selection of engineering construction;

Whereas geodetic surveys determine precise global positioning for such activities as aircraft and missile navigation;

Whereas cartographic surveys are used for mapping and charting, as well as photogrammetry, the science of using aerial photographs for measurement and map production;

Whereas many services are provided through the use of sophisticated equipment and techniques, such as satellite-borne remote sensing devices and automated positioning, measuring, recording, and plotting equipment;

Whereas the role of the surveyor has been, and remains, of vital importance in the development of the United States;

Whereas since the colonial days of this Nation, surveyors have been leaders in the community, Statesmen, influential citizens, and shapers of cultural standards;

Whereas former surveyors include George Washington, Thomas Jefferson, and Abraham Lincoln;

Whereas it was the work of the surveyor that determined the boundaries of land, the greatest economic asset in the colonies that became the United States;

Whereas Thomas Jefferson chaired a committee in 1784 to devise a plan for disposing of lands west of the 13 original colonies;

Whereas Thomas Jefferson argued that surveying before sale was necessary to prevent overlapping claim and to simplify deeds and registers;

Whereas Thomas Jefferson reportedly wrote a plan, which was debated in Congress and in modified form was adopted as the Land Ordinance of May 20, 1785, establishing the Public Land Survey System ("PLSS"), the rectangular system that continues today in 30 midwestern and western states; and

Whereas the establishment of the third week of March as National Surveyors Week would be a fitting tribute to all surveyors: Now, therefore, be it

*Resolved*, That the Senate—

(1) recommends the establishment of National Surveyors Week;

(2) calls on the people of the United States to observe National Surveyors Week each year with appropriate ceremonies and activities paying tribute to professional surveyors and their contribution to society; and

(3) invites the people of the United States to look back at the historic contributions of surveying and look ahead to the new technologies which are constantly modernizing this honored and learned profession.

SENATE RESOLUTION 362—HONORING THE LIFE OF CORETTA SCOTT KING AND EXPRESSING THE CONDOLENCES OF THE SENATE ON HER PASSING

Mr. FRIST (for himself, Mr. REID, Mr. OBAMA, Mr. ISAKSON, Mr. CHAMBLISS, Mr. SANTORUM, Mr. AKAKA, Mr. ALEXANDER, Mr. ALLARD, Mr. ALLEN, Mr. BAUCUS, Mr. BAYH, Mr. BENNETT, Mr. BIDEN, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BROWNBACK, Mr. BUNNING, Mr. BURNS, Mr. BURR, Mr. BYRD, Ms. CANTWELL, Mr. CARPER, Mr. CHAFEE, Mrs. CLINTON, Mr. COBURN, Mr. COCHRAN, Mr. COLEMAN, Ms. COLLINS, Mr. CONRAD, Mr. CORNYN, Mr. CRAIG,

Mr. CRAPO, Mr. DAYTON, Mr. DEMINT, Mr. DEWINE, Mr. DODD, Mrs. DOLE, Mr. DOMENICI, Mr. DORGAN, Mr. DURBIN, Mr. ENSIGN, Mr. ENZI, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. GRAHAM, Mr. GRASSLEY, Mr. GREGG, Mr. HAGEL, Mr. HARKIN, Mr. HATCH, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUE, Mr. JEFFORDS, Mr. JOHNSON, Mr. KENNEDY, Mr. KERRY, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LOTT, Mr. LUGAR, Mr. MARTINEZ, Mr. MCCAIN, Mr. MCCONNELL, Mr. MENENDEZ, Ms. MIKULSKI, Mrs. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Florida, Mr. NELSON of Nebraska, Mr. PRYOR, Mr. REED, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. SALAZAR, Mr. SARBANES, Mr. SCHUMER, Mr. SESSIONS, Mr. SHELBY, Mr. SMITH, Ms. SNOWE, Mr. SPECTER, Ms. STABENOW, Mr. STEVENS, Mr. SUNUNU, Mr. TALENT, Mr. THOMAS, Mr. THUNE, Mr. VITTER, Mr. VOINOVICH, Mr. WARNER, and Mr. WYDEN) submitted the following resolution; which was considered and agreed to:

S. RES. 362

Whereas Coretta Scott King was an inspirational figure and a woman of great strength, grace, and dignity who came to personify the ideals for which her husband fought;

Whereas Coretta Scott was born and raised in rural Alabama, graduated as the valedictorian from Lincoln High School, and received a Bachelor of Arts degree from Antioch College in Yellow Springs, Ohio;

Whereas Coretta Scott fought to be allowed to teach in the local public schools in Ohio but was denied because of her race;

Whereas Coretta Scott studied music at the New England Conservatory of Music in Boston and, while attending school in the City, met a graduate student who was studying for his doctorate degree at Boston University;

Whereas that graduate student, Martin Luther King, Jr., told her on their first date, "The four things that I look for in a wife are character, personality, intelligence, and beauty. And you have them all.;"

Whereas Coretta Scott and Martin Luther King, Jr. were married on June 18, 1953, and moved to Montgomery, Alabama;

Whereas Mrs. King gave birth to her first child, Yolanda, 2 weeks before the start of the Montgomery bus boycott, and protected her when opponents of the boycott bombed the King household;

Whereas Dr. and Mrs. King were to have 3 more children named Martin Luther, III, Dexter, and Bernice;

Whereas during the lifetime of Dr. King, Mrs. King balanced the demands of raising their 4 children, serving as the wife of a pastor, and speaking before church, civic, college, fraternal, and peace groups;

Whereas Mrs. King participated in more than 30 "Freedom Concerts", where she lectured, read poetry, and sang to raise awareness of and money for the civil rights movement;

Whereas Mrs. King stood by the side of her husband during many civil rights marches and other notable occasions, including a 1957 trip to Ghana to mark the independence of that country, a 1959 trip to India to visit sites associated with Mahatma Gandhi, and a 1964 trip to Oslo, Norway, to accept a Nobel Peace Prize awarded to Dr. King;

Whereas just 4 days after the assassination of her husband in 1968, Mrs. King led a march of 50,000 people through the streets of Mem-

phis and, later that year, took his place in the Poor People's March to Washington;

Whereas Mrs. King devoted her energy to carrying on the message of nonviolence and the work of her husband to create a United States in which all people have equal rights;

Whereas Mrs. King dedicated herself to raising funds and developing programs for the Atlanta-based Martin Luther King, Jr. Center for Nonviolent Social Change, where she served as founding President, Chair, and Chief Executive Officer;

Whereas Mrs. King was instrumental in seeing that the birthday of her husband was honored as a Federal holiday, an occasion first marked in 1986;

Whereas Mrs. King received honorary doctorates from over 60 colleges and universities, and authored 3 books;

Whereas Mrs. King received the congressional gold medal for her invaluable contributions to the United States as a leader of the civil rights movement;

Whereas Mrs. King traveled to every corner of the United States and the globe to speak out on behalf of a number of important issues, including racial and economic justice, the rights of women and children, religious freedom, full employment, health care, and education; and

Whereas Coretta Scott King was a civil rights icon and one of the most influential African Americans in history: Now, therefore, be it

*Resolved*, That the Senate—

(1) mourns the loss of Coretta Scott King;

(2) admires her lifelong commitment to social justice and peace;

(3) recognizes her role as a leading participant in the American Civil Rights Movement and her support to democracy movements world-wide;

(4) expresses its sympathies to the family of Coretta Scott King and;

(5) directs the Secretary of the Senate to transmit an enrolled copy of this resolution to the family of Coretta Scott King.

AUTHORITIES FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. SHELBY. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Tuesday, January 31, 2006, at 2:30 p.m., on video content.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. SHELBY. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, January 31, 2006, at 2:30 p.m., to hold a hearing on nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. SHELBY. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to hold a hearing during the session of the Senate on Tuesday, January 31, 2006, at 2 p.m., in SD-106.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND  
GOVERNMENTAL AFFAIRS

Mr. SHELBY. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet on Tuesday, January 31, 2006, at 10 a.m. for a hearing titled, "Challenges in a Catastrophe: Evacuating New Orleans in Advance of Hurricane Katrina."

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL SCHOOL COUNSELING  
WEEK

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 360, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 360) designating the week of February 6 through February 10, 2006, as "National School Counseling Week."

There being no objection, the Senate proceeded to consider the resolution.

Mrs. MURRAY. Mr. President, today I am pleased to submit this resolution designating the week of February 2, 2006 as "National School Counseling Week," on behalf of my colleagues, Senator BIDEN, Senator DORGAN, Senator JOHNSON, and Senator DODD. This resolution honors and celebrates the important work of school counselors, which the Senate has recognized since 1965 through the inclusion of school counseling in the Elementary and Secondary Education Act.

Across the country, there are approximately 95,000 school counselors, including 2,100 in Washington State. School counselors are critical components of a successful school and contribute significantly to the growth and success of students. In fact, school counselors were instrumental in helping students, teachers, and parents deal with the trauma of terrorism on September 11, 2001, and its aftermath. However, despite their important service, counselors are expected to serve, on average, 485 students each, and are overwhelmed. The American School Counseling Association, the American Medical Association, and the American Psychological Association recommend the ratio of students to school counselors be 250 students to 1 school counselor.

I want to share just a few examples of how school counselors throughout America are helping students.

In a middle school in southern California, school counselors realized that 257 students were in danger of not passing on to the next grade. They discovered that only 15 percent of the students understood the promotion and retention requirements. The school counselors presented a series of individual and small-group lessons on promotion and retention criteria. After the les-

sons, 100 percent of the students understood the requirements. As a result, 72 of the 257 students, about 28 percent, avoided retention that year.

In a high school in Racine, WI, a math teacher realized that 100 of his students failed algebra in the first quarter of the year. He asked a school counselor for help. Together, they discovered some of the reasons why students were failing. They initiated several programs, such as peer tutoring and homework assistance. As a result, 93 of the 100 students passed algebra by the end of the year and were able to move on to the next level of math.

A school district in Kentucky realized that the retention rate among ninth grade students was unacceptably high. School counselors, teachers and administrators worked together to develop and implement strategies targeted at helping ninth graders move to tenth grade. As a result, retention rates improved in 16 of the 17 high schools in the county in just 1 year. One school saw the retention rate improve more than 25 percent.

This resolution, though, is merely the beginning of what we need to be doing to support school counselors. We need to reduce the ratio of students to counselors to, at the most, 250 to 1. We need to help schools maintain their funding so that school counselors are not cut from school budgets. And we need to support our school counselors so that they can continue to be integral in the fabric of our schools and help our students achieve success in high school and beyond.

School counselors design and implement comprehensive developmental school counseling programs that are integral to the success of every student. They help students improve academic achievement, develop personally and socially and prepare for successful careers that will enable them to be contributing members of society. National School Counseling Week focuses public attention on the unique contribution of professional school counselors and highlights the tremendous impact that school counselors have in helping students achieve success in school and beyond.

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD, without intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 360) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

## S. RES. 360

Whereas the American School Counselor Association has declared the week of February 6 through February 10, 2006, as "National School Counseling Week";

Whereas the Senate has recognized the importance of school counseling through the

inclusion of elementary and secondary school counseling programs in the reauthorization of the Elementary and Secondary Education Act of 1965;

Whereas school counselors have long advocated that the education system of the United States must leave no child behind and must provide opportunities for every student;

Whereas personal and social growth results in increased academic achievement;

Whereas school counselors help develop well-rounded students by guiding them through their academic, personal, social, and career development;

Whereas school counselors have been instrumental in helping students, teachers, and parents deal with the trauma that was inflicted upon them by hurricanes Katrina, Rita, and Wilma;

Whereas students face myriad challenges every day, including peer pressure, depression, and school violence;

Whereas school counselors are usually the only professionals in a school building who are trained in both education and mental health matters;

Whereas the roles and responsibilities of school counselors are often misunderstood, and the school counselor position is often among the first to be eliminated in order to meet budgetary constraints;

Whereas the national average ratio of students to school counselors of 478-to-1 is more than double the 250-to-1 ratio recommended by the American School Counselor Association, the American Counseling Association, the American Medical Association, the American Psychological Association, and other organizations; and

Whereas the celebration of National School Counseling Week would increase awareness of the important and necessary role school counselors play in the lives of students in the United States:

Resolved, That the Senate—

(1) designates the week of February 6 through February 10, 2006, as "National School Counseling Week"; and

(2) encourages the people of the United States to observe the week with appropriate ceremonies and activities that promote awareness of the role school counselors perform in the school and the community at large in preparing students for fulfilling lives as contributing members of society.

HONORING PROFESSIONAL  
SURVEYORS

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 361, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 361) honoring professional surveyors and recognizing their contributions to society.

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 361) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 361

Whereas there are over 45,000 professional surveyors in the United States;

Whereas 2006 marks the 200th anniversary of the end of the Lewis and Clark landmark expedition through the upper reaches of the Louisiana Territory and the American West;

Whereas this journey is one of the most important surveying expeditions in the history of the United States because of the wealth of geographical and scientific information it provided about the new Nation;

Whereas the nature of surveying has changed dramatically since 1785, as it is no longer limited to the description and location of land boundaries;

Whereas hydrographic surveys are important to the use of all our bodies of water;

Whereas engineering surveys are utilized in the study and selection of engineering construction;

Whereas geodetic surveys determine precise global positioning for such activities as aircraft and missile navigation;

Whereas cartographic surveys are used for mapping and charting, as well as photogrammetry, the science of using aerial photographs for measurement and map production;

Whereas many services are provided through the use of sophisticated equipment and techniques, such as satellite-borne remote sensing devices and automated positioning, measuring, recording, and plotting equipment;

Whereas the role of the surveyor has been, and remains, of vital importance in the development of the United States;

Whereas since the colonial days of this Nation, surveyors have been leaders in the community, Statesmen, influential citizens, and shapers of cultural standards;

Whereas former surveyors include George Washington, Thomas Jefferson, and Abraham Lincoln;

Whereas it was the work of the surveyor that determined the boundaries of land, the greatest economic asset in the colonies that became the United States;

Whereas Thomas Jefferson chaired a committee in 1784 to devise a plan for disposing of lands west of the 13 original colonies;

Whereas Thomas Jefferson argued that surveying before sale was necessary to prevent overlapping claim and to simplify deeds and registers;

Whereas Thomas Jefferson reportedly wrote a plan, which was debated in Congress and in modified form was adopted as the Land Ordinance of May 20, 1785, establishing the Public Land Survey System ("PLSS"), the rectangular system that continues today in 30 midwestern and western states; and

Whereas the establishment of the third week of March as National Surveyors Week would be a fitting tribute to all surveyors: Now, therefore, be it

*Resolved*, That the Senate—

(1) recommends the establishment of National Surveyors Week;

(2) calls on the people of the United States to observe National Surveyors Week each year with appropriate ceremonies and activities paying tribute to professional surveyors and their contribution to society; and

(3) invites the people of the United States to look back at the historic contributions of surveying and look ahead to the new technologies which are constantly modernizing this honored and learned profession.

HONORING THE LIFE OF CORETTA SCOTT KING

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 362, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 362) honoring the life of Coretta Scott King and expressing the condolences of the Senate on her passing.

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. Mr. President, I rise today to mark the passing of a great American.

Coretta Scott King, a leader of the civil rights movement, died in her sleep yesterday evening.

In 15 years of marriage to Rev. Martin Luther King Jr. and nearly four decades of tireless advocacy after his assassination, Mrs. King proved herself a strong and tireless voice for the principle of human equality.

At her husband's side through good times and bad, she played a major role in speaking out against the injustice and evils of State-mandated discrimination and private bigotry.

Her work with her husband played a key role in the passage of our most vital civil rights laws: the 1964 Civil Rights Act and the 1965 Voting Rights Act.

Following her husband's death, she helped found the Martin Luther King Jr. Center for Nonviolent Social Change and led the successful campaign to establish her husband's birthday as a national holiday.

As a Southerner who hails from a state that once imposed the terrible evils of Jim Crow, I am deeply grateful for the work of the Civil Rights Movement.

As majority leader of the Senate, I had the privilege and the pleasure of being with Coretta Scott King on a number of occasions. As I was reflecting back over the course of the day, the one I remember most was now 2 or maybe 3 years ago when I joined her for a church service at Ebenezer Baptist Church Heritage in Atlanta where the family has been historically attending services.

Without the achievements of the civil rights movement, Tennessee, and indeed the entire American South, would have remained mired in cultural and political and economic patterns of the distant past. It took leadership. It took boldness. It took vision.

As we move forward with our work today and in the whole of this Congress, let us remember that heroic, that bold, yet humble, work of Coretta Scott King. Let us prove ourselves worthy of the legacy of the civil rights movement the King family have bequeathed to our Nation.

Mr. REID. Mr. President, we were all awakened this morning to the news of the passing of one of our Nation's true

heroes in the struggle for civil rights, Coretta Scott King. Together, Americans all mourn her passing. We offer our deepest thanks for her dedication to keeping the dream of racial equality and national harmony alive even after losing her husband, the Reverend Dr. Martin Luther King, Jr. I join all Americans in extending our thoughts and prayers to her extended family.

Mr. OBAMA. Mr. President, today we mourn the passing of Coretta Scott King.

When I think about Coretta Scott King, I think about a little girl who walked 5 miles to school on those rural Alabama roads and felt the heat of racism each day she passed the door of the Whites-only school, so much closer to home.

It didn't matter, because she studied and succeeded and excelled beyond most of her classmates, Black and White. She earned a college degree, and an acceptance at a prestigious graduate school up North.

One day she met a young preacher from Atlanta, and she fell in love with him. And he told her his dreams. And she believed in them. And she decided that she would help to make them real—not just as a wife or as a friend, but as a partner in freedom's cause.

Over the next years, Coretta Scott King did that in so many ways we can't even imagine. She raised a family, she marched through the streets, she inspired through song, she led through speech, and she even dodged countless attempts on her family's life.

And when one of those attempts finally took her love from this world, she made the selfless decision to carry on. With no time to even cry or mourn, to wallow in anger or vengeance, Coretta Scott King took to the streets just four days after Dr. King's assassination and led 50,000 people through the streets of Memphis in a march for the kind of justice for which her husband had given his life.

She spent the rest of her time on this earth marching for that same justice—leading the King Center for Nonviolent Social Change in Atlanta, and spreading her family's message of hope to every corner of this world.

I had the great honor of knowing Mrs. King, and the occasion to visit with her in Atlanta last year. She was an extraordinarily gracious woman. We sat and chatted in her living room. She showed me an album of photographs of her, Dr. King and the children. Then she told me what her husband had said to her once, at a time when she was feeling burdened, understandably, by all the stress and strain that had been placed on the family as a consequence of his role in the civil rights movement. She said her husband advised:

When you are willing to make sacrifices for a great cause, you will never be alone. Because you will have divine companionship and the support of good people.

Coretta Scott King died in her sleep last night, but she certainly was not alone. She was joined by the companionship and support of a loving family

and a grateful Nation—inspired by her cause, dedicated to her work, and mournful of her passing.

My thoughts and condolences today are with her children. I ask that she and her husband now rest together in eternal peace.

Mr. ISAKSON. Mr. President, I rise on behalf of myself, all Georgians, and I am sure all Americans, to express my deepest sympathy and condolences to the family of Coretta Scott King, the wife of Dr. Martin Luther King. We learned this morning that she passed away yesterday at the age of 78. Coretta Scott King is known in history for being the wife of Dr. Martin Luther King, but she was far more than that. As he wrote in his "Letter from the Birmingham Jail" to the concerned clergy of Birmingham about his justification for coming to Birmingham on behalf of the citizens who had been discriminated against, Dr. King said:

I come because injustice anywhere is a threat to justice everywhere.

As we all know from history, he took his mission wherever it took him to fight on behalf of justice for all Americans. He was able to do that in large measure with the support and the partnership of his great partner in life, Coretta Scott King. I had the privilege, as a Georgian, of knowing her since my days in the legislature. I saw her as an equal with Dr. King in the movement. I saw her as a loving mother in the raising of their four children. And I have seen her, since the loss of Dr. King, as an untiring advocate on behalf of ensuring that the legacy of Dr. King and his movement is perpetuated in American history.

A few months ago, the United States of America and this Senate honored the life of Rosa Parks as a significant leader, the matriarch of the civil rights movement. There is no question today, as we pause in sympathy for the loss of Dr. King's wife, Coretta Scott King, that she joins Rosa Parks as a great woman in American history and as a tireless advocate for equality for all Americans.

On behalf of my State, myself, and all those who love peace and justice, I express our sympathy on the loss of Coretta Scott King.

Mr. CHAMBLISS. Mr. President, I rise today to remember an extraordinary and courageous woman, Coretta Scott King.

Coretta Scott King was one of the most influential women leaders in our world. She entered the public stage in 1955 as wife of the Rev. Dr. Martin Luther King, Jr. and as a leading participant in the American civil rights movement.

Born and raised in Marion, AL, Coretta Scott graduated valedictorian from Lincoln High School. She received a B.A. in music and education from Antioch College in Yellow Springs, OH, and then went on to study concert singing at Boston's New England Conservatory of Music, where she earned a degree in voice and violin.

While in Boston she met Martin Luther King, Jr. who was then studying for his doctorate in systematic theology at Boston University. They were married on June 18, 1953, and in September 1954 took up residence in Montgomery, AL, with Coretta Scott King assuming the many functions of pastor's wife at Dexter Avenue Baptist Church.

During Dr. King's career, Mrs. King devoted most of her time to raising their four children. However, she balanced mothering and work, speaking before church, civic, college, fraternal and peace groups. She conceived and performed a series of favorably-reviewed Freedom Concerts which combined prose and poetry narration with musical selections and functioned as fundraisers for the Southern Christian Leadership Conference, the direct action organization of which Dr. King served as first president.

After Dr. King's assassination in 1968, Mrs. King devoted much of her energy and attention to developing programs and building the Atlanta-based Martin Luther King, Jr. Center for Nonviolent Social Change as a living memorial to her husband's life and dream. For 27 years, Mrs. King devoted her life to developing the King Center. As founding President, Chair, and Chief Executive Officer, she dedicated herself to providing local, national and international programs that have trained tens of thousands of people in Dr. King's philosophy and methods; she guided the creation and housing of the largest archives of documents from the civil rights movement; and, perhaps her greatest legacy after establishing the King Center itself, Mrs. King spearheaded the massive educational and lobbying campaign to establish Dr. King's birthday as a national holiday. In 1983, an act of Congress instituted the Martin Luther King, Jr. Federal Holiday Commission, which she chaired for its duration. And in January 1986, Mrs. King oversaw the first legal holiday in honor of her husband—a holiday which has come to be celebrated by millions of people world-wide and, in some form, in over 100 countries.

Coretta Scott King carried the message of nonviolence around the world. She led goodwill missions to many countries in Africa, Latin America, Europe and Asia. She spoke at many of history's most massive peace and justice rallies. She was the first woman to deliver the class day address at Harvard, and the first woman to preach at a statutory service at St. Paul's Cathedral in London.

In 1974 Mrs. King formed a broad association of over 100 religious, labor, business, civil and women's rights organizations dedicated to a national policy of full employment and equal economic opportunity, as co-chair of the Full Employment Action Council. In 1983, she brought together more than 800 human rights organizations to form the Coalition of Conscience, sponsors of the 20th anniversary march on Washington, until then the largest dem-

onstration in our Nation's capital. In 1988, she reconvened the Coalition of Conscience for the 25th anniversary of the March on Washington. In preparation for the Reagan-Gorbachev talks, in 1988 she served as head of the U.S. delegation of Women for a Meaningful Summit in Athens, Greece; and in 1990, as the USSR was redefining itself, Mrs. King was coconvener of the Soviet-American Women's Summit in Washington, DC.

Mrs. King received honorary doctorates from over 60 colleges and universities; authored three books and a nationally-syndicated column; and served on, and helped found, dozens of organizations, including the Black Leadership Forum, the National Black Coalition for Voter Participation, and the Black Leadership Roundtable.

On a very personal note, I had the pleasure of meeting Mrs. King on a number of occasions, both within my great State of Georgia as well as outside of our State. Most notably, I have been to a number of the Martin Luther King, Jr., Day celebrations at Ebenezer Baptist Church and was there last year, which happened to be the last time that Ms. King was there. She was unable to be there this year.

She was a remarkable lady in that, in spite of her high profile relative to the civil rights movement, as well as since Dr. King's death, she remained a very humble, a very personable, a very congenial lady who had a great sense of humor. Certainly during the time of the civil rights movement, this lady was undoubtedly one of the most admired women in the world because of what she saw her husband going through.

She was loyal and steadfast in the support of her husband. She obviously loved her husband. She loved her family until her death last night. Her legacy will live on for generations, generations and generations to come.

Coretta Scott King worked tirelessly to make a better world. History will judge that she did. We mourn her passing.

Mr. DURBIN. Mr. President, in 1968, I was a law student at Georgetown University here in Washington, DC. It was a tumultuous year, and I recall sitting in the library working for my class assignments when a law professor walked in and said: I would like all of you students who are second- and third-year law students to come outside. We walked outside, and he said: We need to ask for your help. The District of Columbia is in an uproar. With the assassination of Dr. Martin Luther King, there are riots all over our Nation's Capital and many cities across the country, and our legal system has broken down. They have arrested people for a variety of charges and have filled up the DC jails. They have no room for them and no attorneys to represent them. We would like to ask you as a law student to walk across the street to the DC courts and provide some legal advice to the people who are being arrested.

I couldn't believe that as a law student they would ask me to serve as a lawyer, but it was an emergency situation.

As I went over there and saw the DC courts in turmoil over the uproar and the riots, if you will, in the streets of the District of Columbia, I reflected on that terrible year and all that we had been through. Dr. Martin Luther King, Robert Kennedy—it was a year no one will ever forget.

I did my part and recall shortly afterwards watching as the television was filled with the funeral of Dr. Martin Luther King. I can recall his casket being drawn by a team of mules to his final resting place. I can recall his brave wife walking in the front of the line behind him.

Many of us still recall when Jackie Kennedy faced that same awful burden with the assassination of her husband, John Kennedy, the exceptional courage she showed under what must have been the most stressful and terrible moment of her life.

Coretta Scott King showed that same courage that day, leading the followers of Dr. Martin Luther King to his final resting place. She could have easily retired from public life at that moment and become honored in her own right for having given so much to this country, but she did not. She decided to carry on his legacy, and she led a public life from that point forward in his memory.

The strength we saw on the day of his burial was the strength that continued until her last moment of life a few hours ago. We were all saddened this morning to wake up to the news of the death of Coretta Scott King, a champion of justice and human rights. We honor her memory and send our deep condolences to her family.

A few days ago, Martin Luther King, her son, spoke at Mayor Daley's Martin Luther King breakfast in Chicago, IL. He did an exceptional job. He spoke to us about the challenges his mother faced even in her illness and told us about the continued commitment of his family to civil rights.

Because of her deep humility, there is a tendency to think of Coretta Scott King as her husband's supporter. In fact, as Dr. King himself made clear, she was his indispensable partner. Listen to what Dr. King told an interviewer in 1967. Speaking of Mrs. King, he said:

I never will forget [that] the first discussion we had when we met was the whole question of racial injustice and economic injustice and the question of peace. In her college days, she had been actively engaged in movements dealing with these problems.

And then he added:

I must admit, I wish I could say, to satisfy my masculine ego, that I led her down this path; but I must say we went down together, because she was as actively involved and concerned when we met as she is now.

For more than 50 years, Mrs. King called America toward greater justice and equality. She spoke with dignity

and a quiet authority that challenged us to fulfill our American obligation to create a more perfect union by embracing equal rights and genuine economic and social justice for all Americans, regardless of race, religion, gender, national background, or sexual orientation.

Coretta Scott King was the driving force behind the establishment of the Martin Luther King, Jr., national holiday, for which I was proud to vote, and of the construction of the King Center in Atlanta which I visited with Congressman John Lewis. Yet she reminded us that the best way to honor her husband's legacy was to devote our lives to his work.

It is perhaps no accident that as Coretta Scott King laid her head down for the last time, it was the very day that a decision was made to locate the new Museum of African-American History and Culture near the Lincoln Memorial where her husband delivered his immortal "I Have a Dream" speech. It was a dream they shared and to which they both dedicated their lives.

Now Coretta Scott King and Martin Luther King, Jr., rest together in eternal peace, and it is up to us to keep that dream alive.

Mr. KENNEDY. Mr. President, Coretta Scott King was a driving force, not just for the civil rights movement, but for the great march toward progress.

Martin Luther King and Coretta Scott King awakened the conscience of a nation that began the journey toward equality, knocking down the walls of discrimination based on race, on religion, and on ethnicity. We have all benefited so much from their inspiration and their leadership.

Coretta was not only a powerful and charismatic figure and leader for our time, but she was a mother who helped her children grow up to be individuals with a sense of dignity, a sense of pride in their heritage and a strong commitment to do something for someone else. I admire her for that as well, and my thoughts and prayers are with her children today.

The signs of bigotry and discrimination are still evident today. They're much more sophisticated and much more subtle than when Dr. King was facing the police dogs and the beatings that took place in Selma, Montgomery, and in towns and cities across America. There's no question that we're a fairer and a better nation because of Dr. King, and I believe what Coretta Scott King would want us to do is continue this march toward progress when it comes to disability rights, women's rights, civil rights—and not retreat from it.

Mr. SARBANES. Mr. President, I thank the able Senator from Massachusetts. I was privileged to have worked with Mrs. King on the Martin Luther King, Jr. holiday bill for which she pushed so hard and which eventually was passed by the Congress. I agree with the Senator from Massachusetts,

she was a champion of decency and human rights and a more just and humane society in her own right, not only as a partner of her husband. We mourn her death and recognize the extraordinary contributions she has made to our Nation.

Mr. LAUTENBERG. Mr. President, today, I rise to pay tribute to the life of a great American, Coretta Scott King, who passed away last night at the age of 78.

Mrs. King, Alabama born, was educated in Ohio and Boston. It was while attending the New England Conservatory of Music that she met a young man from Atlanta, Martin Luther King, Jr. She knew from their first date that Martin Luther King, Jr., was brilliant and exceptional, a born leader.

When they were married at her home in Alabama in 1953, Reverend King's father, who was a pastor, performed the ceremony. But at Coretta's request, he omitted the bride's vow to obey her husband. That was pretty bold at that time. It was highly unusual, but it provided a glimpse of the strength and independence Coretta Scott King would demonstrate throughout her life.

Coretta Scott King joined her husband in the fight for equality and justice. She believed that was our Nation's promise to every citizen, but it had too long been denied to African Americans. She was Dr. King's constant partner in the struggle for civil rights. She marched alongside him and used her talent as a singer to raise money for their cause while raising their children and keeping their family together in the face of constant threats and a bombing by the Ku Klux Klan.

After Dr. King's assassination 38 years ago, Coretta Scott King might have quietly slipped out of public life, but she chose to continue his work. She created the Martin Luther King, Jr., Center for Nonviolent Social Change in Atlanta in search of civil rights and equality for everyone in America. Coretta Scott King never lost faith in her husband's dream of peace and mutual respect. I had the honor of being able to identify a courthouse in the city of Newark that was being built as the Martin Luther King, Jr., Courthouse. I called Coretta Scott King to be certain that this was an acceptable item in the memory of Dr. Martin Luther King. We were pleased to do it, and that courthouse stands today as a reminder to everybody who passes in that area, everybody who lives in that region, that Martin Luther King was the great leader that he was, and his wife followed closely in his footsteps. She never wavered from Dr. King's commitment to achieve change through nonviolent means.

Dr. King lived long enough to see the passage of landmark legislation that removed legal barriers to equality. His wife lived to see more African Americans and Latino Americans elected as public officials and serving as Secretary of State for the United States,

Chairman of the Joint Chiefs of the military, and CEOs of companies such as American Express, Kmart, and Time-Warner.

Although some of the legal barriers to equality have fallen, economic barriers remain. At the time of his assassination, Dr. King was beginning to focus on economic justice. Today, 38 years later, we still have not achieved his dream of economic justice. That promise rings hollow today for millions of hard-working Americans. It rings hollow for the people who clean the rooms in the big hotels but cannot afford a decent place to live. It rings hollow for garment workers, those who work in the factories over sewing machines and needles and the pressing machines, whose children wear hand-me-down clothes. They work making beautiful clothing, but they cannot afford to clothe their own children in many cases. And farm workers who grow and harvest the crops, they often cannot afford healthy food for their families.

Last year, Hurricane Katrina revealed to the whole world the stark poverty that still afflicts our Nation. The greatest majority of the poor people we saw stranded in New Orleans were African Americans. In the past 5 years, the poverty level among African Americans has increased. More than one-third of all Black children in this country live in poverty. That suggests something in the long-term that is not good for them, nor for country.

I had the privilege yesterday of going to a school in Patterson, NJ, that I attended many years ago. Patterson, NJ, is a minority city of African Americans and new immigrants. I looked at the faces of those children. We had a demonstration by the band. My wife and I were there. In the faces of those kids you could see hope, and you could see a desire to have a chance at life. It is a terrible condition that prohibits, many times, their opportunity to get an education, to have the kind of nutrition they need to grow healthy bodies and strong minds. The overall poverty rate among African Americans is almost three times as high as non-Hispanic Whites. That is not economic justice, Mr. President.

The great promise of America has always been that if you work hard, you can build a better life for your family. Poverty is a national disgrace in this wealthy country we inhabit. Dr. King and Coretta Scott King knew that. They believed America could do better. They loved this country for its promise of liberty and justice for all, and in holding us to that promise, they appealed to the best nature of the American spirit.

Mr. President, I find it fitting that on the very day Coretta Scott King passed away, the Smithsonian Institute announced its intention to build a museum of Black history on the National Mall. That is where it belongs; it belongs in the founding elements of our country, to demonstrate the contribu-

tion that has been made by African Americans in our society. That museum will be just a few blocks from the Lincoln Memorial, where her husband delivered his famous "I have a dream" speech during the 1964 march on Washington. It is an appropriate place—a place where President Abraham Lincoln is remembered for his fight against slavery and the abuse of the people who were kept in this condition.

For almost four decades, Coretta Scott King has helped keep that dream alive. Now we must all do the same.

Mr. NELSON of Florida. Mr. President, I wish to share my thoughts on the passing of Coretta Scott King. I once had the privilege of hosting Mrs. King at my home. She was an extraordinary woman who was deeply involved in a movement that led our nation closer to a more equal and just society.

Although Mrs. King is often referred to as the wife of the late Reverend Dr. Martin Luther King, she was a civil rights activist in her own right. Following Dr. King's death in 1968, she devoted her energies to the Martin Luther King, Jr. Center for Nonviolent Social Change. Her leadership helped spread Dr. King's message of positive social change through nonviolent means. She often said, "The center enables us to go out and struggle against the evils in our society."

Mrs. King, like her husband, was a uniter. She brought together diverse groups for common causes. In 1974, Mrs. King formed the Full Employment Action Council, consisting of civil rights, religious, labor, and business groups promoting equal economic opportunity and full employment for all Americans. Nine years later, she helped form the Coalition of Conscience, consisting of over 800 human rights groups, to commemorate the 20th anniversary of the March on Washington. Globally, she was a goodwill ambassador to countries around the world and an adviser to world leaders such as Nelson Mandela. Later this year, Mrs. King and her late husband were to receive the Congressional Gold Medal for their contributions to the Nation.

Mrs. King has left us, but her legacy lives on as we remember and honor her historical impact. We should strive to follow in her footsteps. Today, my thoughts and prayer are with Mrs. King and her family and friends.

Ms. CANTWELL. Mr. President, I was saddened today to learn of the death of Coretta Scott King. Her work and life gave one man great strength and inspired a nation. In a lifetime, suffering and pain can envelop communities and span generations; it can also touch us intimately and immediately. When her husband was assassinated in April of 1968, Mrs. King suffered a world of loss in one moment. She persevered with passion and devotion, honoring the movement her husband made so strong. She taught the world that carrying on a great legacy requires more than simply remembering the words of the dead, but requires im-

bing those words with action, life, leadership, and vision. Mrs. King has left our Nation a vital legacy of her own.

Mrs. LINCOLN. Mr. President, today I rise to pay tribute to a fallen pillar of the movement to extend civil and social rights to millions of African Americans: Coretta Scott King.

Mrs. King was loved and respected the world over as one of the pioneers of the civil rights movement of the 1950s and 1960s. She was the friend, partner and wife of the leader of the civil rights movement, the Reverend Dr. Martin Luther King, Jr.

Born in Marion, AL, on April 27, 1927, Coretta Scott graduated as valedictorian of her high school class and attended Antioch College in Yellow Springs, OH. She received a B.A. in music and education and then studied concert singing at the New England Conservatory of Music in Boston, MA.

As the young Martin Luther King, Jr., began his civil rights work in Montgomery, AL, Mrs. King worked closely with him, organizing marches and sit-ins at segregated restaurants while at the same time raising their four children: Yolanda Denise, Martin Luther III, Dexter Scott, and Bernice Albertine.

During the height of the civil rights movement, Mrs. King and her husband endured threats and attempts on their lives. In spite of the violence that surrounded them and that would one day take Dr. King's life, they never abandoned a fundamental belief in non-violence. They were committed to peace.

After her husband's death, Mrs. King took a more visible role in the movement. She worked to keep his ideology of equality for all people at the forefront of the Nation's agenda. She pushed for more than a decade to have her husband's birthday observed as a national holiday, then watched with pride in 1983 as President Reagan signed the bill into law.

King became a symbol, in her own right, of her husband's struggle for peace and brotherhood, presiding with a quiet, steady, stoic presence over seminars and conferences on global issues. Throughout her years of service, however, she never lost sight of the fact that her children were her greatest responsibility.

Mrs. King was also a role model for many young women. She showed them that their own voices had value and that their thoughts and actions mattered.

Our loss of Mrs. King leaves a void that won't soon be filled. We have lost a great leader, a great role model, a great woman, and a great American, but it is also important for us to remember that her children have lost their mother. May the Lord grant them peace in this time of mourning. Our thoughts and prayers go out to her family and friends.

Mr. President, today is a sad day for the Nation. We have lost one of our

leading voices for equality and justice. In closing, I am sure that the entire Senate will join with me in honoring the life of Mrs. Coretta Scott King.

Mr. KYL. Mr. President, today I rise to pay tribute to the life of Mrs. Coretta Scott King. She was a steady force in the civil rights movement who ably supported the work of her late husband, the Reverend Dr. Martin Luther King Jr. Her legacy, like that of Dr. King, is steeped in the American principles we all hold dear: those of equality and justice, patriotism, faith, and family values.

As a young woman, Coretta Scott, a native of Marion, AL, experienced the racism and prejudice that characterized the South at that time. She had a desire to exceed expectations in the most challenging of environments. Coretta was valedictorian of Lincoln High School in 1945 and pursued the serious study of music at Antioch College in Ohio, and then at the New England Conservatory of Music. It was in Boston that Coretta first met the young Martin King, a divinity student earning his doctorate in theology.

Both of them knew the value of education and study, but both were also determined to serve others. Coretta had been involved in the civil rights movement before she met Dr. King; but when they joined forces as husband and wife in 1953, the movement was strengthened. Each place they lived in was roiled by the controversies of the movement to end racial segregation. In every place, bigots threatened the King family's safety. Amidst the violence, the arrests of peaceful protesters, the bombings, and assassination attempts against her husband, Mrs. King remained a bedrock for her husband and the protector of her children. Yolanda, Martin III, Dexter, and Bernice found remarkable role models in both of their parents, but it was Mrs. King's steady hand that directed their upbringing.

As the world took notice of Dr. King's philosophy of nonviolent social change, Mrs. King spread it effectively, especially among women. She lent her time and talents to numerous educational causes and civil rights groups. She exhibited poise, dignity, and grace in everything she did.

Mrs. King's commitment to civil rights did not diminish in 1968 when her husband's life was ended by an assassin's bullet. She instead made a commitment to the nonviolent achievement of social justice as her life's work. The Martin Luther King Jr. Center for Nonviolent Social Change in Atlanta, GA, stands today as a testament to Dr. King's work and to that of his wife, for it was she who made the institution what it is. Mrs. King's strong will and courageous strength allowed her to stay the course and further the movement.

She was also a strong force behind the national holiday to commemorate Dr. King's life.

Coretta Scott King and the late Rosa Parks were often regarded as "Mothers

of the Civil Rights Movement." We are sad to have lost both of them in so short a time. But as we enter Black History Month in February and then Women's History Month in March, the message and example of these American heroines will be before us. They demonstrate that ordinary people can achieve extraordinary things. Their selflessness will not be forgotten.

May Mrs. Coretta Scott King find the peace for which she and Martin strived so hard to achieve. God speed...

Mrs. FEINSTEIN. Mr. President, I rise today to pay tribute to the first lady of the civil rights movement—Coretta Scott King. Mrs. King, the widow of the late Reverend Martin Luther King, Jr., dedicated her life to sharing Dr. King's quest for social justice and peace.

Although one cannot say enough about her lifelong commitment to the cause of racial and economic equality, it is important to also note that Coretta Scott King was a visionary for women's rights on her own merit. She was the first woman to deliver the Class Day address at Harvard, and the first woman to preach at a statutory service at St. Paul's Cathedral in London. And Mrs. King served as a liaison to international peace and justice organizations even before Dr. King took a public stand in 1967 against United States intervention in the Vietnam war.

As we mourn the passing of Coretta Scott King, we are once again reminded of her quiet and resolute compassion for others. As she once remarked, and continued to demonstrate throughout her long life, Dr. King's dream was equally hers as well. "I didn't learn my commitment from Martin. We just converged at a certain time."

Together, their fearless commitment to the civil rights movement shaped and inspired the revolutionary social changes in the United States over the last half-century.

Rev. Martin Luther King, Jr., and Coretta Scott King were first vaulted to the national stage during the Montgomery bus boycott. Led by Dr. King, the 1955 boycott lasted nearly 13 months and truly ignited the Nation's civil rights movement.

The boycott led to the Supreme Court questioning the legality of the Jim Crow law that mandated the discrimination of African-Americans on the public bus system. And on November 13, 1956, in the landmark case *Browder v. Gayle*, the Supreme Court banned segregation on buses. It was truly a remarkable victory for the cause of freedom and equality.

Throughout the turbulent decades of the 1950's and 60's, Dr. King's vision helped the Nation form a new and better understanding of itself, one that celebrates its diverse nature and strengthens its commitment to the principles of equality and justice.

Yet one cannot simply overlook the passion and commitment of Mrs. King

as her own individual. Throughout her long life, Mrs. King served as an inspirational presence around the world for the values of equality and peace.

Coretta Scott was born April 27, 1927, the middle of three children born to Obadiah and Bernice Scott. She grew up in the two-room house her father built on land that had been owned by the family for three generations. Her exposure to the injustices of segregation were formed early on, as she walked to her one-room school house each day, watching buses full of white children kick up dust as they passed.

During high school, Mrs. King excelled academically and demonstrated a great talent for music. She attended Antioch College in Yellow Springs, OH, where 2 years earlier her older sister, Edythe, had become the first black to enroll. At Antioch, she studied education and music.

In 1953, the young Coretta Scott was preparing for a career in music at the New England Conservatory of Music in Boston, when she met a young graduate student in philosophy. A year later she and Dr. King, then a young minister from a prominent Atlanta family, were married.

During Dr. King's career, Mrs. King mostly shied away from the prominent spotlight of her husband, balancing motherhood and movement work. She devoted most of her time to raising their four children: Yolanda Denise, born in 1955, Martin Luther III, born in 1957, Dexter Scott, born in 1961, and Bernice Albertine, born in 1963. But she also gained recognition for the "Freedom Concerts" she organized, where she lectured, read poetry and sang to raise awareness of and money for the burgeoning civil rights movement.

Upon the tragic assassination of Rev. Martin Luther King, Jr., on April 4, 1968, Mrs. King bravely took up the mantle of the civil rights cause. Even before her husband was buried, she marched at the head of the garbage workers he had gone to Memphis to champion.

Over the next few decades, Coretta Scott King gained nationwide interest and admiration for her efforts to establish a national holiday in honor of her husband. By an act of Congress, the first national observance of the holiday took place in 1986. Dr. King's birthday is now marked by annual celebrations in over 100 countries.

During the 1970s, Mrs. King continued to work on behalf of the cause of economic justice. In 1974 she formed the Full Employment Action Council, a broad coalition of over 100 religious, labor, business, civil and women's rights organizations dedicated to a national policy of full employment and equal economic opportunity.

She also helped to found the Martin Luther King Jr. Center for Non-Violent Social Change in Atlanta, dedicated both to scholarship and to activism.

Over time, Mrs. King also developed her own causes and rhetoric, which were consistent with the vision of her

husband. For example, when she stood in for her husband at the Poor People's Campaign at the Lincoln Memorial on June 19, 1968, she spoke not just of his vision for social justice, but also of gender and racial equality. She called upon American women "to unite and form a solid block of women power to fight the three great evils of racism, poverty and war."

Mrs. King also dedicated herself to the cause of peace, traveling throughout the world on goodwill missions to Africa, Latin America, Europe and Asia. In 1983, she marked the 20th anniversary of the historic March on Washington by leading a gathering of more than 800 human rights organizations, the Coalition of Conscience, in the largest demonstration the Capital City had seen up to that time. And in 1993, Mrs. King was invited by President Clinton to witness the historic handshake between Prime Minister Yitzhak Rabin and Chairman Yassir Arafat at the signing of the Middle East peace accords.

Mrs. King also envisioned plans for a memorial dedicated to her husband. Recently, I cosponsored a bill that approved funding for such a memorial. This memorial will be the first on the National Mall in honor of a person of color. It is my hope that this memorial will continue to remind the Nation, and the world, of the powerful words of hope Dr. King expressed here in Washington, DC, more than 40 years ago.

Throughout her life, Mrs. King was seen as an inspirational figure around the world, someone who truly personified the ideals to which she and Dr. King pledged their lives.

But although our country has come a long way since the days when our country first met the legendary Coretta Scott King and Rev. Martin Luther King, Jr., we still have much to accomplish. We must steadfastly protect the advances already made in the fight for social equality, and also further those advances in the years ahead.

We owe the legacy of Coretta Scott King, and that of her remarkable husband, the late Martin Luther King, Jr., no less.

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 362) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 362

Whereas Coretta Scott King was an inspirational figure and a woman of great strength, grace, and dignity who came to personify the ideals for which her husband fought;

Whereas Coretta Scott was born and raised in rural Alabama, graduated as the valedictorian from Lincoln High School, and received a Bachelor of Arts degree from Antioch College in Yellow Springs, Ohio;

Whereas Coretta Scott fought to be allowed to teach in the local public schools in Ohio but was denied because of her race;

Whereas Coretta Scott studied music at the New England Conservatory of Music in Boston and, while attending school in the City, met a graduate student who was studying for his doctorate degree at Boston University;

Whereas that graduate student, Martin Luther King, Jr., told her on their first date, "The four things that I look for in a wife are character, personality, intelligence, and beauty. And you have them all.";

Whereas Coretta Scott and Martin Luther King, Jr. were married on June 18, 1953, and moved to Montgomery, Alabama;

Whereas Mrs. King gave birth to her first child, Yolanda, 2 weeks before the start of the Montgomery bus boycott, and protected her when opponents of the boycott bombed the King household;

Whereas Dr. and Mrs. King were to have 3 more children named Martin Luther, III, Dexter, and Bernice;

Whereas during the lifetime of Dr. King, Mrs. King balanced the demands of raising their 4 children, serving as the wife of a pastor, and speaking before church, civic, college, fraternal, and peace groups;

Whereas Mrs. King participated in more than 30 "Freedom Concerts", where she lectured, read poetry, and sang to raise awareness of and money for the civil rights movement;

Whereas Mrs. King stood by the side of her husband during many civil rights marches and other notable occasions, including a 1957 trip to Ghana to mark the independence of that country, a 1959 trip to India to visit sites associated with Mahatma Gandhi, and a 1964 trip to Oslo, Norway, to accept a Nobel Peace Prize awarded to Dr. King;

Whereas just 4 days after the assassination of her husband in 1968, Mrs. King led a march of 50,000 people through the streets of Memphis and, later that year, took his place in the Poor People's March to Washington;

Whereas Mrs. King devoted her energy to carrying on the message of nonviolence and the work of her husband to create a United States in which all people have equal rights;

Whereas Mrs. King dedicated herself to raising funds and developing programs for the Atlanta-based Martin Luther King, Jr. Center for Nonviolent Social Change, where she served as founding President, Chair, and Chief Executive Officer;

Whereas Mrs. King was instrumental in seeing that the birthday of her husband was honored as a Federal holiday, an occasion first marked in 1986;

Whereas Mrs. King received honorary doctorates from over 60 colleges and universities, and authored 3 books;

Whereas Mrs. King received the congressional gold medal for her invaluable contributions to the United States as a leader of the civil rights movement;

Whereas Mrs. King traveled to every corner of the United States and the globe to speak out on behalf of a number of important issues, including racial and economic justice, the rights of women and children, religious freedom, full employment, health care, and education; and

Whereas Coretta Scott King was a civil rights icon and one of the most influential African Americans in history: Now, therefore, be it

*Resolved*, That the Senate—

(1) mourns the loss of Coretta Scott King;

(2) admire her lifelong commitment to social justice and peace;

(3) recognizes her role as a leading participant in the American Civil Rights Movement and her support to democracy movements world-wide;

(4) expresses its sympathies to the family of Coretta Scott King and;

(5) directs the Secretary of the Senate to transmit an enrolled copy of this resolution to the family of Coretta Scott King.

ORDERS FOR WEDNESDAY,  
FEBRUARY 1, 2006

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it recess until 8:35 p.m. tonight, at which time the Senate will proceed as a body to the House of Representatives Chamber for the President's State of the Union Address; provided that upon the dissolution of the joint session, the Senate adjourn until 9:15 a.m. on Wednesday, February 1. I further ask that following the 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 then proceed to the consideration of Calendar No. 325, H.R. 4297, the tax reconciliation bill. I further ask consent that following the majority leader, there be a period of morning business for up to 60 minutes, with the first 30 minutes under the control of the majority leader or his designee and the final 30 minutes under the Democratic leader or his designee, with that time counted against the underlying statutory time limitation.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. FRIST. Mr. President, we have had a very productive day with the Senate confirming the nominations of Samuel Alito as an Associate Justice of the Supreme Court and Ben Bernanke as Chairman of the Federal Reserve. The Senate will recess until 8:35 tonight and, just after that, we will proceed as a body to the House for a joint session of Congress to hear the President's State of the Union Address. Tomorrow the Senate will begin consideration of the tax reconciliation bill. We have already passed this bill once and had hoped that we could expedite the process of sending the bill to conference and resolving our differences with the House. Unfortunately, it appears that this will be a somewhat lengthy process, and it will take several days and multiple votes. We will finish it this week.

RECESS

Mr. FRIST. If there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in recess until 8:35 p.m. tonight, under the previous order.

There being no objection, the Senate, at 4:14 p.m., recessed until 8:36 p.m. and reassembled when called to order by the Presiding Officer (Mr. THUNE).

JOINT SESSION OF THE TWO HOUSES—ADDRESS BY THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 109-80)

The PRESIDING OFFICER. The Senate will proceed to the Hall of the House of Representatives to hear the address by the President of the United States.

Thereupon, the Senate, preceded by the Assistant Sergeant at Arms, Lynne Halbrooks, the Secretary of the Senate, Emily J. Reynolds, and the Vice President of the United States, RICHARD B. CHENEY, proceeded to the Hall of the House of Representatives to hear the address by the President of the United States, George W. Bush.

(The address delivered by the President of the United States to the joint session of the two Houses of Congress is printed in the proceedings of the House of Representatives in today's RECORD.)

ADJOURNMENT UNTIL 9:15 A.M.  
TOMORROW

At the conclusion of the joint session of the two Houses, and in accordance with the order previously entered, at 10:10 p.m., the Senate adjourned until Wednesday, February 1, 2006, at 9:15 a.m.

NOMINATIONS

Executive nominations received by the Senate January 31, 2006:

EXECUTIVE OFFICE OF THE PRESIDENT

EDWARD P. LAZEAR, OF CALIFORNIA, TO BE A MEMBER OF THE COUNCIL OF ECONOMIC ADVISERS, VICE BEN S. BERNANKE.

DEPARTMENT OF HOMELAND SECURITY

W. RALPH BASHAM, OF VIRGINIA, TO BE COMMISSIONER OF CUSTOMS, DEPARTMENT OF HOMELAND SECURITY, VICE ROBERT C. BONNER, RESIGNED.

DEPARTMENT OF LABOR

PAUL DECAMP, OF VIRGINIA, TO BE ADMINISTRATOR OF THE WAGE AND HOUR DIVISION, DEPARTMENT OF LABOR, VICE TAMMY DEE MCCUTCHEEN, RESIGNED.

DEPARTMENT OF JUSTICE

JEFFREY L. SEDGWICK, OF MASSACHUSETTS, TO BE DIRECTOR OF THE BUREAU OF JUSTICE STATISTICS, VICE LAWRENCE A. GREENFELD, RESIGNED.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTION 12203:

*To be colonel*

JULIE K. STANLEY, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTION 12203:

*To be colonel*

JOHN JULIAN ALDRIDGE III, 0000  
MARY J. BURNS, 0000  
TERRI L. CARVER, 0000  
AMY M. GRIESE, 0000  
ODELL GROOMS, 0000  
JAMES A. KING, JR., 0000  
JERRY M. LANG, 0000  
JANE S. LOVE, 0000  
PAULA W. RIENHOVER, 0000  
SUSAN L. SIEGMUND, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTION 12203:

*To be colonel*

ISIDRO ACOSTA CARDENO, 0000  
GEORGE F. COHEN, 0000  
CHARLES R. ELLIS, 0000  
FERNANDO FERNANDEZ, 0000  
ROBERT L. LANDGRAF, 0000

JACOB C. MARSHALL, JR., 0000  
VIRENDRA S. MEHTA, 0000  
BILLY R. MORGAN, 0000  
CATHERINE C. OHSIEK, 0000  
DEAN E. ROBINSON, 0000  
EDMUND J. RUTHERFORD, 0000  
JOSEF F. SCHMID III, 0000  
ROSS A. SNOW, 0000  
JOHN G. SOTOS, 0000  
THOMAS L. WALKER, 0000  
LARRY A. WOODS, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTION 12203:

*To be colonel*

EVELYN L. BYARS, 0000  
JAMES W. CONLEY, 0000  
MARY C. DELUCIA, 0000  
SUSAN E. DRAINE, 0000  
PATRICK N. FRANCISCO, 0000  
CHERYL A. HEYWARD, 0000  
PAMELA C. MCBRIDE, 0000  
LEOLA MCNEILL, 0000  
MAUREN F. MINTZLAFF, 0000  
LISA A. NAFTZGERKANG, 0000  
KIM H. NEIMAN, 0000  
BARBARA RUTH NITZ, 0000  
MARCIA D. PARKER, 0000  
DALENE D. PERDUE, 0000  
SUSAN EISEL SIDES, 0000  
DEBRA A. STEPHENS, 0000  
LOUIS J. SYTSMAN, 0000  
KENNETH R. WHEELER, JR., 0000  
SHERALYN A. WRIGHT, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

*To be colonel*

RONALD A. ABBOTT, 0000  
WOODY C. BAKER, 0000  
SHARON RUSCH BANNISTER, 0000  
THOMAS S. BINGHAM, 0000  
CHRISTOPHER M. COLLIER, 0000  
JULIE M. COLLINS, 0000  
ROBERT I. DELO, 0000  
PAUL D. DEVEAU, 0000  
JON M. DOSSETT, 0000  
DREW W. FALLIS, 0000  
PAUL M. FORTUNATO, 0000  
JENNIFER A. HARTE, 0000  
HARRY HOLIDAY, 0000  
KELVIN K. KRAUSE, 0000  
JOSEPH S. KROBOCK, 0000  
CHRISTOPHER S. LAURITZEN, 0000  
MICHAEL J. MAYERCHAK, 0000  
KEVIN J. MURPHY, 0000  
JOSEPH E. NOVAK, 0000  
DAVID B. POWERS, 0000  
MICHAEL D. SIGNORELLI, 0000  
DAVID M. SMITH, 0000  
JEFFREY S. THOMPSON, 0000  
JOSE VILLALOBOS, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

*To be colonel*

DALE R. AGNER, 0000  
KATHLEEN M. ANKERS, 0000  
ELEANOR E. AVERY, 0000  
DAVID P. BLAKE, 0000  
DANIEL G. BURNETT, 0000  
MARK S. CAMPBELL, 0000  
CRAIG Y. CASTILLO, 0000  
RICHARD D. CESPESDES, 0000  
WILBERT E. CHARLES, 0000  
JAMES W. COCKERILL, 0000  
JOHN J. DEGOES, 0000  
ROBERT J. DIGERONIMO, 0000  
WARREN C. DORLAC, 0000  
MARY D. DVORAK, 0000  
KATHLEEN B. ELMER, 0000  
PAUL A. FRIEDRICH, 0000  
JAMES W. GASQUE, 0000  
ROBERT T. GILSON, 0000  
MARC V. GOLDBACH, 0000  
TERRY L. HASKE, 0000  
STEPHEN W. HIGGINS, 0000  
HELEN M. HOOTSMANS, 0000  
TIMOTHY A. HURSH, 0000  
GARY L. HURWITZ, 0000  
MARK A. KOENIGER, 0000  
EDWARD R. KOST, 0000  
JOHN G. LEVASSEUR, 0000  
DAVID S. LOUDER, 0000  
KENNETH P. MCDONNELL, 0000  
MICHAEL R. MURCHLAND, 0000  
SCOTT B. NORRIS, 0000  
MICHAEL B. OSSWALD, 0000  
CRAIG S. PACKARD, 0000  
SUSAN M. PEREZDETAGLE, 0000  
GORDON C. PETERS, 0000  
TIMOTHY D. ROBINETTE, 0000  
MARTHA P. SCHATZ, 0000  
GALE J. SKOUSEN, 0000  
DAVID L. SMITH, 0000  
ERIC E. STONE, 0000  
GERALD V. WIEST, 0000  
JOHN M. WIGHTMAN, 0000  
DAVID A. WILLIAMS, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTION 12203:

MARK ROBERT ACKERMANN, 0000  
CRAIG R. ALLISON, 0000  
JON G. ANDRE, 0000  
PHIL L. AUSTIN, 0000  
PAUL T. BABIN, JR., 0000  
ABEL BARRIENTES, 0000  
SCOTT LEE BATTLE, 0000  
MARK M. BAUKNIGHT, 0000  
DAVID JOHN BEK, 0000  
PATRICIA S. BLASSIE, 0000  
DENIS O. BOUDREAU, 0000  
RHONDA JEAN BRAUDIS, 0000  
GEORGE F. BREWER II, 0000  
MICHAEL J. BRILL, 0000  
NANCY JANE BROOKS, 0000  
RICHARD ANTHONY BRUNNER, 0000  
ERIC L. BUGHANAN, 0000  
CHARLES F. CALAMONERI, 0000  
PAUL WESLEY CARR, 0000  
WINONA N. CASON, 0000  
CLIVE SHUN HSIAO CHI, 0000  
DAVID H. CLARK, 0000  
STEVEN R. CLAYTON, 0000  
LYNN ELIZABETH COEHOORN, 0000  
MICHAEL J. COLE, 0000  
KEVIN C. COLEMAN, 0000  
BETHANY J. COLOMBO, 0000  
RICHARD NICHOLAS CONFORTI, 0000  
MICHAEL P. CONNER, 0000  
LEON E. CONTRERAS, 0000  
TIMOTHY S. COSTA, 0000  
STEPHEN J. COUBROUGH, 0000  
ROBERT AUSTIN CRAMER, 0000  
RICKY L. CREWS, 0000  
DAVID F. CROWDEN, 0000  
DAVID L. CULBERTSON, 0000  
LIDA DAIS DAHNKE, 0000  
JENNIFER JOAN DALRYMPLE, 0000  
GERALD J. DANKO, 0000  
JOSE H. DAVISON, 0000  
CYNTHIA A. DECARLO, 0000  
DAVID M. DELGADO, 0000  
JAMES A. DENTON, 0000  
TIMOTHY D. DODGE, 0000  
KEVIN P. DOHERTY, 0000  
SCHERRY E. DOUGLAS, 0000  
TIMOTHY DUFFY, 0000  
ANNE L. DUNLAP, 0000  
ROBERT L. DUNN, 0000  
GREGORY A. ECKFELD, 0000  
CHRISTOPHER L. EDDY, 0000  
LYMAN L. EDWARDS, 0000  
RICHARD T. EGTVEIT, 0000  
DARREL L. EKSTROM, 0000  
JONATHAN M. ELLIS, 0000  
WILLIAM L. ERICKSON, 0000  
JAMES A. ESCH, 0000  
PATRICIA A. EVANS, 0000  
BRENT J. FALKENBERG, 0000  
DAVID C. FEDORS, 0000  
GEORGE W. FENIMORE III, 0000  
BRUCE A. FERRELL, 0000  
ELLEN M. FIEBIG, 0000  
MARK J. FREDERICKSON, 0000  
JAMES D. FRISHKORN, 0000  
ROGER M. GARLET, 0000  
EDWARD GARCIA, 0000  
MELVIN J. GIDDINGS, JR., 0000  
KAREN D. GILES, 0000  
JEAN L. GLINES, 0000  
JOHN GONZALES, 0000  
DAVID H. GOODHUE, 0000  
OZZIE H. GOEBITZ, 0000  
ROBIN F. GRANHAM, 0000  
JOHN T. GUNNO, 0000  
KURT A. HAMMER, 0000  
CRAIG A. HARE, 0000  
LINDA L. HARLAN, 0000  
HARRY E. HEFLIN, JR., 0000  
CHRISTINE M. HEIKKINEN, 0000  
EDWARD H. HENSON, 0000  
JAMES W. HERRON, 0000  
MARK P. HETTERLY, 0000  
JOHN A. HICKOK, 0000  
WALTER LEROY HOLMES, 0000  
MICHAEL W. HULSEY, 0000  
MICHAEL J. HUMPHREY, 0000  
JANET M. HUMPHREYS, 0000  
MICHAEL W. HUTTNER, 0000  
RICHARD T. HULLAND, 0000  
JON K. HILSENG, 0000  
VIRGINIA M. JABOUR, 0000  
DENNIS J. JAMESONEAL, 0000  
LILLIAN A. JAMESONEAL, 0000  
WILLIAM D. JENNE, 0000  
JEFFREY L. JOHNSON, 0000  
STEVEN D. JOHNSON, 0000  
JAMES A. KELLEY, 0000  
STUART C. KENNEY, 0000  
TERRI A. R. KETT, 0000  
GERALD F. KIRCHNER, 0000  
KEVIN D. KISER, 0000  
THOMAS E. KITTLER, 0000  
STEVEN M. KLEINMAN, 0000  
TERRY A. LAWRENCE, 0000  
MARGARET Z. LAWSON, 0000  
PAMELA A. LEBLANC, 0000  
STEWART M. LEBLANC, 0000  
MICHAEL J. LICATA, 0000  
DALE S. LINDER, 0000  
MICHAEL F. LOGRANDE, 0000

CAROLYN A. LOHMAN, 0000  
 THOMAS E. LOHR, 0000  
 JANE M. LOUMA, 0000  
 ROGELIO LOZANO, JR., 0000  
 ROBERT LOUIS MACHO, 0000  
 JAMES F. MACKEY, 0000  
 SCOTT A. MALCOLM, 0000  
 THOMAS F. MANLEY III, 0000  
 STEVE L. MANN, 0000  
 PHILIP J. MANNING, 0000  
 PAUL J. MARKLEY, 0000  
 CLAUDETTE S. MARTIN, 0000  
 ROBERT J. MARTIN, 0000  
 JEFFERY L. MATTOX, 0000  
 SHAUN T. MAYNARD, 0000  
 CHRISTOPHER A. MAZUR, 0000  
 SEAN D. MCCLUNG, 0000  
 GIORDANO B. MCMULLEN, 0000  
 KEVIN J. MCNEIGHT, 0000  
 JOSEPH E. MCREYNOLDS, 0000  
 MARK A. MELCHER, 0000  
 ROY ANTHONY MERRELL, 0000  
 ROBERT EARL MICHAEL, 0000  
 SCOTT A. MLYNARCZYK, 0000  
 CHARLES W. MOOD, 0000  
 MICHAEL HOLLIS MORGAN, 0000  
 GUY H. MORLEY, JR., 0000  
 PAUL J. MUNYON, 0000  
 ELLIE F. NIX, JR., 0000  
 NOEL CHRISTINA NOLTA, 0000  
 DAVID B. OBRIEN, 0000  
 SHARON A. OLBETER, 0000  
 MICHELLE OSBORNE, 0000  
 STEVEN J. PANETTA, 0000  
 MATTHEW A. PARKS, 0000  
 ARTHUR G. PETRUCCELLI, 0000  
 ROBERT N. POLUMBO, 0000  
 RAYMOND DANIEL RABATIN, 0000  
 JOSEPH C. RALLO, 0000  
 ALBERT M. REIF, 0000  
 DANA G. RICHARD, 0000  
 DAVID L. ROBE, 0000  
 MARY K. ROEHL, 0000  
 RALPH J. ROMINE, 0000  
 STEVEN T. ROSE, 0000  
 GLENN D. ROSENBERGER, 0000  
 ROBERT J. ROXBROUGH, 0000  
 CLETUS G. RUDD, 0000  
 SCOTT S. RUSSELL, 0000  
 PATRICK M. RYAN, 0000  
 WALTER J. SAMS, 0000  
 PAMELA S. SANDERS, 0000  
 THOMAS R. SANDERS, JR., 0000  
 JAMES PATRICK SCANLAN, 0000  
 AUGUST G. SCHALKHAM, 0000  
 JOSEPH P. SCHERRER, 0000  
 KARL A. SCHMITKONS, 0000  
 JAMES A. SCHNELL, 0000  
 GLENN R. SCHUMACHER, 0000  
 RICHARD W. SCOBEE, 0000  
 STAN A. SHELEY, 0000  
 JAMES C. SHORE, 0000  
 RONALD D. SIMS, 0000  
 DANIEL R. SITTERLY, 0000  
 CHRISTOPHER F. SKOMARS, 0000  
 JEFFREY JOHN SMITH, 0000  
 WADE ROBERT SMITH, 0000  
 WILLIAM J. SMITH, 0000  
 ROBIN G. SNEED, 0000  
 SHARON L. SOUNHEIN, 0000  
 JON R. SPANGLER, 0000  
 MICHAEL L. SPEER, 0000  
 KELLEY J. SPELLMAN, 0000  
 RUSSELL L. STINE, 0000  
 VICKI L. SULLIVAN, 0000  
 ALLAN L. SWARTZMILLER, 0000  
 DAVID C. TALLEY, 0000  
 LISA K. TANK, 0000  
 DARRELL A. TAYLOR, 0000  
 VINCENT J. TEUBER, 0000  
 MICHAEL W. THORNAL, 0000  
 DIANNE E. TIANO, 0000  
 SIMON TONG, 0000  
 JOHN E. TRNKA, JR., 0000  
 JAMES E. TULLY, 0000  
 CHARLES P. UNTERREINER, 0000  
 KEVIN S. VAILLE, 0000  
 KENT A. VALENTINE, 0000  
 STEVEN D. VAUTRAIN, 0000  
 EDUARDO A. VILLAVICENCIO, 0000  
 JANICE E. VINCENT, 0000  
 CYNTHIA L. VISEL, 0000  
 WILLIAM B. WALDROP, JR., 0000  
 TIMOTHY J. WARD, 0000  
 JOHN R. WEIGAND, 0000  
 STEVEN V. WILKERSON, 0000  
 HARRY H. WILKINS, 0000  
 SCOTT A. WILSON, 0000  
 MARTIN S. WISEMAN, 0000  
 KEVIN M. WOODS, 0000  
 DARRELL G. YOUNG, 0000  
 SHEILA ZUEHLKE, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

*To be lieutenant colonel*

JAVIER A. ABREU, 0000  
 LLOYD H. ANSETH, 0000  
 LENA M. ARVIDSON, 0000  
 PHILIP R. BARONE, 0000  
 LARS O. BOUMA, 0000  
 ERIC L. CATHEY, 0000  
 HAEHOH CHOE, 0000  
 SARA A. DIXON, 0000  
 MIROSLAWA R. DUDEK, 0000

RICHARD J. ECKERT, JR., 0000  
 ROBIN E. FONTENOT, 0000  
 MARTIN F. GIACOBBI, 0000  
 MARTIN J. HAMILTON, 0000  
 TAMMY KNAPP HEISEY, 0000  
 ANDRE A. HENRIQUES, 0000  
 JOHN W. HULTQUIST, 0000  
 PHILIP S. JUNGHANS, 0000  
 DAVID B. KIESER, 0000  
 JEFFRY J. LARSON, 0000  
 LARRY K. LONG, 0000  
 DAVID L. MAPES, 0000  
 ANGELA M. MONTELLANO, 0000  
 JOSEPH A. MUHLBAUER, 0000  
 BASEEMAH S. NAJEEULLAH, 0000  
 GRACE S. NIEVES, 0000  
 ALBERT L. OUELLETTE, 0000  
 RYLLIS A. ROUSSEAU, 0000  
 RUBEN S. SAGUN, JR., 0000  
 DANIEL A. SAVETT, 0000  
 ROBERT S. SHEPERD, 0000  
 TONI C. STRONG, 0000  
 DAWN M. WAGNER, 0000  
 MARK A. WEISKIRCHER, 0000  
 KYLE S. WENDFELDT, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

*To be lieutenant colonel*

ERIC J. ASHMAN, 0000  
 BROADUS Z. ATKINS, 0000  
 MATT A. BAPTISTA, 0000  
 TODD M. BERTOCH, 0000  
 RICHARD E. BLAIR, 0000  
 PAUL BOSTROM, 0000  
 STEVEN P. BOWERS, JR., 0000  
 ANDREW N. BOWSER, 0000  
 SCOTT C. BRANDON, 0000  
 LAURA A. BRODHAG, 0000  
 DAVID M. BUSH, 0000  
 THATCHER F. CARDON, 0000  
 LI ING CHANG, 0000  
 YUN C. CHONG, 0000  
 STEVEN L. CLARK, 0000  
 CHRISTINE S. CLARKE, 0000  
 GEORGE A. CLARKE, 0000  
 DAVID S. COCKRUM, 0000  
 JUNE M. COOK, 0000  
 MARK O. COVINGTON, 0000  
 DANA K. CRESSLER, 0000  
 JIM D. CROWLEY, 0000  
 GREGORY A. DEYE, 0000  
 JAMES P. DOLAN, 0000  
 ERIC J. DUDENHOEFER, 0000  
 STEVEN J. DURNING, 0000  
 DAVID V. EASTHAM, 0000  
 RAYMOND FANG, 0000  
 SUSAN L. FARRER, 0000  
 MICHAEL A. FORGIONE, 0000  
 JEFFREY J. FREELAND, 0000  
 CARL A. FREEMAN, 0000  
 STEPHEN M. GALVIN, 0000  
 FANG YUN GAN, 0000  
 JUAN GARZA, 0000  
 MICHAEL R. GAURON, 0000  
 STEPHEN L. GEORGE, 0000  
 DOUGLAS J. GOTTSCHALK, 0000  
 BARRY J. GREER, 0000  
 RUTH F. GULLOTTA, 0000  
 JOHN D. HALLGREN, 0000  
 SCOTT A. HARTWICH, 0000  
 FRANCIS T. HOLLAND, 0000  
 STEPHEN H. HOOPER, 0000  
 LIDIA S. ILCUS, 0000  
 ALAN J. IVERSON, 0000  
 MONICA L. JOHNSON, 0000  
 VALERIE V. T. JOHNSON, 0000  
 WILLIAM T. JOHNSTON, 0000  
 BENJAMIN C. KAM, JR., 0000  
 JOHN CHOONGWHA KANG, 0000  
 PACHAVIT KASEMSAP, 0000  
 LEONID M. KATKOVSKIY, 0000  
 JAY D. KERECMAN, 0000  
 MARK W. KOLASA, 0000  
 THOMAS E. KOLKEBECK, 0000  
 JERRY D. LABSON, 0000  
 JENNIFER L. LAPOINTE, 0000  
 ERNEST C. LEE, 0000  
 BRADLEY A. LOYD, 0000  
 JAMES D. LOWE, 0000  
 CHERYL L. LOWRY, 0000  
 KAI WOOD MA, 0000  
 DANIEL M. MACALPINE, 0000  
 MICHAEL L. MARTIN, 0000  
 TIMOTHY J. MAZZOLA, 0000  
 KURT D. MENTZER, 0000  
 MICHAEL T. MEYER, 0000  
 GIOVANNI G. MILLARE, 0000  
 PATRICK J. MILLER, 0000  
 JESSICA T. MITCHELL, 0000  
 PATRICK B. MOONHAN, 0000  
 RICHARD L. MOONEY, 0000  
 SUSAN C. MORAN, 0000  
 DARIN K. MORGAN, 0000  
 CHRISTOPHER C. MUENCHEN, 0000  
 FAIGE L. NEIFERT, 0000  
 ERIC W. NELSON, 0000  
 NGHIA H. NGUYEN, 0000  
 TERRI J. NUTT, 0000  
 JOHN Y. OH, 0000  
 MARK D. PACKER, 0000  
 MYUNG S. PARK, 0000  
 MICHAEL A. PECK, 0000  
 STEVEN J. PECKHAM, 0000  
 DAWN E. PEREDO, 0000

JAMES A. PHALEN, 0000  
 ALLAN S. PHILP, JR., 0000  
 KIMBERLY D. PIETSZAK, 0000  
 LAURA L. PLACE, 0000  
 PAUL W. PLOCEK, 0000  
 RAY L. PLUMLEY, 0000  
 HARRIS R. PRAGER, 0000  
 JOHN C. RABINE, 0000  
 MICHAEL RAJNJK, 0000  
 STEVEN E. RASMUSSEN, 0000  
 CHARLES D. REILLY, 0000  
 PETER L. REYNOLDS, 0000  
 KAREN C. RICHARDS, 0000  
 MICHAEL F. RICHARDS, 0000  
 SCOTT A. RISE, 0000  
 TERRI L. RIUTCEL, 0000  
 JOSHUA S. ROTENBERG, 0000  
 RICHARD M. RUBIN, 0000  
 STEPHANIE A. SCHAEFFER, 0000  
 LARRY R. SCHATZ, 0000  
 DARLENE P. SCHULTZ, 0000  
 GREGORY L. SCHUMACHER, 0000  
 PARIMAL K. SHAH, 0000  
 JON R. SHERECK, 0000  
 PAUL A. SKLUZACEK, 0000  
 DANIEL T. SMITH, 0000  
 JOHN J. STEELE III, 0000  
 MICHAEL D. STEVENS, 0000  
 PAMELA L. STRICKLAND, 0000  
 RICHARD J. STRILKA, 0000  
 ERIC A. SUESCUN, 0000  
 LEIGH A. SWANSON, 0000  
 SUSAN M. SWAYNE, 0000  
 ANTHONY A. TERRERI, 0000  
 JOHN M. TOKISH, 0000  
 GEOFFREY D. TOWERS, 0000  
 BLAINE A. TUFT, 0000  
 CHARLES A. TUJO, 0000  
 JANET L. VESART, 0000  
 NINO A. VIDIC, 0000  
 BRIAN A. VROON, 0000  
 JAMES M. WARD, 0000  
 CHARLES N. WEBB, 0000  
 KYLE J. WELD, 0000  
 GREGORY C. WIGGINS, 0000  
 LINDY W. WINTER, 0000  
 RANDY W. WOBSER, 0000  
 MATTHEW P. WONNACOTT, 0000  
 DAVID A. WOOD, 0000  
 MICHAEL J. WOOD, 0000  
 SAMUEL K. WOOD, 0000  
 JENNIFER A. WRIGHT, 0000  
 KENNETH C. Y. YU, 0000

IN THE ARMY

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

*To be colonel*

LISA R. LEONARD, 0000  
 MICHAEL D. POWELL, 0000  
 BRET A. SLATER, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY DENTAL CORPS AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK(\*)) UNDER TITLE 10, U.S.C. SECTIONS 624, 531, AND 3064:

*To be colonel*

BRUCE B. BREHM, 0000  
 CLARK M. COMEAUX, 0000  
 STEVEN M. FLORENCE, 0000  
 GEORGE M. GIBSON, 0000  
 ROBERT L. HOLMES, 0000  
 JAMES R. HONEY, 0000  
 NAOMI J. HOROWITZ, 0000  
 KAREN M. KEITH, 0000  
 DAVID J. KRYSZAK, 0000  
 JONATHAN A. MAHAFFEY, 0000  
 ROBERT B. NEESE, 0000  
 SANDFORD W. PRINCE, 0000  
 KENDALL L. RAY, 0000  
 FRANCISCO RUIZ, 0000  
 COLLEEN C. SHULL, 0000  
 \*ROBERT W. WINDOM, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK(\*)) UNDER TITLE 10, U.S.C. SECTIONS 624, 531, AND 3064:

*To be colonel*

BRUCE D. ADAMS, 0000  
 DARRYL J. AINBINDER, 0000  
 LARRY K. ANDREO, 0000  
 VICTOR J. BERNET, 0000  
 RICHARD H. BIRDSONG, 0000  
 CRAIG R. BOTTONI, 0000  
 JOHN C. BRADLEY, 0000  
 \*GEORGE T. BRANDT, 0000  
 ALAN D. BRUNS, 0000  
 DAVID A. CANCELADA, 0000  
 WILLIAM P. CORR III, 0000  
 THOMAS G. CRAEFREY, 0000  
 KEVIN M. CREAMER, 0000  
 ROBERT C. DEAN, 0000  
 THOMAS M. DEBERARDINO, 0000  
 ROBERT A. DELORENZO, 0000  
 ANDREW S. EISEMAN, 0000  
 MARLEIGH E. ERICKSON, 0000  
 DAVID R. FINGER, 0000  
 MICHAEL J. FINGER, 0000

DAVID T. FLOYD, 0000  
 SUSAN D. FRACISCO, 0000  
 THOMAS B. FRANCIS, 0000  
 STEVEN P. FRIEDEL, 0000  
 \* ANDREW C. FRIEDMAN, 0000  
 VINCENT X. GRBACH, 0000  
 STEPHEN E. GREEFKENS, 0000  
 \* STEPHEN C. GROO, 0000  
 JOHN B. HALLIGAN, 0000  
 ELEANOR R. HASTINGS, 0000  
 KEITH L. HIATT, 0000  
 RICHARD B. HILBURN, 0000  
 JAMES B. HILL, 0000  
 CURTIS J. HUNTER, 0000  
 LONNIE L. IMLAY, 0000  
 RICHARD B. JACKSON, 0000  
 JEFFREY L. KINGSBURY, 0000  
 BEVERLY C. LAND, 0000  
 EMIL P. LESHO, 0000  
 DAVID B. LONGENECKER, 0000  
 MARK A. LOVELL, 0000  
 GLYNDA W. LUCAS, 0000  
 WILLIAM P. MAGDYCZ, JR., 0000  
 GREGORY A. MARINKOVICH, 0000  
 \* JOHN MATLOCK, 0000  
 ROBERT A. MAZUR, 0000  
 SCOTT D. MCLEAN, 0000  
 ANNA MILLER, 0000  
 COLIN K. MILLER, 0000  
 JOSEPH P. MILLER, 0000  
 ROBERT S. MILLER, 0000  
 LISA K. MOORES, 0000  
 PETER G. NAPOLITANO, 0000  
 JOHN J. OBRIEN, 0000  
 KAREN S. PHELPS, 0000  
 RONALD D. PRAUNER, 0000  
 BERTRAM C. PROVIDENCE, 0000  
 ROBERT A. PUNTEL, 0000  
 MICHAEL A. RAVE, 0000  
 WILLIAM A. RICE, 0000  
 GAYLORD S. ROSE, 0000  
 STEPHEN M. SALERNO, 0000  
 KEITH L. SALZMAN, 0000  
 JAMES R. SANTANGELO, 0000  
 DANIEL A. SCHAFFER, 0000  
 JOHN P. SCHRIVER, 0000  
 GREGORY J. SEMANCIK, 0000  
 CYNTHIA H. SHIELDS, 0000  
 JOHN J. SIMMER, 0000  
 MARK H. SMITH, 0000  
 SCOTT A. STANEK, 0000  
 RONALD T. STEPHENS, 0000  
 MARK W. THOMPSON, 0000  
 CAROLYN A. TIFFANY, 0000  
 IAN S. WEDMORE, 0000  
 \* GREGORY P. WELCH, 0000  
 MALCOLM A. WHITAKER, 0000  
 MORGAN P. WILLIAMSON, 0000  
 STEPHEN M. YOEST, 0000  
 LISA L. ZACHER, 0000

#### IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

#### To be colonel

JOHN D. ADAMS, 0000  
 PAUL AMATO, 0000  
 JAMES E. BACCHUS, 0000  
 PATRICE M. BAUMANN, 0000  
 THOMAS J. BECKMAN, 0000  
 PHILIP A. BENNETT, 0000  
 THOMAS E. BOWERS, 0000  
 DAVID S. BURN, 0000  
 LINDERMAN L. BURKHART, 0000  
 CLYDE T. BURTON, 0000  
 WILLIAM H. BUTLER, JR., 0000  
 DANIEL A. CAJKA, 0000  
 JOHN M. CALDWELL, 0000  
 JOSEPH H. CALLAHAN, JR., 0000  
 ELOY CAMPOS, 0000  
 KENT A. CARPENTER, 0000  
 LEONARD D. CHRISTIAN, 0000  
 WILLIAM T. COLLINS, 0000  
 DAVID J. CONAWAY, 0000  
 PATRICK P. CONNELLY, 0000  
 HARRY G. CONSTANT, JR., 0000  
 DAVID A. DAVENPORT, 0000  
 JAMES A. DAVIDSON, 0000  
 JAMES G. DONLAN, 0000  
 MICHAEL J. DRAKE, 0000  
 TIMOTHY M. DUNN, 0000  
 DAVID B. EYSART, 0000  
 JONATHAN T. ELIOTT, 0000  
 DAVID M. ELSE, 0000  
 ERIC S. ERDMANN, 0000  
 LAURA A. FALKENBACH, 0000  
 HAROLD J. FLANAGAN, 0000  
 KARL F. FROST, 0000  
 GEOFFREY A. GALLO, 0000  
 JEFFREY A. GARDNER, 0000  
 JOEL P. GARLAND, 0000  
 ORPHEUS L. GARRISON, JR., 0000  
 JOSEPH P. GATELY, 0000  
 KIMBERLY J. HARDING, 0000  
 JAMES R. HARPER III, 0000  
 DANIEL C. HERBERT, 0000  
 PATRICK J. HERMESMANN, 0000  
 MARK C. HICKMAN, 0000  
 ROBERT W. HIGBEE, 0000  
 ROBERT L. HOSTETTER, 0000  
 JAMES C. HULL, 0000  
 BRADLEY S. JAMES, 0000  
 CARL J. JOHNSON, 0000

DAVID M. JOHNSON, 0000  
 RAYMOND JOHNSON, 0000  
 RICHARD A. JOHNSON, JR., 0000  
 DANIEL P. KENNEDY, 0000  
 MICHAEL K. KOZIK, 0000  
 GRAYDON A. KRAPOHL, 0000  
 KEVIN K. KUTINA, 0000  
 ROBERT J. LAIN, 0000  
 MARTIN E. LAPIERRE, JR., 0000  
 MICHAEL A. LAWRENCE, 0000  
 THOMAS H. LEDBETTER, 0000  
 IGNATIUS P. LIBERTO, 0000  
 ANTHONY M. LOMBARDO, 0000  
 NATHAN S. LOWREY, 0000  
 THOMAS A. LYNN, 0000  
 ANDREW C. MACLACHLAN, 0000  
 ROBERT C. MCARTHUR, 0000  
 JOHN G. MCGONAGLE, 0000  
 BRIAN J. MCGOVERN, 0000  
 THOMAS C. MCKELVEY, 0000  
 ROBERT B. MCMONAGLE, 0000  
 MARK A. MELIN, 0000  
 GREGG L. MOORE, 0000  
 JEFFREY A. MOORE, 0000  
 JOSEPH S. MOORE, 0000  
 GLEN C. MORRIS, 0000  
 JOSEPH A. NEBEL, JR., 0000  
 WALTER E. OHNEMUS III, 0000  
 PATRICK J. OROURKE, 0000  
 TIMOTHY J. OTT, 0000  
 KEITH W. PANKHURST, 0000  
 MAURICE C. PERDOMO, 0000  
 JOSEPH F. PERITO, 0000  
 JOHN M. PIOLI, 0000  
 STEPHEN C. PUCKETT, 0000  
 PAUL L. PUGLIESE, 0000  
 THOMAS M. QUOSS, 0000  
 WILLIAM J. RAPP, 0000  
 NANCY R. RATHGEBER, 0000  
 JOHN V. RESCHAR, JR., 0000  
 JEFFREY A. RIEHL, 0000  
 CHRIS J. ROACH, 0000  
 TOM M. RODGERS, 0000  
 OTTO J. RUTT, 0000  
 CHARLES B. SAGEBIEL, 0000  
 MICHAEL K. SAMMONS, 0000  
 JOSEPH A. SHEEHAN, 0000  
 MICHAEL R. SILVEN, 0000  
 MARK A. SILVIA, 0000  
 DAVID M. SMITH, 0000  
 MARK A. SMITH, 0000  
 ROBERT S. STARBUCK, 0000  
 GREGORY D. STEVENS, 0000  
 GREGORY A. STUDDS, 0000  
 PAUL J. SWEENEY, 0000  
 JONATHAN M. TAYLOR, 0000  
 MATTHEW C. TAYLOR, 0000  
 DAVID M. THOMPSON, 0000  
 GORDON L. TODD, JR., 0000  
 KEVIN M. TREPA, 0000  
 DEAN F. TRIEBEL, 0000  
 KENT M. VARNEY, 0000  
 BURKE W. WHITMAN, 0000  
 MINDY G. WILLIAMS, 0000  
 BRANDON W. WILSON, 0000

THE FOLLOWING NAMED LIMITED DUTY OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

#### To be lieutenant colonel

SANFORD P. PIKE, 0000

THE FOLLOWING NAMED LIMITED DUTY OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

#### To be lieutenant colonel

PHILLIP R. WAHLE, 0000

THE FOLLOWING NAMED LIMITED DUTY OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

#### To be lieutenant colonel

JAMES A. CROFFIE, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

#### To be lieutenant colonel

JAMES H. ADAMS III, 0000  
 JOE H. ADKINS, JR., 0000  
 DARRELL L. AKERS, 0000  
 JOHN L. ALBERS, 0000  
 MICHAEL E. ALOISE, 0000  
 JAMES H. ANDERSON II, 0000  
 MARCUS B. ANIBALE, 0000  
 MICHAEL P. ANTONIO, 0000  
 TRAY J. ARDESE, 0000  
 ERIC E. AUSTIN, 0000  
 CHARLES R. BAGNATO, 0000  
 JAMES M. BAKER, 0000  
 ANTHONY S. BARNES, 0000  
 BRAD S. BARTELT, 0000  
 GARY L. BASH, JR., 0000  
 ERIC E. BATTLE, 0000  
 RAYMOND E. BEAL II, 0000  
 JASON A. BEAUDOIN, 0000  
 DOUGLAS L. BELL, 0000  
 GRADY A. BELYEU, JR., 0000  
 DARREL C. BENFIELD, 0000  
 JEANNE A. BENFIELD, 0000  
 WILLIAM C. BENTLEY III, 0000  
 PAUL F. BERTHOLF, 0000  
 ANTHONY J. BIANCA, 0000  
 BRENT W. BIEN, 0000  
 STEFAN E. BIEN, 0000  
 EDWARD W. BLIH, 0000  
 JOHN A. BOLT, 0000  
 RICHARD L. BOMHOLD, JR., 0000  
 MICHAEL J. BORGSCHULTE, 0000  
 JOSE L. BORJA, 0000  
 BRETT A. BOURNE, 0000  
 THOMAS S. BOWERS, 0000  
 ANTHONY W. BOWN, 0000  
 ROBERT C. BOYLES, 0000  
 JAMES D. BRACKEN, 0000  
 FREDERICK W. BREMER, 0000  
 THOMAS A. BRUNO, 0000  
 GREGORY A. BRYANT, 0000  
 WILLIAM T. BUFKIN II, 0000  
 BRIAN E. BUFTON, 0000  
 WAYNE M. BUNKER, 0000  
 RAYMOND R. BURKEMPER, 0000  
 DAVID W. BUSSELL, 0000  
 MAX W. CAIN II, 0000  
 PETER S. CALOGERO, 0000  
 SCOTT E. CAMDEN, 0000  
 STEVE L. CANTRELL, 0000  
 MARIO D. CARAZO, 0000  
 JOHN J. CARROLL, JR., 0000  
 MITCHELL E. CASSELL, 0000  
 MICHAEL N. CASTLE, 0000  
 ALEXANDER A. CHATMAN, JR., 0000  
 KEVIN M. CHENAIL, 0000  
 JEFFREY S. CHESTNEY, 0000  
 DONALD C. CHIPMAN, 0000  
 JOHN P. CHRISTOPHER, 0000  
 ALTON L. COCHRAN, JR., 0000  
 DOUGLAS S. COCHRAN, 0000  
 KEVIN P. COLLINS, 0000  
 MATTHEW S. COOK, 0000  
 BENJAMIN W. COPELAND, 0000  
 KIRK F. CORDOVA, 0000  
 MICHAEL S. COTTREAU, 0000  
 CHARLES B. COX, 0000  
 WAYNE O. COX II, 0000  
 SCOTT S. CREED, 0000  
 DANIEL P. CREIGHTON, 0000  
 CHARLES M. CROMWELL, 0000  
 VANCE L. CRYER, 0000  
 MICHAEL J. CURTIN, 0000  
 EVAN W. DAVIES, 0000  
 JOHN B. DAVIS, 0000  
 THOMAS E. DAVIS, 0000  
 MATTHEW A. DAY, 0000  
 KENNETH R. DEVERO II, 0000  
 OSSEN J. DHAITI, 0000  
 PETER J. DILLON, 0000  
 CHRISTOPHER G. DIXON, 0000  
 THOMAS P. DOLAN, 0000  
 RONALD A. DOMINGUE, JR., 0000  
 DOUGLAS G. DOUDS, 0000  
 CHARLES DOWLING, 0000  
 DANIEL H. DUBBS, 0000  
 JON D. DUKE, 0000  
 EVERETT W. DUNNICK, 0000  
 ROBERT H. DURYEA, 0000  
 MATTHEW D. DURWYER, 0000  
 JOHN W. EVANS, JR., 0000  
 JOSEPH M. EVANS, JR., 0000  
 ADRIENNE F. EVERTSON, 0000  
 SHAWN S. FARRINGTON, 0000  
 DANIEL E. FENNEL, 0000  
 MATTHEW P. FERGUSON, 0000  
 ROBERT S. FERGUSON, 0000  
 TODD R. FINLEY, 0000  
 BRIAN G. FITZTRICK, 0000  
 MARK A. FLOURNOY, 0000  
 ROBERT B. FORD, 0000  
 TODD D. FORD, 0000  
 DAVID C. FOREST, 0000  
 JONATHAN D. FOSTER, 0000  
 THOMAS E. FREDERICK, 0000  
 ROBERT M. FRIEDMAN, 0000  
 RICHARD F. FUERNBERG, 0000  
 CHRISTOPHER D. GIDEONS, 0000  
 MICHAEL P. GILBERT, 0000  
 STEVEN R. GIRARD, 0000  
 SEAN M. GODLEY, 0000  
 THOMAS J. GORDON IV, 0000  
 GERALD C. GRAHAM, 0000  
 DONALD E. GRAY, JR., 0000  
 ROBERT M. GREEN, 0000  
 SCOTT M. GRIFFITH, 0000  
 MICHAEL R. GRISCHKOWSKY, 0000  
 JESSE L. GRUTER, 0000  
 CHRIS T. GUARNIERI, 0000  
 DAVID A. GUNDLACH, 0000  
 SCOTT V. HALLSTROM, 0000  
 RICHARD K. HALSTED, 0000  
 JEFFREY G. HANCOCK, 0000  
 PATRICK M. HAYDEN, 0000  
 ANTHONY M. HENDRICKSON, 0000  
 ELAINE M. HENSEN, 0000  
 JAMES R. HENSEN, 0000  
 WAYNE M. HERBERT, 0000  
 MATTHEW N. HESS, 0000  
 ROBERT W. HESS, 0000  
 ALEXANDER G. HETHERINGTON, 0000  
 JOHN D. HICKS, 0000  
 ERIC W. HILDBRANDT, 0000  
 CURTIS L. HILL, 0000  
 THOMAS K. HOBBS, 0000  
 JEFFREY P. HOGAN, 0000  
 GEORGE N. HUGH, 0000  
 KELLY P. HOULGATE, 0000  
 KEVIN M. HUDSON, 0000  
 CHRISTOPHER W. HUGHES, 0000

THEODORE J. HUNTINGHORSE, 0000  
 JAMES T. IULO, 0000  
 MICHAEL S. JACKSON, 0000  
 TODD M. JENKINS, 0000  
 MARK J. JOHNSON, 0000  
 PAUL H. JOHNSON III, 0000  
 MARION D. JONES, 0000  
 PRESTON W. JONES, 0000  
 RICHARD E. JORDAN, 0000  
 KENNETH R. KASSNER, 0000  
 DARRIN D. KAZLAUSKAS, 0000  
 JAMES J. KELLEY III, 0000  
 JAMES R. KENDALL, 0000  
 BRIAN M. KENNEDY, 0000  
 MICHAEL J. KENNEDY, 0000  
 PETER-JOHN H. KERR, 0000  
 TODD A. KERZIE, 0000  
 BRIAN J. KING, 0000  
 GLENN M. KLASSA, 0000  
 CHARLEY A. KNOWLES II, 0000  
 KURT A. KOCH, 0000  
 ROBERT W. LAATSCH, 0000  
 LAWRENCE M. LONDON, 0000  
 GERALD R. LAY, 0000  
 PETER E. LAZARUS, 0000  
 EVAN G. LEBLANC, 0000  
 PETER N. LEE, 0000  
 JAMES C. LEWIS, 0000  
 MICHAEL J. LINDEMANN, JR., 0000  
 STUART R. LOCKHART, 0000  
 DANIEL E. LONGWELL, 0000  
 BRYAN F. LUCAS, 0000  
 BARTLETT D. LUDLOW, 0000  
 VINCENT J. LUMALCURI, 0000  
 DOUGLAS J. MACINTYRE, 0000  
 MARK D. MACKAY, 0000  
 SEAN R. MADDEN, 0000  
 GARY L. MADDUX, JR., 0000  
 ARTURO J. MADRIL, 0000  
 CHRISTOPHER S. MANIS, 0000  
 JEFFREY L. MANNING, 0000  
 MICHAEL A. MANNING, 0000  
 ANTHONY M. MARRO, 0000  
 DAMIEN M. MARSH, 0000  
 BRADFORD L. MARTIN, 0000  
 RICARDO MARTINEZ, 0000  
 TROY C. MAYO, 0000  
 SEAN M. MCBRIDE, 0000  
 ROBERT E. MCCARTHY III, 0000  
 WILLIAM F. MCCOLLOUGH, 0000  
 KATHERINE M. MCDONALD, 0000  
 DANIEL P. MCGOVERN, 0000  
 ROY MCGRIFF III, 0000  
 CHRISTOPHER T. MCKAY, 0000  
 MATTHEW MCLAUGHLIN, 0000  
 CHARLES A. MCLEAN II, 0000  
 WILLIAM D. MCSORLEY IV, 0000  
 MELANIE A. MERCAN, 0000  
 GUILLERMO G. MEZAORTEGA, 0000  
 SCOTT G. MILES, 0000  
 JOHN C. MOORE, 0000  
 MICHAEL A. MOORE, 0000  
 KEVIN G. MOSS, 0000  
 SAMUEL P. MOWERY, 0000  
 ANDREW J. MOYER, 0000  
 DOUGLAS J. MRAK, 0000  
 JOSEPH W. MURPHY, 0000  
 CHRISTOPHER B. NASH, 0000  
 DAVID NATHANSON, 0000  
 WILLIAM J. NEMETH, 0000  
 CHRISTIAN L. NICEWARNER, 0000  
 SETH L. O'LOO, JR., 0000  
 DAVID L. ODOM, 0000  
 JACK E. O'DONNELL, JR., 0000  
 DAVID S. OLIVER, 0000  
 JOHN R. ONEAL, 0000  
 TODD J. ONETO, 0000  
 MICHAEL H. OPPENHEIM, 0000  
 CARL L. OROS, 0000  
 LUIS E. ORTIZ, 0000

RICHARD T. OSTERMEYER, 0000  
 KURT S. OSUCH, 0000  
 RANDOLPH T. PAGE, 0000  
 BENJAMIN J. PALMER, 0000  
 MARK T. PALMER, 0000  
 MATTHEW W. PARK, 0000  
 JOHN E. PASSANT IV, 0000  
 PHILIP M. PASTINO, 0000  
 DOUGLAS R. PATTERSON, 0000  
 JOHN M. PECK, 0000  
 MARK B. PENNINGTON, 0000  
 FRITZ W. PFEFFER, 0000  
 KRISTI E. PHELPS, 0000  
 WILLIAM N. PIGOTT, JR., 0000  
 CHRISTOPHER S. PINCKNEY, 0000  
 MICHAEL M. PITTS, 0000  
 STEVEN A. PLATO, 0000  
 JOHN C. POEHLER, 0000  
 THOMAS E. POST, 0000  
 THOMAS M. PRATT, 0000  
 MARK C. PRICE, 0000  
 MORRIS W. PRIDY, 0000  
 JOHN H. PYLANT, JR., 0000  
 KEITH H. RAGSDALL, 0000  
 JOHN A. RAHE, JR., 0000  
 MINTNER B. RALSTON IV, 0000  
 WILLIAM A. RANDALL, 0000  
 STEPHEN E. REDIFER, 0000  
 MICHAEL S. REED, 0000  
 ANDREW M. REGAN, 0000  
 DESMOND A. REID, JR., 0000  
 THOMAS R. REILLY, 0000  
 WILLIAM H. REINHART, 0000  
 ROBERT A. RENARD, 0000  
 ROBERTO V. RICHARDS, 0000  
 PAUL W. RICHARDSON, 0000  
 DONALD B. RICHWINE, JR., 0000  
 ERIC L. RINE, 0000  
 JEROME P. RIZZO, 0000  
 DANIEL B. ROBINSON, 0000  
 RICHARD J. ROCHELLE, 0000  
 RANDY W. ROSS, 0000  
 SHANE L. ROSSOW, 0000  
 PETER S. RUBIN, 0000  
 JOSEPH J. RUSSELL, 0000  
 SEAN M. SALENE, 0000  
 THOMAS J. SANZI, 0000  
 ERIC W. SCHAEFER, 0000  
 MARK R. SCHAEFER, 0000  
 HERBERT E. SCHWETTER, 0000  
 THOMAS R. SEIFERT, 0000  
 JASPER W. SENTER III, 0000  
 MILO L. SHANK, 0000  
 ROBERTA L. SHEA, 0000  
 BRETT T. SHERMAN, 0000  
 MICHAEL D. SHERMAN, 0000  
 JAMES E. SHORES, 0000  
 CHARLES L. SIDES, 0000  
 MATTHEW M. SIEBER, 0000  
 JOSEPH D. SINICROPE, JR., 0000  
 THOMAS J. SISAK, 0000  
 ROBERT J. SMULLEN, 0000  
 MIKE D. SNYDER, 0000  
 MARK E. SOJOURNER, 0000  
 DANIEL U. SPANO, 0000  
 ROGER D. STANDFIELD, 0000  
 PAUL A. STEELE, 0000  
 DAVID STOHS, 0000  
 ARTHUR J. STOVALL II, 0000  
 MICHAEL D. STOVER, 0000  
 CRAIG H. STREETER, 0000  
 DAVID A. SUGGS, 0000  
 DANIEL M. SULLIVAN, 0000  
 PAUL T. SULLIVAN, 0000  
 JAMES E. SZEPESEY, 0000  
 MICHAEL W. TAYLOR, 0000  
 ROBERT J. TERSELIC, 0000  
 CHRISTOPHER C. THIBODEAUX, 0000  
 ALAN D. THOBURN III, 0000  
 DANIEL T. THOELZ, 0000

MATTHEW R. THOMAS, 0000  
 STEPHEN S. TIELEMANS, 0000  
 MARK E. TINGLE, 0000  
 JEFFREY S. TONTINI, 0000  
 STEPHEN P. TREICHEL, 0000  
 MICHELLE L. TRUSSO, 0000  
 JEFFREY D. TUGGLE, 0000  
 LORETTA L. VANDENBERG, 0000  
 DANNY J. VERDA, 0000  
 JOHN E. VINCENT, 0000  
 LEWIS D. VOGLER, JR., 0000  
 JOHN E. WALKER, JR., 0000  
 MICHAEL A. WALL, 0000  
 TYE R. WALLACE, 0000  
 ALBERT C. WANG, 0000  
 GAINES L. WARD, 0000  
 SCOTT C. WARD, 0000  
 HUGH R. WARE, 0000  
 JAMES S. WASHBURN, 0000  
 BENJAMIN T. WATSON, 0000  
 AARON S. WELLS, 0000  
 DIXON D. WELT, 0000  
 STEVEN L. WHALEY, 0000  
 DANIEL F. WHITE II, 0000  
 RAYMOND M. WHITE III, 0000  
 DWAYNE A. WHITESIDE, 0000  
 ALAN F. WILLIAMS, 0000  
 CHRISTOPHER J. WILLIAMS, 0000  
 ERIC S. WISE, 0000  
 CHRISTOPHER P. WOODBURN, 0000  
 CHRISTIAN F. WORTMAN, 0000  
 JAMES B. WOULFE, 0000  
 BRIAN P. WRIGHT, 0000  
 ROBERT C. WRIGHT, JR., 0000  
 MICHAEL P. WYLIE, 0000  
 WILLIAM E. ZAMAGNI, JR., 0000  
 MICHAEL W. ZELIFF, 0000  
 SIDNEY G. ZELLER, 0000  
 RICHARD D. ZYLA, 0000

THE FOLLOWING NAMED LIMITED DUTY OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

*To be major*

DAVID T. CLARK, 0000  
 CHRISTOPHER D. DIEDERICH, 0000  
 FRANK A. FARROW, 0000  
 SCOTT A. JOHNSON, 0000  
 TODD J. KROME, 0000  
 NIEVES G. VILLASENOR, 0000

CONFIRMATIONS

Executive nominations confirmed by the Senate: Tuesday, January 31, 2006:

FEDERAL RESERVE SYSTEM

BEN S. BERNANKE, OF NEW JERSEY, TO BE A MEMBER OF THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM FOR A TERM OF FOURTEEN YEARS FROM FEBRUARY 1, 2006.

BEN S. BERNANKE, OF NEW JERSEY, TO BE CHAIRMAN OF THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM FOR A TERM OF FOUR YEARS.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

SUPREME COURT OF THE UNITED STATES

SAMUEL A. ALITO, JR., OF NEW JERSEY, TO BE AN ASSOCIATE JUSTICE OF THE SUPREME COURT OF THE UNITED STATES.