

Sarbanes            Snowe            Stabenow  
Schumer            Specter        Wyden

## NAYS—50

Alexander	DeWine	McCain
Allard	Dole	McConnell
Allen	Domenici	Murkowski
Bennett	Ensign	Roberts
Bond	Enzi	Santorum
Brownback	Frist	Sessions
Bunning	Graham	Shelby
Burns	Grassley	Smith
Burr	Gregg	Stevens
Chambliss	Hagel	Sununu
Coburn	Hatch	Talent
Cochran	Hutchison	Thomas
Coleman	Inhofe	Thune
Cornyn	Isakson	Vitter
Craig	Kyl	Voivovich
Crapo	Lott	Warner
DeMint	Lugar	

## NOT VOTING—2

Corzine            Martinez

The amendment (No. 1852) was rejected.

Mrs. HUTCHISON. I move to reconsider the vote and to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER (Mr. CHAFEE). The majority leader is recognized.

Mr. FRIST. Mr. President, the next vote will be final passage. I congratulate Senators HUTCHISON and FEINSTEIN for expediting the bill this afternoon. It took the cooperation of all Members and proves that we can move quickly through the appropriations process under the leadership of two managers. As we continue that, we go forward. I also congratulate Senators BENNETT and KOHL for their hard work on the Agriculture appropriations bill passed this morning by a vote of 97 to 2.

As Members know, the Roberts nomination—again, congratulations to the Judiciary Committee—was reported by the Judiciary Committee today. We will turn to consideration of that nomination on Monday.

We will be in session tomorrow. Senators are invited to come to the floor tomorrow, if they would like to make any remarks on that nomination. We will be voting Monday at about 5:30. That will be the next vote.

The PRESIDING OFFICER. The Democratic leader.

Mr. REID. Mr. President, Members can come and talk about anything they want tomorrow. We will be in a period of morning business.

Mr. FRIST. We will be in a period of morning business tomorrow. I want to accommodate Members on their statements on the Roberts nomination or anything else tomorrow. The vote at 5:30 on Monday will not be on Roberts.

The PRESIDING OFFICER. The question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

Mr. CRAIG. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCONNELL. The following Senator was necessarily absent: the Senator from Florida (Mr. MARTINEZ).

Further, if present and voting, the Senator from Florida (Mr. MARTINEZ) would have voted "yea."

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. CORZINE) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 98, nays 0, as follows:

[Rollcall Vote No. 243 Leg.]

## YEAS—98

Akaka	Dole	McCain
Alexander	Domenici	McConnell
Allard	Dorgan	Mikulski
Allen	Durbin	Murkowski
Baucus	Ensign	Murray
Bayh	Enzi	Nelson (FL)
Bennett	Feingold	Nelson (NE)
Biden	Feinstein	Obama
Bingaman	Frist	Pryor
Bond	Graham	Reed
Boxer	Grassley	Reid
Brownback	Gregg	Roberts
Bunning	Hagel	Rockefeller
Burns	Harkin	Salazar
Burr	Hatch	Santorum
Byrd	Hutchison	Sarbanes
Cantwell	Inhofe	Schumer
Carper	Inouye	Sessions
Chafee	Isakson	Shelby
Chambliss	Jeffords	Smith
Clinton	Johnson	Snowe
Coburn	Kennedy	Specter
Cochran	Kerry	Stabenow
Coleman	Kohl	Stevens
Collins	Kyl	Sununu
Conrad	Landrieu	Talent
Cornyn	Lautenberg	Thomas
Craig	Leahy	Thune
Crapo	Levin	Vitter
Dayton	Lieberman	Voivovich
DeMint	Lincoln	Warner
DeWine	Lott	Wyden
Dodd	Lugar	

## NOT VOTING—2

Corzine            Martinez

The bill (H.R. 2528), as amended, was passed.

(The bill will be printed in a future edition of the RECORD.)

Mrs. HUTCHISON. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Without objection, the title is amended.

The Senate insists on its amendments and requests a conference with the House and the Chair appoints Mrs. HUTCHISON, Mr. BURNS, Mr. CRAIG, Mr. DEWINE, Mr. BROWNBACK, Mr. ALLARD, Mr. MCCONNELL, Mr. COCHRAN, Mrs. FEINSTEIN, Mr. INOUE, Mr. JOHNSON, Ms. LANDRIEU, Mr. BYRD, Mrs. MURRAY, and Mr. LEAHY conferees on the part of the Senate.

## MORNING BUSINESS

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that there now be a period for the transaction of morn-

ing business, with Senators permitted to speak for up to 10 minutes each.

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

The Senator from Montana.

## KATRINA HEALTH RELIEF PACKAGE

Mr. BAUCUS. Mr. President, I wish to read a quote from the Chicago Tribune, dated September 14, by Judith Graham, Tribune staff reporter commenting on the conditions of people needing medical care and needing it desperately on the heels of Katrina:

A New Orleans man with a brain tumor needed surgery fast—but when he found himself stranded without health insurance in Baton Rouge after Hurricane Katrina, it took the intervention of Ruth Kennedy, Louisiana's deputy Medicaid director, to get him help.

Yet this energetic state official can't possibly pull strings for all of the people who need medical assistance after the storm, such as an 89-year-old Louisiana man, now in Los Angeles with family, who couldn't fill his prescriptions because his Louisiana Medicaid card isn't good in California. Or a displaced New Orleans woman with colon cancer who needed chemotherapy but couldn't get an appointment in the city she had fled to after the storm.

Meeting the medical needs of up to 1 million hurricane evacuees scattered across the country looms as an enormous challenge. Most of them are without their medical records or any way to contact their physicians; many are suddenly without jobs and at risk of losing their medical coverage; and as a group, they're disproportionately likely to be needy and sicker-than-average.

Senator GRASSLEY, the chairman of the Finance Committee, and I have written a bill. We would like the swift passage of that bill. It is the Emergency Health Care Relief Act. This bill would provide victims of Hurricane Katrina with the health care they urgently need. We should pass this bill, and we should pass it immediately.

We have all seen the terrible destruction, the dead, the displaced, the hundreds of billions of dollars in damages.

Traveling down to the Gulf Coast last week, I saw the havoc Katrina had wreaked. It is stunning. It is like a war zone. It is worse than the pictures. It is worse than I had imagined.

At one stop, we went into what was left of a library. Muck and ruin covered books and other library materials. One shiny object caught my eye. I reached down to pick it up. What was it? It was a DVD of the film, "The Perfect Storm."

Among its many consequences, the hurricane inflicted countless blows to people's health. A third of Katrina evacuees in Houston had injuries or health problems, and more than half of those evacuees were seeking medical care.

The bill Senator GRASSLEY and I introduced will provide that care. Our bill will provide temporary Medicaid coverage for Katrina survivors. It will provide for a streamlined application. It will make benefits available right

now. It will provide coverage for up to 5 months, with a possible extension of 5 months. It is emergency health care benefits for people who need it. Pregnant women and children will be eligible for help at higher income levels, and an extended package of mental health services under Medicaid will help survivors deal with the trauma of Katrina. To support those who have private health insurance, our bill will provide Federal assistance to help individuals keep their coverage. I say that with reference to the article I read, the reporter's comments about people who do not have health insurance anymore because they have lost their jobs. Our bill will help alleviate the burden of providing health care. I have been inspired by the sights and stories of health care workers who have done all in their power to help treat victims. To ensure these providers are compensated, our bill establishes a disaster relief fund to cover the uncompensated costs they incur because of Katrina.

There are millions of dollars of uncompensated health care costs. Katrina inflicted massive financial losses on the States of Mississippi, Louisiana, and Alabama. Our legislation calls on the Federal Government to pay 100 percent of Medicaid and children's health care costs for 2006. For Alabama, the Government will pick up 100 percent of those costs in several particularly ravaged counties.

Our bill postpones a scheduled decrease in Federal Medicaid payments for 2006 to ensure all States have the means to meet their health care needs in this trying time.

Our legislation provides immediate access to funds through the TANF program for Louisiana, Mississippi, and Alabama for 14 months and provides these States, as well as States providing services to evacuees, immediate access to the TANF contingency fund, which is a very important part of the 1996 welfare law. It has been difficult and hard to use until now. Our bill eases time limits on aid so people can get immediate help, and our legislation provides federally funded extension of unemployment benefits for unemployed workers in Louisiana, Mississippi, and Alabama. This law will go a long way toward helping Katrina survivors to get back on their feet.

We must act and act now to help those who have been harmed. This is an emergency. This is not time for the legislative process as usual. This is an emergency. People need help now, not tomorrow. We must do our part to help this region and its people, and we can do so today by passing the Emergency Health Care Relief Act.

This bill should be brought up now, today. Several of us have approached the leadership to try to get this bill up now and passed today. People need help. Many have no insurance. They have lost their jobs. Time is critical. Senator GRASSLEY and I and our staffs have worked together for over a week. We have a good effort to help meet

health care needs. The affected States agree. Senators from both sides of the aisle of the affected States have all worked with us. We have agreement. All Senators in the affected States, including Senator GRASSLEY and myself, agree.

I cannot speak for the House of Representatives, but I can speak for us in this body. We have a very good package that I think should pass right now. I am very concerned that there are Senators here, on the other side of the aisle, who object. No one on this side of the aisle objects to this legislation coming up. I am informed there are Senators on the other side of the aisle who object to having this legislation coming up. The objection is we have not had time to read it. I understand that. It was brought up fairly quickly. We can give Senators time to read it. We can bring this legislation up tomorrow. Certainly they can read it over 24 hours—that is enough time to read this bill—or the next 72 hours, over the weekend. Certainly there has to be some trust around here. Senator GRASSLEY and his staff and I have fly-specked this bill. We worked very hard together over a period of almost 2 weeks. We worked with the Senators affected. They all agree, this is an emergency. This is not legislation as usual.

I call on my colleagues, let's bring up this bill and get it passed. I am very tempted to ask for unanimous consent to bring up this bill now, move us into legislative session, and bring this bill up now. Why? Very simply: It is the right thing to do. Very simply: These people need help. Very simply: It has been worked on for almost 2 weeks now. Very simply: I cannot think of any possible significant, legitimate exception.

I will not push for consideration at this point in deference to those who believe they need more time, but I very much hope when the time does come, maybe tomorrow, maybe on Monday, that this bill does come up, that we work our way through those objections so all Senators can unanimously pass this legislation. It is so important, it is so needed for so many people.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

#### THE WAR IN IRAQ

Mr. DURBIN. Mr. President, we have considered many important issues on Capitol Hill this week. Here on the floor of the Senate, two major appropriations bills have passed, and in the Judiciary Committee, on which I serve, we considered the historic nomination of John Roberts to be our next Chief Justice of the U.S. Supreme Court. Those are all worthy issues for this Chamber to consider. Unfortunately, not enough has been said this week about an ongoing challenge to this Nation, which costs us dearly.

I speak directly to the issue of the war in Iraq. Yesterday I joined many of my colleagues for a briefing with the

Secretary of Defense, Ambassador Jeffrey, and General Myers, about the situation in Iraq. Naturally I am constrained and cannot disclose details or specifics of that briefing. But I think in the most general terms American people understand what is happening in Iraq. Whether it is called terrorism or insurrection, it continues apace. Every single day, harrowing reports come out of civilian casualties and the deaths and injuries to our soldiers. Unfortunately, we do not speak enough on this floor about the reality of this war. This is the reality.

Americans killed in Iraq as of this morning, 1,907; Americans wounded, 14,641.

If you are not familiar with how these categories of wounded soldiers are created, you should understand many of these soldiers suffer far more than superficial wounds. I have visited with them at Walter Reed Hospital and veterans hospitals back in my part of the country. I have seen men and women who are facing amputations, serious head injuries, problems that will change their lives forever. The wounds they have suffered are wounds they will carry for the rest of their lives.

There are many veterans who come home from that war with invisible wounds, with wounds of spirit—post-traumatic stress disorder from things they have seen, things they have done, stress they have been placed under for extended periods of time. If you have friends who served in the Vietnam war, you may know one who is still trying to overcome the fact that he is haunted by that experience. This is the reality of war. It is a reality you see time and again, as families stand by hospital beds or stand in grief at the funerals. It is a reminder that we cannot ignore the issue of the war in Iraq. We cannot ignore the reality of what it has brought to America.

Last week, Iraqi President Jalal Talabani came to Washington. As he arrived in Washington, he said he believed the United States could safely withdraw 50,000 troops before the end of the year. He said Iraqi forces are trained and ready to assume control of their own country. Then he went to the White House and he changed his remarks. He was not as specific; he was not as definite. He said he hoped the Iraqi troops could take over for American troops at some point in the future.

It was enticing to hear him suggest that 50,000 of the 146,000 currently serving in Iraq would be home by Christmas. I still think that is a goal we should not give up on. Unfortunately, we are still waiting for concrete evidence that Iraqi troops are ready to assume the responsibility of defending their own country. I am not certain they can take on this insurgency today from a political or a military point of view. But we need to see a clear path from the point where we are today to the withdrawal of American troops. We need to have this administration articulate that path and make it clear to the people of this country.

Next month the second report on the status of the training of Iraqi forces is due. It is critical that this report provide real information on the readiness of these forces to meet President Talabani's suggestion. While it must not disclose vital security information, this report must include enough data in unclassified form so we know exactly where we are today in terms of the Iraqi takeover of the defense of their own country.

The trajectory to date is not encouraging. There have been peaks recently, including the historic vote in January in the first real democratic election in Iraq's history. But 470 Americans have been killed since those elections on January 30 of this year—470. The administration to date has not managed to change that terrible equation; and 2½ years after the invasion I still do not believe the administration has a clear plan to secure the peace.

Intelligence analysts, both civilian and military, use a phrase called "ground truthing." Geographers and geophysicists use the same term. It means going out and physically surveying the terrain, recognizing the reality on the ground may not match the map you have been given. The solution to this disparity is not to try to bulldoze the landscape or to sculpt it to match the map or to sculpt it to match an expectation in your mind. The solution is not to blind yourself to reality on the ground. The solution is to recognize differences between what you expected and what you were actually experiencing. You may need to redraw your map. You will almost certainly need to readapt your plan.

From the day of the invasion, plans were drawn up that refused to recognize the reality on the ground in Iraq. This administration has blinded itself to what I call these ground truths. Our troops rolled in and defeated Saddam Hussein and his vaunted National Republican Guard. You know why—we have the best fighting men and women in the world. No one else even comes close. But defeating an army is not the same as defeating an insurrection. The reports we read in the press suggest that insurrection is still very strong and very lethal.

Defeating an insurgency such as that is so much harder. These terrorists, these insurgents, do not swim in a sea of sand. They are supported by people in Iraq. It demands a completely honest, clear-eyed, honest, and unbiased understanding of what we are facing, the political, cultural, and physical ground truths. I am afraid this is lacking in this administration's administration of this war.

In 1961, President John F. Kennedy gave the commencement address at the U.S. Naval Academy. There he said:

You gentlemen, therefore, have a most important responsibility, to recognize that your education is just beginning, and to be prepared, in the most difficult period in the life of our country, to play the role that the country hopes and needs and expects from you.

You must understand not only this country but other countries. You must know something about strategy and tactics and logistics, but also economics and politics and diplomacy and history.

You must know everything you can know about military power, and you must also understand the limits of military power. You must understand that few of the important problems of our time have, in the final analysis, been finally solved by military power alone.

Iraq has shown us again the limits of military power, even the military capabilities of a super power. It has shown us the importance of allies. And it has shown us the importance of ground truthing.

We are now constrained by the limits that are imposed by the prior poor decisions this Administration has made in Iraq, not just by going to war but in how it went to war.

If we were prepared for the invasion and the war, we certainly were not prepared for what followed. When the administration went to war, it failed to build a real coalition. How much different that war would be today if the President had at his side Muslim nations helping us to maintain stability in Iraq. When it executed the invasion, it tore down social, political, and economic structures that couldn't be replaced. We saw the beginning of the disintegration when the looting began, and it continues almost every day with improvised explosive devices from the almost endless arsenal of equipment and ammunition still on the ground for the taking in Iraq.

In Iraq, it sometimes seems that we have been building levees of sand that have steadily eroded. I am reminded of the images of the helicopters in Louisiana dumping enormous sandbags into a gaping hole on a broken levee and how these enormous sandbags would disappear, swallowed up by the force of the water. Is that what is happening in Iraq? That is what we have to ask, and that is what this administration must answer.

Are we making enough progress in Iraq to justify what it is costing us in blood, treasure, and in damage to our own national security? That is becoming a more and more difficult question. It certainly is a question this administration has not faced forthrightly. The American people deserve an answer. Men and women in uniform risking their lives today in Iraq deserve an answer.

If we are not making sufficient progress, what are we going to do to change direction?

I have joined others in saying that progress in the battlefield alone is never going to be enough. The Iraqi Government has to function as a real Government. It has to be able to provide basic social services, to protect its borders, offer its people security, and it is a far distance before they ever reach that point. Now, the Iraqi Government cannot perform these basic functions. Today, electricity in Baghdad is still at prewar levels. Power is off and on for

only a few hours each day. Barely half the Iraqis have access to clean water. Unemployment estimates range from 27 to 40 percent. In addition to the terrible atrocities of car bombings and other attacks, street crime is now epidemic.

There are 146,000 U.S. forces in Iraq today, and there are those who say that they just aren't enough to do the job. There are others who would like to see them all leave tomorrow. But whatever the right number is, stability in Iraq, security in Iraq, and peace in Iraq depend ultimately upon the Iraqis and their Government—not American soldiers and their lives.

Next month, the Iraqis will again go to the polls to vote up or down on a draft constitution that is before them. Voting in a country under siege is a real act of courage by the people of Iraq. We respect them, and we respect that decision to go and vote very much. This referendum is an important step forward in the political process. But however the referendum turns out, it is not clear that on October 16—the day after the vote—the people of Iraq will be all that much closer to a unified, stable, and secure Government. I certainly hope they will be.

But if the constitution passes without the support of a major faction such as the Sunnis, it is hard to see how security and unity will emerge, and if the constitution is defeated we may have to start over.

The best possible outcome I can imagine is whichever way the referendum turns out that it is followed by civic engagements from all factions in Iraq—the Kurds, the Sunnis, the Shiites, and others. Without that civic engagement, I don't see how the political progress in Iraq can succeed. But whatever comes next, we must not let our desire to see progress in Iraq blind us to reality.

We need some political ground truthing as well.

President Kennedy was right when he said many problems do not have military solutions.

We need an integrated plan for Iraq that addresses critical political and economic needs. We need a plan that would finally bring international cooperation that this administration initially thought it could do without. We need a plan to draw down American forces—not merely because the war is less popular in our country but because we have to tell the Iraqis, once and for all, they have to take charge of their own future and their own security.

We need a plan that is based on the Iraqi political calendar, not our own. That is a plan we still have not received from this administration.

The 146,000 U.S. service men and women in Iraq today risking their lives deserve that plan, so do their families at home, and so do the American taxpayers who have poured nearly \$200 billion into this war—a war which continues to demand over \$1 billion a week. The war has come at a terrible price for Americans.

This chart shows the most graphic evidence of the cost: 1,907 of our best and bravest who have paid the ultimate sacrifice, a sacrifice borne by their families forever.

We don't honor their sacrifice if we refuse to ask the hard questions, if we refuse to demand of this administration—any administration—to tell us the truth of what we are facing and how we will bring this to an honorable conclusion.

October will give us a better understanding of what is happening in Iraq with both the constitutional referendum and the Department of Defense report. It is then up to all of us to act on that knowledge, to recognize our trajectory and to change the course, if we must.

Before America loses 2,000 of our best and bravest in Iraq, this administration needs to come forward and speak clearly on its plan to bring our troops home. This administration needs to make it clear that Iraq must accept its own responsibility to protect its own nation.

If the Iraqi war exposed a failure of intelligence, if Hurricane Katrina exposed a failure of imagination and preparation, the lives we lose every day in Iraq make it clear that we can wait no longer for leadership and vision to bring this war to an end as quickly as possible.

We in the Senate need to do our part. Each year, we consider a bill called the Department of Defense authorization bill. It is a bill which considers not only what our troops need but what our veterans need.

If there is ever a time when we should be spending more time on that than anything else, it is now, right now, as we are losing soldiers every day and seeing these soldiers come home wounded.

I am sorry to report to you that before we left on the August recess, that bill was withdrawn from the calendar. It was taken off the floor of the Senate for reasons I still don't understand. The leadership in the Senate decided there were more important things to talk about. We moved from the Department of Defense authorization bill to a special interest bill from the gun lobby that just had to be passed before we left for our August recess. That is a mistaken priority. It is a mistake that, frankly, does not reflect well on the Senate.

What could be more important for us to consider at this moment in our history than the Department of Defense bill? What could be more important than talk about the equipment needs of our troops, to protect sons and daughters who are standing in the path of bullets, in the path of bombs in Iraq today? What can be more important than to talk about veterans' benefits for those who are coming home, to make sure we do everything we can to keep our promise to them; that if they will stand up for America, we will stand up for our veterans? Why aren't we returning to this bill?

Why is the Republican leadership refusing to go back to the Department of Defense authorization bill? It should be the first thing on the calendar. But, unfortunately, the decision has been made that we will not. I think it is wrong. I think we owe it to the men and women in uniform, their families praying for them at home, and everyone in this country who is so proud of their contribution to make that our highest priority.

I sincerely hope that when we return to the Senate next week, we will return to that Department of Defense authorization bill—return to it to make certain that the equipment, the supplies, and all that is needed will be there for those troops.

I can remember the first soldier I visited at Walter Reed so long ago. He was from an Ohio unit. He had lost his left leg below the knee. I was amazed. There he was still scarred, with IVs running, recent amputation. And I asked him what he thought. He said, I want to tell you two things. First, please get some protection in those humvees. Put some armor in those humvees. They are just moving targets for those terrorists in Iraq. Second, tell me how I can get back with my unit.

I heard that so many times from so many soldiers who feel such an obligation to the men and women who stood next to them in battle. If they feel that obligation to fellow soldiers, shouldn't we feel an obligation to them? Shouldn't we make this our highest priority in the Senate?

I cannot understand why we have failed to do that. I call on the leadership, on Senator FRIST and others, to set aside whatever you planned after we consider Judge Roberts next week and move directly to the Department of Defense authorization bill. I can guarantee you that you will have the cooperation of the Democratic side of the aisle to come up with a definite set of amendments, a limited time for debate and a movement to final passage as quickly as possible. Those are things we can work out. But we can only work them out if the leadership of the Senate believes this is the same high priority that I feel today.

That is our responsibility—our responsibility for these men and women who have given their lives and given important parts of themselves for this country.

I yield the floor. 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. PRYOR. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

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

#### NOMINATION OF JOHN ROBERTS

Mr. PRYOR. Mr. President, today the Senate Judiciary Committee voted to

bring the nomination of John Roberts to the full Senate for its consideration. I am quite sure that by October 3, 2005, Mr. Roberts will be sworn in as the 17th Chief Justice of the United States.

Today is a very important day for the Senate. I say this because several months ago this body was mired in a partisan judicial battle that many thought would end in a nuclear winter. Very few people, including a majority of the American public, thought that we would weather the storm and find common ground. But instead of nuclear winter, this body was able to rise above the partisan bickering that has plagued us for some time, and we were able to come to an agreement, an understanding that has allowed the judicial process to move forward.

While I do not intend to review that entire agreement, there is one part that is worth noting.

It states:

We believe that under Article II, Section 2, of the United States Constitution, the word "Advice" speaks to consultation between the Senate and the President with regard to the use of the President's power to make nominations.

We encourage the Executive branch of government to consult with members of the Senate, both Democratic and Republican, prior to submitting a judicial nomination to the Senate for consideration.

Such a return to the early practices of our government may very well serve to reduce the rancor that unfortunately accompanies the advice and consent process in this Senate.

I think that in the case of John Roberts, the clause I read has been heeded by this administration, and I applaud President Bush for following in the tradition of past Presidents who have sought meaningful consultation with the Senate.

For the first time in my short tenure as a Senator, I felt as though this administration put forth an effort to gauge where the Senate was on a nomination and acted accordingly.

I believe the White House, when working together with the Senate as a coequal branch of Government, will always be able to find a consensus nominee who will faithfully uphold the Constitution and represent the best of our justice system.

I think in the case of John Roberts, that was accomplished. This is one of several reasons I have decided to vote to confirm John Roberts as the next Chief Justice of the U.S. Supreme Court.

When President Bush nominated Mr. Roberts, I said then that I felt very strongly the Senate must fulfill its constitutional duty to learn as much about John Roberts' judicial record as possible, including his work over the past 2 years since he has been on the U.S. Court of Appeals for the DC Circuit.

The Supreme Court is the final arbiter of our liberties and freedom, and appointments for these gatekeepers are rare and pivotal. A Supreme Court Justice deserves a high threshold of review, and I think John Roberts was put to the test.