

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I am sorry to report to you that before we left on the August recess, that bill was withdrawn from the calendar.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.

I applaud the Judiciary Committee for all of their hard work over the past few months and for the quality of last week's hearings. The quality of the questions and the ensuing debate were a testament to the important work the committee does and a testament to the valued leadership of Senator ARLEN SPECTER and Senator PATRICK LEAHY.

I had an opportunity to meet personally with John Roberts. He is someone with whom you can sit down and talk for hours about the law. He is genial and easy to get along with. He is a family man. While these are all wonderful qualities, it is not why I am voting for him.

I am voting for Mr. Roberts because he meets the criteria I have set out for judicial nominations, criteria I have used in assessing all judicial nominations that have come before this body.

When looking at the nomination of Mr. Roberts, I first asked: Does John Roberts have the qualifications or credentials to be a judge?

I think the answer to this question is obvious to anyone, and no one in this body will dispute it. Judge Roberts brings with him excellent credentials. He is a brilliant lawyer, and I was very impressed with his breadth of knowledge of the law. He has also, on multiple occasions, demonstrated a genuine understanding of the law.

I was also very impressed with his testimony before the Judiciary Committee. While some of my colleagues and I would have liked for Mr. Roberts to further explain some of his answers and positions, no one can dispute he has the ability to take this most prestigious post.

My second criteria: Will Mr. Roberts be of the right judicial temperament? As a lawyer who has argued in front of the U.S. Supreme Court 39 times, I believe Mr. Roberts has a high level of respect for the law, its institutions, and its traditions.

I am convinced, after spending time with Mr. Roberts, that he will conduct himself with the dignity befitting of a Supreme Court Justice and that he will lead the Federal judiciary with honor and integrity.

My third criteria: Will John Roberts be fair and impartial and not an activist? I want to believe the answer is yes.

I do not think it is any secret there are Members of this body, including myself, who were and still are in disagreement with some of President Reagan's domestic policies, especially pertaining to civil rights.

I, of course, was not in the Senate during the 1980s, and being a few years younger than Mr. Roberts, I was still in school when he was starting his legal career. I do not agree with many of the opinions Mr. Roberts expressed in his memos while serving in the Office of the U.S. Attorney General, but I can say that as a lawyer I have taken positions that were not my own but were my client's.

I can also say that time has a way of changing a man. It is my hope that

after 20 years of gaining life experience, John Roberts has a better understanding and appreciation of how important civil rights protections are to the survival of this country and that he has moved away from some of his earlier writings.

There will be people in my home State of Arkansas who are going to be very pleased that I am voting for Mr. Roberts. I will also face constituents who will be disappointed. I am sure those constituents will ask: Senator PRYOR, how can you be sure? How can you be sure, without broader explanations from Mr. Roberts, or without more documents, that he will vote this way or that way on an issue?

My answer to that is twofold. First, I do not believe it is my duty as a Senator to confirm only judges I believe are going to vote the way I want them to 100 percent of the time. My duty as a Senator is to use my discretion to put the best jurist possible on the bench. I believe we have achieved that threshold with John Roberts.

Just as importantly, I would answer those critical of my decision to support Judge Roberts by saying, you can never be 100 percent sure.

I have chosen, based upon the evidence I have, based on my talks with John Roberts, based on his testimony, to put my faith in Judge Roberts.

I have chosen to believe him when he says he is not an ideologue. I have chosen to believe he will uphold the Constitution above all else and that he will not let politics or personal agenda get in the way of his job.

I am certain in the years that follow there will be times I laud Justice Roberts' opinions, and there will be times I will be disappointed in his rulings. But I am confident I will never be disappointed in his integrity, his temperament, or his ability to conduct himself as a man of the Court, not as a man of politics. Therefore, I once again state my intention to vote for Judge Roberts when his nomination comes to the floor.

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

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

(The remarks of Mr. SANTORUM pertaining to the introduction of S. 1750 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. SANTORUM. 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. REED. 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. REED. Mr. President, I ask unanimous consent to speak for up to 15 minutes as in morning business.

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

LOW-INCOME HOME ENERGY ASSISTANCE

Mr. REED. Mr. President, headlines across the Nation warn of an impending disaster facing American families this winter—rising energy prices that could wipe out working-class families and seniors. The New York Times reports:

Energy Prices Lead Inflation, Overcoming Salary Increases.

The Wall Street Journal states:

Soaring Natural-Gas Prices Point to Record-High Electricity Costs.

USA Today states:

Heating Prices Loom as Problems this Winter.

Prior to Hurricane Katrina's devastation in the gulf region, Americans were facing record prices for oil, natural gas, and propane. Hurricane Katrina exacerbated these costs by damaging production platforms and ports and curtailing production at refineries in the Gulf of Mexico. Now Hurricane Rita threatens further damage and, in turn, price increases. Natural gas prices are hitting all-time highs, and crude oil and gasoline prices are again on the rise.

Consumers are feeling the price increases at the pump. But with winter looming, the full effect of these costs has yet to hit us.

In New England, the average heating cost for a family using heating oil is projected to reach \$1,666 during the upcoming winter. This represents an increase of \$403 over last winter's prices and \$714 over the winter heating season of 2003–2004, almost a \$1,000 increase in 2 years.

For a family using natural gas in the Midwest, prices are projected to hit \$1,568, representing an increase of \$611 over last year's prices and \$643 over the heating season of 2003–2004. The Mortgage Bankers Association expects steep energy costs could increase the number of missed payments and lost homes beginning later this year.

Yesterday, the State energy directors released a survey about the choices that LIHEAP households make when they face unaffordable energy bills. Of course, LIHEAP is the Low-Income Heating Assistance Program that we have authored and supported for many years in Congress. LIHEAP assists low-income Americans and seniors to ensure they can face these prices.

According to the survey by the State energy directors, 73 percent of the households surveyed reported they reduce expenses for other necessities because they do not have enough money to pay for their energy bills. These other necessities are food, prescription drugs, rent, or mortgage payments. In