

(2) Financial information, including a financial statement which lists assets and liabilities of the nominee; and

(3) Copies of other relevant documents requested by the committee. Information received pursuant to this subsection shall be available for public inspection except as specifically designated confidential by the committee.

4.4 Hearings.—The committee shall conduct a public hearing during which the nominee shall be called to testify under oath on all matters relating to his or her suitability for office. No hearing shall be held until at least 48 hours after the nominee has responded to a prehearing questionnaire submitted by the committee.

4.5 Action on Confirmation.—A business meeting to consider a nomination shall not occur on the same day that the hearing on the nominee is held. The Chairman, with the agreement of the ranking minority member, may waive this requirement.

RULE 5—QUORUMS

5.1 Testimony.—For the purpose of receiving evidence, the swearing of witnesses, and the taking of sworn or unsworn testimony at any duly scheduled hearing, a quorum of the committee and the subcommittee thereof shall consist of one member.

5.2 Business.—A quorum for the transaction of committee or subcommittee business, other than for reporting a measure or recommendation to the Senate or the taking of testimony, shall consist of one-third of the members of the committee or subcommittee, including at least one member from each party.

5.3 Reporting.—A majority of the membership of the committee shall constitute a quorum for reporting bills, nominations, matters, or recommendations to the Senate. No measure or recommendation shall be ordered reported from the committee unless a majority of the committee members are physically present. The vote of the committee to report a measure or matter shall require the concurrence of a majority of those members who are physically present at the time the vote is taken.

RULE 6—VOTING

6.1 Rollcalls.—A roll call vote of the members shall be taken upon the request of any member.

6.2 Proxies.—Voting by proxy as authorized by the Senate rules for specific bills or subjects shall be allowed whenever a quorum of the committee is actually present.

6.3 Polling.—The committee may poll any matters of committee business, other than a vote on reporting to the Senate any measures, matters or recommendations or a vote on closing a meeting or hearing to the public, provided that every member is polled and every poll consists of the following two questions:

(1) Do you agree or disagree to poll the proposal; and (2) Do you favor or oppose the proposal.

If any member requests, any matter to be polled shall be held for meeting rather than being polled. The chief clerk of the committee shall keep a record of all polls.

RULE 7—SUBCOMMITTEES

7.1 Assignments.—To assure the equitable assignment of members to subcommittees, no member of the committee will receive assignment to a second subcommittee until, in order of seniority, all members of the committee have chosen assignments to one subcommittee, and no member shall receive assignment to a third subcommittee until, in order of seniority, all members have chosen assignments to two subcommittees.

7.2 Attendance.—Any member of the committee may sit with any subcommittee dur-

ing a hearing or meeting but shall not have the authority to vote on any matter before the subcommittee unless he or she is a member of such subcommittee.

7.3 Ex Officio Members.—The Chairman and ranking minority member shall serve as nonvoting ex officio members of the subcommittees on which they do not serve as voting members. The Chairman and ranking minority member may not be counted toward a quorum.

7.4 Scheduling.—No subcommittee may schedule a meeting or hearing at a time designated for a hearing or meeting of the full committee. No more than one subcommittee business meeting may be held at the same time.

7.5 Discharge.—Should a subcommittee fail to report back to the full committee on any measure within a reasonable time, the Chairman may withdraw the measure from such subcommittee and report that fact to the full committee for further disposition. The full committee may at any time, by majority vote of those members present, discharge a subcommittee from further consideration of a specific piece of legislation.

7.6 Application of Committee Rules to Subcommittees.—The proceedings of each subcommittee shall be governed by the rules of the full committee, subject to such authorizations or limitations as the committee may from time to time prescribe.

RULE 8—INVESTIGATIONS, SUBPOENAS AND DEPOSITIONS

8.1 Investigations.—Any investigation undertaken by the committee or a subcommittee in which depositions are taken or subpoenas issued, must be authorized by a majority of the members of the committee voting for approval to conduct such investigation at a business meeting of the committee convened in accordance with Rule 1.

8.2 Subpoenas.—The Chairman, with the approval of the ranking minority member of the committee, is delegated the authority to subpoena the attendance of witnesses or the production of memoranda, documents, records, or any other materials at a hearing of the committee or a subcommittee or in connection with the conduct of an investigation authorized in accordance with paragraph 8.1. The Chairman may subpoena attendance or production without the approval of the ranking minority member when the Chairman has not received notification from the ranking minority member of disapproval of the subpoena within 72 hours, excluding Saturdays and Sundays, of being notified of the subpoena. If a subpoena is disapproved by the ranking minority member as provided in this paragraph the subpoena may be authorized by vote of the members of the committee. When the committee or Chairman authorizes subpoenas, subpoenas may be issued upon the signature of the Chairman or any other member of the committee designated by the Chairman.

8.3 Notice for Taking Depositions.—Notices for the taking of depositions, in an investigation authorized by the committee, shall be authorized and be issued by the Chairman or by a staff officer designated by him. Such notices shall specify a time and place for examination, and the name of the Senator, staff officer or officers who will take the deposition. Unless otherwise specified, the deposition shall be in private. The committee shall not initiate procedures leading to criminal or civil enforcement proceedings for a witness's failure to appear unless the deposition notice was accompanied by a committee subpoena.

8.4 Procedure for Taking Depositions.—Witnesses shall be examined upon oath administered by an individual authorized by local law to administer oaths. The Chairman

will rule, by telephone or otherwise, on any objection by a witness. The transcript of a deposition shall be filed with the committee clerk.

RULE 9—AMENDING THE RULES

These rules shall become effective upon publication in the Congressional Record. These rules may be modified, amended, or repealed by the committee, provided that all members are present or provide proxies or if a notice in writing of the proposed changes has been given to each member at least 48 hours prior to the meeting at which action thereon is to be taken. The changes shall become effective immediately upon publication of the changed rule or rules in the Congressional Record, or immediately upon approval of the changes if so resolved by the committee as long as any witnesses who may be affected by the change in rules are provided with them.

HONORING OUR ARMED FORCES

SERGEANT KYLE W. CHILDRRESS

Mr. BAYH. Mr. President, I rise today with a heavy heart and deep sense of gratitude to honor the life of a brave young man from Terre Haute. SGT Kyle W. Childress, 29 years old, died on January 21 when he was attacked by enemy forces using small arms fire in Ad Duluiyah. With his entire life before him, Kyle risked everything to fight for the values Americans hold close to our hearts, in a land halfway around the world.

After graduating from Terre Haute South Vigo High School in 1994, Kyle followed in his father's footsteps by joining the Army. According to family and friends, Kyle was a calm and easy-going young man whose decision to join one of the most challenging divisions of the Armed Forces was a surprise. Nevertheless, his mother told the Terre Haute Tribune Star that her son "was proud" of what he signed up to do.

Kyle was the 44th Hoosier soldier to be killed while serving his country in Operation Iraqi Freedom. He was assigned to A Troop, 1st Squadron, 4th Cavalry Regiment, 1st Infantry Division, Schweinfurt, Germany. This brave young soldier leaves behind his mother, Nancy Knight; his father, Keith Childress; his sister, Gretta; and his brother, Jason.

Today, I join Kyle's family, his friends and the entire Terre Haute community in mourning his death. While we struggle to bear our sorrow over this loss, we can also take pride in the example he set, bravely fighting to make the world a safer place. It is his courage and strength of character that people will remember when they think of Kyle, a memory that will burn brightly during these continuing days of conflict and grief.

Kyle was known for his dedication to family and his love of country. His brother Jason told the Terre Haute Tribune Star that Kyle had been more than a brother to him, that he was his best friend. Jason recalled that Kyle had been his role model, "He's the one who pretty much made me the person I am today." Today and always, Kyle

will be remembered by family members, friends and fellow Hoosiers as a true American hero, and we honor the sacrifice he made while dutifully serving his country.

As I search for words to do justice in honoring Kyle's sacrifice, I am reminded of President Lincoln's remarks as he addressed the families of the fallen soldiers in Gettysburg: "We cannot dedicate, we cannot consecrate, we cannot hallow this ground. The brave men, living and dead, who struggled here, have consecrated it, far above our poor power to add or detract. The world will little note nor long remember what we say here, but it can never forget what they did here." This statement is just as true today as it was nearly 150 years ago, as I am certain that the impact of Kyle's actions will live on far longer than any record of these words.

It is my sad duty to enter the name of Kyle Childress in the official record of the Senate for his service to this country and for his profound commitment to freedom, democracy, and peace. When I think about this just cause in which we are engaged, and the unfortunate pain that comes with the loss of our heroes, I hope that families like Kyle's can find comfort in the words of the prophet Isaiah who said, "He will swallow up death in victory; and the Lord God will wipe away tears from off all faces."

May God grant strength and peace to those who mourn, and may God be with all of you, as I know He is with Kyle.

JOHNNY CARSON

Mr. NELSON of Nebraska. Mr. President, thank you for the opportunity to speak today about a fellow Nebraskan who not only gave back to his State, but gave much more in ways of laughter to all of America. I am speaking of Johnny Carson, beloved by his family and friends, cherished by fans, and respected by his fellow comedians. Johnny Carson was a man whose comedic talent always looked effortless, yet set the highest of standards for his performances. Mr. Carson passed away at the age of 79.

Mr. Carson took over the "Tonight Show" in 1962, and preferring to retire at the top of his game, voluntarily stepped down in 1992. For 30 years, Johnny Carson tucked Americans into their beds all the while making them laugh before they shut their eyes to sleep. Between 10 to 15 million people watched Johnny deliver his hilarious monologue each night.

Mr. Carson should be honored not only for all the laughter he brought to so many American homes, but also all that he brought to his hometown, Norfolk, NE. Johnny Carson was and will remain Nebraska's favorite native son. He always remembered his roots, and often made visits home to "give back" to his humble, rural community which he loved. There is no question that all of Norfolk loved him back. He was a

philanthropist, a father, a son and to most, a cherished nightly friend.

Mr. Carson shielded his political views as carefully as he did his private life, insisting that the only message of his show was entertainment. Johnny Carson is a man that could bring people together, regardless of political or religious affiliation, regardless of race or gender; he was a man of character. He will be remembered and recognized today and always as a man who gave his all and never forgot the few.

THE EXONERATED

Mr. LEAHY. Mr. President, I normally do not do movie reviews, but for this Thursday's premiere of "The Exonerated" on CourtTV, I feel compelled to make an exception. "The Exonerated" tells the harrowing true stories of six innocent people who were convicted and sentenced to death.

Since February 2000, I have worked to prevent more innocents from meeting the same fate, and last year the Innocence Protection Act was finally passed and signed into law. The reforms it enacts will create a fairer system of justice, where the problems that have sent innocent people to death row are less likely to occur, where the American people can be more certain that violent criminals are caught and convicted instead of the innocent people who have been wrongly put behind bars for their crimes, and where victims and their families can be more certain of the accuracy, and finality, of the results.

The film of "The Exonerated" was adapted from a play of the same title by Jessica Blank and Erik Jensen, which was performed last year at the Kennedy Center. Those who were unable to see the play will have the chance to watch the movie on CourtTV this Thursday, January 27, at 9 p.m.

Since 1973, some 117 innocent people have been released from death row with evidence of their innocence. Six of these stories are told in "The Exonerated." While the Innocence Protection Act passed with overwhelming bipartisan support in both the House and Senate, the task before us remains getting the new law funded. Watching these true-life accounts will help explain why funding the Innocence Protection Act should be a high priority that Congress and the administration must not ignore.

VOTING OPPORTUNITY AND TECHNOLOGY ENHANCEMENT RIGHTS ACT OF 2005 (VOTER ACT)

Mr. DODD. Mr. President, as we approach the historic elections in Iraq this week, it is important that we pause and take stock of our own elections process here in the United States. There is already much we can learn from the Iraqi experiment in democracy that can broaden and strengthen the participation of our own citizens in their democracy here in America. And

in light of the continuing barriers that American citizens found at polling places across this Nation last November, we cannot rest on the laurels of past legislation. We must continue to strive to provide an equal opportunity for all citizens to participate in their democracy by voting and having their vote counted.

For that reason, on Monday, I was pleased to introduce S. 17, the Voting Opportunity and Technology Enhancement Rights Act of 2005—the VOTER Act. I am grateful to the Democratic Leader, HARRY REID, for including this comprehensive initiative in his leadership package of Democratic legislative priorities for the 109th Congress. There is nothing more fundamental to the vitality and endurance of a democracy of the people, by people, and for the people, than the people's right to vote. In the words of Thomas Paine:

The right of voting for representatives is the primary right by which other rights are protected.

With regard to the Iraqi elections, President Bush has made his goal for this initial act of democracy clear: he wants as full participation in the vote as possible. In his words, he wants "everybody to vote." While that is a laudable goal for a fledgling democracy, it should be the standard for a democracy that has existed for nearly two and one-quarter centuries. Regrettably, we have not yet reached that standard. In the 2000 presidential election, 51.2 percent of the eligible American electorate voted. And although in the 2004 presidential election voting participation reached its highest level since 1968, still, only 60.7 percent of the eligible Americans voted.

While there are many reasons why "everybody" does not vote in America, we learned from the 2000 presidential elections that many citizens cannot vote and have their vote counted because they are improperly removed from registration rolls, do not have access to accessible voting systems and ballots, and lack confidence in antiquated and error-prone machines and State administrative procedures. In response to those concerns, Congress enacted overwhelmingly bipartisan legislation—the Help America Vote Act of 2002, or HAVA. For the first time in our history, that landmark legislation established the role of the Federal Government in administering and funding Federal elections. The twin goals of this act are to make it easier to vote and harder to defraud the system.

On the day that the Senate adopted its version of HAVA, I noted that the Senate bill was a bipartisan compromise and the culmination of the hard work of a dedicated group of Senators, including my distinguished colleagues, Senator MCCONNELL and Senator BOND, and others. But I also noted that the compromise was just that—it was not everything that all of us wanted, but it was something that everyone wanted. That was equally true of the final HAVA compromise on election reform.