

That year only 1 percent of total malaria funding was spent on indoor residual spraying, 1 percent was spent on purchasing antimalarial drugs, and 6 percent was used to purchase insecticide-treated bed nets.

I am also concerned that too much of our foreign aid goes to conferences and research. Not enough resources get directly to the Africans who suffer so acutely. No more studies. It is time to act and to prevent that aid from being diverted to Washington consultants.

To effectively address this epidemic, Congress needs to ensure that the money it appropriates is wisely spent. Within 90 days of enactment, this language requires USAID to submit their malaria expenditure report to the Senate and House Appropriations Committees to describe how they plan to follow these new priorities. I am confident that this increased accountability will prevent funds from going primarily primarily to beltway-based consultants.

When we know how to eradicate malaria and possess the resources to do that, there is no reason that six children should have died in the time it took me to give this speech. It is a needless tragedy that we have the opportunity to arrest.

Children in Africa have accepted the reality that malaria is inevitable. Today, we have the chance to change that dismal reality into tangible hope.

MORNING BUSINESS

Mr. McCONNELL. I ask unanimous consent that there now be a period for morning business.

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

CONSULTATION ON A NOMINEE TO THE SUPREME COURT

Mr. KENNEDY. Mr. President, it has now been 1 week since the President met with Senate leadership and the chairman and ranking Democrat of the Senate Judiciary Committee to discuss the nomination of a successor for Supreme Court Justice Sandra Day O'Connor.

All of us were saddened by Justice O'Connor's resignation. She served this Nation with great dedication for over 2 decades. She embodied the principles of fairness and reasoned judgment, and had a sincere appreciation for the effect of the Court's decisions on the everyday lives of all American people. Her dedication continues in her pledge to remain in office as long as it is necessary for her replacement to be confirmed, so that the Court will not have a vacancy while the task of selecting a new Justice is carried out. All of us regret Justice O'Connor's departure, but we are grateful for her service to the Nation, and we wish her well in what I am sure will be an active retirement.

I hope that the President will choose a consensus nominee, who can bring the Nation together, as Justice O'Connor

herself did, rather than further divide us. As President Bush and the Senate prepare to begin the process of confirming Justice O'Connor's successor, consultation between the President and the Senate has an important role.

I was encouraged when the President met with the leaders of both parties in the Senate and on the Judiciary Committee a week ago. I am also encouraged that the President has contacted a number of other Senators of both parties to hear their views. This was an important first step. But the sign of whether there has been a meaningful consultation is not simply the process, but the result. In the past, real consultation has led to consensus nominees, who could be easily confirmed with the support of a large bipartisan majority of the Senate and the confidence of the American people.

To reach that result, consultation must be more than a one-way street. No one is suggesting that Senators co-nominate candidates for the Supreme Court. But for Members of the Senate to provide advice to the President, there must be a real discussion and a two-way conversation about specific candidates.

It is a fundamental part of our system of checks and balances that the power to appoint judges, especially Justices of the Supreme Court, is shared by the President and Senators from all fifty States, so that the Nation's diverse interests can be represented in this important choice.

The Founders believed that the whole Senate and the President together would do the best job of confirming independent Supreme Court justices, who would be above politics, and not beholden to any politician or political party. They wanted an independent, impartial Supreme Court that would give everyone a fair hearing, rather than favoring powerful corporations or special interests with political clout.

In the early 1990s, as Senator HATCH recounts in his book, President Clinton consulted with Senator HATCH—then the ranking Republican Senator on the Judiciary Committee—sharing the names of candidates he was considering for the Supreme Court. President Clinton asked Senator HATCH's opinion, even though Republicans were then in the minority in the Senate. Senator HATCH recommended Stephen Breyer and Ruth Bader Ginsburg. President Clinton agreed that these were excellent choices, and nominated Justice Ginsburg in 1993 and Justice Breyer in 1994. Both were easily confirmed.

If the President takes seriously the advice of Senators from both parties on the persons he is considering, the result will be a distinguished nominee who is acceptable to the vast majority of the American people, and who will easily be confirmed. That was the case when Ronald Reagan nominated Justice O'Connor, a mainstream Republican, to the Court, and I am optimistic that this will be the case with her suc-

cessor. I hope the Senate and the White House can set aside partisanship, to ensure that the best possible person is nominated and confirmed to the Court.

Consultation is about more than process. It is about an outcome, and a consensus nominee is the best outcome for the Nation.

The importance of a consensus nominee is clear when we consider all of the vital issues decided by the Supreme Court, issues with enormous impact on Americans and their daily lives.

A Supreme Court nomination matters to all Americans. It is not just about a few hotly debated social issues. It is of great importance to every man, woman and child in America because the decisions of the Court affect their lives every day.

The Court's decisions affect whether employees' rights will be protected in the workplace. They affect whether families will be able to obtain needed medical care under their health insurance policies. They affect whether people will actually receive the retirement benefits that they were promised. They affect whether people will be free from discrimination in their daily lives. They affect whether students will be given fair consideration when they apply to college. They affect whether persons with disabilities will have access to public facilities and programs. They affect whether we will have responsible environmental laws that keep our air and water clean. They affect whether large corporations are held accountable when they injure workers and consumers.

The list goes on and on. Each of these issues has been addressed by the Supreme Court in recent years. In many of those cases, the Court was narrowly divided, and each of these areas is likely to be the subject of future Court decisions in the years to come.

According to a recent article in the Washington Post, entitled "Business Pushes Its Own Brand of Justice," major corporations are ready to "bankroll large-scale efforts to promote the President's choice" if he nominates a candidate who will side with big business against workers, consumers and environmentalists. Eighteen million dollars has already been raised—much of it from these corporate interests, and that amount is only the first installment of what they are willing to spend to influence the direction of the Court. In recent years, approximately 40 percent of the Supreme Court's docket has been cases involving economic issues, and that pattern is likely to continue in coming years. So it is essential that the new justice be someone who will hear these cases with an open mind, not someone who is biased in favor of corporate wealth and power.

The outcome of such cases will obviously affect the wellbeing of all Americans. The Nation is facing major economic challenges today. In the last 4 years, we have lost 2.8 million manufacturing jobs. Long-term unemployment has nearly doubled. Outsourcing

threatens to export millions more American jobs. Workers are losing health insurance and pension benefits at an alarming rate.

Those in the elected branches of our government have a responsibility to deal with these economic challenges—to develop innovative policies that will provide greater economic security for workers and their families—just as they did in earlier periods of economic difficulty. Those appointed to the Federal Courts—and particularly to the Supreme Court—must respect the role of the elected branches in addressing these urgent economic challenges. America cannot afford justices who would turn back the clock to the Lochner era, and impose an extreme, discredited 19th century ideology on our Nation's 21st century economy.

That the Supreme Court plays such a major role in our national life is not new. When Alexis de Toqueville described America in the early years of the 19th century, he noted that:

scarcely any political question arises in the United States that is not resolved, sooner or later, into a judicial question.

That fact has been true throughout our history. We are a nation of laws. That is why it is so important for the President to nominate Justices with mainstream views who respect the national values of our Constitution, not ideological extremists who seek to impose their personal philosophy on the American people.

I sincerely hope that President Bush will nominate a justice whose views are in the national mainstream on these important issues, not one who sees the role of the judiciary as the defender of entrenched economic interests. The American people will be watching us closely, and they expect us to live up to our oath of office to defend the Constitution and its great promise of equal protection of the laws for all our people.

HONORING OUR ARMED FORCES

SPECIALIST ADAM N. BREWER

Mr. INHOFE. Mr. President, I would like to honor one of America's fallen, a brave soldier from the State of Oklahoma. SPC Adam Brewer was serving in Iraq when he died defending his fellow soldiers and this Nation. His memory continues on in testimony to the selfless way he lived.

Specialist Brewer graduated from Bartlesville High School in 2000 and joined the Army shortly thereafter. He served for 2 years and was assigned to 2nd Battalion, 7th Cavalry Regiment, normally stationed Fort Hood, TX. Specialist Brewer was serving his second tour in Iraq and had taken part in the original invasion that began in March 2003. On February 25, 2005, his unit was deployed to an area near Taji, Iraq. An improvised explosive device exploded nearby, tragically killing him and two other soldiers.

At Specialist Brewer's funeral, the pastor put it well: "Not only did he de-

fend our country but he defended the values of freedom that we hold so dear . . . I know his passing has been hard. But for the rest of your life, whenever you see his picture or mention his name, you can be proud." We are indeed proud, as we are of those young men and women who have committed to defend our Nation and put their lives on the line every day.

But I think Specialist Brewer's mother Karen Brewer said it best, "He wanted to serve his country, and he served it all the way." He indeed gave all that he had, in life and in death, for his country. The legacy of such sacrifice challenges us on behalf of the Senate, this Nation, and the cause of freedom around the world, I honor a special Oklahoman and true soldier, SPC Adam Brewer.

SPECIALIST ROBERT T. HENDRICKSON

Mr. President, I wish to honor a true hero who, on February 1, 2005, gave his life while serving in Iraq. SPC Robert Hendrickson is an example of the selfless service that is essential to this country's freedom.

Although he was born in Biloxi, MS, Specialist Hendrickson listed Broken Bow, OK, as his hometown. He attended school in Del City and Edmond before moving with his mother to Broken Bow. His father, Dave Hendrickson, says his son planned to return to school when he returned from service and study to become a pediatric nurse.

After high school, Specialist Hendrickson enlisted in the U.S. Army. He was assigned to the 2d Battalion, 5th Cavalry Regiment, 1st Cavalry Division, normally stationed in Fort Hood, TX. He was serving in Iraq with this unit when, just after the successful elections took place, his vehicle overturned. He was found unconscious and never recovered.

He died to help the Iraqi people achieve their freedom," Dave Hendrickson said. "He died for the Iraqi people and the war against terrorism so that his son might have a safer world to live in."

Specialist Hendrickson is survived by his parents, his sister, and a 6-year-old son, Dylan. "He loved Dylan more than anything," Dave said. "My son was a good boy. He was a good man. He was a good dad."

SPC Robert Hendrickson was indeed a good man. He put aside his own safety, volunteering to serve in the most dangerous of professions. He gave so much and his sacrifice will be remembered by friends, family, and all of us who are profoundly indebted to him.

STAFF SERGEANT JASON R. HENDRIX

Mr. INHOFE. Mr. President, I rise to honor a brave soldier who gave his life to the defense of this Nation. SSG. Jason Hendrix chose to place himself in harms way and for this service he paid the highest price.

Staff Sergeant Hendrix joined the Army right out of high school and served for 11 years. He was a squad leader in the 1st Battalion, 9th Infantry Regiment, 2nd Infantry Division.

This unit is usually stationed in South Korea, but was deployed to assist in Operation Iraqi Freedom. When Staff Sergeant Hendrix found out that he was heading for one of the most dangerous areas in the world, he told his family, "You guys might not understand why we're over here, but we need to be over here, and I've got to do my job."

Those who knew Staff Sergeant Hendrix best describe him as a "professional soldier." They also speak of his compassion and care for the men in his unit. Last Christmas, Staff Sergeant Hendrix gave up his leave so that other men could go home and see their newborn children. He also bought, at his own expense, equipment for his men such as night-vision goggles, facemasks, flashlights, dozens of hand-cuffs and magazine couplers for their M-16s.

Staff Sergeant Hendrix fought in the rebel stronghold of Fallujah late last year and was serving in Ar Ramadi at the time of his death. On February 16, 2005, he was leading a 25-man squad when they came under a heavy artillery attack. Staff Sergeant Hendrix was hit and died from his wounds.

For this soldier from Claremore, Ok, there is no deeper honor than the memory he leaves behind. He gave of himself in life as well as in death, and stands out as an example to all of us. Today I honor a true hero, SSG. Jason Hendrix.

SPECIALIST JEFFREY S. HENTHORN

Mr. President, I wish to rise in honor of a son of Oklahoma and an American hero. SPC Jeffery Henthorn demonstrated the type of patriotism that protects our freedom and encourages freedom in other countries. For his dedication and sacrifice I am pleased to honor him on the Senate floor today.

Specialist Henthorn was from Choctaw, OK. After earning his high school degree, Specialist Henthorn enlisted in the Army and was assigned to the 24th Transportation Company, out of Fort Riley, KS.

Specialist Henthorn was serving in Iraq as part of Operation Iraqi Freedom. He died on February 8, 2005, while stationed in Balad, Iraq, from noncombat related injuries. He was 25 years old and leaves behind family and friends who grieve along with our grateful Nation.

Specialist Henthorn was willing to place his life on the line and paid the fullest cost for the sake of freedom. On behalf of the U.S. Senate, I wish to express my profound gratitude and deepest honor for the men and women who, like Specialist Henthorn, know the true meaning of service. They continue to give so much, and as freedom spreads throughout the Middle East region we know that their sacrifice has not been in vain.

I honor the life and memory of those who have given their lives in this noble cause. I am grieved, but very proud of this young man from Oklahoma, SPC Jeffery Henthorn.