Mr. WARNER. Mr. President, I ask unanimous consent that privilege of the floor be granted to the staff members of the Armed Services Committee during consideration of S. 1042, as follows:

Judith A. Ansley, Richard D. DeBobes, Charles W. Alsup, June M. Borawski, Leah C. Brewer, Alison E. Brill, Jennifer D. Cave, Christine E. Cowart, Daniel J. Cox, Jr., Madelyn R. Creedon, Marie Fabrizio Dickinson, Regina A. Dubey, Gabriella Eisen, Evelyn N. Farkas, Richard W. Fieldhouse, Creighton Greene, William C. Greenwalt, Bridget W. Higgins, Ambrose R. Hock, Gary J. Howard, Jennifer Key, Gregory T. Kiley, Jessica Kingston, Michael J. Kuiken, Gerald J. Leeling, Peter K. Levine, Sandra E. Luff, Thomas L. MacKenzie, Michael J. McCord, Elaine A. McCusker, William G.P. Monahan, David M. Morriss, Lucian L. Niemeyer, Stan O'Connor, Cindy Pearson, Paula J. Philbin, Benjamin L. Rubin, Lynn F. Rusten, Catherine E. Sendak, Arun A. Seraphin, Joseph T. Sixeas, Robert M. Soofer, Scott W. Stucky, Kristine L. Svinicki, Diana G. Tabler, Mary Louise Wagner, Richard F. Walsh, Nicholas W. West, Pendred K. Wilson.

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

The PRESIDING OFFICER. The Senator from Utah is recognized.

NOMINATION OF JOHN ROBERTS

Mr. HATCH. Mr. President, yesterday, President Bush fulfilled his constitutional duty and nominated John Roberts to fill the vacancy left by Justice Sandra Day O'Connor on the Supreme Court of the United States. The spotlight is now on the Senate of the United States of America. The President has done his duty, and now we need to do ours.

Let me first pay tribute to Justice O'Connor who has been a real trailblazer in her own right. The first woman on the Supreme Court, a thoughtful and dedicated jurist, she has ably served on the highest Court for the past nearly 24 years. Her announced retirement creates the first vacancy in nearly 11 years. This has been the longest period with the same set of Justices in more than 175 years.

Article II, section 2 of the Constitution says that the President alone nominates, but he appoints only with the advice and consent of the Senate. One of the best shorthand ways of understanding the Senate's role is that by deciding whether to consent to the nomination, we give the President advice about whether to appoint the person he has nominated. Traditionally, we have done so by means of an up-or-down vote on the Senate floor.

I commend the President and his team of senior advisers for broadly soliciting the views of Senators and other interested parties. The President and his staff spoke with more than two-thirds of the Members of this body, over 70 Senators, an absolutely unprecedented level of interaction.

For some, though, it appears that even extensive consultation with all 100 Senators would not be enough if they did not like the President's nominee. On the other hand, if they did like the nominee, I suppose they would declare a 5-minute chat with a Senate staffer to have been a consultative triumph.

No President need consult at all with any Senator or with anyone else for that matter. The President does so because, in his judgment, it will help him fulfill his constitutional responsibility. President Bush has done that and has nominated John Roberts to be the 109th individual to serve on the Supreme Court in American history. The ball is now in our court.

Judge Roberts has served on the U.S. Court of Appeals for the District of Columbia Circuit ever since we confirmed him on May 8, 2003, without even a roll-call vote, I might add, one of the few people who have ever been confirmed by unanimous consent on the floor of the Senate.

Judge Roberts was so easily confirmed because he is so eminently qualified. He graduated summa cum laude from Harvard Law School and served as managing editor of the Harvard Law Review—no small achievement. In other words, No. 1 in his class. He clerked for Judge Henry Friendly, one of the alltime great judges on the U.S. Court of Appeals for the Second Circuit, and then for Chief Justice William Rehnquist on the U.S. Supreme Court, one of the alltime great Justices on the Supreme Court.

Judge Roberts served as Special Assistant to the Attorney General, Associate Counsel to President Ronald Reagan, and Principal Deputy Solicitor General under the first President Bush. And before his judicial appointment, he was head of the appellate practice group at the distinguished law firm, internationally recognized, of Hogan & Hartson.

He has been widely acknowledged as one of the most accomplished appellate attorneys in America, having argued nearly 40 cases before the Supreme Court on a wide range of issues from antitrust and the first amendment to Indian law, bankruptcy, and labor law.

Not surprisingly, the American Bar Association unanimously gave Judge Roberts its highest well-qualified rating for his appeals court appointment. This has been the Democrats' gold standard for evaluating judicial nominees, and he has met every aspect of that standard.

The question now is how we should evaluate Judge Roberts' nomination to the Supreme Court and what standards we should apply. There is more confusion about that than there should be. Yet I believe, like so many other endeavors, ending in the right place requires starting in the right place.

An effective process for hiring or selecting someone to fill a position, any position, must start with an accurate description of that position. I am reminded of a 1998 article by Judge Harry Edwards appointed in 1980 by President Jimmy Carter to the U.S. Court of Appeals for the DC Circuit. I was in this body at the time. He was that court's chief judge from 1994 to 2001 and a colleague of Judge Roberts. Judge Edwards warned that giving the public a distorted view of what judges do is bad for both the judiciary and the rule of law.

The debate about judicial selection is a debate about what judges do, about their proper place in our system of representative government. Getting the judicial job description right is necessary for a legitimate and effective selection process. It defines the qualifications for the job. It identifies the criteria we should apply. It guides the questions that may properly be asked and answered and the conclusions that should be reached.

Judges take law that they did not make and cannot change, determine what it means, and apply it to the facts of a legal dispute. That is what judges do. That judicial job description applies across the board. It does not depend on the parties or the issues before the court. It does not depend on the law that is involved in a particular case. And it certainly does not depend on which side wins or should win.

I believe we must help our fellow citizens better understand what judges do so they can better evaluate what we will be doing in the weeks ahead as we consider this nomination now before us.

Without in any way trivializing the work of judges, I want to use a practical example because I believe it can be simple without being simplistic.

Judges are like umpires or referees. They are neutral officials who take rules they did not make and cannot change and apply those rules to a contest between two parties or multiple parties.

How would we evaluate the performance of an umpire or referee? Would we say he or she did a good job as long as our favorite team won the game? If we were hiring an umpire or referee, would we grill him or her about which side he or she were likely to favor in the upcoming matches? Of course not.

Desirable results neither justify an umpire or referee twisting the rules during the game nor are automatic proof that the umpire or referee is fair and impartial. Umpires and referees must be fair and impartial from beginning to end during the contest before them. They do not pick the winner before the game starts, nor do they manipulate the process along the way to produce the winner they want.

In the same way, we must not evaluate judges solely by whether we like their decisions or whether their decisions favor a particular political agenda. The political ends do not justify the judicial means.

This is a very important point, something we must keep in clear focus throughout the weeks ahead. That is why I wanted to raise it now at the beginning of the confirmation process.

One thing that is becoming increasingly clear is not everyone who says

judges must interpret but not make the law means the same thing. Some who use that language still determine whether that standard is met the same old way by whether a judge's decisions meet a litmus test.

Once again, an umpire or referee is not there to pick the winner. He or she is there to fairly and impartially apply the rules.

Similarly, judges are not there to pick the winner. They are there to fairly and impartially apply the law.

I emphasize this because it is at the heart of this entire debate over judicial selection, and I will be returning to it throughout this process.

We may like or dislike a judge's decision, but that is not the point. His or her decisions may be consistent with certain political interests, but that is not the point. That is not what judges do. It is not their role in our system of representative government.

Rather, if the people do not like what the faithful and impartial application of the law produces, then they and their elected representatives can change the law.

That is our rule in our system of representative Government. Expecting judges to do our job—our legislative job—undermines the judicial branch and demeans the legislative branch. Simply put, judges must be evaluated not by the results they reach but by the process they follow to reach those results. That is what judges do.

Mark my words, we will hear in the days and weeks ahead this group or that Senator demanding to know whether the nominee now before us would produce the results they want or that they like. They want to know whether the nominee will rule this way on this issue and that way on this other issue. Some may try to cloak their mission, perhaps using terms their focus groups say will go down more smoothly with the public. But we all know what is going on. They want to know which side the umpire or referee will favor. They want to know that their team will have an upper hand even before that team takes the field.

In recent days, we have heard speeches by Senators and seen letters by interest groups and law professors with lists of questions to ask this nominee. Most of those questions are geared in one way or another to finding out how this nominee would likely rule; that is, the results this nominee would likely deliver on certain issues.

Past nominees, including virtually every current member of the Supreme Court, have resisted such intrusive attempts to extract either commitments or previews of future rulings. In that way, judicial nominees sometimes appear to have a deeper commitment to judicial independence than some Senators.

I expect Judge Roberts will take a judicious approach to answering questions, mindful of both the judicial position he already occupies and the one to which he has been nominated.

Last night, the head of one of the leftwing groups primed to attack Judge Roberts was on one of the cable talk shows as the news about the nomination circulated. It took him about 15 seconds to say the words, ''serious problems,'' regarding this superbly qualified nominee.

Within minutes of the President's announcement last night, other groups had already proclaimed the nominee an unacceptable extremist.

That kind of knee-jerk, results-oriented standard is wrong, whether such calls come from the left or the right.

As Judge Edwards reminded us, misrepresenting what judges do harms both the judiciary and the rule of law.

Judges take law they did not make and cannot change, determine what that law means, and apply it to settle legal disputes. That is what judges do.

In the days and weeks ahead, let us keep that job description in mind and set about determining whether the nominee now before us can do that job.

Judge Roberts twice came before the Judiciary Committee. As a matter of fact, he had to wait 14 years to finally be confirmed by the Senate. He was nominated by George Herbert Walker Bush, Bush 1, and then renominated by Bush 2, George W. Bush. But I remember him when he came before the committee. We had two hearings for him. I remember him as an intelligent, fair-minded, and thoughtful person, and so does everybody else who knows him.

While I, of course, must withhold final judgment on Judge Roberts' nomination to the Supreme Court until after the confirmation hearing, my initial reaction is President Bush appears to have submitted to the Senate a well-qualified nominee with the kind of intellect, integrity, and independence that is required for a Supreme Court Justice.

We must apply the right standard as we evaluate this nominee.

Having said all of that, I understand Senators are saying they can ask any question they want, and I have said Senators on the Judiciary Committee can ask any question they want, no matter how stupid the question may be. And we have all asked stupid questions from time to time, I am sure. At least most of us have. But the judge does not have to answer those questions. In fact, under the Canons of Judicial Ethics, judges should not be opining or answering questions about issues that may possibly come before them in the future.

I would like this body to remember some past nominations, and I will cite with particularity the nomination of Antonin Scalia to become a Justice on the U.S. Supreme Court. I remember time after time Senators asking him questions about how he might rule in the future on various issues, including Roe v. Wade. He refused to answer those questions because he thought those issues might come before him as a Justice on the Supreme Court and, frankly, wanted to abide by the Canons of Judicial Ethics. He was not overly pressured. The Judiciary Committee treated him with respect. He passed through the Senate 100 to zip and, of course, has become one of the leading conservative jurists in the history of the Court. But he did not have to answer questions that asked for specific conclusions in areas that likely would come before the Court, and that is almost anything. In this day and age, there is so much litigation almost anything could come before the Court.

The second illustration is the Ruth Bader Ginsburg illustration. Ruth Bader Ginsburg, when she came before the Senate Judiciary Committee, refused to answer questions with regard to matters that might come before her if she would be confirmed as a Justice to the U.S. Supreme Court.

Our side did not overly press her to answer those questions. We did not scream and shout about, She has to answer my questions or I am not going to vote for her. We did not make demands on her that were inappropriate. We did not have outside groups giving us questions to ask that are outrageous and formed for the purpose of trying to scuttle the nomination. She took that position, and we honored her in taking that position.

If I recall it correctly, she passed through the Senate I believe 96 to 3. We knew that she was a social liberal. We conservatives who are pro-life knew she was pro-abortion. We knew that she differed with our side on many issues. We also knew that she was qualified, and we knew she deserved a vote up or down out of respect for the position, out of respect for the U.S. Supreme Court, and out of respect for her. She received her vote up or down, and there was not a lot of screaming and shouting about it, nor were there threats made, nor were there threats that we might someday filibuster her if she did not agree with the results we wanted her to rule on in advance.

That is what is going on, and it has been going on ever since the Rehnquist nomination for Chief Justice of the U.S. Supreme Court. It has only gone on on one side, and that is the Democrat side, in a series of very embarrassing Supreme Court nomination proceedings, starting with Justice Rehnquist. Why, some even violated the law and put out some of his medical records that were highly confidential.

When Bob Bork came up, it was unmitigated the way they treated him. Even Justice Souter was mistreated because they thought he might possibly be pro-life. Justice Kennedy was not as mistreated as the others, but they were very concerned because they thought he might be pro-life. In fact, even Justice O'Connor when she came to the floor had her critics on both sides because they were afraid she might be one way or the other on Roe v. Wade. The fact is, we now know where Justice O'Connor, Justice Kennedy, and Justice Souter are on these issues, but we

did not know at the time, nor do we know where to-be Justice Roberts is on these issues as well. Nobody has asked him those questions and nobody should because those questions are all hot-button issues that may come before the Supreme Court.

If there has ever been anybody qualified to go on the Supreme Court, one would have to say John Roberts meets every requisite standard to be confirmed as a Justice on the Supreme Court. This is a brilliant man. This is an honest man with a sense of humor. This is a leading appellate advocate. He has held responsible positions in Government. He has risen to the top of the legal profession. He has the highest recommendation of the American Bar Association for the circuit court of appeals seat. He is one of the great legal thinkers of America. How he will rule on various issues I, frankly, do not know. I believe him to be conservative. The President said he would appoint only conservatives, which is his right. That is what one gets when they vote for President.

If I have ever seen anybody who deserves being on the Court more than John Roberts, I have to think pretty hard. John Roberts is a fine man. I hope he will be treated with great respect and deference, and I hope these very partisan, very nasty groups from the left and maybe even the right pack up their tents and go home because they do not belong in this process the way they are acting, though in a free country they can act that way, and I would fight for their right to do so. We should not be influenced by that type of inappropriate, prejudgmental approach to Supreme Court nominees.

I believe John Roberts will become a Justice on the U.S. Supreme Court, I hope expeditiously, certainly before the first Monday in October so that the Court can have a full complement. I believe the Senate will overwhelmingly support him, and I hope that is the case. If it is not, then we are going to have to reexamine the way things go around here.

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

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

Mr. SESSIONS. Mr. President, I rise today to briefly discuss the nomination of Judge John Roberts and commend the President for submitting for our consideration a superbly qualified nominee who has the requisite background and experience to serve the Nation well as the next Justice of the Supreme Court. Indeed, I think the President, after hearing advice from a whole host of different areas, simply decided to appoint the best person he found in America. That is what he did. I am proud of him. I think it is the right thing to do, and I believe this will be proven out as time goes by.

I don't know John Roberts personally, but I do know his record. I studied it 2 years ago when this Senate provided its unanimous advice and consent to place him in his current position on the District of Columbia Circuit Court of Appeals. We did so with the knowledge that the D.C. Circuit in many instances has served as the launching pad for Supreme Court nominees. So I hope this process will be conducted with dignity and respect and that we will be able to have him in place before the Supreme Court convenes in October.

We considered his record then in great detail. People were heard from; people submitted information. In fact, 152 lawyers wrote in support of him. But he was looked at hard then. Only three people voted against him in the committee, and he was unanimously confirmed in this Chamber.

A Supreme Court Jurist should have high standards. He or she should be committed to the rule of law and to resist the temptation to legislate from the bench. He or she should believe in the Constitution and adhere to the provisions provided in that great document regardless of whether he or she believes personally that those are correct. They do not have to agree with the provisions. They didn't write the provisions. They were written by ''we the people'' of the United States of America.

I participated in that hearing 2 years ago, and he gave the committee a commitment that he would not carry a political agenda to the D.C. Circuit, that he would adhere to the law rather than follow politics. And over the last 2 years as a judge on the D.C. Circuit he has fulfilled that commitment. So I think and hope that he is off to a good start in this process.

Make no mistake about it, Senators will have some questions, and having witnessed Mr. Roberts' eloquent testimony and principled approach to jurisprudence during his last hearing, I know he will have the answers to those questions. He very simply won Senators over during his last hearing, and this is why I believe he was confirmed with a strong vote. I am sure the results will be the same this year.

The Senate must treat the nominee fairly and have a fair and dignified process. Converting legal disagreements into personal attacks on the nominees as we have seen in the past in recent years is not appropriate. It is beneath the dignity of the Senate. It is not proper, and it should not be done. In many instances nominees have been unfairly personally attacked for simply following the law as they saw it.

So I am concerned about a fair process, not so much from the Members of our Senate—hopefully, that will not occur this time—but from some of the hard left attack groups.

A few weeks ago this cartoon appeared in the paper, and I would like to refer to it. I think it is a bit humorous, but I agree it raised a lot of money. It says: Don't let Bush nominate this rightwing extremist nut to the Supreme Court. And then leaves blank the name. So he hasn't nominated anybody yet, but they have already raised their money and laid the game plan to attack whoever comes up as being some extremist rightwing nut. I think that is pretty interesting. They say here we will plug the photo in as soon as we find out who it is.

I believe we have another one that I think is also humorous, but it has a lot of truth in it. It says: We're here to voice our strongest opposition to the Bush Supreme Court nominee—whoever he may be.

That is where we are. A lot of money has been raised by groups. For the first time I think, Mr. President, conservative groups, or groups that tend to support the President's nominees raise money, too, so we might have activity on both sides. That has not been the case in the past.

We laugh at these little cartoons and they are not a perfect truth, but they have some truth in them. But last night the NOW group announced right after the nomination that the President had nominated an anti-Roe judge and that the lives of women in America were at stake. The People for the American Way contend that Judge Roberts' record does not demonstrate a fundamental commitment to civil and constitutional rights. And other complaints have been raised about him before the ink was dry on the nomination. So I hope that instead of buying into these groups' broken records—the same charges that are paraded out every time a Bush nominee is submitted—we will study Judge Roberts' record and have a fair process and consider what scholars in this country are saying—practicing lawyers, judges with whom he practiced and before whom he practiced. These are objective observers. Many of them are Democrats. They will provide far more valid insight than hard left groups such as MoveOn.Org or People for the American Way.

This is what we know about Judge Roberts so far. He has a keen intellect, sound legal judgment, and the highest level of integrity. He graduated from Harvard college in 3 years summa cum laude and the Harvard Law School where he served as managing editor of the Harvard Law Review. And, of course, serving on the law review at a law school is a great honor, and to be an editor or managing editor of that law review is one of the highest honors any graduating senior can be given by his peers who elect him to that position.

After graduating from law school, he clerked for one of the most esteemed and respected jurists in the country, Judge Henry J. Friendly on the Second Circuit Court of Appeals in New York, and then went on to clerk with Chief Justice William Rehnquist on the U.S.

Supreme Court, the very Court he has now been nominated to serve on. He has clerked for the Chief Justice of the United States. He sat there at his right hand. He has helped him develop and write the opinions and do the research that goes into rendering an opinion. As a result, he has had very good experience for that position. I am sure there are perhaps many, hundreds perhaps, lawyers who would love to serve as Judge Henry Friendly's law clerk. There would be thousands that apply before the few are selected to clerk on the U.S. Supreme Court. Why? Because they select only the best. They select candidates who have high academic records and proven public integrity. So he served in the White House counsel's office, served as the Principal Deputy Solicitor General to the United States Department of Justice. The Solicitor General is the Government's lawyer to the courts of America, the appellate courts.

The Solicitor General's office sends the lawyers into the U.S. Supreme Court to stand up in that Court and represent the United States. I was a U.S. attorney, and in the U.S. district court in Mobile, AL, it was my honor and pleasure on a regular basis to stand before the U.S. district judge and say, ''The United States is ready, Your Honor.'' To represent the United States of America in court is a great honor. To represent the United States of America in the greatest Court in the history of the world, the U.S. Supreme Court, is a great honor. As the Principal Deputy Solicitor General, that is what he did on a regular basis.

Prior to assuming his current position, he was known as probably the most respected appellate lawyer in the United States, having argued 39 cases before the U.S. Supreme Court. When you have an important case, you want the best lawyer in America to represent you in the Supreme Court, and he was selected time and again by people to represent them in this highest Court, which is, indeed, a high compliment. His experience goes beyond what I have described here. He practiced in one of the Nation's top law firms and has extensive government experience. The American Bar Association, which rates judge nominees—they go out and interview people who have litigated for them, litigated against them, judges before whom they practice, and they evaluate how fine that nominee is. They have just a few levels of recommendation, but the best one, ''well-qualified,'' is reserved for a small number. Judge Roberts was given the highest rating of the American Bar Association to serve in his current position, and I would not be surprised if he doesn't get it for the Supreme Court.

So I hope we will give him a fair process, that we will avoid establishing a litmus test. However, it does concern me that one Member has already said, ''We need to know where John Roberts is on the issues, whose side he's on.''

Well, you can't demand that a judge be on your side as a price for confirmation. What do we mean, whose side they are on? What do we mean? Whose side are they are on? By definition, a judge is a person who is unbiased, a neutral referee, a person who treats everyone respectfully and then follows the law in a dispassionate, disinterested manner. That is why we give them a lifetime appointment.

We cannot go down this road asking judges, nominees, to commit to a specific decision or to promise to be favorable to one view or another that a certain Senator may have. What kind of disaster would that be? It would invade the independence of the judiciary. Judges have to be neutral arbiters. They are not to call the balls and strikes before the pitches are thrown, for Heaven's sake. We must not require him or demand of him that he state how he expects to decide cases. That violates the independence of the judiciary.

What I will ask him to do is to demonstrate a fidelity to the law, a commitment not to legislate from the bench, and to leave the legislation to the Congress and the State. He has demonstrated that over time.

The President has made a very wise decision. This nominee, from his past performance in the Judiciary Committee, has shown poise, good judgment, and a clear ability to articulate important issues to the Senators in an effective way that has won their respect. I am excited for him.

I also am pleased to note he was chosen to be captain of his high school football team. I will say this: They do not elect flakes to be captain of the football team. These are people who players have seen and worked with under difficult circumstances, and they respected him enough to choose him. He will be an outstanding member of the U.S. Supreme Court.

This Senate will be tested. Will we be objective? Will we be fair? Will we give this incredibly superb nominee the fair and just hearing to which he is entitled?

ORDERS FOR THURSDAY, JULY 21, 2005

Mr. SESSIONS. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m. on Thursday, July 21. 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 begin 1 hour of debate on the nomination of Thomas Dorr to be Under Secretary of Agriculture for Rural Development, with the time equally divided between the majority leader or his designee and Senator HARKIN or his designee.

I further ask consent that following the use or yielding back of time, the Senate proceed to a vote on the motion to invoke cloture on the Dorr nomination.

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

PROGRAM

Mr. SESSIONS. Mr. President, tomorrow, at approximately 10:30 a.m., the Senate will vote on the motion to invoke cloture on the nomination of Thomas Dorr. This will be the first vote of the day. It is the majority leader's hope and expectation that cloture will be invoked on the nomination and the Senate can then expedite the vote on confirmation.

Following the disposition of the Dorr nomination, the Senate will resume consideration of the Department of Defense authorization bill. Chairman WARNER and Senator LEVIN have been on the Senate floor this afternoon and have made real progress in disposing of a number of amendments. We anticipate a full day of debate and voting on amendments to the Defense bill. I encourage Senators to contact the bill managers if they have amendments they wish to have considered.

ORDER FOR ADJOURNMENT

Mr. SESSIONS. If there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order following the remarks of Senator AKAKA, for up to 10 minutes.

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

The Senator from Hawaii.

NATIONAL DEFENSE AUTHORIZATION ACT

Mr. AKAKA. Mr. President, I rise today in support of the National Defense Authorization Act for fiscal year 2006. Under the leadership of Chairman WARNER and Senator LEVIN, the ranking member, who have continued their tradition of strong and bipartisan leadership, the Senate Armed Services Committee was able to produce a very workable piece of bipartisan legislation. I would also like to thank my friend, colleague, and subcommittee chairman, Senator ENSIGN, for his cooperation and leadership throughout the process this year.

I think the bill before us goes a long way to supporting the needs of our service men and women. In addition to highlighting some positive areas the committee focused on, I do want to highlight a few concerns.

First, I am pleased that an additional $50 billion has been authorized for ongoing military operations in Iraq and Afghanistan for the first few months of fiscal year 2006. I am disappointed that the administration's request did not include any funding to support our troops in their ongoing operations in Iraq and Afghanistan for 2006, and that they have not yet done enough to provide the needed accountability for how funds in Iraq and Afghanistan have been used so far. I think Congress has done the right thing by taking the initiative to provide funding now for these ongoing operations, rather than