

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?

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#### 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.

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#### 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.

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#### 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

making the Army and the other services absorb these enormous expenses until next spring. It is imperative that we include an authorization of additional funding in this bill.

But in the long term, we cannot continue to rely on supplemental funding. The President should start submitting budgets that recognize these enormous costs. The continued use of emergency authorizations to fund the global war on terrorism, and the administration's continued failure to include the true cost of the war in the annual authorization request are bad for our military and are bad fiscal policy. For this reason, in the fiscal year 2005 emergency supplemental, we requested that the Secretary of Defense provide a report to the Speaker of the House of Representatives, the majority leader of the Senate, and the congressional Defense Committees that identifies such things as security, economic, and Iraqi security force training performance standards and goals. The report must also include an assessment of US. military requirements, including planned force rotations, through the end of calendar year 2006. Once the process needed to identify these requirements has been established, it should be possible for the Department of Defense to be able to identify funds needed for the global war on terrorism, and these costs should be able to be included in the fiscal year 2007 President's budget in February.

On the positive side, I am extremely pleased with the provisions supporting the compensation and quality of life for the men and women in uniform. The budget includes funding for child care of military families and for increased death gratuity to service members' survivors as well as increased service members' group life insurance.

But these increases do not go far enough to improve the quality of life for our members of the military. The budget request did not include funding for the Citizen-Soldier Support Program, which improves and augments family readiness programs for families of the Reserve and Guard. The committee recommends an increase in operations and maintenance, O&M, funds to expand the services of this program. The budget did not include funding for the Parents as Teachers Program. The committee believes this program can provide a valuable service to military families by providing instructional assistance to parents of preschool children.

In the O&M accounts, the Readiness Subcommittee did our best to support the readiness of our forces. Part of ensuring readiness is funding it. As then-Secretary of the Navy Gordon England wrote to our committee earlier this year:

Readiness is a direct function of Operation and Maintenance dollars available. Underfunding O&M adversely affects readiness.

I am encouraged by the support for O&M funding in this bill, because that translates directly into support for our men and women in uniform. The subcommittee also took actions designed to improve the Army's training and get them to produce a strategy for both training and for the basing of their forces as they convert to a modular brigade format.

I am pleased about our continued support for military construction and family housing needs that are so critical to quality of life for our service men and women. I also support many of the provisions we have included that will further improve the management of the Department. I particularly appreciate the bipartisan effort that the committee made to address a wide range of procurement issues, environmental issues, and some longstanding DOD financial management problems.

I share with the committee a great concern over the impact of the global war on terrorism on recruitment and retention. In order to address this impact, the committee has recommended the payment of an incentive bonus not to exceed \$2,500 to military members of the Active and Reserve components who transfer from the Regular or Reserve component of one service to the Regular or Reserve component of another service. The committee also recommends increasing the amount of selective reenlistment bonus for certain enlisted personnel and a retention incentive bonus for members of the selected Reserve qualified in a critical military skill or specialty.

With regard to the end strength of the services, the committee recommends increases for the Army and the Marine Corps. As the conflict continues in Iraq, the Army and the Marine Corps are suffering the greatest impact of prolonged tours of duty as well as multiple tours of duty. By increasing the end strength, the committee believes that the use of the stop-loss practice will be significantly reduced. While we are already seeing a reduction in recruitment numbers, these increases are meant to alleviate some of the strain currently placed on the service members deployed in the global war on terrorism.

Mr. President, this bill will provide needed funding for our service men and women and the future of our national defense.

Thank you, Mr. President. I yield back my time.

ADJOURNMENT UNTIL 9:30 A.M.  
TOMORROW

The PRESIDING OFFICER. The Senate stands adjourned until 9:30 a.m. tomorrow.

Thereupon, the Senate, at 7:15 p.m., adjourned until Thursday, July 21, 2005, at 9:30 a.m.

## NOMINATIONS

Executive nominations received by the Senate July 20, 2005:

### DEPARTMENT OF STATE

WILLIAM ROBERT TIMKEN, JR., OF OHIO, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE FEDERAL REPUBLIC OF GERMANY.

### IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

#### To be lieutenant general

MAJ. GEN. FRANK G. KLOTZ, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

#### To be lieutenant general

MAJ. GEN. DAVID A. DEPTULA, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE, TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601, AND TO BE THE SENIOR MEMBER OF THE MILITARY STAFF COMMITTEE OF THE UNITED NATIONS UNDER TITLE 10, U.S.C., SECTION 711:

#### To be lieutenant general

LT. GEN. VICTOR E. RENUART, JR., 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

#### To be lieutenant general

MAJ. GEN. JOHN L. HUDSON, 0000

### IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

#### To be general

LT. GEN. WILLIAM E. WARD, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

#### To be lieutenant general

LT. GEN. DAVID H. PETRAEUS, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

#### To be lieutenant general

MAJ. GEN. MARTIN E. DEMPSEY, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

#### To be lieutenant general

MAJ. GEN. WILLIAM E. MORTENSEN, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

#### To be lieutenant general

LT. GEN. CLAUDE V. CHRISTIANSON, 0000