The reason I did this kind of litany of successes is that it didn't just happen. It didn't fall down from the sky. It happened because we have real leadership. I believe it is because of our majority leader, BILL FRIST, and MITCH MCCONNELL, our whip. I give them extreme credit. I also say that much of this has been bipartisan—at least I can speak for myself. We would not have had an Energy bill without bipartisan leadership. Part of the year we didn't have it, let's be honest. We had the minority trying to move the other way on almost everything. I must say the new minority leader said he was going to try to move in a way to help get things done. I think this list, to some extent, indicates that is occurring.

Before we leave, I think it is always good to remind ourselves of what we have done so we can take home a recollection, kind of a roadmap of accomplishments. I might have left something out because I just did this this afternoon. It took about 30 minutes, so it is no masterpiece, but I think it is pretty accurate.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

POLICIES RELATED TO DETAINEES FROM THE WAR ON TERROR

Mr. ALEXANDER. Mr. President, I agree with the Senator from New Mexico. I am especially proud of the majority leader whose patience and intelligence and perseverance has helped us through these several months. I am thankful to the Democratic leader for his help in making those things happen.

When the Senate reconvenes in September, one of the first orders of business will be the Defense authorization bill. During August, I respectfully suggest that the President reconsider his opposition to legislation that would set the rules for the treatment and interrogation of detainees.

I have decided to cosponsor three amendments to the Defense authorization bill that clarify our policies relative to detainees from the war on terror. There has been some debate about whether it is appropriate for Congress to set rules on the treatment of detainees. Mr. President, for me, this question isn't even close.

The people, through their elected representatives, should set the rules for how detainees and prisoners under U.S. control are treated and interrogated. In the short term, the President can set the rules. But the war on terror is now nearly 4 years old. We don't want judges making up the rules. So for the long term, the people should set the rules. That is why we have an independent Congress.

In fact, the Constitution says, quite clearly, that is what Congress should do. Article I, section 8 of the Constitution says that Congress, and Congress alone, shall have the power to ''make Rules concerning Captures on Land and Water.''

So Congress has the responsibility to set clear rules here.

But the spirit of these amendments is really one I hope the White House will decide to embrace. In essence, these amendments codify military procedures and policies; procedures in the Army Field Manual; policies regarding compliance with the Convention Against Torture, signed by President Reagan; and policies the Defense Department has set regarding the classification of detainees.

If the President thinks these are wrong rules, I hope he will submit new ones to Congress so we can debate and pass them. I am one Senator who gives great weight to his views on any matter, especially this matter. This has been a gray area for the law.

In this gray area, the question is, Who should set the rules? In the short term, surely, the President can, and in the longer term, the people should through their elected representatives. We don't want the courts to write those rules.

In summary, it is time for Congress to represent the people, to clarify and set the rules for detention and interrogation of our enemies during the next few weeks. I hope the White House will tell us what rules and procedures the President needs to succeed in the war on terror. That way, we can move forward together.

Mr. President, to reiterate, when the Senate reconvenes in September, one of the first orders of business will be the Defense authorization bill. During August, I respectfully suggest the President reconsider his opposition to legislation that would set the rules for the treatment and interrogation of detainees.

I have decided to cosponsor three amendments to the Defense authorization bill that clarify our policies relative to detainees from the War on Terror. There has been some debate about whether it is appropriate for Congress to set rules on the treatment of detainees, but for me this question isn't even close.

The people through their elected representatives should set the rules for how detainees and prisoners under U.S. control are treated and interrogated. In the short term, the President can set the rules, but the war on terror is now nearly 4 years old. We do not want judges making up the rules. So, for the long term, the people should set the rules. That is why we have an independent Congress.

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That is right. All three of these amendments uphold or codify policies and procedures the administration says we are following today and intend to follow moving forward.

Senator GRAHAM's amendment, No. 1505, authorizes the system the Defense Department has created—Combat Status Review Tribunals—which are there for determining whether a detainee is a lawful or unlawful combatant and then ensures that information from interrogating those detainees was derived from following the rules regarding their treatment. Senator GRAHAM's amendment also allows the President to make adjustments when necessary as long as he notifies Congress.

The first McCain Amendment, No. 1556, prohibits cruel, inhuman, or degrading treatment or punishment of detainees. The amendment is in specific compliance with the Convention Against Torture that was signed by President Reagan. The administration says that we are already upholding those standards when it comes to treatment of detainees, so this should be no problem.

The second McCain Amendment, No. 1557, states simply that the interrogation techniques used by the military on detainees shall be those specified by the Army Field Manual on Intelligence Interrogation. The military, not Congress, writes that manual, and we are told that the techniques specified in that manual will do the job. Further, the manual is under revision now to include techniques related to unlawful combatants, including classified portions, that will continue to give the President and the military a great deal of flexibility.

If the President thinks these are the wrong rules, I hope he will submit new ones to Congress so that we can debate and pass them. I am one Senator who would give great weight to the President's views on this matter. It's quite possible the Graham and McCain amendments need to be altered to set the right rules, but it is time for Congress to act.

This has been a gray area in the law. In this gray area, the question is who should set the rules. In the short term, surely the President can. In the longer term, the people should, through their elected representatives. We don't want the courts to write the rules.

So, in summary, it is time for Congress, which represents the people, to clarify and set the rules for detention and interrogation of our enemies. During the next few weeks, I hope the White House will tell us what rules and procedures the President needs to succeed in this effort. That way we can move forward together.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

HEARINGS ON SUPREME COURT NOMINEE JOHN ROBERTS

Mr. SPECTER. Mr. President, I have sought recognition to outline the scheduling procedures for the confirmation hearings on Judge John Roberts to the Supreme Court of the United States. I will be followed by my colleague, the ranking member of the Judiciary Committee, who will state a joint agreement, which is incorporated in my statement. Senator LEAHY will deal with the joint agreement.

The decision on when to start the confirmation hearings on Judge Roberts depends on what beginning day—whether August 29 or September 6—is most likely to lead to a vote no later than September 29, so that, if confirmed, the nominee can be seated when the Supreme Court begins its term on October 3. I have stated my own preference for September 6 early on, but I emphasized that I was flexible and would be willing to start on August 29.

Our duty to have the nominee in place by October 3 took precedence on my or anyone else's preferences.

In light of the many possibilities for delay, some justified and some tactical, it seemed to me the safer course was the earlier date. At the same time, I was and am mindful that the Senate and the Judiciary Committee can accomplish more in 3 cooperative hours than 3 days or perhaps even 3 weeks of disharmonious activity. If any disgruntled Senator wants to throw a monkey wrench into the proceedings, even with the August 29 starting date, there would be no absolute assurance of meeting the October 3 target.

I acknowledge at the outset that it was unrealistic to obtain a binding unanimous consent agreement specifying an exact timetable with a commitment to vote by September 29. There are too many legitimate issues which could arise which would justify delays where Senators would be compromising their rights by such an agreement. Senator LEAHY and I have had numerous discussions over the past week with his objective to start the hearings on September 6 and my objective to obtain assurances, if not commitments, that the Senate would vote by September 29.

Our discussions at various times included Senator FRIST, Senator REID, and Senator MCCONNELL. We have had many additional discussions in the last 72 hours, too numerous to mention. But in one meeting on Thursday among the five of us—Senator FRIST, Senator REID, Senator MCCONNELL, Senator LEAHY, and myself—we came to an agreement.

No. 1, the hearings would start on September 6.

No. 2, Senators would waive their right to hold over the nomination for 1 week when first on the Judiciary Committee executive agenda, so the committee vote could occur any time after September 12 and, as chairman, I intend to exercise my prerogative to set the committee vote on our Judiciary Committee agenda for September 15.

No. 3, Democrats and Republicans would waive their right to terminate committee hearings which went past 2 hours after the Senate came into session.

No. 4, all written questions would have to be submitted by September 12, with answers to be submitted in a timely fashion.

No. 5 Senators from both parties would waive their right to submit dissenting or additional or minority views to the committee report.

Beyond these enumerated agreements, the principal basis for the Republicans' willingness to begin the hearing on September 6 was the emphasis by Senator REID and Senator LEAHY of their good faith in moving the nomination process promptly to meet the October 3 date.

All factors considered, it was our judgment that the September 6 starting date was the best alternative for concluding the hearings in time to seat Judge Roberts, if confirmed, on October 3.

I now yield to my distinguished colleague, the ranking member, the Senator from Vermont.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, I thank the distinguished chairman. He and I have spent, I believe, more time with each other than we have with our families in the past couple weeks. I am not sure if that is to the detriment of our families or ourselves or to the benefit of our families or ourselves. In any event, it is a fact we spent an enormous amount of time.

As the distinguished chairman has talked about—and I will in a moment submit this as a joint statement from the two of us—we have agreed to the following:

The hearings will start on Tuesday, September 6. The Judiciary Committee members will waive their right to hold over the nomination for 1 week, when first placed on the Judiciary Committee executive agenda. The vote, of course, then could occur any time after Monday, September 12. The chairman intends to set that vote on the executive agenda on Thursday, September 15.

Senators—and this will require all 100 Senators—will waive their right to invoke the 2-hour rule to terminate Judiciary Committee hearings 2 hours after the Senate comes into session during the time of the nomination hearings on Judge Roberts.

All written questions will be submitted within 24 hours of the conclusion of the hearing, and answers will be provided in a timely fashion.

And we recognize that nothing in the Senate or Judiciary Committee rules precludes the Senate from considering the nomination on the floor without a committee report.

As we know—and I see two of the distinguished leaders of the Senate on the floor and others will be joining us—I served several times in the majority, several times in the minority, and I have handled many bills on the floor—you can work out every single possible contingency, but there is always something that comes up, and that is why we have chairmen and ranking members.

I have a great deal of respect for Senator SPECTER. He has always been straightforward with me. He has always kept his word to me, as I have to him. We think we have covered all the contingencies. Anything can happen. I suspect the two of us can handle that.

I think of some of the contingencies in the last few years. I remember an important hearing scheduled and we had the disaster of September 11. Obviously, nobody plans or hopes for such events. We have the ability to work out those kinds of situations.

Long before the Supreme Court vacancy, long before this nomination, the chairman and I worked cooperatively to lay the groundwork for full hearings to prepare that committee for when that day will arrive. We have now announced the schedule for the hearings to begin. I know we will continue to work with each other in good faith as the process unfolds, but when we look at this beginning the first week the Senate returns to session after Labor Day, it is a brisk schedule. To meet the schedule, we need the cooperation of the administration.

The Senate only today, Friday, received the President's official nomination of Judge Roberts. The Senate has not received basic background information on the nominee in answer to the Judiciary Committee's questionnaire. The Senate only today received updated background check materials from the FBI. All of these, of course, we need.

In advance of receiving the nomination, Chairman SPECTER and I joined together earlier this week in setting forth additional requests for the information through the Judiciary Committee questionnaire, something worked out by the two of us.

The Democratic members of the committee sent the White House a letter on Tuesday, with a priority of the documents for the nominee's years of work in the Reagan White House with White House counsel Fred Fielding from among the documents the administration had indicated it was making arrangements to provide to the Senate.

Yesterday I shared with the chairman a suggested request for materials in connection with only 16 priority cases from the hundreds considered during the years during which the nominee was Kenneth Starr's political deputy at the Department of Justice. That request has also been expedited and sent to the administration this week, even before the President sent the nomination to the Senate.

The President said he hopes the new Justice can be confirmed by the start of the Court's next session on the first