

[Rollcall Vote No. 222 Leg.]

YEAS—95

Akaka	Dole	Martinez
Alexander	Domenici	McCain
Allard	Dorgan	McConnell
Allen	Durbin	Mikulski
Baucus	Ensign	Murkowski
Bayh	Enzi	Murray
Bennett	Feingold	Nelson (FL)
Bingaman	Feinstein	Nelson (NE)
Bond	Frist	Obama
Boxer	Graham	Pryor
Brownback	Grassley	Reed
Bunning	Gregg	Reid
Burns	Hagel	Roberts
Burr	Harkin	Salazar
Byrd	Hatch	Santorum
Cantwell	Hutchison	Sarbanes
Carper	Inhofe	Schumer
Chafee	Inouye	Sessions
Chambliss	Isakson	Shelby
Clinton	Jeffords	Smith
Coburn	Johnson	Snowe
Cochran	Kennedy	Specter
Coleman	Kerry	Stabenow
Collins	Kohl	Stevens
Conrad	Kyl	Sununu
Cornyn	Lautenberg	Talent
Craig	Leahy	Thomas
Crapo	Levin	Thune
Dayton	Lieberman	Voinovich
DeMint	Lincoln	Warner
DeWine	Lott	Wyden
Dodd	Lugar	

NOT VOTING—5

Biden	Landrieu	Vitter
Corzine	Rockefeller	

The resolution (S. Res. 234) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 234

Whereas William H. Rehnquist, the late Chief Justice of the United States, was born in Milwaukee, Wisconsin, to William Benjamin Rehnquist and Margery Peck Rehnquist and raised in Shorewood, Wisconsin;

Whereas a young William H. Rehnquist served our Nation during the Second World War in the United States Army Air Force at home and abroad from 1943 to 1946;

Whereas William H. Rehnquist enrolled in Stanford University, where he earned a bachelor's and master's degree in political science and was elected to Phi Beta Kappa;

Whereas William H. Rehnquist earned a second master's degree in government from Harvard University;

Whereas William H. Rehnquist graduated first in a very impressive class, including his future Supreme Court colleague, Sandra Day O'Connor, from Stanford University's School of Law;

Whereas William H. Rehnquist began his legal career by serving as a law clerk to Supreme Court Justice Robert Jackson;

Whereas William H. Rehnquist married the late Natalie Cornell, and they raised 3 children, James, Janet, and Nancy;

Whereas William H. Rehnquist was an accomplished attorney, having practiced law for 16 years in Phoenix, Arizona;

Whereas President Richard Nixon selected William H. Rehnquist to serve as Assistant Attorney General for the Office of Legal Counsel of the Department of Justice;

Whereas President Richard Nixon also nominated William H. Rehnquist to serve as an Associate Justice on the Supreme Court of the United States;

Whereas President Ronald Reagan nominated William H. Rehnquist to serve as the sixteenth Chief Justice of the United States;

Whereas William H. Rehnquist had a profound love for history and respect for the arts and served as Chancellor of the Smithsonian Institution for 19 years;

Whereas William H. Rehnquist was a skilled writer and avid historian and authored several books on Supreme Court history and the American legal system;

Whereas William H. Rehnquist was a man of enormous intellect and great common sense, a combination that was reflected in the clarity of his opinions;

Whereas William H. Rehnquist's record illustrates his unwavering commitment to judicial restraint, judicial independence, and the rule of law;

Whereas, under his firm leadership and superb managerial skills, William H. Rehnquist efficiently managed the Supreme Court of the United States for 19 years;

Whereas leaders of both political parties agree that William H. Rehnquist served with honor and integrity in his role as the second Chief Justice of the United States to preside over a presidential impeachment trial, respecting the institutional domain of the Senate and its processes, procedures, and traditions;

Whereas, as the leader of the Supreme Court, William H. Rehnquist was highly regarded by all of his colleagues, including those with differing judicial philosophies;

Whereas his former colleagues have described William H. Rehnquist as a "splendid administrator", "the most efficient manager", "a great Chief Justice", "meticulously fair", and the "most all-around successful" Chief Justice;

Whereas William H. Rehnquist served with distinction on the Supreme Court of the United States for over 14 years as an Associate Justice and 19 years as the Chief Justice, more than 33 years in all;

Whereas William H. Rehnquist was the fourth longest serving Chief Justice of the United States;

Whereas William H. Rehnquist was 1 of our Nation's most influential and memorable Chief Justices;

Whereas William H. Rehnquist was the embodiment of the ideal qualities of a judge, fair, impartial, open minded, and above all committed to the Constitution and the rule of law;

Whereas William H. Rehnquist will be remembered as 1 of the greatest Chief Justices of the United States;

Whereas William H. Rehnquist passed away on September 3, 2005, surrounded by his loving family; and

Whereas our Nation is deeply indebted to William H. Rehnquist, a truly distinguished American: Now, therefore, be it

Resolved, That the Senate—

(1) extends its heartfelt sympathy to the family and friends of William H. Rehnquist;

(2) acknowledges William H. Rehnquist's life-long service to the United States of America as a World War II veteran, a talented attorney, a dedicated public servant, a brilliant jurist, and one of our Nation's greatest Chief Justices; and

(3) commends William H. Rehnquist for his 33 year tenure on the Supreme Court of the United States and his many accomplishments as Chief Justice of the United States.

Mr. FRIST. I ask unanimous consent the time until 1:30 be equally divided, and at 1:30 the Senate stand in recess until 3:30 today as a further mark of respect to Chief Justice Rehnquist, provided further that when the Senate reconvenes at 3:30 there be a period for morning business with Senators permitted to speak for up to 10 minutes each.

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

The Senator from Massachusetts.

THE DISASTER IN NEW ORLEANS

Mr. KENNEDY. Madam President, Americans continue to be moved by the devastation of Hurricane Katrina and its toll on our fellow Americans, from New Orleans and in the Gulf Coast region, particularly in Louisiana, Mississippi, and Alabama. The human tragedy has brought out the generosity of the American spirit, as people have opened their homes and pocketbooks to families uprooted by the storm. This is a disaster of Biblical proportions. The dimensions of this tragedy almost are beyond human comprehension and the failures by our Government to prepare and to respond run deep and wide.

Yesterday the President and the White House spokesman proclaimed that the administration would not play the blame game. This is not a game. This is not some schoolyard spat. It is about life and death and, most important, it is about getting it right the next time.

We must be about the work of providing continuing relief to our citizens and rebuilding our communities. But we also cannot delay the important task of determining what went so gravely wrong, and holding accountable those responsible for the tragic failures that Americans have seen so clearly on their televisions and read in their newspapers. The next disaster could be tomorrow. It could be a devastating earthquake. It could be a deadly terrorist attack. It could be another destructive storm. We need an immediate and independent assessment of what went wrong and what we must do to fix it.

Any corporation faced with such devastation and incompetence by its leadership would have its board and its shareholders demanding an independent assessment of the failures and demanding accountability from its leadership. It would not be business as usual.

The same holds true for the people's Government. The people have a right to candor and honesty about the state of their Government's preparedness to protect them. The new Department of Homeland Security, created by this administration, was supposed to protect us. It was supposed to do a better job of keeping us safe. It failed, and more than a million people have been displaced from their homes, a treasured American city is a wasteland, thousands have lost their lives, an economy has been shattered with ripple effects all over America. Candor, honesty, action—that is what we need. The people have a right to know that they will be better protected the next time.

Another lesson of this tragedy is that America can ignore the disparities in our society no longer. The powerful winds of this storm have torn away the mask that has hidden from our debates the many Americans who are left out and left behind. We see now in stark relief that so many Americans live every day on the brink of economic disaster. For them any setback becomes a major

obstacle to survival, and a hurricane of this force leaves their lives in the balance. These disparities have emerged not out of malice but out of indifference, but they are real and we can neglect them no longer.

In August, the Census Bureau reported that the poverty rate in America is up and has risen for 4 years. It is now 12.7 percent, with 37 million Americans surviving in poverty. A quarter of all African Americans live in poverty; for Latinos it is 22 percent. One-fifth of our children live in poverty, and a tenth of our elderly. Thirty-six million Americans are hungry or malnourished. A third of our children are in families without health insurance. In fact, 45 million Americans have no health insurance at all. And the disparity in incomes has never been greater, with the rich getting richer and the rest of America, the poor and the middle class, falling behind.

People in the middle class are having a harder time, too. Already they were struggling to cope with rising gasoline prices, rising college tuition, and rising costs of health care. Now those affected by Katrina have lost everything: Their homes, their cars, their family photos—everything. We cannot be an America of haves and have-nots. We cannot be an America of 50 separate, isolated States. As we rebuild the Gulf Coast, we must also come together to tackle these disparities. We must be a united America, one Nation under God, with liberty and justice for all. And when we say all, we mean all.

To address this challenge, our Government must respond in ways that are as good and compassionate as the American people. We cannot just fix the hole in the roof; we need to rebuild the whole foundation.

I propose that we create a New Orleans and Gulf Coast Redevelopment Authority, modeled after the Tennessee Valley Authority in its heyday. We should invest at least \$150 billion, as our Democratic leader HARRY REID has suggested previously. We should invest it in actions to work with Governors and mayors and citizens and communities to plan, help fund, and coordinate for the reconstruction of that damaged area. It should help hire workers to put people back to work rebuilding their own communities and helping them get back on their feet again.

This is a national responsibility. The tragedy affects us all, not only in our hearts, but it affects the national economy and our national security.

That is the America we stand for, an America where we treat each other with respect, where we address our mistakes and meet our challenges with honesty and candor and immediate action. America deserves no less.

I yield the floor.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. BAYH. Madam President, I ask unanimous consent to speak for up to 10 minutes.

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

Mr. BAYH. Madam President, I do not speak often on the floor of the Senate. Frankly, it has been my observation that we have too many speeches and not enough action in this town. But some events are so profound that they demand our reflection. The tragedy along the Gulf Coast is such a time.

This Sunday will be the fourth anniversary of the terrorist attacks on September 11, attacks that opened our eyes to the dangerous world we live in, made real the existence of evil, and shook our national complacency forever.

Last week we witnessed a tragedy of equal proportions, not a terrorist attack, but an act of nature made more tragic by the violation of the bedrock American value of community and the fundamental promise implicit between our Government and our people. Our Government failed at one of the most basic functions it has, providing for the physical safety of our citizens, and in so doing raised questions about who we are as a people, what makes us special, and whether our leaders understand.

I am not going to dwell on the horror of the past week which we as a Nation witnessed and which the people of the Gulf Coast experienced. Among the horrors, we also witnessed countless episodes of tremendous heroism and heartwarming generosity, and we saw Americans rise up to play the role the Government should have played by getting money, food, water, clothes, even opening their homes to complete strangers. That is the best of America.

There will be a time for hearings and for factfindings, for commissions. Those investigations must be independent, so we can get to the bottom of what happened and why. And those responsible must be held accountable for their mistakes, not promoted or awarded medals.

Today, however, I want to talk about something deeper: The breaking of a promise between our basic institutions of Government and the American people who have created those institutions. The fact is that scores, maybe hundreds or thousands of lives were lost, not simply because people didn't leave or because the levees were not strengthened, but because after the storm our institutions of Government failed them, and that is not right. Many of us never thought we would live to see the day when tens of thousands of our fellow citizens would be left for nearly a week to fend for themselves without food, without water, and stranded on rooftops.

This is a moment where we have to step back and revisit the idea of what America is all about. People came here because of that idea. They came because of the promise that everyone has an opportunity to aspire to something greater, and if you work hard and play by the rules, our Government will stand up for you if you happen to fall

down on your luck. What happened last week in New Orleans and along the Gulf Coast broke faith with that idea in a profound way.

I believe the truth about America today is that our institutions, and particularly this administration, have broken their fundamental promise to the people they were elected to serve. It is unfortunate but perhaps not surprising from leaders ideologically hostile to the institutions they lead. The answer to the challenges we confront today cannot be big government, but it can also not be no government. And above all it cannot be incompetent government. But that is what they have given us.

What we are seeing in New Orleans is the result of a series of misjudgments and misdirected priorities that have all produced an increasingly tragic result, a people unprotected by their own Government, a government that no longer embodies our most basic and most precious of values. From soldiers without armor to protect them in battle, to children with no health care to protect them against disease, to corporate employees with no pensions to provide for them in their elder years, this administration has sown the seeds of indifference and division for too long and now we are all reaping the whirlwind.

Americans have always prized individuality. It is a part of our national DNA. But America is a community that draws strength from the sum of our people and has always known that the total of that sum is worth far more than its individual parts.

We can only do so much alone. To maximize our freedom, to make the most of our liberties, sometimes we must act together. It is what separates us from the law of the jungle. It is what makes us special and different from other countries, too.

As a civil rights leader once said, we may have arrived on these shores in different ships, but we are all in the same boat now.

Last week we were not all in the same boat. There were too many left adrift, too many of our boats were left behind. This is not the America we have known for more than 200 years. It is not the America we should aspire to be. Our Government broke a promise. It did not keep faith with our values. It is time for us to renew that commitment, to make a new promise to the people who went through the horror of last week, and to say to each and every American across our great land, we are going to work with you to rebuild your city, to give you the tools and the resources you need to get back on your feet, that together we are all in the same boat and that everyone—everyone—has a place. It will help you and it will strengthen all of us.

We must provide funding to school districts that accept displaced children. We must provide medical assistance for displaced victims without forcing them to wade through endless redtape. We must rebuild and strengthen the levee system in New Orleans as

quickly as humanly possible, which should have been done years ago, so that its people never again will face the calamity of last week. If Holland can do it, the little nation of Holland, then so, too, can we.

But to accomplish all of this and so much more that remains to be done, it will take leadership, leadership unlike that which has controlled Washington for these last several years. The times demand leaders who understand that the true test of leadership is not how we accentuate the differences among us but instead how we reconcile them, how we forge principled consensus, how we find common ground. We need leaders who appeal to us to think about something other than narrow self-interest but instead focus upon the greater, the better good.

The answer to our challenges can be found all around us on this floor. It is written in the motto of the Great Seal of the U.S. Senate. *E Pluribus Unum*: Out of Many, One.

It is written on the motto of the great seal of the United States Senate, "*E Pluribus Unum*," Out of Many, One.

United, there are no challenges we cannot meet; divided, we will be surrounded by dangers, our potential as a nation unfulfilled.

So this Sunday, September 11, let us say a prayer for the victims in New York and for those on the Gulf Coast and, most of all, let us say a prayer and ask for a blessing on this great country that we might have the unity and the wisdom and the selflessness to fulfill the full meaning of our creed: "One nation under God, with liberty and justice for all."

Thank you, Madam President. I yield the floor.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CARPER. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

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

HONORING CHIEF JUSTICE WILLIAM REHNQUIST

Mr. CARPER. Mr. President, I would like to take the next 10 minutes to talk about a couple of different items.

Not far from where we are today, the body of our late Chief Justice has lain in repose, and a number of us were privileged to go there earlier today just to say goodbye and to thank him for his service to our country—33 years. That is a long time, more than three decades that he has served us. His love for our country, his love for the law and the integrity of our Nation's judiciary system was only surpassed by his love for his family and for those with whom he worked.

During his time on the Court, he fostered, among other things, real conge-

niality among the Justices—something that is not easy to do in that forum or, frankly, in this one. In return, he was held in high esteem by his colleagues who had called him, among other things, "brilliant," "principled," "generous," with "a good sense of humor," something we can never have too much of.

He demonstrated great personal strength and courage in leading the Court and this country through difficult and contentious times, continuing his work in the face of ever-daunting health problems that would have set most of us on our backs and far out of the courtroom.

There are many judicial hallmarks of his time on the Court. Throughout his tenure on the Court, he staunchly supported the independence of the Federal judiciary and our overall governmental system of checks and balances. We will miss him, but we are grateful that he was here to serve us for as long as he has.

HURRICANE RELIEF

Mr. CARPER. I would also like to talk about the good efforts that are going on in a number of places around our country to support the relief effort to those who have been stricken by Hurricane Katrina. We heard a fair amount of questioning about whether the response was adequate, was timely, what we could have done better, what we needed to do better, and those are all legitimate questions and they need to be answered in time—some of them now, some of them in the course of the next couple of weeks and months.

I said to some of my colleagues with whom I was discussing Katrina and our response—we were talking about the role of government in a situation such as this—Lincoln had it right about 150 years ago when he said words to the effect that the role of government is to do for people what they cannot do for themselves. That is our role in this instance as well.

Not long ago I was in our church, and the focal point of the sermon was the parable from the New Testament about the Good Samaritan and the question that is asked at the beginning of the parable of the Good Samaritan, Who is my neighbor? We go on to be reminded that our neighbor is not just the people who live across the street from us in Wilmington, DE, or in South Carolina. Our neighbor could just as well be a person who lives in New Orleans, Biloxi, Mobile, or any of the other places affected.

I am inspired by outpouring, not just from government and for us to do our jobs—we are paid literally to help people in instances such as this, and that is the expectation of us, but for a lot of people this is not their expectation. People are literally showing their faith by their deeds. In some cases, people are opening up their homes, opening up their military installations, opening up all types of facilities to receive those

who have been dislocated, welcoming youngsters to schools far from the schools those kids would normally be attending to make sure their education is not disrupted.

I think of the folks from my own State, the doctors and nurses, folks in our medical operation out of our Delaware Air National Guard. They were literally on the scene today providing services and assistance to those who need it. People are collecting food, people are giving blood, people are giving boatloads of money and, frankly, boatloads more are needed. But it is an inspiring outpouring after a difficult and disappointing beginning.

Among the questions I hope we will focus on as we try to decide what went well and what did not go well, what was right, what went right, and what we did poorly, is the issue of the levees that surround the city of New Orleans that keep Lake Pontchartrain from pouring into the city of New Orleans. If you look in the dictionary for a definition of "city at risk" if there ever was a Category 3, 4, or 5 hurricane, you would see New Orleans. That is the poster child for this kind of risk. We knew the threat was there. We knew it was a grave threat. We have been talking about it for years. The people have talked about it for years. The Army Corps of Engineers sought to reinforce the levees.

We knew this storm was coming. It is not one that popped up at the last minute. Yet, in spite of that, the work that should have been done on the levees to strengthen them to sustain this kind of onslaught by Mother Nature, someone has dropped the ball. I am not interested in finger-pointing or witch hunts. We have to find out where we went wrong, why we went wrong, and fix that. If New Orleans is ever to rise again—not from the ashes but from the waters that engulf it today—this is an issue that has to be not only resolved, we have to come up with a solution to make sure we have learned from this very expensive lesson.

I fear a storm which could have cost tens of billions may cost more than \$100 billion to repair the damage, a lot of it from New Orleans. A storm that could have cost us hundreds of lives will probably cost us thousands of lives. It did not have to be.

The last thing I wish to say is I was encouraged in the presentation we had by some of our Cabinet Secretaries who talked about what the Department of Health and Human Services is doing, making sure the folks who need medical assistance and Medicaid eligibility, identification, people who need help getting their food stamp allocations, people need to receive their unemployment checks—all kinds of things were discussed, what the Federal Government can do to help people. It was encouraging.

One of the presenters was the Secretary of the Department of Treasury. He talked, as the Presiding Officer may recall, about the work being done to