

the agency was rife with bureaucracy. The chain of command—I don't know where it is. I guess it is nonexistent.

It is underfunded. There are inadequate funds, and it is undermanned. I think six of the nine regional positions of leadership are "acting" people; temporary.

I think we made a huge mistake when we moved FEMA into the Department of Homeland Security. I found repeatedly over the past 6 months they couldn't deal with debris removal. The degree of bureaucracy is mind boggling. Congress has to act, Treasury has to release the money, OMB has to say it is OK. The money goes to FEMA and then to the Corps of Engineers, and the Corps of Engineers gives it to the big contractor in Florida who gives it to the local contractors who give it to the small guy. By the time it gets to the guy who is actually moving the debris, he is getting \$6 a cubic yard while the big contract is probably \$21. It is a totally unworkable situation.

I found also when you talked to the leadership here in Washington, they may say the right thing and want to do the right thing, but it doesn't get to the FEMA person on the ground. They don't get the word. Or if they get the word, they ignore it. I don't know who they work for. I could cite so many horror stories you wouldn't believe it. It makes me cry to even think about it.

I have introduced legislation to do what I thought we should have done in the first place, and that is to have FEMA as a separate, independent agency, reportable only to one person, and that person is the disaster czar. It is the President of the United States.

For instance, I watched the talk shows on Sunday. There was some complaining that the head of FEMA was going around the head of the Homeland Security Department to talk directly to the President. Why, of course. Why not? Why would you have to report through layers and layers and layers, chain of command, to get to the big guy? It is ridiculous. The guy in charge of the disaster situation and recovery and cleanup and all that should be talking to the President of the United States. He should be directly involved—not in minutia, by the way, but in the grand picture. When you are dealing with disaster, somebody has to be in charge, giving orders.

I think I am going to be joined in this effort by other Senators from the region, including hopefully Senator LANDRIEU and Senator VITTER and my colleague from Mississippi. I know Senator CLINTON of New York has similar legislation. I invite my colleagues to take a look at it. It is coming. I don't know whether it will come out of the Homeland Security and Governmental Affairs Committee, but if it doesn't in a reasonable period of time, the first time we have an opportunity to offer this legislation, it will be offered as an amendment. I don't want to surprise people with it. I want you to think about it.

Believe me, the current bureaucracy has not worked. You don't want to get hit with this if you are from a coastal area, or an area prone to tornadoes or earthquakes or forest fires. You are going to need quick, decisive, unbureaucratic, adequately funded reactions where the chain of command is very short to make sure the job is actually done.

I will be back on the Mississippi gulf coast this coming weekend. I will see how we are doing. But I think it is not enough to just complain about what has happened. I am not trying to fix blame; I want to know how it is going to be better next week. I want to know how it is going to be better next year. My house will not be rebuilt in my hometown this year, but I am going to rebuild it. And the next time we have a hurricane, I hope we could get the Corps of Engineers to bulldoze the stranded houses that have effectively been destroyed in quicker than this time.

I wanted to put that on the record and encourage my colleagues to think about this. At some point you quit complaining and start taking action. You start dealing with the problems. Quite often, you know what I have found, the problem is not the bureaucracy or the department or the President or the Governor of some State—it is us. It is the way we write the laws—convoluted, unworkable laws that we put on the books. This is one case where we made a mistake. Let's fix it.

This legislation will put back an independent, freestanding agency, and that would be the right thing to do.

Mr. President, I believe we do have some votes. We will have, two or three votes, I believe the leader said, at approximately 5:30. I believe there will be some Senators who are coming over to speak on behalf of these judicial nominations between now and then.

For now I observe the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

EXECUTIVE SESSION

EXECUTIVE CALENDAR

The PRESIDING OFFICER. Under the previous order, the hour of 5 p.m. having arrived, the Senate will proceed to executive session for consideration en bloc of Executive Calendar Nos. 517, 518, and 519, which the clerk will report.

The bill clerk read the nominations of Timothy C. Batten, Sr., of Georgia, to be United States District Judge for the Northern District of Georgia; Thomas E. Johnston, of West Virginia,

to be United States District Judge for the Southern District of West Virginia; and Aida M. Delgado-Colon, of Puerto Rico, to be United States District Judge for the District of Puerto Rico.

Mr. CHAMBLISS. Mr. President, I rise in support of the nomination of Timothy C. Batten, the President's nominee to be U.S. district court judge for the Northern District of Georgia. The Committee on the Judiciary wisely recommended that we consent to his nomination, and I join the committee in urging a favorable vote by all of my colleagues in this body.

Mr. Batten was nominated by President Bush on September 29, 2005, after Senator ISAKSON and I conveyed Mr. Batten's name for appropriate consideration. Mr. Batten is a native of Georgia and a resident of Atlanta. He graduated with honors from the Georgia Institute of Technology and cum laude from the University of Georgia School of Law. Since his graduation from law school, he has been with the Atlanta law firm of Schreeder, Wheeler & Flint. He specializes in commercial litigation representing both plaintiffs and defendants and has substantial trial experience.

Mr. Batten has distinguished himself among Atlanta lawyers and is held in high regard by judges before whom he has appeared, as well his colleagues at the bar, including opposing counsel.

Tim Batten is a devoted husband and father and brings to the Federal bench not only a wealth of legal experience but a dedication and commitment to the rule of law which is an essential qualification for any person who would serve in the Federal judiciary.

I know Tim personally. I am as excited as I can be about Tim being nominated by the President, and I look forward to his confirmation. I urge my colleagues to support his nomination. I look forward to his service on the Federal bench in the Northern District of Georgia.

I yield the floor.

Mr. ISAKSON. Mr. President, I rise in favor of the confirmation of the nomination of Mr. Timothy Batten, the U.S. district court for the Northern District of Georgia.

In doing so, I give sincere thanks to our selection committee and review committee in Georgia which interviewed all the potential candidates for this judgeship. My three appointees: Jimmy Franklin, Dr. Ron Carlson, and Mr. Ingram, have done a wonderful job in donating countless thousands of hours to see to it that the very best nominees were sent forward to the White House. I extend my thanks to them.

I extend my thanks to all those who submitted their names, and, in particular, Mr. Tim Batten, who has been selected by the President of the United States for this judgeship.

Over the last few years in terms of the judiciary confirmation process, offering oneself for a Federal judgeship in this country is not a walk in the park.

It is not a picnic. We are very fortunate in this country to have men and women of the caliber and the standing of Tim Batten who are willing to make the sacrifices for public service and offer themselves to serve this country.

Tim and his beautiful wife Elizabeth and their six children are truly an American success story. With his confirmation and the vote by this Senate tonight, we will be adding to the U.S. district court a competent, dedicated individual, dedicated to the rule of law, the principles of this country, and the Constitution of the United States of America.

As the junior Senator from the State of Georgia, I am happy and honored to commend to the entire Senate Mr. Timothy Batten as the next district judge in Georgia.

Mr. Batten was born in Atlanta, GA, received his undergraduate degree at the Georgia Institute of Technology in 1981, and his juris doctorate degree at the University of Georgia in 1984. He has practiced law in Georgia his entire professional career at the firm of Schreeder, Wheeler & Flint, and he and his wife Elizabeth have six children.

I know Mr. Batten is very well qualified and keenly aware of the responsibilities he is about to undertake. I know that as the Members of this Chamber have considered his nomination they have learned that that he will be a jurist who understands the value and the strength and the power of the Constitution of the United States of America, and a jurist who will rule based on the law, not legislate based on the position. Mr. Batten has exceptional qualifications, and I have every confidence that Mr. Batten is equal to the position he has been nominated for.

I ask unanimous consent that personal information on Mr. Batten be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TIMOTHY C. BATTEN, SR.

Birth: May 23, 1960, Atlanta, Georgia.
 Legal Residence: Georgia.
 Marital Status: Married, Elizabeth Parkman Batten, six children.
 Education: 1977–1981, Georgia Institute of Technology, B.S. degree; 1981–1984, University of Georgia, J.D. degree.
 Bar: 1984, Georgia.
 Experience: 1984–present, Schreeder, Wheeler & Flint, LLP—Associate, 1984–1993; Partner, 1993–present.

Office: Schreeder, Wheeler & Flint, LLP, 1600 Candler Building, 127 Peachtree Street, NE, Atlanta, Georgia 30303–1845, 404–681–3450.
 To be United States District Judge for the Northern District of Georgia.

Mr. ISAKSON. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. SPECTER. Mr. President, very briefly, we are about to proceed to a vote on three judicial nominees. In my judgment, they are all well-qualified. There is no contest. One of the nominees, Thomas Edward Johnston, currently serves as the U.S. Attorney for the Northern District of West Virginia. He has been nominated for the District Court for the Southern District of West Virginia and has an excellent academic and professional background.

Timothy C. Batten has been nominated to be a judge for the District Court for the Northern District of Georgia. He has been an active practitioner with the Schreeder, Wheeler & Flint law firm for the past 22 years. Again, I believe this nomination is not controversial.

Aida M. Delgado-Colon has been nominated to be a judge on the U.S. District Court for the District of Puerto Rico. She has been a magistrate judge since 1993 and has served with the Department of Labor in Puerto Rico, the Office of the Federal Public Defender for Puerto Rico, and as an adjunct professor at Pontifical Catholic University.

That is a very brief statement of these three nominees.

I yield to my distinguished ranking member, Senator LEAHY.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I thank the distinguished senior Senator from Pennsylvania. I note that two of the nominees, one from West Virginia and another from Georgia, are represented in the Senate for West Virginia with two Democratic Senators, both of whom support the nominee. Georgia has two Republican Senators, both of whom support the nominee. They have been moved very quickly.

I mention this because the nominees are the 229th, 230th, and 231st of the judges nominated by President Bush to be confirmed. It shows when the White House works with Members of both parties how quickly they get filled. It is an indication when the White House takes time to work with Members of both parties to fill the judgeships, they move rather quickly.

This evening we will see three more of President Bush's nominees for lifetime appointments to the Federal courts confirmed. With these confirmations, the total number of the President's judicial appointees rises to 231, including the confirmations of Supreme Court Justices Roberts and Alito. This is an impressive number, considering the time that was needed to devote to the Supreme Court vacancies over the last year—President Bush made a series of three nominations for the successor to Justice O'Connor—and the administration's slow pace of nominations for much of this year.

Tonight's nominees come from West Virginia, Georgia and Puerto Rico. Thomas Johnston of West Virginia has the support of his two home-State Democratic Senators. Thomas Batten

of Georgia has the support of his two home-State Republican Senators. The nominee from Puerto Rico was not opposed in the Judiciary Committee. These nominees, the 229th, 230th and 231st judges nominated by this President to be confirmed, show once again that when the White House works with Senators from both parties, vacancies on the Federal bench can quickly be filled. It is when the White House refuses to consult with the Senate, or having mentioned nominees' names, ignores the advice of the Senate, or chooses to pick a fight for partisan purposes, that we have trouble.

Considering how hard the Judiciary Committee has worked to uphold its part in the process of confirming judges, it is unfortunate that the President is not fulfilling the commitments he made to be a uniter and to complete his work in advance of vacancies. Even after these three nominees are confirmed, there will still be more than 50 vacancies in the Federal circuit and district courts. Despite the fanfare with which the President announced that he would be sending nominations for upcoming vacancies in advance and in no event later than 180 days after a vacancy, there are at least 24 current vacancies, nearly half, for which there is no nominee at all. Some of those 24 vacancies have been sitting empty more than a year. Over and over the White House has missed the deadline the President established for himself, and today, of the 24 vacancies waiting for nominees, 10 are already more than 180 days old.

If the White House would eliminate its partisan political and ideological litmus tests from the judicial nominations process, and focus only on qualifications and consensus, the job of selecting nominees and our job of considering them for confirmation would be much easier. As tonight's confirmations demonstrate, Democrats in the Senate have been cooperative.

I congratulate these nominees and their families on their confirmations.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I believe we are scheduled to vote at 5:30. My watch says 5:30.

The PRESIDING OFFICER. Under the previous order, the hour of 5:30 having arrived, the Senate will proceed to the vote on the nominations.

Mr. LEAHY. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is, Will the Senate advise and consent to the nomination of Timothy C. Batten, Sr., of Georgia, to be United States District Judge for the Northern District of Georgia? The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. The following Senators were necessarily absent: the Senator from Texas (Mrs. HUTCHISON), the

Senator from Florida (Mr. MARTINEZ), the Senator from Arizona (Mr. MCCAIN), the Senator from Alaska (Ms. MURKOWSKI), and the Senator from Virginia (Mr. WARNER).

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from New York (Mrs. CLINTON), the Senator from Vermont (Mr. JEFFORDS), the Senator from South Dakota (Mr. JOHNSON), the Senator from Louisiana (Ms. LANDRIEU), the Senator from New Jersey (Mr. LAUTENBERG), and the Senator from Michigan (Ms. STABENOW) are necessarily absent.

I further announce that, if present and voting, the Senator from Michigan (Ms. STABENOW) would vote "yea."

The PRESIDING OFFICER (Mr. CORNYN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 88, nays 0, as follows:

[Rollcall Vote No. 31 Ex.]

YEAS—88

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

NOT VOTING—12

Biden	Johnson	McCain
Clinton	Landrieu	Murkowski
Hutchison	Lautenberg	Stabenow
Jeffords	Martinez	Warner

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to a vote on the confirmation of Thomas E. Johnston, of West Virginia, to be United States District Court Judge for the Southern District of West Virginia.

Mr. LEAHY. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is, will the Senate advise and consent to the nomination of Thomas E. Johnston, of West Virginia, to be United States District Judge for the Southern District of West Virginia?

On this question, the yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. The following Senators were necessarily absent: the Senator from Texas (Mrs. HUTCHISON), the Senator from Florida (Mr. MARTINEZ), the Senator from Arizona (Mr. MCCAIN), the Senator from Alaska (Ms. MURKOWSKI), and the Senator from Virginia (Mr. WARNER).

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from New York (Mrs. CLINTON), the Senator from Vermont (Mr. JEFFORDS), the Senator from Louisiana (Ms. LANDRIEU), the Senator from New Jersey (Mr. LAUTENBERG), and the Senator from Michigan (Ms. STABENOW), are necessarily absent.

I further announce that, if present and voting, the Senator from Michigan (Ms. STABENOW), would vote "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 89, nays 0, as follows:

[Rollcall Vote No. 32 Ex.]

YEAS—89

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

NOT VOTING—11

Biden	Landrieu	Murkowski
Clinton	Lautenberg	Stabenow
Hutchison	Martinez	Warner
Jeffords	McCain	

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the Senate will vote on the confirmation of Aida M. Delgado-Colon, of Puerto Rico, to be United States District Judge for the District of Puerto Rico.

The question is, Will the Senate advise and consent to the nomination?

The nomination was confirmed.

The PRESIDING OFFICER. The President will be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now resume legislative session.

ORDER OF PROCEDURE

Mr. INHOFE. Mr. President, I ask unanimous consent that the Senate

now resume consideration of S. 2320, the LIHEAP funding bill, and that the Kyl amendment be temporarily set aside so I may offer a first-degree amendment. It is amendment No. 2898. I further ask that following my statement on the amendment, the Senate then proceed to 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.

MAKING AVAILABLE FUNDS FOR THE LOW-INCOME HOME ENERGY ASSISTANCE PROGRAM, 2006

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 2320) to make available funds included in the Deficit Reduction Act of 2005 for the Low-Income Home Energy Assistance Program for fiscal year 2006, and for other purposes.

Pending:

Kyl/Ensign amendment No. 2899, to make available funds included in the Deficit Reduction Act of 2005 for allotments to States for the Low-Income Home Energy Assistance Program for fiscal year 2006.

AMENDMENT NO. 2898

(Purpose: To reduce energy prices)

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Oklahoma [Mr. INHOFE] proposes an amendment numbered 2898.

Mr. INHOFE. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mr. INHOFE. Mr. President, this is simply what I have called the energy price reduction amendment. Each year proponents of LIHEAP funding complain that energy prices have increased and therefore more assistance is needed. Yet subsidizing high prices does nothing to lower prices. Increasing the funding for today's LIHEAP without acting to reduce the price of energy tomorrow is not an acceptable solution.

Home energy prices are excessively high because of two simple facts, two critical reasons: First, the demand for energy has increased along with the economic output. However, because natural gas is regarded as an environmentally preferable fuel, demand for natural gas has increased dramatically as more of it is used for electricity generation. We have gone through this with coal-fired plants. We have tried to have major advancements in clean coal technology, which we are doing right now. But right now, the one thing that is environmentally pure is natural gas and, for that reason, the demand is up. Second, with the rise in demand, the market should have responded with a corresponding increase in supply.