

Judge Alito's record envisions an America where police may shoot and kill an unarmed boy to stop him from running away with a stolen purse; where federal agents may point guns at ordinary citizens during a raid, even after no sign of resistance; where the FBI may install a camera where you sleep on the promise that they won't turn it on unless an informant is in the room; where a black man may be sentenced to death by an all-white jury for killing a white man, absent a multiple regression analysis showing discrimination; and where police may search what a warrant permits, and then some.

He says:

[T]his is not the America we know. Nor is it the America we aspire to be.

So these are the reasons we need to take a hard look at what we are doing, even if it means swimming upstream. There are consequences to this nomination that I do not believe all the American people got out of the hearings because the hearings did not answer questions. And when you pose some of these choices to Americans, they come down on the side that I have described: being protected, not making those kinds of choices about a young kid, making sure that our privacy is protected.

So for those reasons, and others I will discuss starting on Monday, I oppose Judge Alito's nomination. And I hope that colleagues, others, will join in that effort in the end.

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

The PRESIDING OFFICER. The clerk will please call the roll.

The legislative clerk proceeded to call the roll.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

#### MORNING BUSINESS

Mr. COCHRAN. Mr. President, I ask unanimous consent that there be a period of morning business with Senators permitted to speak for up to 10 minutes each.

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

#### HONORING OUR ARMED FORCES

##### SERGEANT NATHAN R. FIELD

Mr. GRASSLEY. Mr. President, Today, I wish to honor an heroic Iowan who has given the ultimate sacrifice for his country in Operation Iraqi Freedom. SGT Nathan R. Field died January 7, 2006, in Umm Qasr, Iraq due to injuries sustained when his Humvee was hit by a civilian vehicle. Sgt. Field was assigned to the 4249th Port Security Company, U.S. Army Reserve out of Pocahontas, IA, but was temporarily assigned with the 414th Military Police of Joplin, MO. I want to extend my condolences to his parents Bill and Mary, his brother Eli, his fiancée Connie, and his many family members and friends.

Sergeant Field graduated from South East Webster High School in 2000 where

he was a member of the student council, senior class president, captain of the wrestling team, and was a three year member of the football team and manager of the football team his senior year. SGT Field enlisted in the Army Reserve while still in high school and after the terrorist attacks of September 11, 2001. His unit was called to active duty where he accompanied ships to Belgium, France and Germany. In September of 2005, he volunteered for duty in Iraq, something that he felt compelled to do for the freedom of our country.

Nathan Field will be remembered for his loyalty to friends and for his love of life. As his father said, "If Nathan liked you, there wasn't anything he wouldn't do for you." I call on my colleagues in the Senate and every American to pay tribute to this brave American and to give thanks to this courageous soldier who gave the ultimate sacrifice in defending our freedom.

#### ADDITIONAL STATEMENTS

##### IN MEMORY OF MAJOR GENERAL JOHN W. KIELY

• Mr. CHAFEE. Mr. President, I rise today to honor the life of MG John W. Kiely. Major General Kiely was a man of exemplary service to our State and country. A veteran of three wars, he ascended to the rank of colonel, Regular Army as well as serving as brigadier general, National Guard of Rhode Island, adjutant general of Rhode Island, and also was promoted to the grade of major general and commanding general. General Kiely was a model soldier, receiving a Purple Heart, 2 Bronze Stars, Valor, and 3 Legions of Merit, along with 22 other Federal Government awards and decorations, as well as the Rhode Island Cross and the Rhode Island Star. His military knowledge and service to our Nation will be dearly missed, and my deepest condolences go to Mrs. Marilyn L. Kiely and the Kiely family in their time of mourning.●

##### REMEMBERING JOSEPH O'DONNELL

• Mr. CHAFEE. Mr. President, it is with great sadness that today I reflect upon the life of Joseph O'Donnell. Mr. O'Donnell dedicated his life to his family and to public service. He served alongside my father as Lieutenant Governor in the 1960s, and is, in fact, the last Republican elected to the position. He remained active in politics until his passing. In addition to his tenure as Lieutenant Governor, Joe O'Donnell has served his community and the State of Rhode Island for over 55 years, including as State Director of Administration, as Chairman of the North Smithfield Water Authority, and in a number of other capacities. In addition, Mr. O'Donnell served the business community as a founding partner

and chairman of the board of Keough Kirby Associates, Inc., as a trustee of Landmark Health Systems, and in other board positions for numerous business and civic organizations. As a panelist on the 'Coffee-An' radio program in his later years, Joe O'Donnell contributed his knowledge of politics, his great sense of humor, and his penchant for gourmet cooking to a larger audience. His name is on the Wall of Honor at the Marine Maritime Academy for outstanding lifetime achievement, and he was a recipient of the Admiral Joel R.P. Pringle Society Award from the Naval War College Foundation in Newport. It is with heavy hearts that Stephanie and I send our deepest sympathies to Mrs. Yolande O'Donnell and their six children. Of all his accomplishments, I know he is most proud of the closeness of his family.●

#### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

#### EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

#### MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 2099. An act to establish the Arabia Mountain National Heritage Area, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 2329. An act to permit eligibility in certain circumstances for an officer or employee of a foreign government to receive a reward under the Department of State Rewards Program; to the Committee on Foreign Relations.

H.R. 3351. An act to make technical corrections to laws relating to Native Americans, and for other purposes; to the Committee on Indian Affairs.

H.R. 3508. An act to authorize improvements in the operation of the government of the District of Columbia, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

H.R. 3827. An act to preserve certain immigration benefits for victims of Hurricane Katrina, and for other purposes; to the Committee on the Judiciary.

H.R. 4000. An act to authorize the Secretary of the Interior to revise certain repayment contracts with the Bostwick Irrigation District in Nebraska, the Kansas Bostwick Irrigation District No. 2, the Frenchman-Cambridge Irrigation District, and the Webster Irrigation District No. 4, all a part of the Pick-Sloan Missouri Basin Program, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 4108. An act to designate the facility of the United States Postal Service located at 3000 Homewood Avenue in Baltimore, Maryland, as the "State Senator Verda Welcome and Dr. Henry Welcome Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

H.R. 4109. An act to designate the facility of the United States Postal Service located at 6101 Liberty Road in Baltimore, Maryland, as the "United States Representative Parren J. Mitchell Post Office"; to the Committee on Homeland Security and Governmental Affairs.

H.R. 4246. An act to designate the facility of the United States Postal Service located at 8135 Forest Lane in Dallas, Texas, as the "Dr. Robert E. Price Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

H.R. 4311. An act to amend section 105(b)(3) of the Ethics in Government Act of 1978 (5 U.S.C. App); to the Committee on Homeland Security and Governmental Affairs.

H.R. 4337. An act to amend the Internal Revenue Code of 1986 to provide for Gulf tax credit bonds and advance refundings of certain tax-exempt bonds, and to provide a Federal guarantee of certain State bonds; to the Committee on Finance.

H.R. 4437. An act to amend the Immigration and Nationality Act to strengthen enforcement of the immigration laws, to enhance border security, and for other purposes; to the Committee on the Judiciary.

H.R. 4510. An act to direct the Joint Committee on the Library to accept the donation of a bust depicting Sojourner Truth and to display the bust in a suitable location in the Capitol; to the Committee on Rules and Administration.

H.R. 4519. An act to amend the Public Health Service Act to extend funding for the operation of State high risk health insurance pools; to the Committee on Health, Education, Labor, and Pensions.

H.R. 4568. An act to improve proficiency testing of clinical laboratories; to the Committee on Health, Education, Labor, and Pensions.

H.R. 4647. An act to amend the USA PATRIOT Act to extend the sunset of certain provisions of such Act; to the Committee on the Judiciary.

The following concurrent resolutions were read, and referred as indicated:

H. Con. Res. 238. Concurrent resolution honoring the victims of the Cambodian genocide that took place from April 1975 to January 1979; to the Committee on Foreign Relations.

H. Con. Res. 252. Concurrent resolution expressing the sense of Congress that the Government of the United States should support democracy, the rule of law, and human rights in the Republic of Nicaragua and work cooperatively with regional and international organizations to bolster Nicaraguan efforts to establish the requisite presidential and legislative elections in 2006; to the Committee on Foreign Relations.

H. Con. Res. 275. Concurrent resolution expressing the sense of Congress regarding the education curriculum in the Kingdom of Saudi Arabia; to the Committee on Foreign Relations.

H. Con. Res. 281. Concurrent resolution congratulating the Chicago White Sox on winning the 2005 World Series; to the Committee on Commerce, Science, and Transportation.

H. Con. Res. 284. Concurrent resolution expressing the sense of Congress with respect to the 2005 presidential and parliamentary elections in Egypt; to the Committee on Foreign Relations.

H. Con. Res. 294. Concurrent resolution calling on the international community to condemn the Laogai, the system of forced labor prison camps in the People's Republic of China, as a tool for suppression maintained by the Chinese Government; to the Committee on Foreign Relations.

H. Con. Res. 312. Concurrent resolution urging the Government of the Russian Federation to withdraw the first draft of the proposed legislation as passed in its first reading in the State Duma that would have the effect of severely restricting the establishment, operations, and activities of domestic, international, and foreign non-governmental organizations in the Russian Federation, or to modify the proposed legislation to entirely remove these restrictions; to the Committee on Foreign Relations.

H. Con. Res. 315. Concurrent resolution urging the President to issue a proclamation for the observance of an American Jewish History Month; to the Committee on the Judiciary.

#### MEASURES PLACED ON THE CALENDAR

The following bills were read the first and second times by unanimous consent, and placed on the calendar:

H.R. 2830. An act to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to reform the pension funding rules, and for other purposes.

H.R. 4473. An act to reauthorize and amend the Commodity Exchange Act to promote legal certainty, enhance competition, and reduce systemic risk in markets for futures and over-the-counter derivatives, and for other purposes.

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. VITTER (for himself, Mr. SANTORUM, and Mr. DEMINT):

S. 2206. A bill to amend title X of the Public Health Service Act to prohibit family planning grants from being awarded to any entity that performs abortions; to the Committee on Health, Education, Labor, and Pensions.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Ms. MIKULSKI (for herself, Mr. LUGAR, Mr. SARBANES, Mr. BIDEN, and Mr. HARKIN):

S. Res. 356. A resolution urging a commitment by the United States and the international community to continue relief efforts in response to the earthquake in South Asia and to help rebuild critical infrastructure in the affected areas; considered and agreed to.

By Mr. McCAIN (for himself, Mr. KENNEDY, Mrs. DOLE, Mr. AKAKA, Mr. DEWINE, Mr. BAUCUS, Mr. COCHRAN, Mrs. CLINTON, Mr. DAYTON, Mr. DURBIN, Mr. LAUTENBERG, Mr. LEVIN, Mrs. FEINSTEIN, Mr. CARPER, Mr. FEINGOLD, Ms. MURKOWSKI, Ms. LANDRIEU, Mr. GRASSLEY, Mr. KERRY, Mr.

NELSON of Florida, Mr. JOHNSON, Mr. ALLEN, Mrs. BOXER, Ms. CANTWELL, Mr. LUGAR, Mr. TALENT, and Mr. DODD):

S. Res. 357. A resolution designating January 2006 as "National Mentoring Month"; to the Committee on the Judiciary.

By Mr. FRIST (for himself, Mr. REID, Mr. ALLARD, Mr. ALLEN, Mr. BIDEN, Mr. BROWNBACK, Mr. BURR, Mrs. CLINTON, Mr. COLEMAN, Mr. CRAPO, Mr. ENSIGN, Mrs. FEINSTEIN, Mr. GRAHAM, Mr. HAGEL, Mr. KYL, Mr. LIEBERMAN, Mr. LUGAR, Ms. MIKULSKI, Mr. NELSON of Florida, Mr. SANTORUM, Mr. SCHUMER, Mr. TALENT, Mr. WARNER, Mr. McCAIN, Mr. VOINOVICH, Mr. DODD, Ms. CANTWELL, Mrs. BOXER, Mr. FEINGOLD, Mr. KERRY, and Mr. MENENDEZ):

S. Con. Res. 78. A concurrent resolution condemning the Government of Iran for violating its international nuclear nonproliferation obligations and expressing support for efforts to report Iran to the United Nations Security Counsel; considered and agreed to.

#### ADDITIONAL COSPONSORS

S. 267

At the request of Mr. CRAIG, the names of the Senator from Texas (Mrs. HUTCHISON) and the Senator from Mississippi (Mr. LOTT) were added as cosponsors of S. 267, a bill to reauthorize the Secure Rural Schools and Community Self-Determination Act of 2000, and for other purposes.

S. 1779

At the request of Mr. AKAKA, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 1779, a bill to amend the Humane Methods of Livestock Slaughter Act of 1958 to ensure the humane slaughter of non-ambulatory livestock, and for other purposes.

S. 1979

At the request of Mr. KOHL, the names of the Senator from Vermont (Mr. JEFFORDS) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of S. 1979, a bill to provide for the establishment of a strategic refinery reserve, and for other purposes.

S. 2071

At the request of Ms. SNOWE, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 2071, a bill to amend title XVIII of the Social Security Act to clarify congressional intent regarding the counting of residents in the nonhospital setting under the medicare program.

S. 2086

At the request of Mr. SMITH, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 2086, a bill to amend the Internal Revenue code of 1986 to modify the definition of compensation for purposes of determining the limits on contributions to individual retirement accounts and annuities, and for other purposes.

S. 2179

At the request of Mr. OBAMA, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S.