

Now, I have also been in discussion with White House officials about some of the committee's outstanding requests, and I let them know that cooperation with the White House would be central in determining that schedule. In this regard, I wish to compliment the President's counsel, Mr. Fielding. Mr. Fielding called me yesterday evening. Without going into the details of that conversation, I believe he understands there are certain materials that we have requested from the White House—requested for some time now—that will be necessary so that we can engage in thorough deliberations. I take him at his word that we will try to work out a way to get us some of those materials. It will make it far easier for both Republicans and Democratic members of the Senate Judiciary Committee to ask appropriate questions.

This is a big job, being Attorney General. It becomes even bigger now, as the next Attorney General must regain the public trust and begin the process of restoring the Department of Justice to its proper mission, and also replacing a very large number of key members of the Department of Justice who have resigned and whose replacements, themselves, will require confirmation by the Senate. So I am hopeful that once we obtain the information we need, once we have had the opportunity to consider this nomination, we will be able to make progress in this regard.

As I told the White House last night, I stand ready to work with them in the coming weeks to get the material we need, and then once that material is available, to find an appropriate time to schedule a hearing.

I look forward to meeting with Judge Mukasey in the coming days. We will meet briefly tomorrow and then at greater length once his background check has been completed. I wish to learn more about his record, but I also wish to learn about his ideas on improving the relationship between Congress and this administration so we can conduct more effective oversight and take the steps toward rebuilding the Justice Department to be worthy of its name.

In the meantime, I have told Judge Mukasey he will have a lot on his plate in the coming days. I complimented him and his family for being willing to be considered for this nomination and urged him, even as busy as he may be, to spend time with his family. I understand he has a wonderful family—grandchildren and so forth—and I am sure he will do so.

I again urge the White House that we do not need to have all kinds of press comments about the date for hearings. I think what would be more important to do would be to work, as we have in the past, will to get the information necessary; and in the fullness of time, we will have an appropriate hearing. I will do it—working, of course, with Senator SPECTER—and, as I think we have demonstrated before, we will have

a hearing that will make the Senate proud. Both Republicans and Democrats, with the complete record before them, then will be able to ask all the appropriate questions, the questions of course that the American public wants and deserves to have us ask.

#### THE DISTRICT OF COLUMBIA VOTING RIGHTS ACT OF 2007

Mr. LEAHY. Mr. President, in 2005, President Bush praised the Iraqi people for exercising the Democratic right to vote. He noted that by participating in free elections, the Iraqi people firmly rejected the anti-democratic ideology of the terrorists, and they demonstrated the kind of courage that is always the foundation of self-government. Similar to President Bush, I applaud when anyone has the right to vote and the right to determine where they will go with that right to vote. I wish, though, the President would speak as enthusiastically about voting rights for the American citizens who live literally in his backyard, in the same city where he resides in the White House. It is disappointing that the Bush administration has threatened to veto legislation that would give a vote to the Member of the House of Representatives from the District of Columbia.

I also understand the opponents of this voting rights bill are considering a filibuster to prevent its passage. In a recent column in the Washington Times, former Maryland Governor Michael Steele and former Congressman J.C. Watts, two Republicans, reminded us that the last time a voting rights bill was filibustered was 50 years ago. I was much too young to even vote, but I do remember that filibuster. Despite Senator Thurmond's record-setting effort, the Senate rightfully passed the Civil Rights Act in 1957. It followed up with the Civil Rights and Voting Rights Acts in 1960, 1964 and 1965. I hope the Senate does not return to the days when it filibustered voting rights, especially for its African-American citizens.

The city of the District of Columbia has approximately the same number of people as the State of Vermont. We are the 14th State in the Union. We have had the right to vote, for Senators and Representatives, for over 200 years. The distinguished Presiding Officer, of course, represents one of the very first States of this Union. In fact, he can proudly represent a State whose forefathers did much to design the United States of America and has provided President after President but especially laid the cornerstone of a great nation. It made it possible for the State of Vermont to be the first State admitted after the original 13.

There is no way I could go back to my State of Vermont and say that the District of Columbia, with almost exactly the same number of people, does not have a voting Member in the House of Representatives. Back in my State,

they would say we have two Senators, but at least let us take this step. Let us vote it up or down. Let's not go back to the shameful days of 1957 when such rights were filibustered.

We have had hearings on this in the Senate Judiciary Committee. We have heard compelling testimony.

This month the Judiciary Committee marked the 50th anniversary of the Civil Rights Act of 1957 with a hearing. Congressman JOHN LEWIS, a courageous leader during those transformational struggles only decades ago, gave moving testimony reminding us that "we in Congress must do all we can to inspire a new generation to fulfill the mission of equal justice." While we are observing this golden anniversary, it is fitting that the Senate turn to this important voting rights measure, the District of Columbia House Voting Rights Act.

I am a cosponsor of this bipartisan legislation to end the unfair treatment of District of Columbia residents and give them full representation in the House of Representatives. I thank the majority leader, Senator REID, for bringing this timely issue to the Senate for consideration.

In April, the House of Representatives worked in a bipartisan manner to pass their version of a voting rights bill for the District of Columbia, led by Congresswoman ELEANOR HOLMES NORTON. As a young lawyer, she worked for civil rights and voting rights around the country. It is a cruel irony that upon her return to the District of Columbia and election to the House of Representatives she does not yet have the right to vote on behalf of the people of the District of Columbia who elected her. She is a strong voice in Congress but the people of the District of Columbia deserve a vote, as well.

This is not the time for further delay. It is the Senate's turn to do what is right. The Senate bill would give the District of Columbia delegate a full vote in the House. To attract Republican support, the bill offsets that vote for DC by according Utah an additional Representative in the House, as well. This is an effort to provide political balance. With it or without it, I support representation for the District of Columbia.

I believe that the legislation that we are considering today is within Congress's powers as provided in the Constitution. I agree with Congressman LEWIS, Congresswoman NORTON and numerous other civil rights leaders and constitutional scholars that we should extend the basic right of voting representation to the hundreds of thousands of Americans residing in our Nation's Capital. They pay Federal taxes, defend our country in the military and serve on Federal juries. They are citizens no less than the citizens of any State. Their votes should count. They should be represented.

In May the Senate Judiciary Committee held a hearing on this legislation. We heard compelling testimony.

Retired Chief Judge Patricia Wald testified that this legislation is constitutional and highlighted the fact that Congress's greater power in accordance with the Constitution to confer full statehood on the District certainly contains the lesser power to grant District residents voting rights in the House of Representatives. She also reminded us that Congress has exercised this authority in the past without a rigid adherence to the constitutional text when it granted voting rights to Americans abroad in their last State of residence regardless of whether they are citizens of that State, pay taxes to that State, or have any intent to return to that State. Her former colleague on the DC Circuit, Ken Starr, echoed her conclusion that this legislation is constitutional.

Congress has repeatedly treated the District of Columbia as a "State" for various purposes. Congresswoman Eleanor Holmes Norton testified that although "the District is not a State," the "Congress has not had the slightest difficulty in treating the District as a State, with its laws, its treaties, and for constitutional purposes." Examples of these actions include a revision of the Judiciary Act of 1789 that broadened article III diversity jurisdiction to include citizens of the District even though the Constitution only provides that Federal courts may hear cases "between citizens of different States." Congress has also treated the District as a "State" for purposes of congressional power to regulate commerce "among the several States." The 16th amendment grants Congress the power to directly tax incomes "without apportionment among the several States." That constitutional provision has been interpreted also to apply to residents of the District. In fact, the District of Columbia pays the second-highest Federal taxes per capita, yet has no vote in connection with how those dollars are spent. The local license plates say a good deal and remind us of our heritage when they say "Taxation without Representation."

As I said, in 2005, President Bush praised the Iraqi people for exercising their democratic right to vote, and he noted that "by participating in free elections, the Iraqi people have firmly rejected the antidemocratic ideology of the terrorists [and] they have demonstrated the kind of courage that is always the foundation of self-government." Unfortunately, the President does not speak so enthusiastically about voting rights for the American citizens living literally in his backyard. It is disappointing that the Bush administration has threatened to veto this legislation.

#### FOREIGN OPERATIONS APPROPRIATIONS

##### MEPI SCHOLARSHIP PROGRAM

Mr. SUNUNU. Mr. President, I commend the senior Senators from Vermont and New Hampshire for the

fine work that they did last week in managing H.R. 2764, the fiscal year 2008 State Department, Foreign Operations and Related Programs Appropriations Act. Given how busy they were, I regret that we did not have a chance to clarify a scholarship program funded in that Act through the Middle East Partnership Initiative, MEPI.

In Senate Report 110-128, the committee provides \$55,000,000 for MEPI, and recommends \$9,000,000 of those funds for scholarship programs for students from countries with significant Muslim populations at not-for-profit U.S. educational institutions in the Middle East.

In prior year foreign aid bills, eligibility criteria for scholarship programs included those students from countries with significant Muslim populations at not-for-profit institutions of basic and higher education in the Middle East which are accredited by an accrediting agency recognized by the Secretary of Education, and that are not controlled by the government of the country in which the institution is located.

Those who manage the MEPI program at the State Department added additional criteria, namely that American schools in the Middle East would be eligible only if U.S. Government dependents were enrolled in respective institutions, and only for students in the seventh through twelfth grades. I would ask the senior Senators from Vermont and New Hampshire if the State Department consulted with the committee prior to establishing additional criteria for the scholarship program.

Mr. LEAHY. I would say to my colleague from New Hampshire that my staff informs me that they were not consulted by the State Department on this matter.

Mr. GREGG. I would say to my friend from New Hampshire that my staff informs me that they, too, were not consulted on MEPI-added criteria.

Mr. SUNUNU. I fear that the State Department is severely limiting the scope of the scholarship program, including to conflict countries such as Lebanon that remain unaccompanied posts for State Department employees. To put that another way, no U.S. Government dependents are enrolled in schools in Lebanon. Moreover, I would like to suggest that the committee consider allocating \$7 million for scholarships at higher education institutions, and \$2 million for secondary schools.

Mr. GREGG. I appreciate your bringing these matters to my attention. My staff will request a briefing from the State Department on the scholarship program, and if needed, we will seek additional clarification during conference on this matter with the House.

#### HONORING OUR ARMED FORCES

##### SPECIALIST ERIC M. HOLKE

Mr. NELSON of Nebraska. Mr. President, I rise today to honor Army SPC Eric M. Holke, of Riverside, CA.

Specialist Holke's father describes him as an avid outdoorsman, a committed student of history, and someone with a keen eye for the arts. From a young age, Specialist Holke pursued his hobbies with zeal. His passion for the outdoors was matched only by his passion for film, which he discovered after he took a class on sports photography at Rim of the World High School in Lake Arrowhead, CA, where he was a graduate. After high school, he continued his studies in film and photography, and also worked at radio and television stations at San Bernardino Valley College.

Ready for a new challenge, Specialist Holke left San Bernardino Valley College to join the California Conservation Corps, where he spent the next 2 years backpacking through the wilderness of California. When he returned from this service, he became active in Renaissance fairs, where his specialty was demonstrating how the German military lived in the 1400s through 1600s, according to Pat Long, a cousin and producer of Renaissance fairs. Those who watched his performances remembered them for his passion and his enthusiasm.

Specialist Holke enlisted in the Army in 2000 in order to learn new skills as well as to save money to return to school. He served with the 82nd Airborne, like one of his grandfathers, a much-decorated World War II veteran. He went to Afghanistan, then to Iraq before being honorably discharged from the Army in 2005. He returned to Riverside, CA, where he became active again with the San Bernardino Valley College, performing re-enactments as well as studying film and business there. He also enlisted in the California National Guard at this time.

Specialist Holke and his wife Cassidhe were married in January of 2007. He was eager to earn his degree in business so he could start a new life in the film industry with his wife and their 16-year-old son, Steven.

In June of 2007, Specialist Holke began serving his second tour of duty in Iraq. He was serving with the 1st Battalion, 160th Infantry, California Army National Guard stationed in Kuwait. On July 15, 2007, Specialist Holke passed away in a noncombat-related incident in Talil. At his funeral, he was posthumously awarded five medals, including the Bronze Star. He was 31 years old.

In addition to his wife Cassidhe and son Steven, both of Riverside, CA, he is survived by his mother Monika Holke of Lincoln, NE, and father Jack Holke, of Las Vegas, NV. Today, I join all Americans in mourning the loss of a talented soldier, an active outdoorsman, and a loving husband, father, and son. He made the ultimate sacrifice through his service to our country. He will be remembered for his hunger for adventure. His memory will be honored by future generations of soldiers and civilians alike.