excluded from taxable income. But the President's proposal, as I hear it, would take away that incentive by putting all forms of health insurance on an equal playing field. Even if employers choose not to drop health care coverage, they may be forced to do so in the future as the healthiest employees drop out of their employers' plans. If insurance becomes unaffordable, employers may be forced to stop offering health care benefits. I think many of my colleagues agree with me that we should be strengthening the employer-based health insurance system, not taking steps that will jeopardize it.

Secondly, I am very concerned that the President's proposal will push people into the individual insurance market. Today, when workers cannot get coverage through their employer, they need to purchase health insurance in the individual insurance market. But as any small businessman or self-employed woman will tell you, the individual insurance market today is not a good alternative to employer-provided coverage. In many States, insurers can cherry-pick applicants to avoid enrolling those with high health needs, or insurance companies can sell different policies to high- or low-risk individuals. If you have a chronic disease such as diabetes—or even any health problem—good luck getting reasonably priced, comprehensive coverage in the individual market today. Any proposal to increase access to health insurance should support the ability of Americans to receive affordable and comprehensive coverage, not force people into expensive, barebones insurance plans.

Third, I am troubled that the President's proposal will not increase access to health insurance for the uninsured. We have 46 million uninsured men, women, and children in this country today. That is a staggeringly high number, and those people face daily challenges trying to avoid getting sick and going into debt when something unexpected happens. Every day, I hear from people in my home State of Washington who struggle to pay for their health care costs. Unfortunately, the President's proposal will not help those people because they do not pay enough money in taxes to benefit from this tax deduction he is proposing. That really makes me question whether the President's plan will actually reduce the number of uninsured Americans.

Finally, I am very concerned that the President's plan will further chip away at our health care safety net because it would divert critical Medicaid dollars into an experimental grant program. Now, we do not have a lot of details yet, but it appears he is proposing to use Medicaid disproportionate share hospital payments to give States the ability to experiment with health care reform. Those DSH payments keep the doors of our public hospitals open. Public hospitals are the foundations of our communities. They not only provide emergency care, but they train our doctors, they support rural health care, and they are the first lines of defense against pandemic flu or bioterror attacks. I am very concerned that his proposal could seriously jeopardize my State's Medicaid funds and, therefore, undermine those critical services.

I want to give an example of how these proposals could exacerbate the worst parts of our health insurance system.

Last week, I received a letter from my constituents Alice and Michael Counts. They live in Vancouver, WA. Their son Wesley was diagnosed with a kidney condition at age 16. Their family's personal health insurance insisted that his kidney disease was preexisting, and the insurer refused to pay for the medical tests that diagnosed his condition. His parents appealed to our insurance commissioner, and they won, but the insurer raised its rates far beyond the reach of a self-employed individual. So later, when Wesley was going through dialysis and a kidney transplant, his employer dropped insurance coverage because it had become too costly.

Throughout all these medical and financial ups and downs, Wesley has worked and has now graduated from Clark College. Thankfully, his parents have been able to help him navigate a health care system that failed him.

Wesley's parents wrote to me, and they said:

> We would rather pay higher taxes that give everyone affordable health care than live with the fear of losing everything through catastrophic illness.

Wesley's story shows just how risky the individual market is and how people with serious health problems can be severely affected when an employer is forced to drop coverage. No patient—no one—should have to live in fear that their next dialysis treatment will not be covered by insurance.

What Wesley deserves—and what all Americans deserve—is access to affordable, dependable, comprehensive health care. The President's plan does not guarantee that. It does not even come close. It just makes the health insurance market more unstable and more risky and leaves more people like Wesley vulnerable. He deserves better than that. I think all Americans do.

So, as I said at the beginning of my statement, I welcome the President's attention to the health care crisis we are facing in this country. Last year, on the Senate floor we devoted 3 days—3 days—to health care. The President probably spent even less time talking about health care. So this is an improvement. We desperately need a serious and a very thoughtful debate about how we increase access to health insurance.

My colleagues and I have put forward a number of good ideas about how to increase access to health care. One of the first things we can do is reauthorize and strengthen the State Children's Health Insurance Program—that is the SCHIP program—that provides quality health care to millions of uninsured children. Congress should give States the funding and the flexibility to cover more of our kids.

Secondly, we have to fund community health centers so they can continue to provide quality health care to our uninsured.

Third, I agree with the President, we should help States devise new ways to increase access to health care. My home State of Washington, like a lot of States, is working on innovative initiatives to expand coverage. But we can accomplish this in ways that do not chip away at the foundation of our public hospitals.

Finally, we can expand health insurance for small businesses and the self-employed by creating Federal and State catastrophic cost pools in ways that will help us lower costs and still protect our patients.

I look forward to working with Chairman KENNEDY and Chairman BAUCUS and my colleagues on both sides of the aisle and the President on real health care reform. There are people like Wesley across the country in every one of our States who are crying out for change, and we owe it to them, in this body, to finally make the progress that is long overdue.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

POWER OF CONGRESS TO IMPOSE CONDITIONS ON APPROPRIATED FUNDS

Mr. SPECTER. Mr. President, I have sought recognition to discuss the powers of Congress under the Constitution to impose conditions on the funds appropriated by Congress, conditions on the President of the United States in carrying out his responsibilities as Commander in Chief. This, of course, is a major subject confronting the United States at this time as to what our continuing policy should be in Iraq, and there is considerable controversy as to what that policy should be.

The President has come forward with the proposal to add 21,500 troops in Iraq.

That has been questioned in many quarters in the Congress of the United States, both the Senate and the House of Representatives, and by the American people. The election results last November were generally regarded as a repudiation of our activities in Iraq. The military personnel who have come forward to testify in recent days before the Armed Services Committee and the witnesses before the Foreign Relations Committee have a similar view that major mistakes have been made in Iraq. But there is also a generalized consensus that once there, even though we found no weapons of mass destruction—had we known Saddam did not have weapons of mass destruction, it is doubtful Congress would have authorized the use of force—we cannot pull out and leave Iraq destabilized. The question is, how to do it.

The day before yesterday, the Judiciary Committee held a hearing on the power of Congress to stop war. The title of the hearing was ''Exercising Congress's Constitutional Power to End a War.'' At that time I raised the question, respectfully, with the President, who has stated that he is the decider—he stated that quite a number of times—I raised the contention that he is not the sole decider, that the Congress of the United States has considerable authority on what will be done in the conduct of the war. There is no doubt that Congress cannot micromanage the war. But it is worth noting historically the many occasions where Congress has appropriated funds or taken action conditioned on the President following the instructions, following the will of the Congress. There was not sufficient time at the hearing the day before yesterday to go into detail on these subjects. That is why I have decided to come to the floor at the present time and amplify the views which I expressed at that time, to review the long line of precedents where the Congress has imposed conditions on how the President spends appropriated funds for military purposes under his Commander in Chief responsibilities and the many situations where the Congress has cut off funding.

When the Congress acceded to the request of President Franklin Delano Roosevelt, in 1940, for a peacetime draft, it was on the condition that no draftees be stationed outside of the Western Hemisphere. When the Congress appropriated funds for reconstruction following the Civil War, the Congress limited the Presidential authority saying that the orders of the President and the Secretary of War to the army should be given only through General Grant and that General Grant should not be relieved, removed, or transferred from Washington without the previous approval of the Senate. That is going fairly far in the management of a military operation and might even be characterized as micromanagement, but that is what was done.

During the administration of Theodore Roosevelt, Congress conditioned appropriations on a minimum of 8 percent of the detachments aboard naval vessels, being Marines. There, again, a fairly extensive incursion into what you would call command responsibilities. Again, it might be characterized as micromanagement.

The United States fought what has been characterized as a Quasi-War with France in the latter part of the 18th century. In that war, Congress limited both the kind of force the President could use—only the Navy, nothing more—and the areas in which he could use it, our coastal waters first and then on the high seas. The Congress authorized the seizure of French vessels traveling to French ports, and then the military seized French vessels coming out of French ports. And that case went to the Supreme Court of the United States. And in an 1804 decision in the case captioned Little v. Barreme, the Supreme Court found that Congress had authorized only seizure of vessels traveling to French courts, not from French ports. As I review that 200 years later, it seems like a very curious limitation, that the power would be to seize vessels going to France but not coming from France, but that was the specificity of the authorization of the Congress, which was upheld in the legal challenge by the Supreme Court of the United States.

There is unanimity that Congress would not cut off funds which could in any way threaten the security or safety of U.S. troops. No doubt about that. And there has been very careful articulation that where there has been disagreement with administration policy, there has always been unanimous support for our troops. But it is worth noting the many historical precedents where Congress has cut off funding for military operations.

In Vietnam, Cambodia, and Laos in 1973, at the close of the Vietnam war, Congress, with a veto-proof supermajority, cut off all funds, including preexisting appropriations, for combat activities in Cambodia, Laos, North Vietnam, and South Vietnam after August 15 of 1973. Then in 1974, Congress set a personnel ceiling of 4,000 Americans in Vietnam, 6 months after enactment, and 3,000 Americans within 1 year, which is a precedent for congressional conditions on a reduction in force so that there is advance notice to the administration what the congressional direction is, so many troops out by such-and-such a date, so many by another date, so there is no doubt that the troops which remain will be adequately taken care of in terms of the necessities for carrying out their function in a safe way.

In 1976, Congress, with respect to Angola, provided that there would be no assistance of any kind provided to conduct military or paramilitary actions in Angola unless expressly authorized by Congress. In Nicaragua in 1984, Congress provided that there would be no funds available to support military or paramilitary operations in Nicaragua.

In Somalia in 1993, Congress provided that no funds appropriated may be used for the continued presence in Somalia of United States military personnel after September 30, 1994. And in Rwanda in 1994, Congress provided that no funds are available for U.S. military participation in or around Rwanda after October 7, 1994 except to protect the lives of U.S. citizens. In 2000, with respect to Colombia, Congress capped at 500 the number of troops in Colombia. During the Barbary wars, Congress enacted legislation authorizing only limited military action against the Barbary powers. In the slave trade in 1819, Congress legislated that even there, there were specific descriptions as to location and mission. In 1878, Congress passed, as part of an appropriations bill, the Posse Comitatus Act, which restricted the President's ability to use the military for police action of the United States, and they went so far as to impose criminal penalties on the troops themselves.

There are substantial limitations present in congressional action with Vietnam in the Gulf of Tonkin resolution. The war powers imposed limitations on the President. It should be noted that the President has never agreed to the limitations, but the reporting requirements under the War Powers Act have been complied with. And both in the first Iraq war in 1991 and the so-called second Iraq war of 2002, and in the authorization as to Afghanistan in 2001, there are restrictions.

It continues to be my hope that there will be an accommodation between the President and the plans he proposes to undertake and the Congress. It has been very healthy to have the kind of analysis and debate which has taken place in committee and on the floor of the Senate and beyond, in the cloakrooms and in the hallways. That is the topic of the day. As we have taken a look at other issues which we are facing, there is very little oxygen in Washington for anything but what we are going to be doing in Iraq. And those who say it is unhealthy or it weakens the United States in the world view or it undercuts the morale of the troops in Iraq, I believe the conventional wisdom is, the consensus is that notwithstanding those kind of concerns, that that is the democratic process. That is the price we pay in a democracy.

At the hearing the day before yesterday in the Judiciary Committee, I cited polls where the military themselves, those participating in Iraq, have substantial questions about the wisdom of what is going on, I think it was 42 percent, disagree with the conduct of the war in Iraq. So it is a healthy sign that it is a part of the price of democracy.

I was interested to note the testimony of former Secretary of State Kissinger yesterday before the Foreign Relations Committee, saying he believed a consensus would emerge. And certainly, the United States is stronger when we do have unity between the Congress, under Article I, and the President, under Article II. I have been pleased to see the President consult with the Congress. I attended one meeting a few weeks ago, presided over by the President, which was bipartisan, about a dozen Senators, both Democrats and Republicans, and a second meeting with the National Security Council, Stephen Hadley, 10 Senators, all of whom on that occasion were Republicans. And the President has scheduled a meeting with Republican Senators tomorrow afternoon, where obviously Iraq will be the topic of the day. I have said publicly that the proposal that makes a lot of sense to me is the one that has been discussed by quite a number of military experts, which would set a time schedule, give notice to the Iraqis that at some point

the U.S. forces would retreat to the perimeters of Baghdad, and that the Iraqis would be called upon to meet the two conditions as specified very forcefully by the President in the State of the Union speech: that the Iraqis would be responsible for ending sectarian violence and responsible for securing Baghdad, and that American troops would remain.

My view is that those are the two conditions the President set down. Then the plan which has been considered very broadly would leave the American troops in Iraq to guard the infrastructure, protect the oilfields, and give training and support to the Iraqis. But even the parade of military witnesses who testified before Congress has said that the Iraqis are much more likely to take action to protect themselves when they don't rely upon the United States to do so. It is a matter of human nature. If we are going to undertake the burdens for the Iraqis, why should they undertake those burdens?

In considering the deployment of 21,500 additional personnel, I have been very skeptical and have said on the record that I could not support that because the Iraqis do not appear, from all indications, to have either the capacity or the will to carry out their commitments if those additional forces are to be committed. But I have said, also, that I am going to await the debate on the floor of the Senate. I am not sure we deserve the title of the ''world's greatest deliberative body,'' but that is the standard we strive to meet. Before I am prepared to decide which way to vote, yea or nay, on any of the resolutions, I want to be part of that deliberative process, join in the discussion, and raise questions.

It is my hope that before that time comes, there will be further discussions, such as the one tomorrow afternoon with the President with Republican Senators. There are discussions going on all the time. I would like to see us meet the standard that former Secretary Kissinger talked about yesterday and come to a consensus. But in the meantime, I believe the analysis that is being undertaken is very healthy. If there is a price to pay, it is a small price to pay for a democracy.

I believe in this discussion taking place in the United States we show the world the strength of our institutions, not the weakness in the United States by whatever disagreements there may be between the President and the Congress of the United States.

Mr. President, I ask unanimous consent that a memorandum of law be printed in the RECORD which details the actions taken in the past by the Congress to limit funding and the actions taken by the Congress to condition funding and limit executive action.

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

I. UTILIZING THE POWER OF THE PURSE

Congress has on several occasions used the power of the purse in declining to fund certain military forces (thereby preventing, reducing, or ending the U.S. military presence in a given area) or in otherwise attaching strings to military appropriations. See CRS Report, Congressional Restriction on U.S. Military Operations in Vietnam, Cambodia, Laos, Somalia, and Kosovo: Funding and Non-Funding Approaches (2007); CRS Report, Congressional Use of Funding Cutoffs Since 1970 Involving U.S. Military Forces and Overseas Deployments 1–3, 5–6 (2001) (hereafter ''CRS Report 2001''). Several examples follow:

Marines on Naval Vessels. During Teddy Roosevelt's administration, ''Congress conditioned appropriations on a minimum of eight percent of detachments aboard naval vessels being marines.'' Charles Tiefer, Can Appropriation Riders Speed Our Exit From Iraq?, 42 Stan. J. Int'l L. 291, 302 (2006).

Vietnam, Cambodia, and Laos. In 1973, at the close of the Vietnam War, Congress—with a veto-proof supermajority—cut off all funds (including preexisting appropriations) for combat activities in Cambodia, Laos, North Vietnam, and South Vietnam after August 15, 1973. Pub. L. 93–50 (Jul. 1, 1973). Then, in 1974, Congress set a ''personnel ceiling of 4,000 Americans in Vietnam 6 months after enactment and 3,000 Americans within one year.'' CRS Report 2001 at 2; see Pub. L. 93–559, §38(f)(1) (Dec. 30, 1974).

Angola. In 1976, Congress prohibited intervention in Angola: ''Notwithstanding any other provision of law, no assistance of any kind may be provided . . . to conduct military or paramilitary operations in Angola unless and until the Congress expressly authorizes such assistance[.]'' Clark Amendment, Pub. L. 94–329, §404, 90 Stat. 729, 757–58 (1976).

Nicaragua. In 1984, Congress provided that, during FY1985, ''no funds available to . . . any . . . agency or entity of the United States involved in intelligence activities'' may be used to support ''military or paramilitary operations in Nicaragua.'' Pub. L. 98–473, §8066(a).

Somalia. In 1993, although Congress ''approved the use of U.S. Armed Forces for certain purposes, including combat forces in a security role to protect United Nations units in Somalia,'' it cut off funding after March 31, 1994, except for limited personnel. CRS Report 2001, at 2–3; see Pub. L. 103–139; see also Pub. L. 103–335 (Sept. 30, 1994) (''None of the funds appropriated by this Act may be used for the continuous presence in Somalia of United States military personnel after September 30, 1994.'').

Rwanda. In 1994, Congress limited an appropriations bill with the proviso that ''no funds provided in this Act are available for United States military participation to continue Operation Support Hope in or around Rwanda after October 7, 1994, expect for any action that is necessary to protect the lives of United States citizens.'' Pub. L. 103–335, tit. X.

Colombia. In 2000, Congress capped at 500 the number of troops in Colombia: ''[N]one of the funds appropriated or otherwise made available by this or any other Act . . . may be available for . . . the assignment of any United States military personnel for temporary or permanent duty in Colombia in connection with support of Plan Colombia if that assignment would cause the number of United States military personnel so assigned in Colombia to exceed 500.'' Pub. L. 106–246, 3204(b)(1)(A).

These examples represent congressional action to ''re-deploy'' or to prevent troops from being dispatched in the first place.

II. NON-SPENDING METHODS OF LIMITING OR DEFINING INVOLVEMENT

On other occasions, Congress has utilized non-spending means to limit and define U.S. military action—e.g., by authorizing military involvement only for specified purposes or places, by rescinding a prior authorization, or by prospectively curtailing authorization.

Quasi-War With France. At the end of the 18th Century, Congress passed a number of statutes authorizing limited military engagement with France in the so-called ''Quasi War.'' See Louis Fisher, Presidential War Power 24 (2d ed. 2004). In 1798, for example, Congress authorized the President ''to instruct and direct the commanders of the armed vessels belonging to the United States'' to seize French vessels that were disrupting United States commerce. 1 Stat. 561 (May 28, 1798). In particular, ''in the war with France, Congress limited both the kind of force the President could use (the navy only) and the areas where he could use it (our coastal waters, at first, and then the high seas).'' The Constitution Project, Deciding to Use Force Abroad: War Powers in a System of Checks and Balances 15 (2005). Indeed, in Little v. Barreme, 6 U.S. (2 Cranch) 170, 179 (1804), the Supreme Court found that Congress had only authorized seizure of vessels traveling to French ports, not from French ports.

Barbary Wars. During the Barbary Wars, Congress enacted several measures authorizing limited military action against the Barbary powers. See, e.g., 3 Stat. 230 (1815) (U.S. vessels authorized to seize ''vessels, goods and effects of or belonging to the Dey of Algiers''); 2 Stat. 291 (1804) (expressing support for ''warlike operations against the regency of Tripoli, or any other of the Barbary powers''); see also Fisher, supra at 35–36 & n.92.

Slave Trade. In 1819, Congress authorized the President to use the Navy to intercept slave ships along the coasts of the United States and Africa. 3 Stat. 532. In this case, Congress provided a relatively specific description of location and mission.

Reconstruction. According to one scholar, ''by the use of . . . riders on military appropriations, congressional influence predominated in Reconstruction; occupation armies implementing Reconstruction policies in the Southern states got their directions from such riders.'' Tiefer, supra at 302. For example, in 1867, Congress attached a rider on military appropriations providing that the ''orders of the president and secretary of war to the army should only be given through the general of the army (Gen. Grant); [and] that the latter should not be relieved, removed or transferred from Washington without the previous approval of the senate.'' Alexander Johnston, Riders (in U.S. History), in III Cyclopedia of Political Science, Political Economy, and of the Political History of the United States By the Best American and European Authors, 147.7 (John J. Lalor ed., 1899), available at http://oll.libertyfund.org/ToC/0216–03.php.

In 1878, Congress passed, as part of an appropriations bill, the Posse Comitatus Act, ch. 263, §15, 20 Stat 145, 152 (codified at 18 U.S.C. §1385), which restricted the President's ability to use the military for police actions in the United States by imposing criminal penalties on the troops themselves. (It is also in part a spending restriction, providing that ''no money appropriated by this act shall be used to pay any of the expenses incurred in the employment of any troops in violation of this section.'' Id.) The PCA was largely aimed at preventing the federal military from overseeing elections in the former Confederacy.

FDR's Peacetime Draft. In 1940, Congress assented to FDR's desire for a peacetime draft, but only on the condition that no draftees be stationed outside the Western hemisphere. Selective Training and Service

Act, Pub. L. 76–783, ch. 720, §3(e); see Tiefer, supra at 303.

Vietnam. In 1964, with the Tonkin Gulf Resolution, Congress authorized the President ''to take all necessary steps, including the use of armed force, to assist any member or protocol state of the Southeast Asia Collective Defense Treaty requesting assistance in defense of its freedom.'' Pub. L. 88–408, §2, 78 Stat. 384, 384. However, in 1971, Congress repealed the Tonkin Gulf Resolution. Pub. L. 91–672, §12, 84 Stat. 2055 (Jan. 12, 1971). Later that year Congress called for a ''prompt and orderly withdrawal'' from Indochina at the ''earliest practicable date.'' Pub. L. 92–129, §401 (Sept. 28, 1971).

War Powers Resolution. In 1973, in response to the Vietnam War and over President Nixon's veto, Congress passed the War Powers Resolution (WPR), Pub. L. 93–148, 87 Stat. 555 (1973), 50 U.S.C. §1541, et seq. The WPR requires the President to consult with Congress before sending troops into hostilities (and within 48 hours after commencing hostilities, entering another nation equipped for combat, or increasing substantially the number of troops in a foreign nation). Also the WPR requires the President to pull out after 60 days—absent a congressional authorization of hostilities, congressional extension, or inability of Congress to meet due to attack. Further, the WPR ''permits Congress to terminate an unauthorized presidential use of military force at any time by concurrent resolution.'' John C. Yoo, The Continuation of Politics By Other Means: The Original Understanding of War Powers, 84 Cal. L. Rev. 167, 181 (1996).

First Iraq War. In 1991, Congress gave the President authority to ''use United States Armed Forces pursuant to United Nations Security Council Resolution 678 (1990) in order to achieve implementation of Security Counsel Resolutions [regarding the Iraqi occupation of Kuwait],'' but must first attempt diplomatic measures. Authorization for Use of Military Force Against Iraq Resolution, Pub. L. 102–1, §2(a), (b) (1991).

Afghanistan. In 2001, Congress provided by joint resolution that ''the President is authorized to use all necessary and appropriate force against those nations, organizations, or persons he determines planned, authorized, committed, or aided the terrorist attacks that occurred on September 11, 2001, or harbored such organizations or persons, in order to prevent any future acts of international terrorism against the United States by such nations, organizations or persons.'' Authorization for Use of Military Force, Pub. L. 107–40, §2(a), 115 Stat. 224 (Sept. 18, 2001). Although this example is far more open-ended than the others, there are still restrictions imposed on the use of force.

Second Iraq War. In 2002, Congress authorized the President to ''use the Armed Forces of the United States as he determines to be necessary and appropriate in order to . . . (1) defend the national security of the United States against the continuing threat posed by Iraq; and (2) enforce all relevant United Nations Security Council resolutions regarding Iraq.'' Authorization for Use of Military Force Against Iraq, Pub. L. 107–243, §3(a), 116 Stat. 1498 (Oct. 16, 2002). The President was, however, required to certify that diplomatic means are insufficient and that the use of force will not impede the war on terrorism. Id. §3(b).

Mr. SPECTER. Mr. President, I yield the floor.

NOMINATION OF GREGORY KENT FRIZZELL

Mr. INHOFE. Mr. President, first of all, I appreciate very much the senior Senator from Pennsylvania yielding to me. I know he is interested in getting these quality judges confirmed, and votes are taking place.

We have one coming up in a few minutes that happens to be for a close personal friend of mine, a judge in Oklahoma, Greg Frizzell. I would like to make a couple of comments.

First of all, we thought he would be confirmed before the end of last year, and it didn't work out. There was bickering going on that had nothing to do with him but with other judges. Fortunately, over the last few weeks, I have had a chance to talk to colleagues on both sides of the aisle.

I want to single out Senator PAT LEAHY for being so generous with me and giving me time to talk about Judge Frizzell and why he should be confirmed. He told me, after listening to this, he would be willing to put him on his top priority list. He didn't have to do it. He is a Democrat and I am a Republican. So, again, I compliment Senator PAT LEAHY for doing that for us and for justice in America.

This young man, Greg Frizzell, has a great family background. I remember when his daddy, Kent Frizzell, was in Kansas and served as attorney general for that State. Then he had better judgment and decided to move from Kansas to Oklahoma. We became good friends many years ago. Greg was very young at that time. He was raised in this family of public servants, people who served as his father had for such a long period of time. I think his father is still at the University of Tulsa Law School and has been for about 20 years and is doing great work. That is the environment in which Greg Frizzell was raised. He has been a judge for a long time, and you would think you would hear some negative things about him. But you don't hear negative things about this guy. Even his political adversaries all agree that he is the quality and type of man who should be on the Federal bench.

Robert Sartin, a member of the Board of Governors, said:

> Judge Frizzell is a man of extremely good character and high integrity, with a deep sense of personal responsibility toward his fellow man.

A fellow judge, Claire Egan, praised him. She talked about the urgency of this confirmation and that they actually only have three judges now on that bench doing the work of six judges.

One of the most highly respected senior Federal judges, Ralph Thompson, who is in senior status in Oklahoma right now, praised Greg, saying there is nobody out there who could be more qualified than Greg Frizzell for this particular appointment.

So it is neat that we are finally getting around to this. I apologize to Greg and his family for the uncertainty that is always there, even though I never had any uncertainty. I knew he was going to be there.

Getting back again to all these different people, Joe Wolgemuth, a prominent attorney in Tulsa, recalls an incident where Judge Frizzell—he has six kids, by the way—had work to do one night, and he went down and took his six kids with him and did his judicial work. Anybody who can juggle six kids and do his job at the same time I know is qualified for this job. I am thrilled that just in a matter of minutes we will be able to vote to confirm Judge Frizzell to the Northern District of Oklahoma. He will be a great judge.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

JUDGE GREGORY KENT FRIZZELL

Mr. SPECTER. Mr. President, I thank the Senator from Oklahoma for those comments. He may be interested to know that I have been advised that the nominee is the son of Kent Frizzell, who was a high school debater in Kansas in my era. I debated against Kent Frizzell. I also noted that the nominee was born in Wichita, KS, which is a good place to be born, because I was born there, too. It is sometimes the source of some levity.

When I was one of the assistant counsels to the Warren Commission, a man named Frances W. Adams, a prominent Wall Street lawyer, noted on my resume that I was born in Wichita. He said: Where was your mother on her way to at the time? When I say the birth place of Greg Frizzell, the nominee, is Wichita, KS, I recollect my own birth place and recollect the connection I had with his father being my high school debating opponent many years ago.

While I have the floor, I know the time has been reserved to talk about judges in just a few minutes. Having started on Gregory Kent Frizzell, I would like to make a few additional comments. Senator LEAHY is due to be here in a few minutes to speak—about three nominees. Votes are scheduled to take place at 11:55.

I would like to supplement what has been said about Gregory Kent Frizzell. He has an outstanding academic record. He graduated from Tulsa University in 1981 and the University of Michigan Law School in 1984. He was an Oklahoma Rhodes Scholar finalist in 1980. He has been rated unanimously ''well qualified'' by the American Bar Association. I believe there is no opposition to his nomination for U.S. District Judge for the Northern District of Oklahoma. I urge my colleagues to support him.

I ask unanimous consent that his résumé be printed in the RECORD.

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

GREGORY KENT FRIZZELL

UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF OKLAHOMA

Birth: December 13, 1956, Wichita, Kansas.

Legal Residence: Oklahoma.

Education: B.A., University of Tulsa, 1981, Phi Alpha Theta (History Honor Society), Omicron Delta Kappa (National Leadership Honor Society), Oklahoma Rhodes Scholar