amendment and with almost no debate, but I suggest this will be nothing more than a Pyrrhic victory. Like the stimulus, like health care, like financial reforms, it will give folks something to talk about, but it will only worsen the problems it is meant to deal with.

Unfortunately, it will come at the expense of a far better bill, a bill that was introduced last week by the Republican leadership team. Let me talk a couple minutes about the bill that has been introduced.

It starts at the root of the problem—the already apparent shortcomings with offshore regulations and at the Minerals Management Service, MMS. It includes the OCS Reform Act that we moved through our committee, reported unanimously by all 23 members of the Senate Energy Committee. Permitting and best available commercial technology requirements are strengthened to enhance the safety and the integrity of offshore operations. We also codify a complete reorganization of MMS. We remove the President's offshore moratorium once new safety requirements have been met. We establish strict liability limits for each project based on a range of risk factors. There is a series of 13 different risk factors that would be relevant. We include a bipartisan commission to investigate what went wrong with Deepwater Horizon. And, finally, we right a longstanding wrong by returning a large share of production revenues to the coastal States.

It has been suggested in one of the Hill publications this morning—a Democratic staffer is quoted as saying this Republican package was hastily thrown together. I remind that Democratic staffer or others who are looking at this that almost all of what is contained in this Republican package was introduced 1 month ago today, as a matter of fact, in an oilspill compensation act I introduced. We include that with the component pieces of the OCS Reform Act that was passed unanimously by the committee. To suggest this has been somehow hastily cobbled together, one needs to go back and look at the fact that it has been out there for public review and scrutiny now for almost 1 month.

As much as I will push back against the decision to race to finish this bill, we must—we absolutely must—have more debate on these issues. The majority, with very commanding numbers in both Houses and control of the White House, may want to try to somehow blame Republicans for the thousands of lost jobs from Alabama to our State of Alaska as well as the administration's failure to protect and restore the gulf's offshore environment. But that strategy will fail.

We are offering a more responsible and dramatically less costly piece of legislation that truly deserves to be considered and passed by the full Senate.

I wish the majority would take that same path instead of deciding, judging from the development of the bill and its actual content, that it is time we give up on policy for the year and focus instead on just messaging.

We need to look at the terrible toll we all know is taking place as a result of the Deepwater Horizon spill, the obvious failure of our offshore regulatory system, and of the growing economic consequences of the administration's offshore moratorium.

It is absolutely crystal clear there is action that needs to be taken. There is policy that needs to be put in place to respond to the oilspill, the environmental devastation, the economic devastation, and the regulatory confusion that was in place. It is not time for the politics or partisan activities. It is not time to roll the dice with our Nation's energy policy. For the continued vitality of an entire region in the United States, it is imperative that we move beyond the message and we provide the policy and the legislative response that is so necessary and so needed.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. 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.

TELEVISING SUPREME COURT PROCEEDINGS

Mr. SPECTER. Mr. President, I have sought recognition to address the subject of televising the Supreme Court of the United States. Legislation is pending on the Senate docket which was voted out of the Judiciary Committee by a vote of 13 to 6, and it is particularly appropriate to consider this issue at a time when we are examining the nomination of Solicitor General Elena Kagan for the Supreme Court.

We have seen, in a series of nomination proceedings, the grave difficulties of getting answers from nominees as to their philosophy or ideology, and that is particularly important when the Supreme Court has become an ideological battleground. There is a great deal of lip service to the proposition that the courts interpret the Constitution and interpret legislation as opposed to making law, but the reality is that on the cutting edge of the decisions made by the Supreme Court, the decisions are based on ideology. Therefore, for the Senate to discharge its constitutional duty on advise and consent—on the consent facet, to have an idea of where nominees stand—there is an adjunct to that consideration; that is, to find a way to have the nominees follow the testimony they give.

We have found that in notable cases—the most recent of which is Citizens United—two of the Justices made a 180 degree about-face. Both Chief Justice Roberts and Justice Alito testified extensively about reliance upon Congress for factfinding under the obvious proposition that Congress has the ability to hear witnesses and make factual determinations. Chief Justice Roberts was explicit in his testimony that when the Court takes over the factfinding function, that it is legislation which is coming from the Court decisions.

Similarly, those two Justices were emphatic on their view of stare decisis, and there was a 180-degree about-face in Citizens United on precedent which lasted for 100 years, and now corporations may engage in political advertising. So the issue is one of trying to deal with some level of accountability.

The principle of judicial independence is the bulwark of our Republic. It is the rule of law which distinguishes the United States from most of the other countries of the world. The independence of the judiciary is assured by the fact they serve for life or good behavior. The suggestion that the Court be televised is in no way an infringement upon judicial independence.

We are not suggesting how the Justices should decide cases, we are saying to the Justices that the public ought to know what is going on. Recent public opinion polls show that 63 percent of the American people favor televising the Supreme Court. When the other 37 percent was informed that the Supreme Court Chamber only holds a couple hundred people and that when someone arrives there they can only stay for 3 minutes, that number in favor of televising the Court rose to 85 percent.

The highest tribunal in Great Britain is televised. The highest tribunal in Canada is televised. Many State supreme courts are televised. The press—the print media have an absolute right to be present in the proceedings under Supreme Court decision. So why not the Supreme Court?

This comes into sharp focus on the factor that there has been an erosion of congressional authority by what the Supreme Court has done. In the course of the past two decades—really, 15 years—the Congress has lost a considerable amount of its authority—some taken by the Court and some taken by the executive branch. The Court has taken greater authority.

In 1995, with the decision of United States v. Lopez, on the issue of caring guns into a school yard, for 60 years there had been no challenge to the authority of Congress under the commerce clause. That followed the legislation declared invalid under the New Deal of Franklin Roosevelt in the 1930s and led to the move to pack the Court. But since that time, the commerce clause has been respected.

The case of United States v. Morrison, involving legislation protecting women against violence, was another case diminishing the power of Congress. In a 5-to-4 decision, the Supreme Court declared that act unconstitutional because of Congress's ''method of reasoning.'' One may wonder what

the method of reasoning is in the Supreme Court Chamber, a short distance beyond the pillars of the Senate. What happens when a nominee leaves the confirmation proceedings and walks across Constitution Avenue? Do they have some different method of reasoning?

The fact is, there has been a reduction in the authority of the Congress. The Court has further taken authority from the Congress in a series of decisions interpreting the Americans with Disabilities Act. Two cases—Alabama v. Garrett and Tennessee v. Lane—came to opposite results with 5-to-4 decisions. In the case of Tennessee v. Lane, the Americans with Disabilities Act was upheld when a paraplegic sued because he couldn't gain access to a courtroom because there was no elevator. With a shift in the vote of Justice Sandra Day O'Connor in Alabama v. Garrett, the section of the Americans with Disabilities Act was declared unconstitutional dealing with employment.

In the case of Alabama v. Garrett, the Court applied a test called congruence and proportionality. Up until the case of City of Boerne in 1997, the standard had been a rational basis. But a new standard was articulated—congruence and proportionality—which is impossible to understand.

Justice Scalia correctly asserted that it was a ''flabby test,'' designed to give the court flexibility to engage in judicial legislation.

When nominee Elena Kagan was asked which standard she would apply, the rational basis test or the congruence and proportionality test, she declined to answer. That certainly fell within the ambit of Ms. Kagan's now famous 1995 Law Review article, where she chastised Justice Ginsburg and Justice Breyer for stonewalling in their nomination hearings, and also the Senate for not getting information to help in discharging our duty to consent to Supreme Court nominations.

One approach with television would be to hold some level of accountability when the public understands what is going on. Louis Brandeis, before he came to the Supreme Court, in a famous article in 1913 advocated that the sunlight was the best disinfectant and publicity was to deal with social ills. Stuart Taylor, noted commentator on the Supreme Court, said the only way to have the Court stop taking away power from the Congress and from the executive branch is by infuriating the public.

To infuriate the public, the public has to be informed, and television would be a significant step forward.

FOREIGN TRAVEL

Mr. SPECTER. It has been my custom to make a report to the Congress and my constituents and the general public when I return from a trip, which I did on July 11, having started on July 3, and having visited the Czech Republic, Israel, Syria, and Croatia. I will ask at the conclusion of my comments the full text of my prepared statement be printed in the RECORD.

A few supplementary comments about my visits to Israel and Syria: The Mideast peace process is of enormous importance, not only to that region but to U.S. national security interests and to the interest of peace in the world. The Palestinian track seems to be stuck with the controversies over the neighborhoods, also referred to as the settlements. But the administration is hard at work through special envoy former Senator George Mitchell moving ahead on that line.

I believe the time is ripe now for movement on the Israel-Syria track. I say that based on the conversations I had with Israeli and Syrian officials. I was invited to come to Damascus. I have been to Syria on many occasions in the past, starting in 1984. I have been there some 19 times. This was the first time that I received a specific invitation from President Bashar al-Assad to come there. I believe that is an indication, which President Assad is very open about, of his interest in having peace talks with Israel without preconditions.

He immediately follows that with a statement that Syria has a right to the Golan Heights. But it is no surprise that this is being asserted from the Syrian point of view.

Only Israel should decide for itself whether it wishes to trade the Golan for other national security interests, for concerns about Hezbollah and Hamas and the link with Iran—whatever effect there may be with the Iranian-Syrian relationship and the stabilization of Lebanon. But it is a different world today than it was in 1967 in an era of rockets, so the security interests are very different.

The Israelis and the Syrians came very close to a peace agreement in 1995 and again in the year 2000. Turkey had been brokering talks between Israel and Syria, but the Turkish envoys have withdrawn after the so-called flotilla incident, asking Israel for an apology. Since none is forthcoming, the Turks are not brokering that issue. So it seems to me with the role the United States played, the very active role of former President Clinton—with U.S. participation I believe the prospects are good and there could be a treaty there.

Israel has significant potential gains—to stop the shelling by Hamas from the south and the threat and potential shelling from Hezbollah from the north, and also the relationship between Syria and Iran. President Assad said to me that Iran supports Syria, but Syria does not support Iran. With the recent action by Syria in changing the veiling requirement, it is an indication that Syria is pursuing being a secular state with significant differences from the practices in Iran. If it should become the national interest of Syria to side with the West, that is a potential which ought to be explored. It is not going to happen overnight, but it is something worth thinking about and worth considering.

I now ask unanimous consent that the full text of my prepared statement be printed in the RECORD.

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

Mr. President—As is my custom, when I return from foreign travel, I file a report with the Senate.

From July 3 to July 11, 2010, I traveled to the Czech Republic, Israel, Syria, and Croatia.

CZECH REPUBLIC

I arrived in Prague on Sunday, July 4, 2010 after having departed Washington, D.C. on Saturday with a brief overnight stay in England. This was my first trip to Prague since Czechoslovakia peacefully split into the Czech Republic and Slovakia in 1993. The evening of my arrival in Prague, I dined with U.S. Ambassador John Ordway, who is serving as the Chargé d'Affaires of the U.S. Embassy in Prague while the Senate considers the nomination of Norman Eisen to be U.S. Ambassador to the Czech Republic. One of the issues we discussed was his belief in the importance of congressional travel. In addition to raising Members of Congress' understanding of world affairs, it provides embassy staff with opportunities to raise issues of importance with foreign leaders at higher levels than normally possible. Along these lines, I was asked to voice my support to Czech officials for the efforts of Westinghouse—a Pittsburgh-based company—to build a nuclear power plant in the Czech Republic.

The Westinghouse facility would provide 9,000 American jobs, create $18 billion in U.S. exports, and would allow the Czech Republic to reduce its reliance on Russia as an energy provider. Russia currently provides the Czech Republic with 70 percent of its natural gas, 60 percent of its petroleum, and 30 percent of its nuclear power.

The following morning I met with Ambassador Ordway and some of his deputies for a country team briefing. One of the issues we discussed was the newly-elected Czech Parliament's plan to balance the national budget by 2013 through cuts in expenditures and increased indirect taxes. Additionally, we discussed the Czech Republic's presence in Iraq and Afghanistan. Approximately 535 Czech soldiers are currently serving in Afghanistan, and it was the sense of the embassy staff that public sentiment regarding the mission could change following the recent deaths of 3 Czech servicemen.

Following the meeting at the Embassy, Ambassador Ordway and I proceeded to a meeting with Czech President Vaclav Klaus. I thanked the President for his country's contribution to the military efforts in Iraq and Afghanistan, and he expressed the belief that while the missions were not popular in the court of world opinion, something had to be done and the world could not afford to standby.

I raised the issue of the prospects of forming lasting democratic institutions in Iraq and Afghanistan. He expressed the view that he thought democracy would come to Iraq, but was unsure when. He expressed doubts as to whether it could ever take hold in Afghanistan.

I urged President Klaus to support Westinghouse's nuclear bid and he said that he has been impressed with Westinghouse products since his days as Prime Minister, but added that the decision would be made by others in the Czech government.