

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 Repub-

lic, 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 poten-

tial 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 stand by.

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.

Knowing President Klaus to be a former economics professor, I raised the issue of China's unfair subsidization of its steel industry—something I have fought against and argued before the International Trade Commission on a number of occasions—which leads to an unlevel playing field for U.S. and Czech companies alike. President Klaus shared my frustration with such practices, but he disagreed when I suggested the implementation of countervailing duties. It was his sense that democratic reform in China would be the greatest driver for improvements in trade practices, although he could not suggest a timeline for such reform.

I inquired with President Klaus his views of Iran and what could be done there. While he did not have a direct answer, he shared a very interesting story about an encounter he had with Russian Prime Minister Putin and Russian President Medvedev. He explained that during a conference the three had attended, both Putin and Medvedev expressed great concern over the situation in Iran, because of Iran's efforts to develop a nuclear weapon.

We also discussed efforts to create a lasting Mideast peace, strategies for dealing with North Korea, and climate change. With regard to the last issue, knowing me to be concerned with current changes to the global climate, President Klaus provided me with a copy of his book "Blue Planet in Green Shackles," in which he expresses his skepticism with regard to man's impact on the warming of our planet.

ISRAEL

We spent most of July 6 traveling to Israel from the Czech Republic. This was my 27th visit to Israel in my capacity as a Senator. The following day, I had a series of meetings with Palestinian Liberation Organization negotiator Dr. Saeb Erekat, Palestinian Authority Prime Minister Salam Fayyad, Israeli Opposition Leader Tzipi Livni, Israeli President Simon Peres, and finally had a dinner meeting with Israeli Deputy Foreign Minister Danny Ayalon.

My first meeting of the day was with Dr. Saeb Erekat in Ramallah, someone I have gotten to know very well over the past 15 years. We opened the meeting with a discussion about the prospects for peace. Dr. Erekat immediately said that peace was obtainable—very much in reach—and the next move lay in the hands of Israeli Prime Minister Benjamin Netanyahu. I mentioned that I would be meeting with Israeli President Peres later that day and Syrian President Assad the following day. Erekat told me to speak to Israel about using Turkey to resume the indirect talks between Israel and Syria. According to him, it was both his and President Abbas's position that it was in the Palestinians' interest for Syria and Israel to resume talks and that the current tension between Israel and Turkey benefitted no party.

That afternoon I remained in Ramallah to meet with Palestinian Authority Prime Minister Salam Fayyad. He said he is focusing on growing the economy in order to undercut peoples' reliance on Hamas for basic needs. Prime Minister Fayyad was optimistic that the Palestinian Authority can regain control of the government from Hamas in the upcoming elections.

I raised the issue of Israel's talks through Turkey with Syria. Prime Minister Fayyad was skeptical of the utility of this track, and indicated his belief that the best course forward is to formulate a joint public document outlining the key issues which need to be resolved to make peace. He also discussed his belief that concerted U.S. involvement could greatly improve the chances of success.

I asked the Prime Minister if there were other ways the U.S. could be helpful and he

explained that much of the progress on moving the economy and infrastructure has come from USAID, including more than \$2.9 billion since 1994 for programs in the areas of water, sanitation, infrastructure, education, health care, economic growth and democracy.

After meeting with Prime Minister Fayyad, we returned to Jerusalem where I met with Israeli Opposition Party Leader Tzipi Livni. We opened the discussions talking about Israel's indirect talks with Syria through Turkey. She indicated her belief that an agreement was "feasible".

I proceeded to ask her about Prime Minister Fayyad's assertion that there will be no peace between Israel and the Palestinians until the Palestinians are united. In her view talks between Israeli and Palestinians could proceed, and when an agreement is reached it could be presented to Hamas—where they would be given a choice work together or be seen as an obstructionist minority.

That evening I joined Deputy Minister of Foreign Affairs Daniel Ayalon for dinner. We became friends when he served as Israel's ambassador to the United States. I opened the discussion by expressing Dr. Erekat's position that if Prime Minister Netanyahu were serious about peace, a deal could be made. Ayalon responded by stating that peace was on the table in November of 2008 and was rejected by the Palestinians.

During my meeting with Dr. Erekat, he mentioned a situation where Minister of Foreign Affairs Avigdor Lieberman would not shake his hand, so I raised the issue with Deputy Foreign Minister Ayalon. He denied the account and referred to Lieberman's oft-quoted remark that he would give his own house for peace with the Palestinians.

Before concluding dinner, Ayalon asked me to return with two messages to the U.S. The first was to pass a request shorten the life sentence for Jonathan Pollard, a former civilian intelligence analyst who was convicted of spying for Israel. The second was to express appreciation for the funds stemming from the United States-Israel Energy Cooperation Act of 2007, which authorizes grants to encourage collaboration between the U.S. and Israel in the research, development, and commercialization of renewable energy and energy efficiency technologies. The \$4 million appropriated to date by Congress for this program has been matched 100 percent by the Israeli Government. Funding has gone to support eight collaborative projects between Israelis and American universities and private companies, including a company based in Bala Cynwyd, Pennsylvania. With this funding Israel hopes to reduce its oil dependence by 50 percent.

SYRIA

The next morning we flew to Syria—my 19th trip to the country—via Jordan to meet with President Bashar al-Assad. I have gotten to know President Bashar al-Assad well over the past decade, just as I knew his father, Hafez al-Assad. I opened my meeting with President Assad by expressing regret that the U.S. Senate had not acted to confirm Robert Ford to be the Ambassador to Syria, in addition to ambassadors to other important countries and international bodies. President Assad replied that he was very pleased by President Obama's signal that he wanted an American ambassador in Damascus.

I continued the conversation by recounting a discussion I had recently with Syria's Ambassador to the United States, Imad Moustapha, in which we discussed the opportunity to restart talks between Israel and Syria. President Assad expressed great openness to resuming the talks with Turkey as the broker.

I pressed Assad on Syria's alleged sale of Scud missiles to Hezbollah and his support for Hamas and Hezbollah. He asked for proof on the missile issue and denied the charge. He said that once there was a Syria-Israeli peace agreement there would no longer be a reason for any concern about missiles. Hezbollah or Hamas.

In discussing Iran, President Assad suggested the U.S. work to improve its relationship with Iran by further pursuing diplomatic engagement.

As I have done in previous conversations with President Assad, I expressed my desire that he allow forensic teams into his country on the missing Israeli soldiers issue. I also raised again my request that the remains of Eli Cohen be returned to Israel—or, at a bare minimum, allow a kaddish to be said over his remains by his widow and a rabbi. He said those matters would have to await a Syria-Israeli peace treaty.

Finally, at the urging of the Charge, I asked that recent changes to Syrian visa regulations—which seem to target Americans—be reversed in light of the fact that the U.S. has reduced visa wait periods for Syrians and lifted the Travel Warning for Syria. President Assad said he would look into this situation.

CROATIA

On Friday, July 9, 2010 I flew to Dubrovnik, Croatia where I met with U.S. Ambassador Jim Foley. During our meeting Ambassador Foley underscored Croatia's strong support of the U.S. and cited its commitment of 300 soldiers to the mission in Afghanistan. The Ambassador expressed his support for Croatia's desire to enter the European Union so as to strengthen the economy and provide incentives for governmental reform. I inquired about the status of the Serbian fugitives responsible for the Srebrenica Massacre and the Ambassador assured me everything was being done to bring those men to justice. While we were in Croatia, there was a summit of regional leaders being held in the city.

The next morning I met with Croatian Foreign Minister Gordan Jandroković before the Croatian summit. I expressed my appreciation for Croatia's efforts in Afghanistan and my support for Croatia's desire to enter the E.U. He indicated in response that Croatia plans to expand its troop commitment in Afghanistan by five percent to 320. We also discussed efforts to improve relations between Kosovo and Serbia so as to improve regional security.

We returned to the United States on Sunday, July 11, following an overnight layover in France.

Mr. SPECTER. In the absence of any other Senator on the floor seeking recognition, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. BAUCUS. Mr. President, I ask the time be yielded back so we can proceed.

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

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.