

VOTE EXPLANATION

Mr. BROWBACK. Mr. President, I regret that I was unable to vote yesterday afternoon on the very significant amendment offered by my colleague from Texas. As my colleagues know, yesterday marked the 50th anniversary of the landmark Supreme Court decision *Brown v. Topeka Board of Education*. We in Kansas were very pleased that President Bush and Education Secretary Paige joined with us in Topeka to commemorate this important date. While I intended to arrive here in time for the vote following the special events of this day in Kansas, the plane I was riding was, unfortunately, delayed.

Truly, providing for the health needs of our military's cadets and midshipmen when they are placed in harm's way is a duty of this Nation. I am grateful to the Senator from Texas for raising this issue, and I am pleased that the Senate adopted this amendment to S. 2400, the fiscal year 2005 Department of Defense Authorization bill. Mr. President, I ask that the record reflect that, had I been here, I would have voted in favor of Senator HUTCHISON's amendment No. 3152 yesterday afternoon.

 100TH BIRTHDAY OF LATE
 SENATOR JACOB JAVITS

Mr. SCHUMER. Mr. President, I rise today to remember and pay tribute to the late Senator Jacob Javits on what would have been his 100th birthday. I have the honor of currently serving in his Senate seat and I remember Jack with the deepest admiration and affection. We shared many passions, and one true love—New York and its citizens.

Jack did both jobs of Senator so well. He was a big thinker, a compassionate and visionary legislator, an important actor in global affairs. But when an ordinary citizen or a non-profit group or struggling company in New York needed his help, he was there. And that was his legacy; he made all our lives better.

Born in a tenement on the lower east side of Manhattan on May 18, 1904, Jack was the son of Jewish immigrant parents from Galicia and the Turkish Empire. He was educated in New York City's public schools, attended night classes at Columbia University and graduated from New York University Law School in 1926. From there he practiced law in New York City until joining the Army in 1941. Javits served in both Europe and the Pacific during World War II and was discharged as a lieutenant colonel in 1945. After the war, Jack resumed practicing law until he ran for office in 1946.

In 1946, Jack was elected to the U.S. House of Representatives in New York's traditionally Democratic 21st District, which included Manhattan's upper west side, home to Columbia University. He served in the House for 8 years and had a seat on the Foreign Affairs Committee. He then served as

New York's attorney general from 1954 to 1956. In 1956, Jack won election to the United States Senate, defeating New York City Mayor Robert F. Wagner, Jr. He would go on to serve 24 years in the Senate, tied with Senator Moynihan for the longest service of any New York Senator.

He served on the Senate Foreign Relations Committee in 1969, later attaining the position of ranking Republican member. His service on that committee would spur a lifelong interest and involvement with foreign affairs and particularly Israel. He also served as ranking member of the Labor and Human Resources Committee and the Committee on Governmental Affairs.

Although he had a long and distinguished Senate career, Jack was most beloved and admired for his courageous efforts in the civil rights struggle. From his very first days in the Senate, Jack was a courageous leader in the fight against segregation and racial discrimination. He campaigned passionately for passage of the 1957 Civil Rights Act and played a major role in the passage of the landmark Civil Rights Act of 1964 and in other civil rights legislation that followed.

During the Vietnam era, Jack became a major critic of the war, and subsequently, one of his major concerns became the question of who has the power to make war. Jack was a primary sponsor of the War Powers Resolution of 1973, which reestablished congressional responsibility, rather than presidential, to commit U.S. armed forces abroad in the absence of a formal declaration of war.

He was deeply troubled that the Congress had in many ways abdicated its proper role during the Vietnam War. I think many of us today share the very same concerns that Jack had some 30 years ago. For Jack cared deeply about the U.S. Senate, its debates, its constitutional authority. Its Members were his best friends. It did not matter whether he agreed with them or if they challenged or even attacked him—they were all his colleagues.

Jack once said of the Senate, "I was stimulated by the ebb and flow of debate and the philosophic tensions of the work we did—balancing lofty principles against sectional or selfish interests, welding together antagonistic human and economic and ideological forces into the coherent schemes of governance that we call laws." Jack respected the Members of the Senate with a full heart and his great affection for them was returned in full measure.

A 1981 New York Times article remarked, "whether or not you agreed with him on a given issue, you always knew that Mr. Javits was one of the brightest, hardest working and most effective elected officials in Washington in our time."

After leaving the Senate in 1980, Jack visited and corresponded with many of his former political colleagues and maintained his interest in foreign affairs. In 1981, he served as special advi-

sor on foreign policy issues of then Secretary of State Alexander M. Haig, Jr. He was a member of the American Jewish Commission on the Holocaust and wrote numerous articles on international matters in publications such as the New York Times, Newsday, and Foreign Affairs.

The last project of his final, heroic years combined those elements that meant most to him. Jack created the concept of the Javits Senate Fellowship, a program that made available to the Senate many of the finest graduate students in public policy that our country could produce.

He asked these students of outstanding academic background to carry out his commitment to excellence in public service, to learn firsthand about the Senate and to bring to their own lives the values and experience which they had gained in the Senate. Many of these young people have gone on to very distinguished careers and accomplishments.

Jack knew that, in truth, the best way to be remembered would be through the accomplishments of the next generation, through those who would carry forward his spirit, his commitment to public service, and his abiding respect for, and love of, the United States Senate.

We remember Jack with deep admiration on what would have been his 100th birthday. His accomplishments for New York and the Nation will long be honored and remembered.

 NOMINATION OF MAJOR GENERAL
 DAVID H. PETRAEUS

Mr. BUNNING. Mr. President, I want to spend a few moments to talk about the nomination of Major General David H. Petraeus to be Lieutenant General in the U.S. Army.

I believe President Bush and Secretary Rumsfeld have made an excellent decision to promote General Petraeus and assign him to chief of the Office of Security Transition in Iraq. I congratulate General Petraeus and wholeheartedly support his nomination.

I am pleased that the Senate has moved so quickly on his nomination. We received it 2 weeks ago and he was confirmed yesterday. This is fitting because last Friday he transferred command of the 101st Airborne Division, Air Assault, to his successor at the helm of the Screaming Eagles.

General Petraeus led the 101st Airborne to stunning success in Iraq. His division performed superbly in combat, and is responsible for bringing Saddam Hussein's two ruthless sons to justice. Unfortunately, the division also suffered the largest number of combat casualties in Operation Iraqi Freedom.

Equally impressive to the combat performance of the division under General Petraeus were the successes in rebuilding the governing structures and the hope of the Iraqi people in a significant portion of the country. Six days