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Senate

The Senate met at 9:31 a.m. and was called to order by the Honorable SAM BROWNBACK, a Senator from the State of Kansas.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O God, who redeems our lives and snatches us from the powers of death, help us to see that in spite of our best plans for today, Your purposes will prevail. Teach us to submit to Your unstoppable providence, knowing that You desire to prosper us and give us success. Remind us that when we help those on life's margins, we lend to You.

Accompany our lawmakers today in their challenging work. Give them the security of Your spirit, as You protect them from harm. Shine the warmth of Your presence upon them during their moments of uncertainty. Answer them from Your holy heaven, and rescue them by Your great might. We pray this in Your powerful Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable SAM BROWNBACK led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The bill clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, April 20, 2005.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby

appoint the Honorable SAM BROWNBACK, a Senator from the State of Kansas, to perform the duties of the Chair.

TED STEVENS,
President pro tempore.

Mr. BROWNBACK thereupon assumed the Chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Kentucky.

SCHEDULE

Mr. MCCONNELL. Mr. President, today, following a 1-hour period for morning business, we will resume consideration of the emergency supplemental appropriations bill. Yesterday, the Senate invoked cloture with a unanimous vote of 100 to 0. I hope that the vote is an indication that the Senate is prepared to finish this bill in short order. There are a number of pending germane amendments to the bill. We hope that not all of these will require votes; however, Senators should expect a busy day as we try to wrap up our business on this emergency funding bill. At this particular time, we do not have a set time for the first vote, and Senators will be notified when that vote is scheduled. Again, I would anticipate a late evening as we continue to try to complete our work on this bill.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will be a period for the transaction of morning business for up to 60 minutes,

with the first half of the time under the control of the Democratic leader or his designee, the second half of the time under the control of the majority leader or his designee.

Who seeks time?

The Senator from North Dakota.

DRU'S LAW

Mr. DORGAN. Mr. President, last week I introduced legislation in the Senate dealing with a critically important subject. I am proud to say that the Senator from Pennsylvania, ARLEN SPECTER, joined me as cosponsor of this legislation. It deals particularly with the murder of young women in this country by sexual predators.

We all know the story recently about the murder of Jessica Lunsford. Jessica Lunsford was a 9-year-old young girl abducted in February from the bedroom of her home in Florida. Her body was found a month later. The crime was allegedly committed by a 46-year-old convicted sex offender with a 30-year criminal history.

More recently, we all remember the April 9 abduction of Sarah Michelle Lunde from her family's mobile home south of Tampa, FL. A convicted sex offender who had once had a relationship with the girl's mother has now confessed to killing her.

In March, Jetseta Gage of Cedar Rapids, IA, was abducted, sexually assaulted, and murdered. A convicted sex offender on Iowa's sex offender registry was charged with that crime and arrested for that crime.

In August of last year, a 6-year-old Nebraska girl whose name has been withheld was sexually assaulted by a 39-year-old convicted sex offender.

We all remember the case of Polly Klaas, the 12-year-old who was kidnapped and murdered by a previously diagnosed sex offender.

There was a young woman in my State named Dru Sjodin who was murdered in late 2003. Walking out of the

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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shopping center into a parking lot about 5 in the afternoon, she apparently was abducted by a formerly convicted sex offender who has now been charged with this crime.

Dru Sjodin was a wonderful young woman. She was, as has been the case with these other circumstances, the innocent victim of a sex offender. Alfonso Rodriguez has been charged in her case. Alfonso Rodriguez served 23 years in prison as a violent sexual predator. He was deemed by prison officials to be a high-risk offender who would reoffend when released. He was nonetheless released from prison, and within 6 months he allegedly murdered Dru Sjodin.

I have introduced a law called "Dru's Law." It is supported by Mr. Lunsford, Mr. Klaas, and so many other families who have been visited by these tragedies.

Dru's Law does three things. First, it says there should be a national registry of convicted sex offenders. There is not one now. There are State registries but not a national registry. Many Americans live near a State border. If they check their State registry of who the violent sex offenders are in their region, they will find out who is in their State but not who is 5 or 20 miles away across the border. There should be a national registry of convicted sex offenders, No. 1.

No. 2, if a high-risk sex offender is about to be released from prison and if that person is deemed to be at high risk for committing another violent offense, the local State's attorneys must be notified that this high-risk sex offender is about to be released so they can seek further civil commitment if they believe it appropriate.

No. 3, if, in fact, a high-risk sex offender is released from prison and there is no further civil commitment, there must be monitoring of that sex offender upon release. There cannot be at the prison door a wave and say: So long, you served your 23 years, have a good life. There must be high-level monitoring.

It is unbelievable to me that we know the names of these people who are committing these murders because they have been behind bars and they are released despite the fact that psychiatrists, psychologists, and others judge them to be at high risk for reoffending. I don't want to see the list of victims, which includes Dru Sjodin, Polly Klaas, Jessica Lunsford, and Sarah Lunde, get longer. We can do something about this. We can pass this legislation.

Incidentally, this legislation which I reintroduced now with ARLEN SPECTER was passed by unanimous consent last year. We did not get it through the House, but I have now reintroduced it. I am going to try again, and I hope this time that this legislation gets to the President's desk for signature. It is long past the time that we do what is necessary to save lives. We ought not any longer accept the status quo. Vio-

lent sexual predators need to be identified, need to be on a national registry, and need to be either recommitting, if they are at high risk for reoffending, or there needs to be high-level monitoring when they are released. That is simply the case.

How much time have I consumed?

The ACTING PRESIDENT pro tempore. The Senator from North Dakota has consumed 6 minutes.

NUCLEAR OPTION

Mr. DORGAN. Mr. President, on another subject, this morning I read some very troubling comments by a member of the House leadership, on the subject of judges. I normally would not comment about remarks made by a member of the House, but we face in the Senate the prospect of what some are calling the nuclear option. This relates to an attempt by an arrogant majority to violate the rules of the Senate, in order to change the rules with respect to the confirmation of judicial nominations. Because of the real possibility that this so-called nuclear option will be exercised, I wish to react to some of these things that have been said about judges.

Judges serve for a lifetime. There are two steps to put a judge on the bench for a lifetime. One, the President must nominate. Second, the Senate advises and consents. In other words, the Senate decides whether it agrees a judge is fit for service for a lifetime.

It is not unusual for the Senate to decide that a judicial nominee by a President should not go forward. In fact, that happened to America's first President, George Washington. He lost one of his judicial nominations.

The Senate has approved 205 out of 215 Federal judicial nominations sent to us by President Bush. Because we have only approved 205 out of 215, which is 95 percent-plus, because there are a few who we have selected who we would not want to confirm, there are those who speak of changing the Senate rules, and to do so by violating the Senate rules. That is called the nuclear option.

What is the origin of all of this? Some of it has been described in stark terms by colleagues in the Congress. It is that they would like to define what good behavior means for judges. They do not agree with some judicial rulings, so they want to impeach Supreme Court Justices.

They must have missed that course in high school and college that talked about checks and balances, as well as the course that talked about separation of powers. Some in the Congress believe the judiciary ought to report to them and believe America's judiciary ought to conform to their interests, to their notions, of how to read our Constitution.

It reminds me again that there is a very big difference between an open mind and an empty head when I hear people talking about how we must find

ways to get the Federal judiciary to bend to the will of the Congress. That is exactly what our Framers did not intend to have happen.

Let me say again, we have confirmed 205 of 215 requested lifetime appointments to the Federal bench offered to us by this President. That is an incredibly good record. But because 10 have not been confirmed—because this Congress has decided not to be a rubberstamp for lifetime appointments on the Federal bench—we have some who have decided they want to break the Senate rules in order to change the Senate rules. I read in today's papers we have others who are deciding they would like to take a crack at impeaching Federal judges and bend the Federal judiciary to the will of the majority here in the Congress.

I think it is arrogant and I think it is dangerous and I think most of the American people would believe the same.

I hope, as we proceed in the coming days, there will be some sober reflection among those who understand the roles of those in this institution and the judiciary, who understand the separation of powers, and who understand checks and balances. If that is the case, those who now talk about the so-called nuclear option will rethink their position.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts.

THE ENERGY BILL

Mr. KERRY. Mr. President, once again, today, President Bush is going to talk about the rising cost of gas and how it is hurting Americans at the pump. He is going to talk again about our dangerous dependence on foreign oil.

Last weekend, President Bush used his radio address to urge Americans to support his energy legislation. He said, and I quote him:

American families and small businesses across the country are feeling the pinch from rising gas prices.

President Bush is right. The fact is American families are struggling. But unfortunately he is wrong about his support of the energy bill and his approach. The issue is not that the President doesn't understand the problem; it is that he does not have a real solution. He has not proposed the kinds of steps that are staring us in the face, available to us to be able to put together a real energy policy for the country. The energy plan he continues to campaign for will, in fact, make the United States more dependent on foreign oil, it will keep gas prices at record highs instead of making them affordable for consumers, and it will make our air and our water more polluted instead of investing in a cleaner future. These are pretty stark choices. Each and every one of them, on examination, is proven in the ways in which this administration has moved backwards on enforcement, backwards with respect to its