The assistant legislative clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER (Mr. CORNYN). Without objection, it is so ordered.

CHIEF JUSTICE WILLIAM H. REHNQUIST

Mr. ALLEN. On September 3, 2005, America lost one of its greatest public servants when, following a year-long battle with cancer, William Hubbs Rehnquist passed away at the age of 80. At the time of his death, he had been a member of the U.S. Supreme Court for 33 distinguished years, having served as Chief Justice since 1986 and previously as an associate justice, appointed in 1972.

Much of William Rehnquist's professional career was dedicated to public service. He served his country honorably in the U.S. Army Air Corps during World War II from 1943–1946. After his military service, he earned an undergraduate, a masters' and a law degree from Stanford University. Even further demonstrating his intellectual acumen, Rehnquist also graduated with a master's degree from Harvard University and was first in his class at Stanford University Law School. After law school, he became a Supreme Court clerk for Associate Justice Robert Jackson before leaving for private practice in Arizona. In 1969, Justice Rehnquist joined the Nixon administration as an Assistant Attorney General where he served until 1971. That year, President Nixon nominated William H. Rehnquist to be on the Supreme Court; the following year, he was confirmed to be an associate justice by the U.S. Senate.

It was on the Supreme Court that William Rehnquist built his reputation as one of the great legal minds of our time. His tenure on the high court of the land, both as an associate justice and as the Chief Justice, was an extraordinary achievement. I was particularly impressed with his leadership as the head of the entire Federal judiciary, as well as his affable personal demeanor on the bench and off, both of which were important traits in his role as Chief.

I respect immensely the way in which Chief Justice Rehnquist served on the Court with honor and restraint. As a justice, he fairly and properly interpreted the words of the Constitution without usurping the rights of the American people and those of the States to make laws as they deem appropriate rather than allowing unelected judges who are appointed for life to substitute their personal political views for the popular will of the people.

Chief Justice Rehnquist clearly understood that judges ought to apply the law and Constitution, not invent the law or amend the Constitution by judicial decree. And I believe that he perfectly embodied what I consider to be the proper role of a justice and that America should be grateful for his long and distinguished public service on the bench.

Our Nation was so fortunate to have a man of William Rehnquist's intelligence and legal experience in public service for so many years. As a Supreme Court Justice, he was a decent, dedicated, steady, and principled jurist whose legal brilliance and knowledge will be difficult to replace. Chief Justice Rehnquist deserves America's gratitude for his over three decades of dedicated service on the Supreme Court and a life devoted to the service of this great Nation and its citizens.

My condolences go out to his family, in particular his three children, James, Janet, and Nancy, during this difficult time.

May he rest in peace.

Mrs. DOLE. Mr. President, I as deeply saddened to learn of the passing of Chief Justice William Rehnquist. He will most certainly be remembered as one of this Nation's greatest Chief Justices.

During his 33 years of distinguished service on the High Court, Chief Justice Rehnquist served with tremendous wisdom, skill, and intellect. His legacy will be defined by his calm and steady leadership, his staunch defense of the constitution, and his support of an independent judiciary.

Born into a modest home in the Midwest, Rehnquist enlisted in the Army at age 19 during World War II. He went on to have a very impressive academic career, earning bachelor's and master's degrees in political science from Stanford University. In 1950, Rehnquist received a master's degree in government from Harvard University. He later returned to Stanford Law School, where he graduated first in his class and served as the editor of the law review.

After law school, Rehnquist served as a law clerk to Associate Supreme Court Justice Robert Jackson. He then settled in Phoenix, AZ, with his wife Nancy, where he spent 20 years in successful private practice. In 1968, Rehnquist returned to Washington, DC, to serve as President Nixon's Assistant Attorney General in the Office of Legal Counsel. In 1972, William Rehnquist became the 100th Justice of the U.S. Supreme Court.

I expect we will hear much discussion in the coming years about the legacy of Chief Justice Rehnquist. But I am confident that a significant part of his legacy, his strong leadership of the Court, will be unquestionable. President Bush said at Rehnquist's memorial service, ''He built consensus through openness and collegiality.'' Likewise, praise from so many of his colleagues and friends serve as a true testament to William Rehnquist's ability to treat people graciously and fairly, both from the bench and in his personal life.

The praise for his professional life is certainly plentiful, but we know that most important to William Rehnquist was his family. He was greatly loved as a husband, father, grandfather, and uncle. His daughters Nancy and Janet joked that dating your father was completely underrated, after they had the pleasure of accompanying their father around Washington and on foreign trips after the death of their mother. He was a family man, first and foremost.

Chief Justice Rehnquist deserves our praise and our tremendous gratitude for his dedicated service to this country. Our Nation mourns the passing of this great man. The significant contributions he made, personally and professionally, will certainly be remembered always.

MEDICARE DO NOT CALL ACT OF 2005

Mr. JOHNSON. Mr. President, today I have joined Senator CORZINE to introduce the Medicare Do Not Call Act. I am pleased to cosponsor this important legislation which will protect Medicare beneficiaries from being subjected to telemarketing campaigns related to the new Medicare Part D prescription drug program.

The Part D program will begin in January 2006, and as many of my colleagues are already aware, this program will turn the administration of the benefit over to health insurance companies. Between now and January 1, 2006, Medicare beneficiaries will receive a great deal of information from the Federal Government, insurance companies, and local organizations regarding how to sign up for the program. Many beneficiaries have already received information about the low-income coverage options.

Just last week the Centers for Medicare and Medicaid Services announced which health plans have been approved to offer the benefit. In South Dakota, there will be 18 companies offering the stand-alone prescription drug plan or PDP. Three companies will offer the Medicare Advantage plan, which is an HMO or Health Maintenance Organization type plan.

Starting in October, all of these companies will be allowed to start marketing their plans. While I do think it is important for seniors to have access to information about the various options, I do not think it is OK for these companies to be promoting their products through aggressive telemarketing campaigns. There are plenty of other, less invasive ways for these companies to get information about their Part D product to Medicare beneficiaries and I encourage those efforts, whether they be mailings, holding information sessions or releasing newspaper and television ads.

The Medicare Do Not Call Act would prohibit health plans from telemarketing their new Medicare prescription drug plans to beneficiaries. The bill permits representatives of insurance companies offering the Medicare prescription drug benefit to speak

with and return calls to beneficiaries who initiate contact and permits plans to call beneficiaries that are already enrolled in their plans. The prohibition only applies to solicitation calls. Those companies that violate the law are subjected to criminal penalties for telemarketing fraud related to the program.

I think that this provision is very important, so seniors do not feel their privacy is being violated by constant phone calls from numerous insurance companies calling their homes. It is important that seniors do not feel pressured to choose one plan or another because of persistent telemarketers.

Starting November 15, 2005, all seniors will be able to start selecting which insurance company they would like to administer their drug benefit. It is my hope that between now and then the information sent to beneficiaries is accessible and easily understood. I do have great concern that many seniors are going to feel extremely overwhelmed, confused and frankly very frustrated about the information they receive about the multitude of coverage options. I think that the Medicare Do Not Call Act is one step we can take to simplify the process and help seniors.

While I did not support final passage of the legislation that created this program because of several concerns I have about how it will impact South Dakotans, I still think it is important for seniors to examine this program closely and decide for themselves whether the new Medicare Part D drug benefit will be worthwhile to them. I will continue to work hard to ensure that the people of my State have sufficient information before they are expected to make a decision. I will also continue to support legislation and other initiatives to make improvements to the program and the administration of it.

LIVESTOCK MANDATORY REPORTING ACT OF 1999

Mr. GRASSLEY. Mr. President, today I was forced to place a hold on H.R. 3408 that will reauthorize for 5 years the Livestock Mandatory Reporting Act of 1999, LMPR.

I introduced S. 1617 with Senator HARKIN that will extend the act by one year. S. 1617 passed this body by unanimous consent during the first week of September. Now here we are at the last minute trying to pass the House version before an important GAG report is released.

Last year, Senator HARKIN and I requested a GAO investigation into the accuracy of reported prices by the U.S. Department of Agriculture. We are so close to having this report released that Congress should extend the LMPR by 1 year.

My bill could be easily taken up by the House and prevent LMPR from expiring. This would allow the report to come out and give Congress time to evaluate the recommendations.

There have been several concerns regarding the administration of the program ranging from late filed reports by packers and inadequate oversight at USDA to ensure compliance and enforcement of the law.

I have heard from enough livestock producers to know that there can be improvement to this important law.

I am trying to protect the interests of producers and have stated before that only those entities that fear transparency should be fighting for a 5-year extension with no consideration for GAO's pending conclusions.

DOMESTIC VIOLENCE AND GUNS

Mr. LEVIN. Mr. President, earlier this week the Violence Policy Center released its annual study of homicide data titled ''When Men Murder Women.'' This year's study analyzed homicide data from 2003, the most recent available, that involved one female victim and one male offender.

The VPC found that in 2003, the majority of women who were murdered were killed with a firearm. In the overwhelming majority of these cases, 77 percent in fact, the male offender used a handgun. The VPC report also revealed that more than ten times as many females were murdered by a man they knew than were killed by a stranger. Of these, 62 percent were in an intimate relationship or married to their killer. According to the report, ''Most often, females were killed by males in the course of an argument.'' These statistics illustrate the tragic role firearms play in domestic violence disputes that escalate into murder.

As my colleagues know, since 1968 it has been illegal for convicted felons, illegal aliens, individuals involuntarily committed to a mental health facility, individuals who have renounced their citizenship, drug addicts, those dishonorably discharged from the military, and fugitives to possess or purchase a firearm. In 1996, we extended the law to the prohibition on firearms to individuals who were under a domestic violence restraining order and those who had previously been convicted of a domestic violence misdemeanor.

Unfortunately, these efforts continue to be undermined by Congress' failure to close the ''gun show loophole.'' Under current law, when an individual buys a firearm from a licensed dealer, there are Federal requirements for a background check to insure that the purchaser is not prohibited by law from purchasing or possessing a firearm. However, this is not the case for all gun purchases. For example, when an individual wants to buy a firearm from another private citizen who is not a licensed gun dealer, there is no requirement that the seller ensure the purchaser is not in a prohibited category. This creates a loophole in the law, providing prohibited purchasers, including those who have previously been convicted of domestic violence crimes, with potential easy access to dangerous firearms. Such firearms could later be used to murder a wife or girlfriend in a moment of rage or jealousy.

The VPC demonstrates that the Congress should do more to help protect women from gun violence. I urge my colleagues to join me in support of funding for domestic violence prevention programs as well as legislation to close the gun show loophole.

THE NEED FOR STRONG LEADERSHIP

Mr. AKAKA. Mr. President, I rise today to urge my colleagues to work with me and all those who support the belief that only through strong leadership will government be able to respond to the needs of its citizens. This week, I participated in the Homeland Security and Governmental Affairs hearing on dealing with the aftermath of Hurricanes Katrina and Rita. I want to share a statement made by the Honorable Dan Coody, Mayor of Fayetteville, AR, who said:

> I've always believed that any program or process will succeed or fail based on the leadership in that program. And I think that from the very top to the very bottom—speaking at the micro level—there needs to be a system put in place where we hire the most qualified, most knowledgeable people for the job—that want to do the job—and put them in a position where they can lead.

Mayor Coody's remarks underscored my expectations that Federal agencies must be led by experienced and qualified senior leaders in order to ensure that agencies meet their mission. The same evening as our Committee hearing, I was privileged to present the 2005 Service to America Medal Federal Employee of the Year award to Orlando Figueroa, the Deputy Associate Administrator for Programs, Science Mission Directorate, at the National Aeronautics and Space Administration. Mr. Figueroa led the Mars Exploration Rover Project to success under technical challenges and time constraints. He and his team at the Mars Exploration Rover Project created a mobile science lab was used to conduct remote exploration on the surface of another plant, which allowed the exploration of regions beyond the original landing site. This fantastic accomplishment has produced a wealth of scientific discoveries revealing Mars as a potential habitat, and I told Mr. Figueroa that to me, these discoveries spark the imagination, fuel the human spirit, and inspire us to pursue even greater things. Mr. Figueroa exemplifies leadership.

The Federal Government is fortunate to have a cadre of career executives selected for their leadership, who are members of the Senior Executive Service, SES. To become a member of the SES, a candidate must possess the following five executive qualifications: leading change; leading people; being results driven; having business acumen; and building coalitions or having communication skills.