legislative statements regarding the Detainee Treatment Act. The court dismissed my and Senator KYL's statements on the basis that they were submitted for the Record. Instead, it relied on statements where it thought Senator LEVIN had publicly ''urged'' other members to accept his view, and on statements that it believed had been spoken live ''during the debate itself' on December 21.

In reality, there was no ''debate itself' on the Detainee Treatment Act on December 21.

The final Defense authorization conference report was adopted by a voice vote at 10 p.m. Of the 35 pages of the CONGRESSIONAL RECORD accompanying the final passage of that Act, virtually none of it was spoken live on the Senate floor. Nothing regarding the DTA was said live on December 21. In other words, the statements that Senator KYL and I submitted for the RECORD and that the Hamdan majority dismissed are identical in nature to all of the statements from November 15 and December 21 that the Hamdan majority quoted and cited in support of its construction of the DTA.

I should emphasize that although the Supreme Court was misled, I do not believe that it was misled by any of my colleagues. I believe that Senators LEVIN, LEAHY, DURBIN, and FEINGOLD acted entirely appropriately by submitting statements for the RECORD regarding their interpretation of the DTA. As I mentioned, the Senate considered the final Defense bill that contained the DTA late in the evening four days before Christmas. Although the Senators who submitted statements for the Record had every right to delight their colleagues with 6 hours of speeches and debate at that hour, I am certain that every member of the Senate appreciated the fact that these statements were submitted for the RECORD instead.

Where does the Court's mistake spring from then? The Supreme Court's mistake about the legislative history of the DTA appears to have been created by briefs filed by Mr. Neal Katyal, the counsel of record for Mr. Hamdan in the Supreme Court. Much of the Hamdan majority's analysis of the DTA and its legislative history appears to have been adopted verbatim from these briefs. Mr. Katyal's brief, for example, wrongly asserts that the colloquy between Senator KYL and me was ''inserted into the RECORD after the legislation passed.'' Although statements for the RECORD must be submitted on the same day that they are to appear in the daily edition of the RECORD, no public record is kept of when exactly a particular statement was submitted. Mr. Katyal could not possibly have known whether my colloquy with Senator KYL was submitted before or after final passage of the bill, unless he had asked me or my staff, which he did not do. Had he done so, we would have happily informed him that our statement was submitted hours before final passage. Yet he asserted to the Supreme Court that it was submitted ''after the legislation passed,'' a misstatement that the Supreme Court apparently believed and that it repeated in its majority opinion.

Mr. Katyal's brief also asserts that my colloquy with Senator KYL was ''entirely post hoc,'' and that Senator KYL and I ''waited until the ink was dry'' to submit our views. However, his brief's extensive citations to those December 21 statements that favored petitioner Hamdan are not accompanied by similar bold disclaimers.

Indeed, the very statements of Senators LEAHY, DURBIN, and FEINGOLD that the Supreme Court believed had been made ''during the debate itself' appear to have been brought to the court's attention by Mr. Katyal's brief. That passage of the brief makes no mention of the fact that these statements were not spoken live on the Senate floor. The brief also quotes at length from the same statement by Senator LEVIN on November 15 from which the Supreme Court later quoted in its opinion. Not only does the brief fail to warn the reader that this statement was not spoken live, the brief even asserts that ''[e]vidence of reliance on Senator LEVIN's statement was immediate,'' and it cites to a statement by Senator REID that refers to Senator LEVIN's views.

I can see how a reasonable person would understand this passage to mean that Senator LEVIN's and Senator REID's statements were spoken live on the Senate floor. The brief conjures up a scene of one Senator listening to another Senator speak and then ''immediately'' rising to express his agreement. Yet that scene never took place. Neither Senator LEVIN's nor Senator REID's remarks were made live on the Senate floor.

In the usual case, I do not think that an attorney would have a duty to tell a court whether the Senate floor statements that he is citing are live or not. Indeed, most attorneys would have no way of knowing whether a particular statement is live. Under Senate rules, submitted statements that pertain to pending Senate business are presumed to be live statements and are automatically included in the RECORD among live debate. In my opinion, this is critical to the effective and efficient functioning of the Chamber. I am confident that my colleagues would agree with me.

Here, however, Mr. Katyal made a point of seeking to discredit statements in the CONGRESSIONAL RECORD on the basis that they had not been spoken live. Given that he stressed the introduction of some statements, I believe it was incumbent on him to inform the Court that the statements on which he relied also were not spoken live.

I should again emphasize that I do not criticize any of my colleagues in the Senate. Senators LEVIN, LEAHY, DURBIN, and FEINGOLD's actions were entirely honorable and aboveboard. Indeed, Senators LEAHY, DURBIN, and FEINGOLD, as well as others who opposed the DTA had every right to have their opinions, thoughts, and intent recorded, both in November and in December.

In closing, I would also like to express my concern about the soundness of the distinction that the Hamdan majority drew between live and submitted statements. Although the reality of Senate floor debate is not quite as unflattering as what Justice Scalia suggests in his dissent, it is true that live speeches made by Senators are not always heard by other Members. Senate floor debate is only one of the many sources of information on which Senators rely when deciding how to cast their votes. Other than when Senators express agreement with one another through a colloquy or by expressly referring to each other's views, Senate floor statements should not be understood to represent the understandings and intentions of anyone other than the Member making the statement. Nor should the courts assume that Senators are unaware of court precedent and rules of construction.

I hope that this statement will prevent further mischaracterization of the legislative record of the Detainee Treatment Act. Senators LEVIN, LEAHY, DURBIN, and FEINGOLD's December comments on the act are all entitled to consideration, but no more so than mine or Senator KYL's. The Supreme Court was misled in Hamdan, and it appears to have based its decision, at least in part, on a simple mistake of fact. That is a result that all those who respect the democratic process and the rule of law should regret.

REMEMBERING U.S. SENATOR HIRAM FONG

Mr. AKAKA. Mr. President, on August 18, 2006, I will have the honor and privilege to commemorate the 47th anniversary of the admission of Hawaii to the United States by dedicating the building housing the Kapalama Post Office in honor of the late U.S. Senator Hiram L. Fong. It is fitting that on Admissions Day, the State of Hawaii commemorates the life of one of its strongest advocates for statehood—Senator Fong—by dedicating the postal facility at 1271 North King Street in Honolulu, which stands near Senator Fong's boyhood home in Kalihi.

Like so many of us with immigrant parents, Senator Fong will be remembered not only for his many accomplishments but also for his humble beginnings. As one of 11 children born to parents from China, he graduated with honors from the University of Hawaii in 1930, and continued his education at Harvard University where he received a law degree 5 years later. In 1959, when Hawaii achieved statehood, he was elected to fill one of two seats in the U.S. Senate where he served from 1959 until January 2, 1977.

Senator Fong was this Nation's first U.S. Senator of Asian ancestry. He

served as the ranking Republican on what was then the Senate Post Office and Civil Service Committee, which is why I am so glad we are marking his life's work by dedicating this post office in his memory. I knew Hiram Fong, and I found him to be a man of great integrity. He was a compassionate advocate for civil rights and workers' rights, and throughout his 20 years of service in Congress, Senator Fong personified the spirit of bipartisan cooperation. He was instrumental in enacting landmark civil rights legislation; reforming U.S. immigration laws to end discrimination against Asian immigrants; improving job training programs for workers; and fighting for equal pay for women. The people of Hawaii were truly fortunate to have been represented by Hiram Fong.

This son of Hawaii passed away on August 18, 2004, at the age of 97, followed by his wife Ellyn on March 25 of this year. Hiram and Ellyn are survived by 4 children, Hiram, Jr., Rodney, Marvin, and Mari-Ellen; 10 grandchildren; and 2 great-grandchildren. As we remember our good friend, Hiram Fong, on this Admissions Day, I ask my Senate colleagues and the people of Hawaii to pause for a moment to remember all he did on behalf of the Nation and his beloved Aloha State.

Mr. President, as the former chairman of the Senate Postal Subcommittee, I was proud to introduce the legislation designating the Kapalama Post Office in memory of my friend, Senator Hiram Fong. The Senate passed my bill, S. 2089, by unanimous consent on March 3 of this year; the House of Representatives took action on March 7; and on March 20, the President signed the bill, which is now Public Law 109–203.

VOTING RIGHTS ACT REAUTHORIZATION AND AMENDMENTS ACT OF 2006

Mr. LEAHY. Mr. President, one week ago, I stood behind President Bush as he signed the Voting Rights Act Reauthorization and Amendments Act of 2006 into law. The President gave a short speech about the importance of the legislation and his commitment to defending it. He even distributed a letter to all those in attendance celebrating this reauthorization. In his letter he acknowledged that ''further work remains in the fight against injustice, and each generation has a responsibility to write a new chapter in the unfinished story of freedom.'' I ask unanimous consent to insert his letter into the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered. (See exhibit 1).

Mr. LEAHY. Keeping the Voting Rights Act intact is important, but enforcing it is equally important. Now that Congress has passed the law—and the President has signed it—it is up to the President to ensure that this law and all of its provisions are enforced fully and faithfully. I was pleased last Thursday to hear the President commit to aggressive enforcement and to defend the Act from legal attacks. Article I of the Constitution provides for the Congress to write the laws, and Article II provides for the President to enforce them. Congress has done its part, and now the President must do his. I commended him for saying that he will.

Last week I spoke to the Senate about a letter I had sent to the President in which I urged him not to follow his usual practice of signing a bill with his fingers crossed behind his back and later issuing a presidential signing statement undercutting the law that Congress passed. I return today to report to the Senate that, to the best of my knowledge, the President has accepted that advice and has not issued an after-the-fact signing statement. I thank the President for following this course. In fact, the material posted on the White House website includes a ''fact sheet'' in which the White House reaffirms the President's commitment ''to vigorously enforce the provisions of the law and to defend it in court.''

The Voting Rights Act is the keystone in the foundation of civil rights laws and is one of the most important methods of protecting all Americans' foundational right to vote. Several generations have kept the chain of support for the Voting Rights Act unbroken, and now we have once again done our part to continue that legacy and revitalize the Act.

We know that effective enforcement of these provisions is vital in fighting against discrimination that, unfortunately, still exists in this nation today. As the President has acknowledged, the wound is not healed and there is more to do to protect the rights of all Americans to vote and have their votes count.

I also note for the record that today, two weeks after final passage of the House bill to reauthorize and revitalize the Voting Rights Act, and one week after the President signed that historic legislation into law, copies of Senate Report 109–295 have finally been printed. This is the committee report on S.2703 that I commented on during my statement to the Senate on July 27. It contains the objection of all eight Democratic members of the committee. As previously noted, it is unusual in that it does not represent the views of a majority of the committee and certainly does not represent the views of the Democratic sponsors of that Senate legislation.

EXHIBIT 1

THE WHITE HOUSE,
Washington, July 27, 2006.

I send greetings to those celebrating the reauthorization of the Voting Rights Act of 1965.

The Voting Rights Act is one of the most important pieces of legislation in our Nation's history. It has been vital to guaranteeing the right to vote for generations of Americans and has helped millions of our citizens enjoy the full promise of freedom. By refusing to give in to discrimination and segregation, heroes of the Civil Rights Movement called our country back to its founding ideals of freedom and opportunity for everyone. Leaders like Martin Luther King, Jr., and Thurgood Marshall believed in the constitutional guarantees of liberty and equality and trusted their fellow Americans to do the right thing to ensure these blessings for every man, woman, and child.

Over the years, our Nation has grown more prosperous and powerful, and it has also grown more equal and just. Yet, further work remains in the fight against injustice, and each generation has a responsibility to write a new chapter in the unfinished story of freedom. Reauthorizing this legislation is an example of our continued commitment to a united America where every person is valued and treated with dignity and respect.

America is grateful for the sacrifices of citizens such as Fannie Lou Hamer, Rosa Parks, and Coretta Scott King, after whom the bill reauthorizing the Voting Rights Act was named. I also appreciate the members of the House and Senate for passing this historic legislation. By working together, we can help build an America that lives up to our guiding principle that all men and women are created equal.

Laura and I send our best wishes on this special occasion.

GEORGE W. BUSH.

HONORING OUR ARMED FORCES

PRIVATE FIRST CLASS DEREK JAMES PLOWMAN

Mrs. LINCOLN. Mr. President, today I wish to pay tribute to a brave young man from Arkansas who lost his life while serving our Nation in uniform. PFC Derek James Plowman is remembered by those who knew him best as a compassionate soul, who was always quick to bring a smile to the faces of those around him. Having grown up in a large family that was often filled with laughter, he quickly became the life of every party, developing a special gift for being at ease in large groups and brightening the spirits of the people he came in contact with.

Shortly after moving to northwest Arkansas from Florida in 2004, Private First Class Plowman graduated from Valley Springs High School. Hoping to study psychology some day, he enlisted in the Arkansas Army National Guard for an opportunity to earn money towards his college education. It was also an opportunity for him to serve his country, a decision that personified the selfless attitude of this young man.

In the Guard, Private First Class Plowman was a cook assigned to the 142nd Brigade, a brigade comprised of citizen soldiers from north and northwest Arkansas. Upon returning home from basic training, he was informed by one of his superior officers that he would soon be mobilized for service in Operation Iraqi Freedom. With courage and reassurance, he looked his Sergeant in the eye and said ''That's OK. I signed on the dotted line and I've got a job to do.''

The 142nd was mobilized for duty in Iraq on December 7, 2005, and was scheduled to return next summer. Tragically, Private First Class Plowman died from a gunshot wound on