confirm him because he has lived it. We can ask no more of our judges but we must ask no less. Let this be the standard we apply to this nominee and to future nominees, both to the Supreme Court and to lower courts.

I urge my colleagues to confirm the President's nomination of Judge John G. Roberts as Chief Justice of the United States.

I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 p.m. having arrived, the Senate will stand in recess until 2:15 p.m.

Thereupon, the Senate, at 12:38 p.m., recessed until 2:20 p.m, and reassembled when called to order by the Presiding Officer (Mr. CHAMBLISS).

EXECUTIVE SESSION

NOMINATION OF JOHN G. ROBERTS, JR., TO BE CHIEF JUSTICE OF THE UNITED STATES—Continued

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, what is pending before the Senate?

The PRESIDING OFFICER. Under the previous order, the time from 2:15 to 2:45 p.m. will be under the control of the majority. We are on the Roberts nomination.

Mr. SESSIONS. Mr. President, I appreciate the opportunity to share some thoughts on this important matter and I probably will speak again before this final vote occurs.

Mr. President, this is an important process. What we are doing here is more important than the average confirmation, in my view. What has been going on for virtually the entire time I have been in the Senate, going on 8 years, and certainly in the last 5 years, has been a rigorous and vigorous debate over the role of courts in American life. The American people have become very concerned that those we appoint and confirm to the Federal judiciary and have been given a lifetime appointment, as a result of that are unaccountable to the American people; that they are not, therefore, any longer a part of the democratic process and can only be removed from office on causes relating to an impeachment or their own resignation or death.

This has raised concerns because these lifetime-appointed, unaccountable officials of our Government have set about to carry out political agendas. There is no other way to say it. I hate to be negative about our courts because I believe in our courts. The courts I practiced before, the Federal courts in Alabama, are faithful to the law. If a Democratic judge or Republican judge, a liberal or conservative, is faithful to the law, I do not see a problem. Overwhelmingly, in the courts of America today, justice is done.

But we have a growing tendency among the members of our Supreme Court. Many of them have been there for many years. It strikes me that perhaps they have lost some discipline. They have forgotten they were appointed and not anointed. As my good friend said—a former judge, now deceased, Judge Thomas, in the Southern District of Alabama: Remember, you were appointed, not anointed.

I think they have forgotten that. I believe they have begun to think it is important for them and the courts to settle disputed social issues in the country; that they are somehow an elite group of guardians of the public health and that they should protect us from ourselves on occasion.

We have seen that. We have seen a series of opinions that, as a lawyer, I believe cannot be justified as being consistent with the words or any fair interpretation of the words of the Constitution of the United States. That is what a judge is sworn to uphold.

These issues are important, as I said, because if this is true, and if judges are going beyond what they have been empowered to do, and they are twisting or redefining or massaging the words of the Constitution to justify them in an unjustified act of imposing a personal view on America, then that is a serious problem indeed, and I am afraid that is what we have.

They say it is good. The law schools, some of them, these professors, believe judges should be strong and vigorous and active and should expand the law and that the Constitution is living. So, therefore ''living'' means, I suppose, you can make it say what you want it to say this very moment.

But Professor Van Alstyne at Duke once said to a judicial conference I attended many years ago: If you love this Constitution, if you really love it, if you respect it, you will enforce it—''it''—as it is written. When judges don't do that they therefore do not respect the Constitution. In fact, they create a situation in which a future court may be less bound by that great document. It can erode our great liberties in ways we cannot possibly imagine today.

The name of Justice Ginsburg sometimes came up at Judge Roberts hearings because of her liberal positions on a number of issues before she went on the bench. Yet she was confirmed overwhelmingly. An argument was made therefore Judge Roberts, who has mainstream views, ought to be confirmed. She just recently made a speech to the New York Bar Association. She said she was not happy being the only female Justice on the Court but she stated:

> Any woman will not do. There are some women who might be appointed who would not advance human rights or women's rights.

What about other groups' rights? Do you need to advance all those other rights, too? And what is a right?

Then she dealt with the question of foreign law being cited by the Supreme Court of the United States. We have had a spate of judges, sometimes in opinions and sometimes in speeches, making comments that suggest their interpretation of the law was influenced by what foreign people have done in other countries. She said:

> I will take enlightenment wherever I can get it. I don't want to stop at the national boundary.

Then she noted that she had a list of qualified female nominees, but the President hadn't consulted with her—and I would hope not, frankly.

Why are we concerned about citing foreign law? We are concerned because this is an element of activism. Our historic liberties are threatened when we turn to foreign law for answers.

This is a bad philosophy and a bad tendency because we are not bound by the European Union. We didn't adopt whatever constitution or laws or documents they have in the European Union. What does our Constitution say?

> We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defense, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.

Not some other one. Not one you would like, not the way you might like to have had it written, but this one. That is the one that we passed. That is the one the people have ratified. That is the one the people have amended. And that is the one a judge takes an oath to enforce whether he or she likes it or not.

You tell me how an opinion out of Europe or Canada or any other place in the world has any real ability to help interpret a Constitution, a provision of which may have been adopted 200 years ago.

I submit not.

You see, we have to call on our judges to be faithful to that. I do not want, I do not desire, and the President of the United States has said repeatedly that he does not want, he does not desire that a judge promote his political or social agenda. That is what we fight out in this room right here, right amongst all of us. We battle it out, and I am answerable to the people in my State, the State of Alabama. That is who I answer to, and each one of us answers to the people in our states; and the President answers to all the people of the United States. That is where the political decisions are made, and we leave legal decisions in the court.

My time to speak is limited. I will close with this: We have never had a judge come before this Senate, in my opinion, who has in any way come close to expressing so beautifully and so richly and so intelligently the proper role of a court. Judge Roberts used a common phrase: You should be a neutral umpire. Certainly he should be that. Absolutely that is a good phrase.

A judge should be modest. He should decide the facts and the law before the

court, not using that in an expansive way to impose personal views beyond the requirement of that court; that a court does not seek to set out to establish any result, it simply decides the dispute that is before a court.

That is why I think we have had a long political battle over this. Frankly, Senator after Senator has been elected after committing to support the kind of judges President Bush has said he would nominate and has, in fact, nominated. If we continue this process, we will return our courts to that wonderful station they need to always hold; that is, they will be neutral, fair, objective arbiters, will not legislate in any way based upon their personal views, their personal biases, their political opinions, their social agendas to affect or infect and corrupt their decisions as they go about their daily jobs. John Roberts understands that completely. He has articulated that principle far more eloquently than I could ever do, and he has won the support of the people. Everywhere I go, people tell me how magnificent they thought he has been in explaining these issues.

It is what the American people want. The President has given us that. And I believe, in the long run, this could be a turning point in which we take politics out of the courtroom, leave the politics to the politicians, and put the courts back in the business of deciding the legal cases.

I think my time has expired. I yield the floor.

The PRESIDING OFFICER (Mr. VOINOVICH). The Senator from Georgia.

Mr. ISAKSON. Mr. President, I rise on the advice and consent question of Judge John Roberts.

Before I address my judgment on that, I would like to pay tribute for a second to Sandra Day O'Connor and the late William Rehnquist.

Sandra Day O'Connor's announced retirement caused the nomination by the President of John Roberts, and subsequently the untimely passing of Chief Justice Rehnquist afforded the opportunity for that nomination to be for Chief Justice as well. In the anticipated furor of this debate and confirmation, the credit never was given that should have been to Justice O'Connor or Justice Rehnquist.

Sandra Day O'Connor was the first woman appointed to the U.S. Supreme Court. She served with honor and distinction. She wrote brilliantly, concisely, and succinctly, and, most importantly of all, she had an insight and wisdom second to none. In fact, I commend to everyone her final writing, her dissenting opinion on the eminent domain case, if you want to see a Justice who was well grounded and interested in the American people.

Judge Rehnquist was the 16th Justice of the United States, an outstanding individual of immense capacity, dedication, and commitment to the United States of America. His loss is a tragedy, and the retirement of Justice O'Connor is a loss to the Court.

But now we are confronted with our constitutional responsibility as Members of the Senate to address the question of John Roberts, the nominee of President Bush.

I come to this debate somewhat differently than a lot who preceded me. I am not an attorney. Before my election to the Senate, I was a businessman, always had been, always will be when I leave. I come also as a new Member of the Senate. In fact, a year ago today, I was engaged in a debate in Columbus, GA, with my Democratic opponent for the Senate seat. The issue that night of that debate was clearly what was the role of the Senate in terms of the confirmation of a Justice to the Supreme Court and the issue of the day, which was filibuster. It was only a year ago when whether a judge could even get an up-or-down vote was a major question on the floor of the Senate.

I happen to have been elected, obviously, to that Senate seat, sworn in on January 4, and came to the Senate to find that advice and consent was impossible because filibuster was the rule of the day. Then a unique thing happened. Fourteen Members of this body made a deal—and I commend them for it. They broke a logjam, and very quickly we were able to confirm six appointments to the court, some who had languished as long—as in the case of Judge Pryor—as 4 years.

No one knew Justice O'Connor would announce her retirement a few weeks later, nor that Chief Justice Rehnquist would die, but all of us knew that when an appointment came, the agreement that had been made might be put in jeopardy because it set forth a standard that filibuster might be necessary under extraordinary circumstances. There were many who anticipated whomever the President appointed would be in and of itself an extraordinary circumstance.

Then along came John G. Roberts, who is an extraordinary man.

I will vote to confirm the President's nomination of John G. Roberts as Chief Justice of the United States. In large measure, I will do so because of who and what John G. Roberts is, has been, and will be—a decent and humble man of immense intelligence and demonstrated compassion.

We will hear and I have heard earlier today some in this Chamber who will tell us that he never answered any questions; we don't know where he stands. Well, to me, those are simply code words for them saying they couldn't pin him down, tie him in knots, or prejudice him for future decisions. Personally, I don't want a Justice who any lawyer can tie in knots or predispose. I want a judge I can stand before and count on the fact that he will call them like he sees them, that he won't be in one corner or the other, that he will do what is right, what is dictated by the law and the Constitution.

In my 33 years in business, I was in court from time to time—as few times as possible. But all of us have been. I served as a foreman of a grand jury. I served on a petit jury. I have been, in the case as a businessman, in court myself. I don't want to go into a courtroom where I know I have a judge who has a bent, a predisposition, or an agenda. I want to go before a judge who wants to treat me under the law as equally and as fairly as my opponent on the other side, who will rule based on the facts, based on what is before him, based on the law, and based on our Constitution. I want a Justice who will study the law, listen to my side of the case, listen to the other side, and call it as he sees it.

In his introduction, John Roberts said he was an umpire and he was a humble man. That says a lot about John Roberts. If there is anything we need on the bench today, it is those who see themselves umpires making the right call, the right decision the right time in every single case, for there is no instant replay on the Supreme Court of the United States of America. As Judge Roberts said in his confirmation hearing before the Judiciary Committee, just as people do not go to a baseball game to watch the umpires, they do not go to court to watch the judge. They go to court to get a fair decision, unvarnished and untainted.

I was in Columbus, GA, during the break in August. I did an education listening session. After it was over, I met with some 6th grade kids of that school, some kids I gave the chance to ask me questions, some children I gave the chance to find out what they would like to know from a Senator.

A little girl by the name of Maleka said: Senator ISAKSON, I have one question for you. What is the hardest decision you are going to have to make in the U.S. Senate? What is the most important decision you are going to have to make in the U.S. Senate?

That was about a month ago today.

The first answer I gave her was confirming Justices to the Supreme Court of the United States.

It came to my mind instinctively because we all knew the nomination of Judge Roberts had been made and we would make that decision. All of us in here also know that the Constitution specifically says it is our advice and our consent which makes that determination.

We also know that the third leg of the stool which is the great genius of the United States of America is the judicial branch, which is equal and separate from the courts and the executive. But it is also in these confirmations where the executive, the legislative, and the judicial come together. There is no more important decision made by a Member of the Senate than who the next Justice or Chief Justice of the United States will be.

I close my remarks by telling you this: John G. Roberts has made the toughest decision I will have to make an easy one. He is a class act. He is an

intellect. He is an honorable man. He is a man who, when the cases of justice in America are decided before our Supreme Court, will call it as he sees it, listen to both sides, rule on the law, and understand the Constitution. You can ask no more of a man than John Roberts has demonstrated time and again. That is precisely what he will deliver.

Thursday at 11:30 I will be honored to cast my vote on behalf of the people of Georgia to confirm John G. Roberts as the 17th Chief Justice of the United States in the history of our country.

I yield the floor.

ORDER OF PROCEDURE

Mr. ISAKSON. Mr. President, I ask unanimous consent that I now be permitted to speak as if in morning business.

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

JACOB L. FRAZIER POST OFFICE BUILDING

Mr. ISAKSON. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 3767 which was received from the House.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 3767) to designate the facility of the United States Postal Service located at 2600 Oak Street in St. Charles, Illinois as the ''Jacob L. Frazier Post Office Building.''

There being no objection, the Senate proceeded to consider the bill.

Mr. ISAKSON. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

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

The bill (H.R. 3767) was read the third time and passed.

KARL MALDEN STATION

Mr. ISAKSON. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be discharged from further consideration of H.R. 3667 and that the Senate proceed to its immediate consideration.

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

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 3667) to designate the facility of the United States Postal Service located at 200 South Barrington Street in Los Angeles, California as the ''Karl Malden Station.''

There being no objection, the Senate proceeded to consider the bill.

Mr. ISAKSON. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table with no intervening action or debate, and that any statements relating to measure be printed in the RECORD.

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

The bill (H.R. 3667) was read the third time and passed.

SERVICEMEMBERS' GROUP LIFE INSURANCE ENHANCEMENT ACT OF 2005

Mr. ISAKSON. Mr. President, I ask unanimous consent that the committee on Veterans' Affairs be discharged from further consideration of H.R. 3200 and the Senate proceed to its immediate consideration.

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

The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 3200) to amend title 38, the United States Code, to enhance the Servicemembers' Group Life Insurance Program, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. ISAKSON. Mr. President, I ask unanimous consent that the Craig amendment which is at the desk be agreed to, the bill, as amended, be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the measure be printed in the RECORD.

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

The amendment (No. 1872) was agreed to, as follows:

(Purpose: to provide a complete substitute)

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Servicemembers' Group Life Insurance Enhancement Act of 2005''.

SEC. 2. REPEALER.

Effective as of August 31, 2005, section 1012 of division A of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005 (Public Law 109–13; 119 Stat. 244), including the amendments made by that section, are repealed, and sections 1967, 1969, 1970, and 1977 of title 38, United States Code, shall be applied as if that section had not been enacted.

SEC. 3. INCREASE FROM $250,000 TO $400,000 IN AUTOMATIC MAXIMUM COVERAGE UNDER SERVICEMEMBERS' GROUP LIFE INSURANCE AND VETERANS' GROUP LIFE INSURANCE.

(a) MAXIMUM UNDER SGLI.—Section 1967 of title 38, United States Code, is amended—

(1) in subsection (a)(3)(A)(i), by striking ''$250,000'' and inserting ''$400,000''; and

(2) in subsection (d), by striking ''of $250,000'' and inserting ''in effect under paragraph (3)(A)(i) of that subsection''.

(b) MAXIMUM UNDER VGLI.—Section 1977(a) of such title is amended—

(1) in paragraph (1), by striking ''in excess of $250,000 at any one time'' and inserting ''at any one time in excess of the maximum amount for Servicemembers' Group Life Insurance in effect under section 1967(a)(3)(A)(i) of this title''; and

(2) in paragraph (2)—

(A) by striking ''for less than $250,000 under Servicemembers' Group Life Insurance'' and inserting ''under Servicemembers' Group Life Insurance for less than the maximum amount for such insurance in effect under section 1967(a)(3)(A)(i) of this title''; and

(B) by striking ''does not exceed $250,000'' and inserting ''does not exceed such maximum amount in effect under such section''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as of September 1, 2005, and shall apply with respect to deaths occurring on or after that date.

SEC. 4. SPOUSAL NOTIFICATIONS RELATING TO SERVICEMEMBERS' GROUP LIFE INSURANCE PROGRAM.

Effective as of September 1, 2005, section 1967 of title 38, United States Code, is amended by adding at the end the following new subsection:

''(f)(1) If a member who is married and who is eligible for insurance under this section makes an election under subsection (a)(2)(A) not to be insured under this subchapter, the Secretary concerned shall notify the member's spouse, in writing, of that election.

''(2) In the case of a member who is married and who is insured under this section and whose spouse is designated as a beneficiary of the member under this subchapter, whenever the member makes an election under subsection (a)(3)(B) for insurance of the member in an amount that is less than the maximum amount provided under subsection (a)(3)(A)(i), the Secretary concerned shall notify the member's spouse, in writing, of that election—

''(A) in the case of the first such election; and

''(B) in the case of any subsequent such election if the effect of such election is to reduce the amount of insurance coverage of the member from that in effect immediately before such election.

''(3) In the case of a member who is married and who is insured under this section, if the member makes a designation under section 1970(a) of this title of any person other than the spouse or a child of the member as the beneficiary of the member for any amount of insurance under this subchapter, the Secretary concerned shall notify the member's spouse, in writing, that such a beneficiary designation has been made by the member, except that such a notification is not required if the spouse has previously received such a notification under this paragraph and if immediately before the new designation by the member under section 1970(a) of this title the spouse is not a designated beneficiary of the member for any amount of insurance under this subchapter.

''(4) A notification required by this subsection is satisfied by a good faith effort to provide the required information to the spouse at the last address of the spouse in the records of the Secretary concerned. Failure to provide a notification required under this subsection in a timely manner does not affect the validity of any election specified in paragraph (1) or (2) or beneficiary designation specified in paragraph (3).''.

SEC. 5. INCREMENTS OF INSURANCE THAT MAY BE ELECTED.

(a) INCREASE IN INCREMENT AMOUNT.—Subsection (a)(3)(B) of section 1967 of title 38, United States Code, is amended by striking ''member or spouse'' in the last sentence and inserting ''member, be evenly divisible by $50,000 and, in the case of a member's spouse,''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as of September 1, 2005.

The bill (H.R. 3200), as amended, was read the third time and passed.