

Maybe he gave answers folks on the other side of the aisle did not like, but he answered questions. He answered questions. Then, after the hearing itself, a few Senators—I understand two Senators on the other side of the aisle—sent written questions, which he answered. So he has answered the questions.

What we have today, unfortunately, is we are getting caught up in the worst kind of partisan wrangling based on what folks did yesterday.

I think we are better than that. I think this august, deliberative body is better than that. I think it would be good for America today, in this new millennium, this new century, to forget what happened in the last millennium. Let's move forward on this one and say what we are going to do and say a nominee of any President, whether it is a Republican President or President not of my party, will get a fair hearing and a vote, up or down. In fact, when I ran for office, I answered a question in one of the debates, and I said I would use the same standard to judge a nominee from the President of another party as I would to judge a nominee from President Bush. That is what I think we were elected to do.

If we can just get past what happened yesterday, if we can stop talking about who said what to whom and when, then we can kind of move on here to act fairly, act deliberately, and, by the way, act with great respect for this Constitution that we all love.

I heard a wonderful discourse from the Senator from New York yesterday about the Constitution. I love the Constitution. What we are asking for Mr. Estrada is follow the dictates of the Constitution.

Does the Senator from Pennsylvania have a question?

Mr. SANTORUM. I ask the Senator from Minnesota to yield for a unanimous consent request.

Mr. COLEMAN. I yield for that purpose.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. Mr. President, I ask unanimous consent that at 1 p.m. today, the Senate stand in recess subject to the call of the Chair.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Reserving the right to object, I ask my friend from Minnesota through the Chair how much longer he is going to speak because we do have a Member in the Chamber who wishes to speak.

Mr. COLEMAN. Mr. President, I say to the Honorable Democratic whip, I will speak not more than 10 minutes if this understanding is accepted.

Mr. REID. We have two over here. That leaves only 5 minutes for each of them. They have been here waiting for some time.

Mr. COLEMAN. Mr. President, I say to the Honorable Democratic whip, less than 10 minutes. I can move to the other portion of what I was going to

speak about if the Senator from Nebraska seeks the floor.

Mr. REID. If my friend would be kind enough to divide the remaining 20 minutes between Senator NELSON of Nebraska and Senator STABENOW of Michigan?

Mr. COLEMAN. I have no problem with that.

The PRESIDING OFFICER. Is that proposed as a unanimous consent request?

Mr. REID. It is.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Pennsylvania?

Without objection, it is so ordered.

Is there objection to the request of the Senator from Nevada?

Without objection, it is so ordered.

AUTHORITY FOR COMMITTEE TO MEET

Mr. SANTORUM. I further ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup past the hour of 1 o'clock.

Mr. REID. On behalf of Senator KENNEDY, I object.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. COLEMAN. In deference to my colleagues, the Senators from Nebraska and Michigan, I will shorten my comments with regard to the Estrada nomination.

I want to say this to America. I hope they are listening. They should be listening. These are important times. What my colleagues on the other side are doing by engaging in this filibuster is really changing the constitutional standard. And we love this Constitution. It talks about the Senate's role in providing advice and consent. In practice that has always meant 51 votes—a majority. The Constitution specifically lays out when a super majority is needed. What we are witnessing now is a change in the way we abide by this important document, where we will now require 60 votes to get our nation's judges confirmed. That is not good for America, and that is certainly not what our Founders wanted to do.

The PRESIDING OFFICER. The Senator from Michigan.

URGENT NEEDS FOR HOMETOWN SECURITY

Ms. STABENOW. Mr. President, I rise today to speak, once again, about the urgent needs in our local communities for hometown security—efforts for us to support local police and firefighters and emergency medical workers, including those in our local emergency rooms at our hospitals. These people are on the front lines of any terrorist attack that our citizens may face in the days or weeks or months ahead.

Many of us have been talking, since just after 9/11, about the importance of partnering with local communities, and that it is not enough to ask our local sheriffs, firefighters, police officers, and others in the communities, to assume this additional set of duties relating to national security without having the support and assistance of the Federal Government.

I commend all of my colleagues and the President for coming together to make sure our men and women in the armed services have what they need at this critical time. We have come forward with substantial increases in the Department of Defense, and I am sure we will continue to do so.

But when it comes to the home front, we have not yet done what needs to be done. There is a growing sense of urgency and bewilderment in our communities here at home about why this has not occurred and why the President is not supporting the efforts that we have put forward.

I have been holding meetings around Michigan—I believe eight different meetings now—from Detroit to Macomb County, Oakland County; I was in Port Huron, MI, on Monday; on over to Lansing and Kalamazoo, and all the way up to Marquette in the Upper Peninsula of Michigan—and I hear the same thing over and over: We need help purchasing updated radio equipment; we can't talk to one another; the city versus the county or county to county. In some cases, in smaller communities, the fire department cannot talk to the police department. We need a better dispatch system. We need better communications systems. We need, frankly, to be doing this on a statewide and national basis. But the communities do not have the resources to do it alone.

We hear about training, not only having a trainer come in—whether it is for bioterrorism, whether it is other types of training that is needed—but we are hearing from local law enforcement and others that when you have a training certification, and you take 10 police officers away from their normal duties of patrolling our streets and keeping the citizens safe, and they sit in training, no matter how important it is, the police chief still has to replace those 10 officers so the citizens remain safe while that is happening, while the training is occurring. That takes additional dollars.

There are multiple costs to training that we need to be supporting in order to be able to get this done as quickly as possible and as thoroughly as possible. And certainly we need additional personnel, different kinds of personnel, in our local communities.

I am sure my colleagues have received many letters. I have received many letters in addition to the personal conversations that I have had with people across Michigan. Let me share parts of a couple letters from mayors in Michigan.

The mayor from the city of Birmingham wrote to the President and sent me a copy:

Mr. President, I am writing to express my deep concern that funding for first responders promised nearly a year ago has still not been provided to America's cities, towns and villages. As you know, the nation's local municipalities have carried the burden for homeland security during the 15 months since the September 11 attacks, with only the promise of federal support.

This was written back in December.

The absence of federal funding for police, firefighters and emergency response staff has been a disappointment for many city leaders across the country as their concerns were voiced at the recent National League of Cities conference held earlier this year.

I have a similar letter that has come from the mayor of Cadillac, in northern Michigan, again expressing grave concerns and saying:

At the recent National League of Cities conference in Salt Lake City, city leaders from across the country voiced their deep disappointment regarding the absence of federal funding for police, firefighters and emergency response staff.

The city of Fenton, in Michigan, the city of East Lansing, in my own home county—mayors, county officials, police chiefs, sheriffs—and of both parties; this is not Republican and Democrat; this is not urban and rural; this is not a question of one part of the country against another—everyone, every community is saying this same thing.

I am deeply concerned not only about past actions but what is occurring right now in this current budget bill that we will have in front of us tomorrow.

Let me, first, indicate and remind us that last summer we passed an emergency supplemental that included \$2.5 billion, passed by the Senate with bipartisan support, passed by the House with bipartisan support, and sent to the President, an emergency supplemental including \$2.5 billion for local communities. It was on the President's desk. All he had to do was sign it. And he would not declare it as an emergency and would not sign it and release the funds.

We have come back again and again. Twice this last month, in January, Senator BYRD stood in this Chamber and eloquently spoke about the needs of communities and first responders. Again, we could not get the support.

And now in the omnibus budget bill that will be coming before us, despite a unanimous Senate appropriations vote back last July on a series of items that deal with transportation security, border security, community policing, Federal emergency management, firefighter grants, equipment and communications, emergency operations, port container security—and on and on and on—we now have in front of us a bill that, in fact, will cut from that amount supported unanimously by the Senate Appropriations Committee \$4.4 billion from homeland security from what we passed, what the Appropriations Committee passed and recommended to us last summer based on the needs presented to them from communities.

We could go down the list. I am deeply concerned when I see the cuts in community policing, the firefighter grants, the inoperable communications equipment grants, which I am hearing so much concern about, emergency operations, et cetera.

It is time for us to act. It is time for us to hear what our communities are saying. I urge my colleagues to join

with us in making sure we truly keep our communities safe.

The PRESIDING OFFICER. The time of the Senator has expired.

#### RECESS SUBJECT TO THE CALL OF THE CHAIR

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess subject to the call of the Chair.

There being no objection, the Senate, at 1 p.m., recessed subject to the call of the Chair and reassembled at 2:07 p.m., when called to order by the Presiding Officer (Mr. ALEXANDER).

#### EXECUTIVE SESSION

#### NOMINATION OF MIGUEL A. ESTRADA, OF VIRGINIA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE DISTRICT OF COLUMBIA CIRCUIT—Continued

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. EDWARDS. I thank the Chair.

(The remarks of Mr. EDWARDS pertaining to the introduction of the legislation are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. EDWARDS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. THOMAS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. THOMAS. Mr. President, I will discuss the topic on the floor, the nomination process.

It is interesting the Senator from North Carolina has a bill he thinks is important and probably is important, yet questions are not able to move forward on any of those bills because we are tied up in doing something that is not at all useful, not at all productive, but it continues. Those important things we have to do are not being done, and as a matter of fact will not be done, apparently, for some time.

I rise more to talk a little bit about the disappointment I have in the process in which we find ourselves. There is not much point in talking about the nominee, Mr. Estrada. He has been talked about forever. I can't think of another thing that could be said that has not already been said. What we can do is talk a little about the process being created. Talk about the obstruction that is taking place and the Congress that is faced with a great many important issues we need to get considered.

We all recognize in any issue, particularly of a nominee, it is perfectly legitimate that people have different points of view. That is not unusual. Indeed, that is the way it ought to be. It

also is appropriate for people to come to the floor after the committee has acted and to share those points of view and to do whatever they feel appropriate to try and convince others to share that point of view. That is the way it is supposed to be. Finally, after that is done in a reasonable limit of time, we have a vote, an up-or-down vote, so those who feel one way can vote one way, those who feel the other can vote the other. Not a very unusual process. On the contrary, it is the very well-accepted process.

That is not what has happened here. That is not what has happened.

As has been said before, it is time to move forward. It is time to move on. It is time to deal with the dozens of other important issues out there for this country and for the people of this country, issues that to people in the country are much more meaningful and have more to do with their business and welfare than we have here. I cannot imagine there is more to say from the other side of the aisle in opposition. They are opposed; fine. That is fine. They are able to convince anyone else? I don't think so. We have been working on this for about a week. It looks as if we will be here some more.

It is very disappointing for those who would like to do things that are most important to do. Among other things, of course, the White House has responded. The letter was sent to the President renewing the request to him for confidential judicial memoranda that have never before been released. The response of Mr. Gonzales, the counselor to the President, basically indicates they respect the Senate's constitutional role in the confirmation process, and they agree the Senate must make an informed judgment consistent with the traditional role and practices. However, requests for these kinds of papers have no persuasive support in history and the precedent of judicial appointments. It is not there. It has not been done.

Relevant history and procedures convincingly demonstrate that would be shifting standards. There is no basis for doing that.

In conclusion, the President's counselor said: Miguel Estrada is a well-qualified, well-respected judicial nominee with very strong bipartisan support. Based on our reading of history, we believe you have ample information about this nominee and have had more than enough time to consider questions about his qualifications and his ability. We urge you to stop the unfair treatment and the filibuster and allow an up-or-down vote to confirm Mr. Estrada.

I agree with that. Certainly, that is the case. I am not here to talk about the legal aspects of it, just the operational aspects of it, and make it clear, this man was before the committee from 10 in the morning until 5 in the evening, answering all the questions, answered written questions subsequent to that, and we continue to carry on with it.