

conflict in Iraq, that we would not present them the opportunity we do virtually every other country in Europe.

Senator MIKULSKI agrees, I think, with the statements I have made, and she has said so on the floor of the Senate. We have been working in the past couple of months to clear this legislation so it can pass the Senate and be sent to the House, with the hope, at this late date, of becoming law but, if not, accelerating the opportunity for it to become law next year. Even at this late date, the hope is that once the bill would get to the House, there would be the kind of support we have seen in the Senate to pass it. The support is nearly unanimous.

As we all know, at this point in time in the Senate, nearly unanimous isn't good enough. We need unanimous consent, or all Members of the Senate to agree. I can speak on behalf of the Republican side of the aisle. I have spoken to all Senators, or their offices, and every Republican Senator has agreed to allow this bill to clear the Senate and to pass today. We were willing to pass this bill before we broke in October. We were willing to give this bill a chance to become law and be signed by this President. I am hopeful that he would sign this legislation.

But I have been informed that in spite of the good efforts of Senator MIKULSKI, we may not be able to clear this legislation on the other side of the aisle. That is a great disappointment to me and I know to Senator MIKULSKI. I know it is a great disappointment to many Polish Americans—9.3 million Polish persons. Over 100,000 Poles per year come to this country to visit relatives and friends. Yet we cannot extend this, I argue, minimal courtesy to those who have allied with us and have shown their good hand of friendship toward us.

Mr. President, I will ask unanimous consent, in the hopes that maybe even later after this consent request, which I am told will be objected to, others will reconsider, and perhaps we can later tonight, or tomorrow, or Saturday, or however long we will be here, be able to work through this problem and get unanimous consent on this vitally important piece of legislation for not just the 9.3 million Poles in this country, but for all of us in America who would like to extend a further hand of friendship and accord to the people of Poland who have been such steadfast allies of our great country.

I ask unanimous consent that the Senate now proceed to the immediate consideration of calendar 715, S. 2844.

Mr. BYRD. Mr. President, reserving the right to object. I must say for the record that there are Members who strongly support this bill—Senator MIKULSKI and others. However, on behalf of others, I must object. Therefore, I do object.

The PRESIDING OFFICER. Objection is heard.

Mr. SANTORUM. Thank you, Mr. President. I know the Senator from Oklahoma intends to speak.

At this point, I ask unanimous consent that an explanation of this issue be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2844—DESIGNATING POLAND AS A VISA WAIVER COUNTRY—CALENDAR NO 715

WHAT DOES THIS BILL DO?

Designates Poland as a visa waiver country. Citizens visiting the U.S. within a 90-day period would not need to apply for a visa.

WHY SUPPORT THIS LEGISLATION?

Since the founding of the United States, Poland has proven its steadfast dedication to the causes of freedom and friendship with the United States. In addition, Polish History provides pioneering examples of religious tolerance.

The United States is home to 9 million people of Polish ancestry, including 429,000 in Florida, 854,000 in Michigan, 240,000 in Minnesota, 576,000 in New Jersey, 433,000 in Ohio, 824,146 in Pennsylvania, and 497,000 in Wisconsin. Polish Immigrants have contributed greatly to the success of industry and agriculture in the United States.

Since the demise of communism, Poland has become a stable, democratic nation. Poland has adopted economic policies that promote free markets and economic growth.

Poland demonstrated its commitment to global security by becoming a member of NATO. Poland also just recently became a member of the EU.

Poland was a staunch ally to the U.S. in Operation Iraqi Freedom. Poland has committed 2,300 soldiers to help with ongoing peace efforts in Iraq.

In 1991, Poland unilaterally repealed the visa requirement for U.S. citizens traveling to Poland for less than 90 days. And today, more than 100,000 Polish citizens travel to the United States annually.

POLISH VISA REFUSAL RATE

Refusal rate can be an inaccurate measure because it is based on decisions made by consular officers rather than the actual behavior of non-immigrants. It does not reflect the propensity of nationals from that country to overstay their visas.

Nonetheless, Poland's visa refusal rate is declining dramatically, from around 43% in FY 03 to approximately 30% in FY 04.

Polish citizens who apply for a visa have on average, a one and a half minute interview. This obviously is not enough time for a consular officer to make a decision on whether or not they will overstay their visas. In other western European countries, the average interview is five minutes.

Consular Officers still have a 1980s view of Poland, a country in serious economic trouble and under tyranny. This is an unfair view as Poland is now a stable, democratic nation that promotes free markets and economic growth.

Warsaw airport is in the pilot program for airport screening, so most Poles who would travel to the U.S. under Visa Waiver would face an INS determination of whether they will be admitted before they get on a plane.

Poland's refusal rate does not reflect a high propensity for terrorism. The State Department has given no indication that the potential for terrorism in Poland significantly exceeds that of the 27 countries currently participating in the Visa Waiver Program.

IMPORTANT TO SUPPORT OUR STRONG ALLY AT THIS CRUCIAL TIME

Poland was a staunch ally to the U.S. in Operation Iraqi Freedom. Poland has com-

mitted 2,300 soldiers to help with ongoing peace efforts in Iraq.

Though a staunch ally, Poland has legitimate concerns about our appreciation of their efforts. President Aleksander Kwasniewski reiterated these concerns when Poland was not included as an ally in Iraq during the Presidential Debate.

As Lech Walesa said, this would be a very symbolic gesture for both the government and the people of Poland. We owe the Poles our appreciation for their camaraderie and sacrifice in a pivotal point in our history. This legislation would go a long way in showing our appreciation for their alliance with us.

CURRENT PARTICIPANT COUNTRIES IN THE VISA WAIVER PROGRAM

Andorra, Australia, Austria, Belgium, Brunei, Denmark, Finland, France, Germany, Iceland, Ireland, Italy, Japan, Liechtenstein, Luxembourg, Monaco, the Netherlands, New Zealand, Norway, Portugal, San Marino, Singapore, Slovenia, Spain, Sweden, Switzerland, United Kingdom.

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

Mr. SANTORUM. Mr. President, as I said before, I hope we can get agreement. I know there are one, or maybe more, Senators on the other side of the aisle who have found a concern with this. I ask that while this is somewhat unusual in the way we put forth this legislation, it is vitally important for us to send a very strong and positive signal to one of our strongest allies in the world that we stand with them and accept them as one of our closest and dearest allies, and we will treat them accordingly, with respect to the visitation of Polish people who visit relatives and friends in the United States.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Oklahoma is to be recognized for 25 minutes.

The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, if the Senator from Oklahoma comes, I will yield the floor quickly to him. At this moment, under the current circumstances, I had sought to be recognized and I do so for the purpose of speaking for not more than 12 minutes. I ask unanimous consent that I may be recognized for no more than 12 minutes.

The PRESIDING OFFICER. Without objection, the Senator is recognized.

TRIBUTES TO RETIRING SENATORS

TOM DASCHLE

Mr. BYRD. Mr. President, there is an old Chinese curse that says, "May you live in interesting times." A Senate equivalent of that saying could very well be: May you lead the Senate in interesting times. If so, the Senate leadership of Senator TOM DASCHLE would certainly qualify. He led the Senate with a very quiet integrity during some of the most difficult times in American history.

In 1994, Senator DASCHLE became Senate Democratic leader by a single

vote. No sooner had he become Democratic leader than he was forced to deal with the Republican revolution of 1994, including House Speaker Newt Gingrich and his short-lived "Contract With America." I never read it, never signed it, and was not a disciple of it.

While he served as the Democratic leader for nearly a decade, there was a period of 17 months in which he went from minority leader to majority leader and back to minority leader.

He was the Senate Democratic leader during the first impeachment of an American President in 131 years. He was the Senate Democratic leader on September 11, 2001, when America experienced the worst terrorist attack in the history of this great land. One month later, a bioterrorist attack on his Senate office in the Hart Building exposed 20 of TOM DASCHLE's staffers to deadly anthrax spores.

As the Senate Democratic leader, Mr. DASCHLE has had to deal with three different Republican leaders. During these turbulent circumstances, he remained reassuring and inspiring. TOM DASCHLE's soothing personality and his mild-mannered demeanor were comforting under very trying circumstances.

Looking back, it seems strange that many people once considered this likable, soft-spoken young man to be too likable and too soft spoken to be an effective Senate leader. I am pleased and proud to say that we were wrong. I say "we" because many people will recall that I initially opposed his candidacy for Senate Democratic leadership. But after TOM DASCHLE was elected leader, I was impressed as I found him to be an engaging man with whom to work, a most interesting man, a leader who has a way of putting other people at ease, even in troubled as well as in pleasant times.

He was always working to seek a consensus. He was always listening. He was one of the best listeners I have ever met during my 46 years in this body.

Even in the Senate's darkest moments, he retained his sense of optimism, always preferring to see the glass as half full rather than half empty. And that optimism was infectious. Therefore, 2 years later, it was my pleasure to nominate TOM DASCHLE for reelection as Senate Democratic leader. In nominating him, I announced:

I was totally wrong about this young man. He has steel in his spine, despite his reasonable and modest demeanor.

As a former Senate leader myself, I can say that a Senate leader who can bring together and develop a consensus on tough controversial measures must have the patience of Job and the wisdom of Solomon.

As a former Senate Democratic leader, I want to express my gratitude to Mr. DASCHLE for the service that he rendered to this Chamber, to our Nation, and to our political party.

During the interesting times in which he led the Senate, Senator

DASCHLE was always working for the common good. Because of his principled—let me say that again—because of his principled opposition to the Bush administration, critics denounced and demonized him as an obstructionist. If placing the national good over blind obedience to any President makes a Senator an obstructionist, then let me say that our democracy—indeed, all democracies—need more TOM DASCHLE's.

Senator DASCHLE stayed above it all, as he refused to engage in the gutter politics of his opponents. He always retained and maintained the dignity that has characterized him as a man and as a Senator. But then this mild-mannered South Dakota Democrat, the only South Dakotan ever to be elected to the Senate leadership, has always served the people of his State and the people of our Nation proudly and honorably, with diligence, sincerity, and distinction.

His entire career in public service has been based on standing up for the common good. He has been a true friend of rural America, especially America's farmers. Among the many measures he promoted to benefit American farmers, Senator DASCHLE pushed the development and the commercialization of alternative agricultural products.

He was an aggressive advocate of health issues, having authored legislation that expanded health services in rural areas.

As a veteran himself, having served as an intelligence officer in the Strategic Air Command of the U.S. Air Force, TOM DASCHLE was a powerful advocate for American veterans. In 1991, he won his 11-year struggle for legislation to assist Vietnam veterans suffering from exposure to Agent Orange.

I am sorry that I must now say goodbye to this decent man and this outstanding Senator, especially in such circumstances. And he is a decent man. He was always good to me. He was always listening. He always listened to whatever I had to suggest to him—always listening and always tried to be helpful. So many times he spoke good words concerning me. He was always asking about my wife Erma: How is your wife? How is your wife Erma?

But as anyone involved in politics knows, political life has its defeats as well as its victories, its sorrows as well as its joys, and we must accept them as they come, always looking forward, not backward, and knowing that the future will present other opportunities to serve our Nation.

I hope that Senator DASCHLE will continue a life of public service because our Nation will always need men of his background and experiences but, most importantly, his wisdom, his integrity, and his optimism.

Let me say on behalf of Erma and myself that we are so grateful to Senator DASCHLE and his lovely wife for their many courtesies extended to us, their many kindnesses which we will never forget. I am confident that despite the happenings of November 2,

Senator DASCHLE still sees the glass as half full rather than half empty.

And so my wife Erma and I extend our best wishes to Senator DASCHLE and his wife Linda in all of their future endeavors.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. CORNYN. Mr. President, I also ask unanimous consent that I be allowed to speak in morning business for as much time as I may consume.

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

JUDICIAL SELECTION PROCESS

Mr. CORNYN. Mr. President, recently there has been a lot of discussion about, not just the role of the judiciary in our democracy, but the process by which judges are selected. To me, this all boils down to something that Daniel Webster once said when he opined that "justice is the greatest desire of man on Earth." It is, in fact, the judges, the ones who wear the black robe, the men or women who serve on local or State or Federal benches who are the ones with whom we identify that common yearning for justice.

Unfortunately, here in the Senate over the last couple of years, we have gone through an experience that not only reeks of injustice but also of unfairness and, indeed, rises to the level of unconstitutionality when it comes to the filibuster used against President Bush's judicial nominees.

Never, before these last 2 years, has a nominee for a Federal court, whether it is the Federal district court or circuit court or the United States Supreme Court, been blocked by the use of a filibuster when there was a bipartisan majority of the Senate who stood ready to confirm that judge—never before the current Congress, dating back now 2 years.

We all know the judiciary plays a critical role in our form of government. As high school students, or perhaps even earlier, we learn that our three branches of government play important but distinct roles in our constitutional democracy. It is the judiciary, which at one time in our Nation's history has been called the least dangerous branch, that has produced some of the most dangerous decisions, at least so far as it concerns our right to self-government. What I mean by that is when we see courts strike down the Pledge of Allegiance because schoolchildren cannot say the words "under God" when they pledge allegiance to the flag; when we see county clerks, indeed, when we see judges themselves