



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 109th CONGRESS, FIRST SESSION

Vol. 151

WASHINGTON, MONDAY, OCTOBER 3, 2005

No. 126

Senate

The Senate met at 3 p.m. and was called to order by the President pro tempore (Mr. STEVENS).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Our Father in heaven, remind us often of the importance of Your presence in our lives. Make us aware of our need for Your guidance, and empower us to reach out to others in Your Name.

Lord, teach us to pray, and sustain us by the wonder of Your words. Give us truths that will strengthen our minds, souls, and hearts. In times of distress, grief, confusion, and misunderstanding, illuminate our paths with the light of Your companionship.

Guide our lawmakers in their challenging work, for You have promised never to leave or forsake them. Infuse all of us with a spirit that will cause people to glorify You.

We pray in Your Holy Name. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, today we are turning to consideration of the De-

partment of Defense appropriations bill. Chairman STEVENS and Senator INOUE are ready for Senators to come forward with their amendments. We hope to have an agreement that all first-degree amendments will be filed at the desk no later than 5 p.m. today. The Democrat leader and I were just talking to that effect, and we will continue to work for the next several minutes on that.

This would enable the two managers to review—and this is very important—allow them to review the legislative language to see what amendments may be acceptable on both sides. We have been unable to lock that agreement in place at this time, but I will continue to talk with the Democrat leader to see if that would be possible.

As I previously announced, there will be no rollcall votes today or tomorrow in observance of the Rosh Hashanah holiday. Any votes ordered today or tomorrow will occur at sundown on Wednesday. In all likelihood, we will be stacking votes at that time.

Having said that, we will be in discussion during this period, so Members can come forward and offer their amendments. I encourage Members to come to the Senate and not wait until later in the week. We are going to finish this bill before our next recess. We are making real progress on the appropriations bills. We need to continue that process. As we all know, the fiscal year has just passed. We are working on a continuing resolution. It is critical we continue to make progress on these bills. We have Monday, Tuesday, Wednesday, Thursday, and Friday of this week to complete the Department of Defense appropriations bill. I hope we will be able to finish it Wednesday or Thursday, but we are not going to leave until we complete this bill.

A number of other pieces of very important legislation are being discussed, debated, talked about, and written. One of those is the pensions legislation. The Committee on Finance and Com-

mittee on HELP have a bipartisan package on which we expect to reach a unanimous consent agreement so we can consider that bill this week as well.

NOMINATION OF HARRIET MIERS

Mr. FRIST. Mr. President, this is a momentous day in the history of our Nation. For the first time in two decades, a new Chief Justice ascends to the bench of the highest Court in the land. Today, John Roberts is leading the Supreme Court as the 17th Chief Justice of the United States. And today, with the nomination of Harriet Miers as an Associate Justice of the Supreme Court, we are faced with yet another opportunity to shape the course of history.

President Bush's choice of Harriet Miers demonstrated a thoughtful, careful, and discerning selection. Once again, the President reached out in a bipartisan way to more than 80 Senators. Once again, the President chose a qualified nominee for our High Court.

During her distinguished 35-year legal career, Ms. Miers has demonstrated her expertise as a talented attorney in both private practice and in public service. In every sense, Harriet Miers has been a true trailblazer and a role model for women in the legal profession.

As a young attorney, she overcame numerous obstacles to become the first female hired by her Dallas law firm. She impressed her colleagues so much that they elected her president of the firm, making her the first woman to lead a Texas firm of that size.

Ms. Miers has been a pillar of leadership in the legal community. She was the first female elected president of the Dallas Bar Association and head of the State Bar of Texas. She has served as trusted adviser to President Bush in various capacities and currently serves as White House Counsel.

Since she has not served as a judge, she will bring a unique perspective to

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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the Court. In fact, 41 of the 109 Supreme Court Justices who have served, including Chief Justice Rehnquist, did not have prior judicial experience.

What the President saw in Ms. Miers and what I see in her is that she embodies each of the qualities we seek in a Supreme Court Justice. She is fair, honest, and of the highest integrity. Her resume is a study in the time-honored values of hard work and perseverance. She understands the importance of judicial restraint and the limited role of the judge to interpret the law and not legislate from the bench.

She deserves a fair and civil hearing and a dignified debate on the Senate floor, followed by a fair up-or-down vote before Thanksgiving.

As we move ahead with the nomination process, I hope we will carry forward the lessons we have learned from Chief Justice Roberts' recent nomination. His nomination progressed expeditiously and in a bipartisan manner. I commend Chairman SPECTER, Ranking Member LEAHY, the Judiciary Committee, and the entire Senate for setting a standard to follow. We put principle above partisanship. We put results above rhetoric. We followed the framework intended by the Framers of the Constitution. By doing this, we helped to preserve the integrity and legitimacy of the judicial nomination process. And today, our Supreme Court and our Federal judiciary are stronger for it.

From the Roberts confirmation we have learned and a bipartisan group of Senators agree that Senators can make an informed decision on the fitness of a judicial nominee by focusing on the individual's qualifications and not her political ideology. We have learned that a nominee's fitness to serve on the Federal bench can be determined by reviewing her record, her writings, and testimony, without probing into confidential, privileged documents. We have learned that nominees can and should answer questions without compromising their judicial independence and without prejudging cases, and we should not expect them to prejudge cases or issues that may come before the Court. A nominee who prejudges is truthfully the antithesis of what we want in a judge. We want an individual who approaches every case with a fair and open mind, analyzing the facts before them and applying the law. Perhaps the most important lesson we have learned from Chief Justice Roberts' nomination is that we should

apply a single fair standard to all judicial nominees.

With Harriet Miers' nomination before the Senate, we must again move expeditiously but carefully. It is my expectation that the Senate will give Ms. Miers the fair and civil hearing, the dignified debate, and the fair up-or-down vote she deserves. I believe the Senate has moved beyond the obstructionism of the recent past, and in moving forward we will adhere to the time-honored principle that all judicial nominees deserve a fair up-or-down vote. That vote should occur by Thanksgiving. With civility, trust, and hard work, we can accomplish this goal.

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2006

The PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 2863, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2863) making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes.

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

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Virginia is recognized.

(The remarks of Mr. WARNER are printed in today's RECORD under "Morning Business.")

(The remarks of Mr. WARNER pertaining to the introduction of S. 1810 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. WARNER. Mr. President, parliamentary inquiry: It is my understanding we are on the bill for appropriations for our defense purposes under the management of the distinguished Presiding Officer. Am I correct?

The PRESIDENT pro tempore. The Senator is correct, the Defense appropriations bill.

Mr. WARNER. Mr. President, this is a matter that I have discussed with the managers of the bill as well as, on sev-

eral occasions, our distinguished Republican and Democratic leaders. On behalf of Senator LEVIN and myself, I file today the 2006 authorization bill which has been prepared by the Committee on Armed Services. It was taken up by the Senate some weeks ago but, due to schedule pressures, we did not have the opportunity to finish that bill.

I emphasize that Senator LEVIN and I jointly are taking this action today. We do so having also worked very conscientiously with our two leaders to prepare a unanimous consent request, which is still in the works, by which our bill can once again be brought up as a freestanding measure and the Senate act upon it. I will not dwell at this time on the various options we are discussing as to how that UC is drawn up. Senator LEVIN and I believe that it is imperative, on behalf of the men and women of the Armed Forces, that this bill be considered in a timely fashion. As we continue our work on the UC, I have to seize upon this opportunity, together with Senator LEVIN, to file our bill as a proposed amendment to the appropriations bill, together with a managers' package, a proposed managers' amendment, of some 80 amendments that Senator LEVIN, since the time of the original consideration of our bill, and I have looked at, agreed, and would be seeking unanimous consent for the incorporation of those amendments in our bill.

The armed services bill was acted on with some 31 amendments at the time it was on the floor. So we have the original bill with 31 amendments which were agreed to in the course of several days of deliberation. Again, the Defense authorization act is too important to our soldiers, sailors, airmen, and marines, and the national security of our country for the Senate not to complete action on it. If we cannot achieve unanimous consent prior to the final passage of this bill, it is the intent of Senator LEVIN and myself to urge upon the Senate the incorporation of the Defense authorization bill, together with at least a first managers' package of 80 amendments. For the convenience of Senators, I ask unanimous consent that a list of those 80 amendments and a brief description of the Senators, some 68 in number, who are affected by this managers' package, be printed in the RECORD.

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

PROPOSED MANAGER'S AMENDMENT FOR THE FY 2006 DEFENSE AUTHORIZATION BILL

No.	Senator	Subject	Comments
1	Warner	Tech mil con \$ change	1396
2	McCain	US Naval Reserve	1438
3	Craig	Casualty Assurance	1473
4	DelWine	AFIT	1356
5	Grassley	WCFS	1481
6	Warner	SARA	NEW
7	Warner	Court House	1562
8	Obama	Composite Health	1362
9	Hatch	depot maintenance	1516
10	Feinstein	NPT	1410
11	Lieberman	DSB Micro	1361
12	Graham	Savannah	1387
13	Martinez	Gitmo	1885