

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 |

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

| No. | Senator | Subject | Comments |
|-----|-----------------|--------------------------|-------------------------|
| 14 | Bayh | civil relief act | 1334 |
| 15 | Feinstein | Milamar | 1514-milcon |
| 16 | Nelson, Bill | aerostat | NEW |
| 17 | Warner | DNI Flag | 1567 |
| 18 | Graham | sec 712—Health | 1358 |
| 19 | Warner | Highbrite | 1560-mod; \$1.5 million |
| 20 | Allard | land conveyance | 1355-milcon |
| 21 | Warner | Acto Demil | 1559-mod; \$1 million |
| 22 | Domenici | DOEmoney | 1543 |
| 23 | Lugar | Cap Cost | 1407 |
| 24 | Warner/Levin | Test Reserve | NEW |
| 25 | Vitter | DSB Study | 1471 |
| 26 | Conrad | 500 icbm | NEW |
| 27 | Thune | Space Radar | NEW |
| 28 | Roberts | JPATS | NEW; \$10 million |
| 29 | Allard | Rocky Flats | 1506-mod; (tuck) |
| 30 | Santorum | Rapid iv pumps | 1329-mod; \$1 million |
| 31 | Roberts | Aging Act | NEW; \$4 million |
| 32 | Lieberman | HH60 | 1434; \$ neutral |
| 33 | Inouye | SROTC | NEW |
| 34 | Hutchison | NASA R&D | NEW |
| 35 | Santorum | Warhead/grenades | NEW; \$1 million |
| 36 | Reed | joint small arms | 1316-mod; \$5 million |
| 37 | Akaka | foreign language council | NEW |
| 38 | Ensign | point of maintenance | NEW; \$10 million |
| 39 | Ensign | handheld searchlight | NEW; \$4.5 million |
| 40 | McCain | Alt Acquisition | 1555-mod; |
| 41 | Byrd | Iraq and Afghanistan | 1568 |
| 42 | Durbin | Acq MDAP | 1578 |
| 43 | Dole | Berry | 1522-mod; |
| 44 | Coleman | Foreign language | NEW |
| 45 | Lott | Arrow | NEW; \$80 million tuck |
| 46 | Bingaman | Field Array | NEW; \$3 million |
| 47 | Domenici | Long wavelength array | 1544-mod; 6 million |
| 48 | Smith | force protection | NEW |
| 49 | Warner | GPS | NEW |
| 50 | Kennedy | Defense business reserve | NEW; \$40 million |
| 51 | Clinton | Fire protection services | 1444 |
| 52 | DeWine | Emergency services | 1534 |
| 53 | McCain | Commercial satellites | NEW |
| 54 | Murray | local education | 1348-mod |
| 55 | Nelson, Ben | parental leave | NEW |
| 56 | Warner | legal assistance | NEW |
| 57 | Akaka | Quality of life | 1404 |
| 58 | Biden | Vaccines | 1448 |
| 59 | Boxer | DOD mental | 1519 |
| 60 | Hutchison | Oral special pay | 1478 |
| 61 | Reed | nonstrategic nukes | NEW |
| 62 | Obama | Avian flu | 1453 |
| 63 | Landrieu | PTSD | 1451 |
| 64 | Dole | Mental Health counselors | NEW |
| 65 | Feingold | Travel | 1367 |
| 66 | Thomas | vets objects | 1469 |
| 67 | Sarbanes | fed charter korea | 1445 |
| 68 | Clinton/Collins | financial services | NEW |
| 69 | Kerry | Dependent housing | 1502 |
| 70 | Leahy | BAH | 1424 |
| 71 | Levin | BRAC tribes | 1495 |
| 72 | Byrd | chaplain | NEW |
| 73 | Dodd | call to service | NEW |
| 74 | Santorum | home school | NEW |
| 75 | Warner | tech to NGR | NEW |
| 76 | Conrad | Predator | 1548; IFF funds |
| 77 | McCain | recruit and retention | NEW |
| 78 | Feingold | Foreign language | NEW |
| 79 | Kerry | Project Sheriff | NEW |
| 80 | Allard | High altitude | 1362-mod |

Mr. WARNER. By way of historical context, I would like to point out the following: There is an unbroken record for the last 45 years of Senate history that the Senate has passed an annual Defense authorization bill. The Senate and House have come to a conference agreement on and the President has signed that conference into law as the National Defense Authorization Act. Only once before has the chairman of the Armed Services Committee had to resort to the rare parliamentary procedure of proposing that that bill, the entire Defense authorization bill, be placed upon another legislative matter. That was in the year 1988.

Time is short. We must be reasonable in the amount of time we have been debating both the authorization bill and the appropriations bill. I ask for my colleagues' consideration and restraint in offering amendments to the appropriations bill, as well as to the authorization bill, hopefully, to achieve the unanimous consent agreement, which I hope will be offered in the next few days, to enable the authorization bill

to become a freestanding bill with a designated number of amendments, with designated time agreements, and a clear estimate for both the Republican and Democratic leaders as to the number of days that would be required for completion. That will all be set forth, hopefully, in the next few days in a UC request.

We must be aware of the importance of the measure, the authorization bill. Hundreds of thousands of soldiers, sailors, airmen, marines, guardsmen, Active Reserve and National Guard, and countless civilians who support military, diplomatic, and humanitarian operations are serving valiantly in Iraq, Afghanistan, and other locations to secure our national security. This bill would provide them a broad range, literally a million-plus individuals in uniform and civilians, with better equipment to do their daily jobs and enhanced quality of life for themselves and their families through pay raises and benefits and the like.

For example, without this bill being acted upon by the Senate, we could not

increase the death gratuity to \$100,000, which the Senate strongly desires, for survivors of military members whose death resulted from wounds, injuries, or illnesses incurred under combat-related conditions or in a combat operation or a combat zone. We could not increase TRICARE benefits for the children of survivors. We could not provide the military services with the authorities for bonuses and other incentives needed to meet the troublesome recruiting situation today. We could not implement new assistance to school districts with significant enrollment increases in military-dependent students to stop troop relocations, creation of new units, and realignments under the BRAC Commission and, above all, the annual pay raises which the Congress provides for the men and women.

In addition to the above, the threat reduction program, which is designed to keep nuclear materials and expertise away from terrorists, would expire. Weapons systems costs would increase

because multiyear procurement authorities would not be enacted. Special acquisition authorities designed to facilitate the rapid procurement of technologies to prevent casualties from terrorist roadside bombs, or IEDs, would fail to go into effect. Military construction and family housing programs would be jeopardized, including over \$1.5 billion to fund projects in support of communities that will be affected by the 2005 BRAC round, if that is eventually becoming law. These are a few of the essential authorities contained in the legislative provisions of this year's bill, something that I am proud to say the Senate Armed Services Committee has worked on since January of this year and resulted in 278 legislative provisions as contained in this bill.

I respectfully ask my colleagues to support my efforts and that of Senator LEVIN in bringing the Defense authorization bill to the floor.

As I said, I rise on behalf of myself and Senator LEVIN to announce that we have taken what I consider extraordinary action by filing two amendments to the pending bill. It is with great reluctance that I propose these amendments to the Defense Appropriations Act. But I do so only with the interests of the men and women of our armed forces at heart.

The first amendment consists of the National Defense Authorization Act for Fiscal Year 2006—including not only the version of the bill unanimously reported out of the Armed Services Committee on May 17, but also 31 amendments added to the bill when it was on the floor in July.

Senator LEVIN and I, with our respective leaders, are trying to work out a unanimous consent agreement that would return the Defense authorization bill to the floor as a stand-alone bill. However, in the absence of that agreement, we have to leave open the option of including this bill on another legislative vehicle. The Defense authorization act is just too important to our soldiers, sailors, airmen and Marines and the national security of our country for the Senate not to complete action on the bill. If we cannot do this as a stand-alone bill, we need to find another way to bring this bill into law.

The second amendment we are offering today contains additional amendments that are agreed and ready to be included in a "managers' package" to the Defense authorization act. I offer this amendment to illustrate to my colleagues the significant progress that has been made on this bill so far. This new managers' package contains 80 amendments on behalf of 67 Senators. Together with the action already taken on this bill in July, our colleagues can clearly see that nearly every U.S. Senator has made an important contribution to the Defense authorization act.

I am committed to making this "managers' package" the first amendment to be considered to the Defense authorization bill once it is taken up as a separate bill. We are not finished

reviewing proposed amendments. The committee is still working through a number of amendments that I expect would be included in a second managers' package.

Since January 1961, the Senate has passed an annual Defense authorization bill. Each and every year, for 45 years, the Senate and the House have come to a conference agreement on and the President has signed into law a National Defense Authorization Act. Only once before has the chairman of the Armed Services Committee had to resort to the rare parliamentary procedure of proposing to put the entire defense authorization bill on another bill. This occurred in 1988. As the custodian of this important piece of legislation, I find I am left with very few options this year to ensure Congress can adequately support our troops by passing this bill.

I, with my friend CARL LEVIN, am willing to do whatever it takes to pass this bill. Time is short and we must be reasonable in the amount of time we spend debating this bill. I ask for my colleagues' consideration and restraint in offering additional amendments to this bill and to support a unanimous consent agreement to limit the number of contentious amendments that may require time to debate on the floor. At the same time, Senator LEVIN and I pledge to work with Senators to accept as many amendments as possible in a managers' package.

Our responsibility to consider and pass the Defense authorization bill goes beyond statutory requirements, floor schedules, and historical precedent. We must also be aware of the importance of this measure to our men and women in uniform around the world. Hundreds of thousands of soldiers, sailors, airmen, Marines, and Coast Guardsmen—active, reserve, and National Guard—and, countless civilians who support military, diplomatic and humanitarian operations are serving valiantly in Iraq, Afghanistan, and other locations to secure hard-won military successes and to preserve peace and freedom. This bill will provide them with better equipment to do their daily jobs, and an enhanced quality of life for themselves and their families. Together we can and must complete this bill for them.

Without this bill, DoD could not, for example, increase the death gratuity to \$100,000 for survivors of military members whose death resulted from wounds, injuries, or illnesses incurred under combat-related conditions or in a combat operation or a combat zone; increase TRICARE benefits for the children of survivors; provide the military services the authorities and pays needed to enhance recruitment and retention in the active and reserve forces; and implement new assistance to school districts with significant enrollment increases in military dependent students due to troop relocations, creation of new units and realignments under BRAC.

In addition, authorities related to the Cooperative Threat Reduction Program which is designed to keep nuclear materials and expertise away from terrorists would expire. Weapon systems costs would increase because multiyear procurement authorities would not be enacted. Special acquisition authorities designed to facilitate the rapid procurement of technologies to prevent casualties from terrorist roadside bombs or IEDs would not go into effect. Military construction and family housing programs would be jeopardized, including over \$1.5 billion to fund projects in support of the 2005 BRAC round.

These are just a few of the essential authorities contained in the 278 legislative provisions in this year's bill.

So I ask my colleagues to support Senator LEVIN's and my efforts to bring the Defense authorization bill to the floor. We are all mindful of the risks members of the U.S. Armed Forces face every day and of the sacrifices made by the families and communities that support them. Our men and women in uniform have been asked to do much in the past year, and they have responded in the finest traditions of the generations of Americans that preceded them. The American people are proud of their Armed Forces for what they have accomplished, and for the manner in which they represent American values and the generosity of America. It is time for us in the Senate to do our part.

With the understanding that the two bills are filed, I yield the floor.

The PRESIDING OFFICER (Mr. CORNYN.) The amendments will be filed for the RECORD.

Mr. LEVIN. Mr. President, I join the Chairman of the Senate Armed Services Committee in filing the National Defense Authorization Act for Fiscal Year 2006, as an amendment to this bill. I also join the chairman in filing a managers' amendment incorporating many of the amendments that Members are offering to our bill. We and our staffs are working hard, and hope to clear more amendments as we move forward.

This is not our preferred approach to this issue. We have always brought up and completed action on the Defense authorization bill as a freestanding bill in the past, and we would prefer to do so this year. Indeed, we have made and are continuing to make every effort to do so. I remain optimistic that we will be able to reach agreement to proceed to and complete action on the Defense authorization bill and that it will not be necessary to take up this amendment.

This bill was unanimously reported out of the Armed Services Committee all the way back in May. It was brought to the Senate floor 2 months later, at the end of July. In the last week before the August recess, we attempted to enter a unanimous consent agreement which would have concluded debate on the bill in less than 2 days.

Unfortunately, the Republican leadership rejected this proposal and pulled the bill off the floor before action could be completed, so that the Senate could instead consider the gun manufacturers' liability bill.

Since that time, we have made every effort to bring the bill back up as a freestanding measure, but without success. We have repeatedly asked the Republican leadership for floor time. We have offered to enter into agreements regarding the relevance of amendments, and the number of amendments, so as to limit the amount of time that would be taken by debate. So far, none of these efforts have borne fruit.

Mr. President, more than 4 months have now passed since this bill was reported out of the Armed Services Committee. The fiscal year covered by the bill began last week. The Senate truly needs to consider this bill, and if bringing it to the floor as an amendment is the only way to get that consideration, we have an obligation to try.

At a time when members of our Armed Forces are performing heroically, both at home and overseas, to make our country safer and stronger, our military both needs and deserves all of the support that this Congress can provide. More than 70,000 active duty and National Guard troops have been sent to the gulf coast to assist in the recovery from Hurricane Katrina. These troops are playing a critical role in conducting search and rescue missions, evacuating displaced persons, providing security in impacted areas, delivering essential food, water and medicine, and rebuilding damaged infrastructure throughout the region.

At the same time, roughly 138,000 U.S. soldiers, sailors, airmen and marines are engaged in taking on an aggressive insurgency in Iraq, another 17,000 remain in harm's way in Afghanistan, and tens of thousands more are supporting the war effort through deployments thousands of miles from home. Our Armed Forces also continue to bear the brunt of the continuing effort to keep the peace in Kosovo and the Sinai, and contain the threat of North Korea—while remaining prepared to execute other missions in support of the national military strategy.

Some of these troops deployed overseas are from the gulf coast area. Some will soon return home to find that Katrina has damaged or destroyed their homes. Some will have nothing left. Passage of the national Defense bill will improve their quality of life while they remain on active duty and when serving on hurricane recovery duty. It will send an important message to them and to their families that we, as a nation, understand their loss and appreciate their service. Failure to pass the Defense bill would send the opposite message.

At a time when members of our Armed Forces are performing heroically, both at home and overseas, to make our country safer and stronger, it would be unconscionable to give the

Defense authorization bill less than top legislative priority. Our military both needs and deserves all of the support that this Congress can provide.

First and foremost, the Defense authorization bill would support our troops by improving compensation and quality of life for our service men and women and their families as they face the hardships imposed by continuing military operations within the United States and around the world. For instance, the bill would provide funding for a 3.1 percent across-the-board pay raise for military personnel; a \$70 million increase in childcare and family assistance services for military families; and \$50 million in supplemental educational aid to local school districts affected by the assignment or location of military families.

The bill would also provide needed funding for the continuation of our military operations in Iraq and Afghanistan. For example, the bill would authorize a \$50 billion supplemental for continued operations in Iraq and Afghanistan, add hundreds of millions of dollars to the President's budget needed for force protection gear, up-armored vehicles, and a Joint Improvised Explosive Device Task Force, increase the Army's active-duty end strength by 20,000, and authorize the continuation of the Commanders' Emergency Response Program.

If we fail to enact this bill in a timely manner, we will hurt our men and women in uniform. The military's authority to pay bonuses and special pays to our men and women in uniform would expire, exacerbating an already troublesome problem we are facing with recruitment and retention. The enhanced death gratuity of \$100,000 and the increased life insurance benefits that we enacted for servicemembers earlier this year would lapse and substantially lower benefits would be reinstated. More than \$6.0 billion in military construction and family housing projects to improve the conditions in which our servicemembers work and live would be unable to proceed.

The Senate obviously has a lengthy agenda for the rest of the year. Some of the items on this agenda are undoubtedly important, but we should not pursue them at the expense of our men and women in uniform. If we truly value the contribution that our Armed Forces have made and continue to make every day at home and abroad, we should take up and pass a Defense authorization bill—preferably as a freestanding bill but, if not, as an amendment to the pending legislation.

Mr. STEVENS. Mr. President, the Senator from Hawaii and I understand full well the problems facing the chairman and ranking member of the Armed Services Committee. We want to work with them to the maximum extent possible. However, as we have informed the chairman, the Senator from Virginia, we feel that bringing that bill here without a time agreement, to call it up without a time agreement, would

mean that we would face some 100 to 200 amendments, as the chairman and ranking member of the Armed Services Committee have faced in the past. In my conversations with Department of Defense officials, particularly the uniformed members of that Department, it is clear that we must have this bill to the President and signed before the middle of November. The Appropriations Committee had a series of reprogramming of 2006 moneys, done just before September 30, to assure that liquidity was there to maintain our forces in the field. Under the continuing resolution, we have no such flexibility now.

The flexibility that comes from having a full year's bill out in front of the Department is absolutely necessary at this time. We are at war. We are involved in a global war on terror. If anyone heard General Abizaid's briefing for us and the one that was done publicly, we have to realize that we are facing what looks like the beginning of a new crusade by militant terrorists of the Islamic world. We cannot afford to delay this bill.

I say to my good friend—and it is not just a word of art here on the floor; we have been friends for many years—we cannot take on this burden unless we get a time agreement. The Senator's bill, as an amendment to our bill, is subject to a point of order. We will not raise that point of order because it should be before us. And the Senate should know it is possible to complete both of these bills by Friday, if we would work together. But we need to complete this bill by Friday in order that when we are not in session, due to the holidays of the following week, our staffs can pull together the conference report documents and be ready to go to conference when we come back on October 17 or 18 of this month. It will take some time to conference just the Appropriations subcommittee bill. I am certain it will take substantial time to conference the Armed Services bill in conference.

What worries me is, if that Armed Services bill becomes part of our conference, then we have an extremely difficult time if the House and Senate Armed Services Committee cannot complete their conferences in the same period of time that we would complete the conference on the appropriations bill. But we are all in this together. We know that there are provisions in the appropriations bill that require authorization. A substantial part do not. A substantial part are under general authority of appropriations for people in the field, for the armed services and for the operation and maintenance items that are in the bill and also those that are involved with continuing authorizations for various types of acquisitions and equipment.

We look forward to working with the Senator from Virginia. He does an excellent job as chairman of the Armed Services Committee. We are delighted that he is pressing hard for his bill because it is necessary. For instance, the

size of the pay raise, the size of the COLA, the size of various adjustments made between the various functions of the Department, all are necessary.

The annual items in this bill require authorization. Those that are a continuing part of defense operations, we can and should fund, notwithstanding the Armed Services bill might not have passed by the time we get this bill to the President to sign.

Above all, money for Afghanistan and Iraq is a supplemental attached to our bill. It is within our bill. It is \$50 billion that is absolutely necessary to continue our operations there at a very critical time with the election coming up over there to approve their constitution and then, following that, the election of their officials. We have had to send additional people over there—not as many as we did for the first election over there, but there has been a flow of people over there. That money will come out of the \$50 billion that is in this bill for operations for the future in regard to Iraq and Afghanistan and that portion of the war on terror.

I do believe the Senator from Virginia understands our situation.

Does the Senator from Hawaii wish to make any comments? I think we are in agreement on this position. We welcome the Senators' initiative and hope it works.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, there are no two individuals in the Senate today that have a finer reputation for Senatorial courtesy and for the need for our national defense legislation than the two managers of the appropriations bill, the Senators from Alaska and Hawaii, both of whom have had such distinguished careers in the uniform of the country in which we all take such pride.

Both of these individuals have conferred with my colleague, Senator LEVIN, and with me about the measures I have taken today. Senator STEVENS very carefully pointed out to me exactly what he has said—his grave concern, understandable concern, and proper concern about the imperative need of the passage of the appropriations bill. In no way is it the intention of this Senator or Senator LEVIN to try to unduly delay that bill.

We will see whether a time agreement is achievable, either for consideration of our bill for a brief period of time, on the appropriations bill, or by virtue of a UC as a freestanding bill. I urge we try and do it on this bill.

The Senator pointed out the exigencies of conferences. In my research, there are several options on how to conduct a conference on these two bills. I am sure we can work out a method to do so. For example, it may be possible to split off the authorization bill prior to final passage of the appropriations bill in order to facilitate two separate conference reports. If that is not possible, the chairman of the subcommittee on appropriations

could decide to hold what would be basically two conferences—one of the authorizers, one of the appropriators. But nevertheless, the appropriators would have overall control and only one conference report would be voted on by the Senate. I think either of these options could be achieved here. Certainly, I know Senator LEVIN and I would work to these ends. But I also bring to the attention of the managers, we all know full well there are several amendments—I shall not try to characterize them other than to say there are several amendments that are to be brought against the authorization bill which, I am inclined to believe, will be brought against the appropriations bill should we not move ahead with the authorization bill so those amendments can be authorized on this bill.

There is a strong conviction among a number of my colleagues—I don't agree, but I respect them—to have a commission to study how this country deals with its detainees and other commissions that are in the minds of others.

I don't think, unless there is clarity as to what is going to happen to the authorization bill, that you can rule out the possibility that one or more of these amendments might be directed in the next few days against this bill, with the best of intentions, and those would be time-consuming matters, I assume.

Mr. STEVENS. Will the Senator yield, Mr. President?

Mr. WARNER. Yes, of course.

Mr. STEVENS. It is not for a question but for a statement.

Mr. WARNER. I yield the floor, Mr. President.

Mr. STEVENS. Mr. President, the Senator from Hawaii and I have opposed filing cloture on the Defense appropriations bill in the past. It has not been necessary. As a matter of fact, in the past years, this bill has taken from 3 to 5 hours on the floor because it is a bipartisan bill. It is a bill that comes out of our subcommittee and the full Committee on Appropriations unanimously. Our staffs work tirelessly to make sure we cover every single possible objection or concern.

But this year, it appears to me, because of the timeframe I have mentioned, I am constrained to consult with my friend from Hawaii to seek the filing of cloture on Wednesday because if we do not vote by Friday, we are going to be into November before we even get this bill off the floor. We just cannot do that now.

I hope the Armed Services Committee members and all those who have amendments will keep in mind the timeframe. The way these holidays are coming at us, and because of the schedule, we must get this bill to the House for conference before the first of November. It is going to be very difficult to do unless we finish the bill by October 7.

I want the Senate to know, despite a longstanding policy of opposing cloture

on the Defense bill, the timeframe that is involved in the consideration of this bill now, because of many things that are not under the control of anybody—two vacancies on the Supreme Court and various other matters that we have taken up that have taken prolonged time on the floor—we are very late in considering this bill.

I know the Senate understands the problem of funding when we have men and women who are overseas, particularly in a time of war. There is no way we can possibly consider taking off on Friday and not coming back until a week from the following Monday if this bill has not been passed. I urge the Senator to keep that in mind.

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

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

MORNING BUSINESS

Mr. STEVENS. Mr. President, I ask unanimous consent that there be a period for the transaction of morning business, with Senators permitted to speak for not to exceed 10 minutes each.

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

NOMINATION OF HARRIET MIERS TO THE SUPREME COURT

Mr. WARNER. Mr. President, I join the distinguished majority leader and others who have spoken on behalf of the President's nomination of a very distinguished member of the bar of the State of Texas and, indeed, the profession of law all across America, where she has, through many years of long and arduous adherence to the profession of law, distinguished herself in so many ways.

I had the privilege over the years of working with Harriet Miers. I have the highest respect as a fellow lawyer for her professional abilities and her standards of ethics and conduct. I think she is a superb nomination. I commend the President of the United States. If I may say, in this season of our sports, he has hit another home run.

Mr. President, well done.

TRIBUTE TO CORNELIA "NEAL" VAUGHAN

Mr. McCONNELL. Mr. President, I rise today to pay tribute to a proud Kentuckian, community leader, and good friend, Mrs. Cornelia "Neal" Vaughan. Neal, like her uncle, the late Senator John Sherman Cooper, is sincerely dedicated to improving the lives of Kentuckians, and she does so