

confirmation vote on the Paez nomination was 59 to 39. Obviously, the opponents of Paez could have killed that nominee by a filibuster if they had chosen to do so. Both times we approached the filibuster level of 41 votes. I know how to count votes, and if we had wanted to filibuster the Paez and Berzon nominations, I suspect we could have and probably stopped them both. But the Republican leadership did not whip our caucus to filibuster these two nominations. In fact, it did the opposite. To his great credit, Senator LOTT urged our colleagues not to filibuster these two nominations despite the strong opposition to them within our conference.

That is why Judge Paez and Judge Berzon have been sitting on the ninth circuit for the last 5 years. In fact, today is the fifth anniversary of their confirmation. They were confirmed on March 9, 2000. And for those who point to the Paez and Berzon nominations to try to justify their filibusters, I emphasize again we are talking about Judge Paez and Judge Berzon. So given that many of my Republican colleagues and I opposed both the Berzon and Paez nominations as shown by our votes against the nominations themselves, why did we vote for cloture? We did so because we were mindful of a long-standing Senate norm and precedent that the Senate does not filibuster judicial nominations. That is an unwritten Senate rule. Even if one strongly disagrees with the nomination, the proper course of action under Senate norms and traditions, as they have consistently been understood and applied, is not to filibuster the nominee but to vote against him or her. That is precisely what a supermajority of my conference and I did on the Paez and Berzon nominations, who were two of the most controversial—these were extraordinarily controversial judges that President Clinton had named to the ninth circuit. My Republican colleagues and I honored Senate tradition. We followed the constitutional directive set forth in article II, section 12, that the Senate as an institution as reflected by the will of the majority of its Members, render its advice and consent on the President's nominees. We put propriety over partisanship.

But that precedent has now been changed. Those norms and traditions have been upset.

Therefore, I ask my colleagues to consider the ramifications of continuing down this path of institutionalizing this use of the judicial filibuster as a tool of obstruction. For more than 200 years we have recognized the careful balance our Founding Fathers struck among our three branches of Government. Judicial filibusters pose a danger to this constitutionally required separation of powers.

I believe it is not too late to turn back. It is in the best interests of both great parties and the Senate itself that we restore the norms, traditions, and precedents of the past 200 years that

have served this country so well. It is extraordinarily shortsighted. Our friends on the other side of the aisle will have the White House again one day, and the shoe will be on the other foot. They will rue the day, if this precedent is allowed to prevail, that they set this precedent. I think it is time we stood back, took a breath and thought about this institution and respected its norms and traditions.

Mr. President, I yield the floor.

EXPRESSING THE SENSE OF THE SENATE ON TERRORIST ATTACKS AGAINST THE PEOPLE OF SPAIN

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 76, submitted earlier today by Senators LIEBERMAN, ALLEN, and DODD.

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

The assistant legislative clerk read as follows:

A resolution (S. Res. 76) expressing the sense of the Senate on the anniversary of the terrorist attacks launched against the people of Spain on March 11, 2004.

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

Mr. MCCONNELL. I ask unanimous consent that the resolution and preamble be agreed to en bloc, the motions to reconsider be laid upon the table en bloc, and that any statements related to the resolution be printed in the RECORD, without intervening action or debate.

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

The resolution (S. Res. 76) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 76

Whereas on March 11, 2004, terrorists associated with the al Qaeda network detonated a total of 10 bombs at 6 train stations in and around Madrid, Spain, during morning rush hour, killing 191 people and injuring 2,000 others;

Whereas like the terrorist attack on the United States on September 11, 2001, the March 11, 2004, attacks in Madrid were an attack on freedom and democracy by an international network of terrorists;

Whereas the Senate immediately condemned the attacks in Madrid, joining with the President in expressing its deepest condolences to the people of Spain and pledging to remain shoulder to shoulder with them in the fight against terrorism;

Whereas the United States Government has continued to work closely with the Spanish Government to pursue and bring to justice those who were responsible for the March 11, 2004, attacks in Madrid;

Whereas the European Union, in honor of the victims of terrorism in Spain and around the world, has designated March 11 an annual European Day of Civic and Democratic Dialogue;

Whereas the people of Spain continue to suffer from attacks by other terrorist organizations, including the Basque Fatherland and Liberty Organization (ETA);

Whereas the Club of Madrid, an independent organization of democratic former heads of state and government dedicated to strengthening democracy around the world, is convening an International Summit on Democracy, Terrorism, and Security to commemorate the anniversary of the March 11, 2004, attacks in Madrid; and

Whereas the purpose of the International Summit on Democracy, Terrorism, and Security is to build a common agenda on how the community of democratic nations can most effectively confront terrorism, in memory of victims of terrorism around the world: Now, therefore, be it

Resolved, That the Senate—

(1) expresses solidarity with the people of Spain as they commemorate the victims of the despicable acts of terrorism that took place in Madrid on March 11, 2004;

(2) condemns the March 11, 2004, attacks in Madrid and all other terrorist acts against innocent civilians;

(3) welcomes the decision of the European Union to mark the anniversary of the worst terrorist attack on European soil with a Day of Civic and Democratic Dialogue;

(4) calls upon the United States and all nations to continue to work together to identify and prosecute the perpetrators of the March 11, 2004, attacks in Madrid;

(5) welcomes the initiative of the Club of Madrid in bringing together leaders and experts from around the world to develop an agenda for fighting terrorism and strengthening democracy; and

(6) looks forward to receiving and considering the recommendations of the International Summit on Democracy, Terrorism, and Security for strengthening international cooperation against terrorism in all of its forms through democratic means.

SUPPORTING THE PEOPLE OF LEBANON

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 77 which was submitted earlier today.

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

The assistant legislative clerk read as follows:

A resolution (S. Res. 77) condemning all acts of terrorism in Lebanon and calling for removal of Syrian troops from Lebanon and supporting the people of Lebanon in their quest for a truly democratic form of government.

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

Mr. MCCONNELL. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

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

The resolution (S. Res. 77) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 77

Whereas since December 29, 1979, Syria has been designated a state sponsor of terrorism by the Secretary of State;

Whereas on December 12, 2003, the President signed the Syria Accountability and Lebanese Sovereignty Restoration Act of

2003 (22 U.S.C. 2151 note), which declared the sense of Congress that the Government of Syria should halt its support for terrorism and withdraw its armed forces from Lebanon, endorsed efforts to secure meaningful change in Syria, and authorized the use of sanctions against Syria if the President determines that the Government of Syria has not met the performance criteria included in that Act;

Whereas the President has imposed the sanctions mandated by that Act, which prohibit the export to Syria of items on the United States Munitions List and the Commerce Control List, and has already imposed 2 of the 6 types of sanctions authorized by that Act, by prohibiting the export to Syria of products of the United States (other than food or medicine) and prohibiting aircraft of any air carrier owned or controlled by Syria to take off from or land in the United States;

Whereas the United Nations Secretary General, Kofi Annan, recently stated that Syria continues to maintain more than 14,000 troops in Lebanon;

Whereas United Nations Security Council Resolution 1559 (September 2, 2004) calls for the withdrawal of all foreign forces from Lebanon and for the disbanding and disarmament of all armed groups in Lebanon;

Whereas on February 14, 2005, the former Prime Minister of Lebanon, Rafik Hariri, and 18 others were assassinated in an act of terrorism in Beirut, Lebanon;

Whereas the Secretary of State recalled the United States Ambassador to Syria, Margaret Scobey, following the assassination of Rafik Hariri; and

Whereas, on February 28, 2005, the Prime Minister of Lebanon, Omar Karami, resigned, dissolving Lebanon's pro-Syrian Government: Now, therefore, be it

*Resolved*, That the Senate—

(1) condemns all acts of terrorism against innocent people in Lebanon and around the world;

(2) condemns the continued presence of Syrian troops in Lebanon and calls for their immediate removal;

(3) urges the President to consider imposing additional sanctions on Syria under the Syria Accountability and Lebanese Sovereignty Restoration Act of 2003 (22 U.S.C. 2151 note); and

(4) supports the people of Lebanon in their quest for a truly democratic form of government.

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

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. NELSON of Florida. I thank the Chair.

(The remarks of Mr. NELSON of Florida pertaining to the introduction of S. 57 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. NELSON of Florida. Mr. President, 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. DURBIN. 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. DURBIN. Mr. President, we are in morning business on the Democratic side, as I understand it, for the next 11 minutes; is that correct?

The PRESIDING OFFICER. That is correct; 10½ minutes.

#### SOCIAL SECURITY

Mr. DURBIN. Mr. President, the President of the United States is on the road today. He is taking his case for privatization of Social Security around the United States. It is an interesting debate. It is a good debate because it gets down to the heart of the question.

I joined with some Democratic Senate leadership—HARRY REID, BYRON DORGAN, and several other colleagues—and we went on the road last week to New York, Philadelphia, Phoenix, and Las Vegas to talk about this issue. We are engaging the American people because we believe it is an important debate.

I think we should start the debate by agreeing on some very basic points, and the first point on which we should agree is that at the end of the debate, Social Security will still be there, it will survive, and we are all committed to it. Any proposal that comes from anyone of either political party that weakens Social Security and lessens the likelihood that it will be there as a safety net for America should be summarily rejected. That is why we on the Democratic side have said we want to sit down with President Bush and the Republican leadership to make Social Security strong, but first we have to take privatization of Social Security off the table because privatization of Social Security, as the President is proposing, will weaken Social Security, it will not strengthen it. It takes trillions of dollars out of the Social Security trust fund, a trust fund that has already been raided by politicians for years. It would be devastated by taking out this much money.

The President is calling for taking the money out of the Social Security trust fund that is going to be used to pay off retirees in the years to come.

How do they make up for this? The President's White House proposes cutting the benefits for retirees as much as 50 percent. So if someone is receiving \$1,200 today, had the President's plan been in effect from the beginning of Social Security, they would be receiving around \$500. It is a dramatic cut the President is talking about. It would push many senior citizens into poverty, not to mention add dramatically to our national debt, a debt which is already too large, will be increased this year by our deficit spending, and a debt which is financed by foreign countries. China, Japan, Korea, and Taiwan hold America's mortgage.

President Bush's privatization plan means that mortgages will grow substantially, from about \$8 trillion to at least \$15 trillion by the President's calculations. That means our children, who are supposed to be benefited by this so-called privatization, will not only have to gamble their retirement in the stock market, but also face the

payment of this debt. That is fundamentally unfair.

Many people have said: Why don't the Democrats come forward with a plan on Social Security? I will tell my colleagues the Democratic plan in three words: Social Security first. If any plan to strengthen Social Security does not guarantee that this safety net and the benefits people can count on for retirement will be there in the years to come, it is not a plan we should even consider. Privatization cannot meet that guarantee.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mrs. MURRAY. Mr. President, how much time is remaining on the Democratic side?

The PRESIDING OFFICER. There is 6 minutes 50 seconds remaining.

Mrs. MURRAY. Mr. President, I concur with the remarks of the Senator from Illinois about Social Security. We have heard a lot of talk on this floor. We have heard a lot of talk on the television shows and all around the country in recent weeks about Social Security. We have heard about a supposed crisis in this program, that it will be flat busted or broke, we have heard about the President's view that this social insurance program must be radically restructured, and we have heard that privatizing Social Security is the only way to go.

Now we hear that the President is embarking on a 60-stop campaign tour in an effort to sell his privatization plan to the American people. The American people are not buying this risky privatization scheme.

From the day this debate began, I have consistently said that any proposal put forward to address Social Security must meet a few basic standards. It has to preserve Social Security's guaranteed benefit. It has to preserve Social Security's protections for workers when they are disabled. It has to protect against benefit reductions, especially for women, minorities, and others, and it has to protect our budget from ever-growing deficits.

This week in the Senate we saw the first bill that purports to reform Social Security, and, unfortunately, that new legislative proposal fails my simple test in a few not-so-simple ways. First, preservation of the guaranteed benefit has to be our top priority. The bedrock of Social Security is the guaranteed benefit, and the President's plan calls for cutting benefits by one-third or more. That is a huge hit to every retiree who depends on this system. Like Bush's plan, the new Senate bill will also slash benefits. That plan has a further 7 percent reduction in benefits for early retirees relative to current law that is phased in between 2024 and 2028.

In conjunction with the two pieces of the plan that raise the retirement age, the proposal would reduce benefits for retirees—people who are retiring at 62—by 40 percent by the year 2026, by 50 percent by the year 2054, and it will reduce them by 56 percent by the year