



United States  
of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 109<sup>th</sup> CONGRESS, FIRST SESSION

Vol. 151

WASHINGTON, WEDNESDAY, APRIL 13, 2005

No. 43

## Senate

The Senate met at 9:30 a.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.

O Thou great God, who made us in Your image. Thank You for creating us but little lower than the angels. Enable us to see Your divine image in every human being. Help us to look beyond poverty and pathology to the goodness even in the unlovely. Teach us to look beneath superficial differences of accents, of language, of color, and of position to see the true worth of all people.

Bless Your servants in the legislative branch of Government. Bring to the surface the goodness within each of them. As they think together and work together in the Chamber, in committee rooms, and in their offices, help them to treat others with the reverence, respect, and kindness that You desire for all of Your children.

We pray for our military men and women. Keep them safe. Give them the will to pursue mercy as well as justice. We also pray for our enemies and their loved ones. Lord, give all of us insight into Your will and the courage to do it. 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, leadership time is reserved.

### MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will now be a

period for the transaction of morning business for up to 60 minutes, with the first half of the time under the control of the majority leader or his designee, and the second half of the time under the control of the Democratic leader or his designee.

### RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

### SCHEDULE

Mr. FRIST. Mr. President, we will begin today's session with a 1-hour period of morning business. Following that time, the Senate will resume debate on the emergency supplemental appropriations bill. Last night we agreed to a time limit of 40 minutes with respect to the pending Durbin amendment relating to the National Guard. If we are able to yield back some of that debate time, we would have a vote on the Durbin amendment by 10:50 this morning. If the debate continues past that point, then we will likely delay the vote on the amendment until sometime after noon today, after discussion with the Democratic leader. There are two additional pending amendments at this time, and we anticipate other amendments being offered throughout the day. Chairman COCHRAN will be here this morning to prepare to have the Senate debate and dispose of these amendments during today's session. I expect we will make considerable progress on the appropriations bill with rollcall votes as necessary over the course of the day.

Just as a reminder to our colleagues, the Secretary of State will be giving a briefing to Senators today from 3 to 4 this afternoon for those interested.

### RECOGNITION OF THE MINORITY LEADER

The PRESIDENT pro tempore. The Democratic leader is recognized.

### ORDER OF BUSINESS

Mr. REID. Through the Chair to my distinguished colleague, are we expected to work through the Condoleezza Rice hour?

Mr. FRIST. Through the Chair, our expectation is to work through that hour. As the Democratic leader knows, and as our colleagues should know, we are trying to do briefings on a regular basis to make the opportunity available for people to come to these briefings. We do not need to stop action on the Senate floor. So we will be working through that period.

### TRIBUTE TO POPE JOHN PAUL II

Mr. FRIST. Mr. President, I wish to comment on the passing of Pope John Paul II last week. A number of us had the opportunity to represent the United States, represent this body in Rome. It was a moving experience, an emotional experience, and one that I briefly want to share.

The passing of Pope John Paul II was moving. It was a historical event that riveted the world. Millions of Catholics and non-Catholics alike were touched and influenced by this great man. He leaves an extraordinary legacy that all of us have reflected upon over the last week.

In his 26-year reign as head of the Catholic Church, the third longest pontificate in history, Pope John Paul was seen by more people than any other individual in history. He influenced more lives than many kings and presidents before him.

Together with Ronald Reagan and Margaret Thatcher, Pope John Paul helped vanquish the Soviet Union, expose the brutality of communism, and free hundreds of millions of people around the world.

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



Printed on recycled paper.

S3505

He, indeed, was a hinge of history, one of the great leaders of the 20th century who helped make our world over on the pillars of faith, freedom, liberty, and human dignity.

As I mentioned, I had the real privilege of leading a delegation of 14 Senators to pay tribute to this great leader. We left last Wednesday. As we soared over the Atlantic, all of us shared our thoughts and stories and reflected upon the Pope's remarkable life. Not only did he live through the great upheavals of the 20th century, but he helped bring about many of its greatest achievements.

As a young man in war-torn Poland, he lived under those heavy boots of fascism and communism, and yet even then he possessed an enduring hope and commitment to man's redemption.

To our great fortune, Karol Wojtyła ascended the world's stage and, as the 264th Pope of the Catholic Church, pressed belief into global action.

In the Catholic Church, he grew its religious following from 757 million faithful when he began his papacy in 1978 to over 1 billion today.

We arrived as a delegation in Rome on Thursday morning. The weather was truly glorious that day; one might even say Heaven-sent weather—clear blue skies, sunshine, a gentle wind.

After a brief moment to organize, we went to Vatican City. As we drove along the roadways, posters lined the city walls with giant pictures of John Paul embazoned with the words "grazie" and "a dio." As we pulled closer to St. Peter's Square, priests, monks, pilgrims, and well-wishers from around the world, many Americans, would come up and say hello to us, all crowding those stone streets around the Basilica.

On that first day, our delegation was escorted into St. Peter's to view the Pope's body. We filed into the crowds as they passed respectfully. Many had waited hours and hours, indeed, well over 24 hours on average. They passed by bowing, saying prayers, crossing themselves, and waving small papal flags. As we came around the corner, we came into view of the Holy Father. It was a powerful moment for our entire delegation—the viewing. It was the first of many powerful moments over the remainder of that day and the next day when the service actually occurred.

As we passed by the body, you could not help but to pause and run through a series of your own prayers of thankfulness, as each and every one of us did.

The next day was the funeral. Again, it was a beautiful day—crisp weather, morning sky glistening overhead. The square was full, silent, solemn, and respectful. We were privileged to enter the Square and find our seats. Our seats were out front, probably 50 or 75 yards, both the Senate and House delegations.

The ceremony was about 2½ hours. Many people have had the opportunity to see it on television, but the presence

there, that sense of time and place is difficult to describe. You could feel the powerful strength of the man for whom we all gathered and prayed. It was uplifting, it was serious, and a very dignified celebration in many ways.

As the funeral drew to a close, the adoration for Pope John Paul crescendoed to almost an electric pitch. I heard my colleagues who were with us describe it to our other colleagues over the course of the last 48 hours that way off in the distance we began to hear clapping and the roar of the crowd as it came forward, a huge wave all the way up to St. Peter's and then to the Basilica. It was truly a moving and powerful experience.

The crowd did, at the end, begin to chant and begin to cheer as the Pope was held up one last time in that wooden coffin and dipped down to the people in St. Peter's. He was then lifted aloft and carried solemnly into the Basilica for his final burial.

In closing, I know I speak for all my colleagues when I say it was a tremendous honor for those of us who were able to attend on behalf of our fellow Americans and this institution in paying our respects for a momentous and truly historic world figure.

Pope John Paul will be remembered for many things: his intellect, his charisma, his warmth, his steadfast belief in the culture of life. Above all, he will be remembered for his humble dedication to God and his unwavering love for us all, each and every one a child of God.

Mr. President, I yield the floor.

The PRESIDENT pro tempore. The Senator from Georgia is recognized.

Mr. CHAMBLISS. Mr. President, I ask unanimous consent that I be allowed to take up to 20 minutes of the majority time, and I respectfully ask the President pro tempore to notify me when I have 2 minutes remaining.

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

Mr. CHAMBLISS. Mr. President, having heard the words of the majority leader relative to the delegation that was in Rome last week for the burial of Pope John Paul II, I think all Americans, as well as every other individual around the world, were truly moved by the work of this man over the years he served as Pope of the Roman Catholic Church.

Having been to Rome a couple of years ago and been in a service that Pope John Paul II celebrated, I, too, was very moved by the presence of this man. Certainly during his term as Pope he had a tremendous impact on the world, and this man is truly going to be missed as a leader, not just of the religious world but as the world leader that he was.

#### JUDICIAL NOMINEES

Mr. CHAMBLISS. Mr. President, I rise this morning to discuss an issue that is very dear to my heart. I practiced law for 26 years before I came to

Congress and I had the pleasure of trying many cases before any number of judges, both at the State and Federal level, and I am very much concerned about what is happening with our judiciary today. For the last 2 years, I served on the Senate Judiciary Committee and have observed what obviously happened during those 2 years, but during the last few months, as we entered into this new session and approached the confirmation of nominees who are being put forward by the President, I remain concerned about some things that are happening.

I will start by noting again that never before in the history of the Senate has a minority of 41 Senators held up confirmation of a judicial nominee where a majority of Senators has expressed their support for that nominee. It is for this reason, if given the opportunity, I will vote in favor of changing our rules to allow confirmation of a judicial nominee by a simple majority because under the Constitution of the United States, the Senate is required to give its advice and consent to the President on his judicial nominees.

The Senate can say no in regard to any particular nominee, but to do so we need an up-or-down vote to decide what advice we give the President. Failing to answer the question is shirking our constitutional role in the separation of powers scheme. The Constitution spells out in certain areas, such as passage of constitutional amendments and ratification of treaties, where more than a simple majority of Senators is required. Confirmation of judges is not one of these areas.

The Senate rules have changed on several occasions over the years as to whether and in what circumstances a filibuster is allowed, but we have, unfortunately, come to a point in time where the filibuster is being abused to hold up judicial nominees on which we are required to act; that is, to say yes or no. I believe it is in violation of the Constitution.

I want to take a point in fact relative to the circuit in which I practiced for a number of years, and that is what is happening today with regard to the judicial nominee to the Eleventh Circuit Court of Appeals. The Democrats have held up confirmation of the only nominee President Bush has made to the Eleventh Circuit Court which handles Federal appeals in my home State of Georgia as well as Alabama and Florida.

As a result, on February 20 of last year, President Bush exercised his constitutional authority to make a recess appointment of Judge Bill Pryor, the former attorney general of the State of Alabama. This recess appointment is temporary in nature, but President Bush has renominated Judge Pryor in the 109th Congress for a permanent position on the Eleventh Circuit Court of Appeals.

As a former member of the Senate Judiciary Committee, I know we need to review with great care the qualifications of judicial nominees to ensure