

In addition to personnel and training, we must also employ the latest technologies. The Border Patrol conducted successful tests using unmanned aerial vehicles—around here known as UAVs—along the southwest border in Arizona for surveillance and detection of individuals attempting to enter the U.S. illegally. Unfortunately, those operations were ceased at the end of January of this year. Thankfully, the funds provided in Senator BYRD's amendment will allow for the immediate resumption of these surveillance and detection operations. UAVs are a safe alternative to placing civilians in harm's way.

It is up to all of us in Congress—not just today, but in future days and weeks and months—to make sure the Border Patrol gets the help it needs. We must deliver the funds our border security personnel deserve to continue their work of apprehending illegal aliens, fighting the war on terrorism, and keeping the homefront safe.

I might add, it also applies to methamphetamines. There is a lot of that coming into our country across our borders. It is a huge problem. I daresay virtually every State in the Nation has a significant methamphetamine problem, and too much is being used by citizens in States. A lot of it is manufactured locally, but a lot is also imported. So more Border Patrol agents will help us fight not only terrorism, but the scourge of methamphetamines.

I yield the floor and 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. BAUCUS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

#### PRESERVING SENATE RULES

Mr. BAUCUS. Madam President, engraved in stone on the panel behind the Presiding Officer are the words "E pluribus unum"—"Out of many, one."

The words also appear on the seal of the Senate, which appears on the flag the Senators see to the right of the Presiding Officer. It is one of my favorite mottos. It is the motto of the United States of America. The words mean, "One unity, formed from many parts." They represent the Senate well. For it is here in the Senate our Nation has been brought together. It is here in the Senate our Nation's leaders have worked out many of the great compromises that have bridged the issues of the day. It is here in the Senate that disparate interests in our Nation have become one.

The Senate is a place of unity, a place of compromise, and a place of consensus, because of its rules. The Senate works to force unity, not because its rules make it easy to get

things done, but because the rules make it so hard. Because the Senate's rules require Senators to assemble majorities of three-fifths, and sometimes two-thirds, the rules force Senators to find policy positions that appeal more broadly, that transcend party, that bring more Senators together.

Because its rules make it so hard to get things done, the Senate does much of its work through the ultimate expression of unity—through unanimous consent.

Because the Senate's rules make it hard to get things done, Senators must work together to get things done. Because the Senate's rules make it hard to get things done, no Senator may completely disrespect a second Senator because a second Senator might hold up the first Senator's legislation.

Because the rules make it harder to get things done, the Senate has collegiality and comity. It is that simple. The rules make it harder to get things done, and that forces us together. Because the Senate rules make it harder to get things done, Senators of one party must reach out to the moderates of another party.

Let me state for the record, as my colleagues already know, I am one of those moderates. Since 1978, I have worked in this Chamber to put Montana first, to use common sense, to be effective, and to get things done. Because of the way the Senate works and because of the way I work, that has meant working together with other Senators, often across the aisle.

I have worked together with Republicans to cut taxes, to reform environmental laws, to open international markets to American trade, and to update Medicare to provide prescription drugs. Why? Because all those are important, and it is important to work together to get those things done.

One of the reasons moderates, like me, of both parties can move compromises and consensus legislation is because the rules of the Senate require getting more than a simple majority.

Contrast that with the House of Representatives. There the rules make it easy to get things done. But there, it is a rare exception when Members craft legislation to appeal broadly, across party lines. There the majority passes the legislation that represents the strongest achievable expression of the majority party's position. Unity is not their goal.

One might call the result majority rule, but the reality is that the product of the House of Representatives often represents an even smaller fraction. The rules of the House of Representatives often encourage a majority of those in the majority party to decide policy and then to enforce that policy within the majority caucus. Because its rules make it so easy to get things done, Representatives of one party steamroll the moderates of their own party, let alone of the other party.

Thus, the rules of the House of Representatives foster sharper partisan di-

vision between the two parties. The rules of the Senate lead to the result: "Out of many, one." The rules of the House lead to the result: "Out of many, two."

The Senate's rules are particularly important to a State with a small population, such as my home State of Montana. This is particularly true in light of the small House delegation that such small States have. Montana, as several other States, has one Representative in the House. States such as Montana rely on their Senators to allow their relatively greater influence to protect their interests. Without the Senate rules, rural America would have a much harder time getting heard. Sometimes it is good that the Senate's rules require more than a thin majority, in order to make sure that every part of the country is truly represented.

Fundamental to the Senate's rules, for two centuries, has been the right to extended debate. In the First Congress, Senators debated at length the permanent site for the Capitol. In 1811, the House of Representatives provided that a motion for the previous question could cut off further debate. But the Senate rules have not included such a motion since the 1806 codification of the rules. We cannot summarily cut off debate, as the House can. And even after the Senate adopted rule XXII of cloture in 1917, the Senate rules have required a supermajority to bring debate to a close. Since its revision in 1979, rule XXII has required the affirmative vote of 60 Senators to limit debate.

Thus, for two centuries, Democrats and Republicans alike have used the Senate's rules to protect the rights of the minority party. After two centuries, it would be a mistake to change those rules.

Extended debate allows Senators to protect minority interests. Extended debate gives life to the traditional story that Washington told Jefferson that, like pouring coffee into a saucer, "we pour legislation into the senatorial saucer to cool it." Extended debate makes the Senate, in Aaron Burr's words, "a sanctuary; a citadel of law, of order, and of liberty."

The Senate's rules thus help to protect personal rights and liberties. The Senate's rules help to ensure that no one party has absolute power. The Senate's rules help to give effect to the Founder's conception of checks and balances.

The Senate's right of extended debate is particularly important in the context of nominations for the lifetime jobs of Federal judges.

At the Constitutional Convention, the Founders debated different ways to appoint judges. On June 13, 1787, James Madison of Virginia proposed that the Senate make the appointments to protect the integrity, the independence of the third article; that is, the judges of the United States of America. On June 15, William Paterson of New Jersey

proposed that the President make the appointments. On July 18, Nathaniel Gorham of Massachusetts proposed a compromise, that the President make the appointment with the advice and consent of the Senate. That is, they both decide; not just the President, not just the Senate, they both do, again, to protect the integrity of the independence of our Federal judiciary.

The history of the Constitutional Convention thus demonstrates that the Founders hoped that both the President and the Senate could be involved in the process.

In its application, the Senate's involvement in the confirmation of judges has helped to ensure that nominees have had the support of a broad political consensus. The Senate's involvement has helped to ensure that the President could not appoint extreme nominees. The Senate's involvement has thus helped to ensure that judges have been freer of partisanship and, in fact, more independent.

The Founders wanted the courts to be an independent branch of Government, helping to exercise the Constitution's intricate systems of checks and balances. The Senate's involvement in the confirmation of judges has helped to ensure that the judiciary can be that more independent branch. And that independence of the judiciary, in turn, has helped to ensure the protection of personal rights and liberties in our country.

It is important that we get good judges. Over the years, this has been one of the issues of greatest importance to me as a Senator. That is why I worked to set up a merit selection system that is truly apolitical to select judges that I recommend to the President from my State of Montana. The Senate's rules help to make a merit selection possible.

I invite my colleagues to read the inscription in the marble relief over the Senate's door to my left. There is inscribed a single word: "Courage." That is what preserving the Senate's rules will require: courage to stand up to the extremists; courage to stand up to the majority of one's party; courage to save the institution itself.

For Senators of either party, the simplest thing is usually to vote with the party. Voting with the party makes it easier to go to the party caucus lunch. Voting with the party makes it easier to hang on to a committee chairmanship.

To preserve this Senate will take the courage of at least six Senators in the majority party who are willing to vote for the institution first before their comfort at party lunches. It will take the courage of six Senators in the majority party who are willing to risk their chairmanships to protect the Senate—indeed, the country itself.

Let me offer this encouragement. I recall a decade ago in 1995, Senator Mark Hatfield from Oregon, who was then the chairman of the Appropriations Committee, told his majority

leader, Senator Bob Dole, that he would rather resign from the Senate than vote for the constitutional amendment to require a balanced budget. Luckily, Senator Dole did not accept Senator Hatfield's offer, and Senator Dole later wrote:

While I strongly disagreed with his position, I also respected any Senator's right to vote their conscience.

In retrospect, Republican Senators should see it was lucky for them that Senator Hatfield voted as he did. For if the Constitution required a balanced budget, it would have required the majority party to make massive cuts in Government services during the 5 years of deficits and, thus, if the Constitution required a balanced budget, the voters would have long ago punished Republican Senators for the cuts they would have made. They should thank Senator Hatfield that it did not pass. In the end, the sacrifices of these times ask that six Senators of the majority party stand up. The sacrifices that these times ask of six Senators from the majority party pales next to those of an earlier generation. Benjamin Franklin, John Adams, and Thomas Jefferson selected the words "e pluribus unum" as the Nation's motto on August 10, 1776. That was barely a month after they had published the document, the Declaration of Independence, in which they had written:

We mutually pledge to each other our Lives, our Fortunes and our sacred Honor.

Just think of the courage of our Founding Fathers when they wrote the Declaration of Independence to break away from England knowing if they were apprehended, they would all be hanged. They knew that. Just think of their courage.

On the occasion of signing the Declaration, Benjamin Franklin is said to have warned: We must all hang together or surely we will all hang separately.

Our Founders sought unity from the very beginning. For unity, they were willing to risk their fortunes. For unity, they were willing to risk their lives. How many here can say that?

Today, to preserve the rules of the Senate that so foster unity, six Senators will be asked to risk much less. To preserve this Senate, they need not offer their fortunes. To preserve this Senate, they need not offer their lives. But to preserve this Senate, they will need to offer their courage.

I call on my colleagues in the majority to follow the exhortations engraved on the west door. I call on my colleagues to recall the courage of our Founders who risked their lives to give us this sacred inheritance of checks and balances. I call on my colleagues to summon the courage to vote against the effort to change the rules that make the Senate the place we love so much, that would change the Senate so much so that it will dramatically undermine the protection of liberties and the protection of our rights that so many Americans look to us to enforce.

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

The PRESIDING OFFICER (Mr. CORNYN). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

#### GLOBAL HEALTH CORPS ACT

Mr. FRIST. Mr. President, on Tuesday, I introduced the Global Health Corps Act of 2005.

As a doctor who has traveled the world treating patients in desperate and war-ravaged lands, this cause is near and dear to my heart.

I believe, and I have seen, through the good works of many talented and compassionate men and women, that medicine is not only an instrument of health, but a currency of peace. Healing gives hope. And I have seen that real, tangible, medical intervention can help bridge the gaps and misunderstandings that so often divide cultures.

We see that phenomenon in Afghanistan and Iraq. And we saw it in South East Asia in the aftermath of the terrible tsunami tragedy.

Immediately, American military ships, planes and helicopters arrived to deliver food, water, medicine and tents to the devastated region. The U.S. Agency for International Development set up a 24-hour, 7-day-a-week, Disaster Response Command Center here in Washington and abroad.

Thousands of private citizens, religious groups, small businesses and large corporations sent tens of millions of dollars in donations to help aid the people of South East Asia. Many continue to keep giving. America's response, both official and private, was a portrait in compassion.

I had the opportunity to travel to the region with the distinguished Senator MARY LANDRIEU days after the tsunami struck. Together, we surveyed the damage, assessed the humanitarian needs, and witnessed American compassion in action.

We spoke to doctors, nurses, officials and victims. One doctor I met in Sri Lanka told me a remarkable story of compassion. He had e-mailed a plea for help just as the massive wave swamped his hospital. Within 2 days, a team of Scandinavian physicians who had seen the e-mail arrived to set up a pediatric ward.

Countless health care professionals from all over the world, both volunteers and government workers, rushed to the devastated region to offer assistance and supplies.

The outpouring of support from the world community, led by American efforts, was truly extraordinary—a moving testament to our shared humanity.

America is a giving nation. Indeed, America provides 60 percent of all food humanitarian relief in the world. Moreover, the generosity of private citizens significantly amplifies official efforts.