



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 109th CONGRESS, FIRST SESSION

Vol. 151

WASHINGTON, TUESDAY, MAY 10, 2005

No. 60

Senate

The Senate met at 9:45 a.m. and was called to order by the Honorable DAVID VITTER, a Senator from the State of Louisiana.

PRAYER

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

Let us pray.

Savior, lead us today as a shepherd. Guide our lives and inspire our hearts. May the talents gathered here on Capitol Hill help in the awesome task of bringing healing to our world.

Strengthen our lawmakers as they deal with unintended needs and unsolved problems. Make them eager to lift burdens and ready to respond in service to humanity.

Help each of us to feel a bit of the responsibility for the challenges that hang heavy over our land. In Your unflinching love, give us the wisdom to follow the leading of Your powerful providence.

Blessed be Your Name forever. Amen.

PLEDGE OF ALLEGIANCE

The Honorable DAVID VITTER 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.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 10, 2005.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable DAVID VITTER, a Sen-

ator from the State of Louisiana, to perform the duties of the Chair.

TED STEVENS,
President pro tempore.

Mr. VITTER thereupon assumed the Chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, today we will have a 1-hour period of morning business with time equally divided between the majority and minority. Following that time, the Senate will proceed to the emergency supplemental appropriations conference report. Chairman COCHRAN will manage time on our side. We hope to reach shortly a consent to limit the time necessary on the conference report. We have not had many requests for time on our side. We hope to have a reasonable period of debate prior to the vote. It looks as if the vote will occur sometime this afternoon after the policy lunch recess. We will be recessing for the policy luncheons from 12:30 to 2:15 today.

Once we complete the supplemental appropriations, we will return to the highway bill. Chairman INHOFE has been encouraging Senators to offer their amendments. I join him in that statement. Senators should not delay in offering those amendments. Please come to the floor as soon as reasonable to offer those amendments. We want to finish the highway bill this week. Again, I advise Members that the clock is ticking on this bill.

I expect rollcall votes later today on amendments to the bill. As always, we will notify all Senators as the votes are scheduled.

MIDDLE EAST VISIT

Mr. FRIST. Mr. President, last week, I had the opportunity to travel throughout the Middle East. My stops included Israel, the West Bank, Jordan, Lebanon, and Egypt. It was a fascinating and illuminating trip for me.

We saw firsthand many of the challenges facing that region. I came away with a much greater appreciation for the remarkable developments we have witnessed in that part of the world in recent months: The elections in the Palestinian Authority, the Cedar revolution in Lebanon, and the significant reforms taking place in Egypt. Progress and democracy are on the march.

Our first stop was in Jerusalem where we had the chance to explore the rich history of the old city, the heart of three of the world's major religions. We visited the Church of the Holy Sepulcher, the Temple Mount, the Western Wall. We had the opportunity to witness the site that is familiar to anyone who travels to that wonderful city of faiths. People were practicing their beliefs side by side, ways that in many ways are very different. That gives real confidence for the future when you experience it. I was truly overwhelmed, once again, by the old city's holiness and sense of history.

We met with several Israeli political leaders. Senator LIEBERMAN and I met with Prime Minister Ariel Sharon. Much of our discussion focused on that roadmap. The Prime Minister discussed with us his courageous decision to withdraw from the Gaza Strip. We discussed all of the contentious issues, issues such as those surrounding settlements. We discussed the importance of coordinating the withdrawal from the Gaza Strip with the Palestinians in order to ensure stability in the Gaza Strip and to ensure security in the Gaza Strip after the withdrawal. A lot of attention was placed on the withdrawal out of the Gaza Strip wherever we moved throughout the Middle East.

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



Printed on recycled paper.

S4797

I believe the Prime Minister's Gaza disengagement plan is a bold step. It is a historic step.

The success of his plan, however, will ultimately depend on the Palestinians' ability to stop terrorist acts, to strengthen democratic institutions, to provide security and to deliver tangible benefits to the Palestinian people. The Palestinian people have great expectations. It will be up to their government to deliver tangible benefits to open their world to something that is concrete but more importantly, to hope for the future.

We also met with former Cabinet member Natan Sharansky; Knesset speaker Reuven Rivlin, and foreign affairs and defense committee chairman Yuval Steinitz. All three of these individuals were opposed to the withdrawal from the Gaza Strip. They are all gravely concerned about the militarization of the Sinai and weapons smuggling from the south up into Gaza. It was important to hear their views on these critical matters. I share their concern.

The withdrawal plan is understandably controversial and difficult for many families living in the Gaza Strip. I also believe withdrawal is a crucial step toward securing a lasting peace in that part of the world.

Our discussion confirmed my belief that the withdrawal must be coordinated with the Palestinian Authority so that the Palestinian Authority can prevent attacks against Israel and make tangible progress toward the roadmap.

Right now, there is an opening for huge progress. Both sides have the opportunity to build the trust that will be necessary for negotiations on what we all know will be the most controversial issues. Both sides have to fulfill their obligations.

To begin, Palestinians must dismantle the terrorist groups and stop all terrorist attacks against Israel. For the Israelis, it is critical to halt settlement activity and expansion. Much more will need to be done as we move along the roadmap.

In our conversation with Prime Minister Sharon, we also discussed our mutual concern about Iran's nuclear ambitions. We agree that a nuclear-armed Iran poses a threat to Israel, the region, to Europe, and to the United States. In my view, the United States must support the work of our European allies to end diplomatically Iran's nuclear ambitions. Failing that, we must take the issue directly to the United Nations Security Council for action.

A final meeting was with Finance Minister and former Prime Minister Benjamin Netanyahu. He is working hard to ease the tax burden in order to stimulate his country's economy. He has made remarkable progress. His plan is gaining success. The Israeli economy right now is growing. The economic output, in fact, is growing at a robust annual rate of 4 percent. If he is able to make further reforms, I be-

lieve we can expect continued and possibly even better growth in the future.

As a physician, at most of these stops I take a few hours off to go to a hospital or a clinic where I have a little picture or window of the realities of what is going on in the country. I meet with doctors, nurses, and patients and ask them questions very directly. I went to the Hadassah Hospital, where I had not been, in Jerusalem. It is a large tertiary care hospital supported by a number of individuals in the United States. We toured the trauma unit, unique anywhere in the world in that it has seen more suicide attack victims than any trauma unit. In fact, they were telling me that there have been 32 suicide attacks in the last 3 years. Each of these suicide attacks—really, never thought about a decade ago there at the hospital—involved on average about 80 injured people; each one, on average, killing about 10 individuals. From an observer's standpoint, it points to the reality of what has gone on in that part of the world over the last 4 years.

We also talked a lot about the potential for biological attack as well as chemical attack and their preparedness from the hospital facility standpoint.

All in all, my trip to Jerusalem confirmed my confidence in the strength of our very special relationship with Israel and the need for continued American support for this vital friend and ally. Israel stands for what America stands for. Ultimately, it is up to the Israelis and the Palestinians to meet face to face and make the difficult decisions that will lead to peace.

My meetings with Israel's leaders reinforce my belief they are willing to take the difficult steps. I will continue to do what I can to support them in their efforts.

In closing, tomorrow I will speak very briefly on my trip to the West Bank. I do believe peace can be achieved. I look forward to sharing with my colleagues some of the observations and the lessons I have learned in my interactions with the people in the Middle East.

I yield the floor.

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will 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.

The Senator from Utah is recognized.

JUDICIAL NOMINATIONS

Mr. HATCH. Mr. President, yesterday marked the fourth anniversary of President Bush's first judicial nominations, a group of 11 highly qualified men and women nominated to the U.S. courts of appeals.

As I said in the East Room at the White House on May 9, 2001: I hope the Senate will at least treat these nominees fairly. Many of our Democratic colleagues instead chose to follow their minority leader's order issued days after President Bush took office, to use "whatever means necessary" to defeat judicial nominees the minority does not like.

While the previous 3 Presidents saw their first 11 appeals court nominees confirmed in an average of just 81 days, today, 1,461 days later, 3 of those original nominees have not even received a vote, let alone been confirmed. Three have withdrawn.

In 2003, the minority opened a new front in the confirmation conflict by using filibusters to defeat majority-supported judicial nominees. This morning I will briefly address the top 10 most ridiculous judicial filibuster defenses. Time permits only brief treatment, but it was difficult to limit the list to 10.

No. 10 is the claim that these filibusters are part of Senate tradition. Calling something a filibuster, even if you repeat it over and over, does not make it so. These filibusters block confirmation of majority-supported judicial nominations by defeating votes to invoke cloture or end debate. Either these filibusters happened before or they did not.

Let me take the evidence offered by filibuster proponents at face value. Let me refer to these two charts. These two charts list some representative examples of what Democrats repeatedly claim is filibuster precedence. The Senate confirmed each of these nominations. As ridiculous as it sounds, filibuster proponents claim, with a straight face, by the way, that confirming these past nominations justifies refusing to confirm nominations today.

Some examples are more ridiculous than others. Stephen Breyer is on the Democrats' list of filibusters, suggesting that the Senate treated his nomination the way Democrats are treating President Bush's nominations today. The two situations could not be more different. Even though President Carter nominated now-Justice Breyer but then attorney Breyer, law professor Breyer, in November 1980, after losing his bid for reelection—that is when he nominated him—and after Democrats lost control of the Senate, we voted to end debate and overwhelmingly confirmed Stephen Breyer just 26 days after his nomination. And I had a lot to do with that. The suggestion that confirming the Breyer nomination for the party losing its majority now justifies filibustering nominations for the party keeping its majority is, well, just plain ridiculous.