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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.

Almighty God, our refuge and strength, a very present help in the time of trouble, we thank You that You have set the star of hope in our life's sky, that in the darkness we can see Your brightness, that in times of shadow we can enjoy Your leading and guiding.

Lord, yesterday we were again reminded that life is fragile. As alarms sounded and brave people prepared for the worst, we could sense the uncertainty of our existence. Remind us daily that human flesh is as fleeting as fading flowers and withering grass. Teach us to number our days, to labor not simply for time but for eternity.

Protect our Senators in their going out and coming in, in their rising up and lying down. Give them the wisdom to believe that nothing can separate them from Your love. In a special way, bless our Capitol Police who daily labor with courage, competence, and commitment.

We pray this in Your powerful Name. 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, the leadership time is reserved.

MORNING BUSINESS

The 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 last half 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, this morning we will have a 1-hour period for the transaction of morning business. Following that time, we will begin an hour of debate prior to the vote on invoking cloture on the substitute amendment to the highway bill. Senators can expect the cloture vote to begin sometime between 11:30 and 11:45 this morning. I expect cloture will be invoked and we will then be on a glidepath to finishing the bill. Once cloture is invoked, if invoked, I will be consulting with Chairman INHOFE and the Democratic leader to determine how much work is left before we are able to complete the bill.

I anticipate votes on amendments throughout the day today and into the evening, if necessary, to bring the bill to a close. Although a large number of amendments were filed to the highway bill yesterday, I believe Members will show restraint and not offer many of those that were submitted to the desk.

We are closing in on our second week of consideration of the highway bill and I look forward to completing the bill and getting this measure to conference as quickly as possible.

VISIT TO CAIRO, EGYPT

Mr. FRIST. Mr. President, the past 2 days I have taken the opportunity to

come to the Senate to discuss my recess trip last week to the Middle East. As I mentioned yesterday, it was a fascinating experience that allowed me a firsthand glimpse of the complicated challenges facing the region. At each of my stops I had the opportunity to meet with top officials, community leaders, and I made a point of visiting with opposition candidates. With each conversation I became more convinced that despite the deep differences that divide them, each party wants peace, wants prosperity, and each side knows that dialog is the way forward.

Tuesday I spoke of my meetings in Israel. Yesterday I reported on my visit to the West Bank. Today I will briefly comment on my time in Cairo, Egypt.

We arrived on May 5 to a jam-packed city of over 20 million people. We first met with President Hosni Mubarak, a lively and engaged and obviously well-informed man. We had an open and frank discussion about many of the issues facing the country, as well as the region at large.

In particular, President Mubarak expressed his strong belief in American leadership in the issues surrounding the Israeli-Palestinian peace efforts. We both agreed America is uniquely positioned to help both the Israelis and the Palestinians bridge their differences. We also agreed Egypt is critical to advancing this peace. As the regional Arab power broker and the first Arab country to make peace with Israel, this will be particularly true in the period following Israel's disengagement from Gaza.

There is great concern among Israelis that once they withdraw, Gaza will be used as a platform to launch attacks into Israel. President Mubarak stressed to me his commitment to keep this from happening. He stressed it is in Egypt's own interest to prevent Gaza from descending into chaos and lawlessness. That is why his country is prepared to field a border security force of 750 guards to stop weapons

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



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smuggling into Gaza and to prevent other criminal acts.

We also discussed the upcoming Egyptian Presidential elections. President Mubarak has asked his legislature for a change in the Constitution to allow multiple candidates to run for the Presidency. This is an important step toward full democracy. I applaud his efforts. I am disappointed, however, by reports that the Constitutional amendment just approved by Egypt's upper house requires Presidential candidates to meet certain conditions to win a place on the ballot. It is widely believed these regulations will prevent any serious contenders from running for President. In short, unless this amendment is modified, its final approval will practically guarantee the ruling party will select its own token competitors and continue its domination of the Presidency.

Meaningful reform means free and fair elections. Opposition candidates must be able to declare their candidacy freely. They must be allowed to broadcast their message through the media. And they must be permitted to acquire the resources necessary to run a genuine campaign.

Jailing opposition candidates, such as Ayman Nour, whom I had the opportunity to meet with in his apartment, and who recently declared from prison his intention to seek the Presidency, undermines the true meaning of democracy, and it undermines the people's faith that the Government is working on their behalf.

Egypt has been a close ally and good friend of the United States, but it still has a long way to go on the path toward political reform. After my meeting with President Mubarak, I held talks with Prime Minister Ahmed Nazif. He is pushing strong economic reforms throughout the country. He is lowering taxes and lowering other economic barriers, stripping away unnecessary regulations, and it is working.

According to the Prime Minister, the public sector used to contribute 70 percent to the GDP and the private sector 30 percent. Now those numbers are reversed, with the private sector contributing 70 percent and the public sector 30 percent. The economy is growing.

Lowering taxes and breaking down these barriers to opportunity are the keys to prosperity. It is gratifying to see this basic principle being embraced around the world. After failed experiments in socialism, as well as nationalism, Egypt appears to finally be embracing the power of free markets.

I am hopeful that as economic opportunity flourishes, the allure of extremism will fade, and the people and the leadership will be inspired to secure ever greater political freedoms.

While in Cairo, my group and I also visited the El Gallaa Maternity Teaching Hospital—the largest of its kind in the region. It is a large public teaching hospital. Over 20,000 babies are born there each year.

As I toured the hospital, I had the opportunity to meet with Egyptian doc-

tors and nurses and other health professionals. I was also taken to the pediatric intensive care unit where dedicated health professionals worked to keep premature babies and at-risk newborns healthy. Their determination was inspiring, especially surrounded as they were by less-than-ideal conditions in downtown Cairo.

All in all, I came away from my stop in Egypt convinced that this historic country has the potential to set a positive example for the rest of the Middle East, and it is doing so. Egypt has been a trusted partner in the Middle East peace process and an important ally in the war on terrorism.

The United States must continue to promote democracy and freedom around the world.

As Egypt embraces these reforms, I am confident our two countries can form a stronger and more dependable relationship. I am confident that together we can achieve peace, security, and prosperity for the people of the Middle East.

Mr. President, I yield the floor.

The PRESIDENT pro tempore. The Senator from South Carolina.

JUDICIAL NOMINATIONS

Mr. DEMINT. Mr. President, in January of this year, I stood in this very Chamber, placed one hand on the Bible, and raised the other hand. In taking my oath of office, I made a simple pledge to uphold the Constitution of the United States of America. However, only 4 months later—because of the partisanship of some—I am prevented from fulfilling my oath.

It is interesting to observe what the Constitution requires of the Senate and what it does not. Nowhere does it say that Congress must pass new laws. But it does specify Senators must “advise and consent” on the President's judicial nominees.

How can I perform my constitutionally mandated duties to advise and consent without the ability to vote on the nominees sent to us by the President? How can I represent the people of South Carolina, who elected me to serve their interests, without the ability to vote yes or no?

Today, 41 Senators are preventing a bipartisan majority from carrying out the duty we were elected to fulfill. This is outrageous.

The President of the United States is given the authority, under the Constitution, to choose his own nominees. We have an obligation to vote on those nominees. Forty-one Senators are trying to thwart the will of the American people and the Constitution.

Beginning in 2003, Democrats used the filibuster to block up-or-down votes on 10 nominations to the Federal appeals courts. All had bipartisan, majority support. Do not be fooled by the misinformation of a few. Never in history has a judicial nominee with clear majority support been denied confirmation due to a filibuster.

Throughout my campaign, and each time I have been home this year, folks in South Carolina have told me how furious they are that the President's nominees are being denied a vote. Democrats have chosen to throw 200 years of tradition out the window by refusing to give judicial nominees a vote, and Americans are simply tired of the partisan obstruction.

Before I was elected, I said the Senate had become a “graveyard of good ideas” due to partisan liberal obstruction. Unfortunately, it has now become a “graveyard of good nominees,” such as Janice Rogers Brown.

California Supreme Court Justice Brown was nominated to the DC Circuit by President Bush in 2003. The first African American to serve on the California high court, Justice Brown received public support from 76 percent of California voters and is widely respected as a leading intellect on the bench. She has been unanimously voted as “well qualified” by the American Bar Association, which has been described by those who oppose her nomination as the “gold standard” of judicial ratings.

The daughter of sharecroppers, Justice Brown was born in Greenville, AL, in 1949. During her childhood, she attended segregated schools and came of age in the midst of Jim Crow policies in the South.

She has dedicated 24 years to public service, serving as legal affairs secretary to California Governor Pete Wilson; deputy secretary and general counsel for the California Business, Transportation, and Housing Agency; deputy attorney general in the Office of the California Attorney General; and as deputy legislative counsel in the California Legislative Counsel Bureau.

Just what is it that opponents of Justice Brown claim is their reason to deny her a fair vote? They obviously could not attack her experience or her character or her education or her intelligence, which are all impeccable.

Instead, they have used the political equivalent of a desperate “Hail Mary Pass.” They labeled Justice Brown as “out of the mainstream.” Really? Out of the mainstream?

Were three-quarters of Californians out of the mainstream when they elected her overwhelmingly to the State supreme court? She was elected by the largest margin of any of the judges up for retention that year.

Despite the claims of her opponents, her record demonstrates a commitment to interpreting the law, not legislating from the bench.

If the obstructionist Senators who are vehemently opposed to her nomination feel so strongly that she is out of the mainstream, then they should put their money where their mouth is and come down to this floor and make their arguments against her nomination, then allow all of us to draw our own conclusions and cast our vote.

If Justice Brown is so truly unqualified, then surely her opponents would