

for not being able to go forward with the Bolton nomination.

Mr. FRIST. Mr. President, I appreciate the comment of the Democratic leader. We have agreed on the schedule for the week, and it is really to get to the Bolton nomination as soon as we possibly can. He is talking to Senators on his side, and I have to talk to some on our side. We are both eager to get on to the nomination, which we plan to do today.

I appreciate the Democratic leader coming to encourage us along. We will work things out here shortly on the plans to proceed to the Bolton nomination after the Owen nomination.

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 Montana is recognized.

NOMINATION OF WILLIAM MYERS

Mr. BURNS. Mr. President, now that we have established the “new” guidelines—which have always been there—confirming or rejecting the appointment of judges to the Federal appellate courts, I have come to the floor today to speak in support of William Myers, who is the President’s nominee to the Ninth Judicial Circuit. He, as nominees Owen, Brown, and Pryor, deserves a straight up-or-down vote on the floor of the Senate.

I got a call last night from a constituent in Montana who didn’t understand what an up-or-down vote was on the floor of the Senate. So I explained to her that it is a “yea” or a “nay,” and whoever gathers the most votes wins. That is as simple as I could put it. Of course, she understood.

Bill Myers is a native of Idaho and is a highly respected attorney who is nationally recognized for his work. He is an expert in the area of natural resources, public lands, water and water law and, most importantly, environmental law.

Mr. Myers has been nominated to the Ninth Circuit Court of Appeals, which covers my State, along with Arizona, California, Hawaii, Idaho, Nevada, Oregon and also Guam and the Northern Marianas—by far, the largest of all of the appellate district courts. It is huge. The caseload is huge. And always the caseload has burdened them to where we don’t get a verdict very quickly in the Ninth. Most of us subscribe to the view that justice delayed is justice denied.

From July 2001 to October 2003, Mr. Myers served as Solicitor of the Interior, the chief legal officer and third ranking official in the Department of

the Interior. He was confirmed by the Senate to serve as Solicitor of the Interior by unanimous consent.

Before coming to the Department, Mr. Myers practiced at one of the most respected law firms in the Rocky Mountain region, where he participated in an extensive array of Federal litigation involving public lands and natural resource issues.

From 1992 to 1993, he served in the Department of Energy as Deputy General Counsel for Programs, where he was the Department’s principal legal adviser on matters pertaining to international energy, Government contracting, civilian nuclear programs, power marketing, and intervention in State regulatory proceedings. He really earned his stripes there.

Prior to that, he was assistant to the Attorney General of the United States from 1989 to 1992. In this capacity, he prepared the Attorney General for his responsibilities as chairman of the President’s Domestic Policy Council.

Before entering the Justice Department, Mr. Myers served 4 years on the staff of the Honorable Alan Simpson of Wyoming, where he was a principal adviser to the Senator on public land issues. Everyone, in my memory, remembers with great fondness Senator Simpson of Wyoming.

Mr. Myers is an avid outdoorsman. He is a person who is totally committed to conservation, having served over 15 years of voluntary service to the National Park Service, where he did all the menial jobs—trail work, campsites, and visitor areas, understanding our Park Service and its role in American life.

He has also received widespread support from across the ideological political spectrum. For example, former Democratic Governor of Idaho, and good friend, Governor Cecil Andrus, stated that Myers possesses “the necessary personal integrity, judicial temperament, and legal experience,” as well as “the ability to act fairly on matters of law that will come before him on the court.”

Former Democratic Wyoming Governor Mike Sullivan endorsed Mr. Myers saying that he “would provide serious, responsible, and intellectual consideration to each matter before him as an appellate judge and would not be prone to the extreme or ideological positions unattached to legal precedents or the merits of a given matter.”

That is a pretty high recommendation by two outstanding Governors. By the way, they are Democrats and are good friends of mine.

In addition, in 2004, Mr. Myers was endorsed by 15 State attorneys general, including the current Senator Ken Salazar of Colorado, as well as the Democratic attorneys general of Oklahoma and Wyoming. These chief law enforcement officers stated that Mr. Myers “would bring to the Ninth Circuit strong intellectual skills, combined with a strong sense of civility, decency, and respect for all.”

Finally, in 2004, the Governors of Montana, Alaska, Hawaii, Idaho, and Nevada—five States in the Ninth Circuit—strongly backed Mr. Myers, writing that he had the “temperament and the judicial instincts to serve on the Ninth Circuit.”

The Ninth Circuit needs more judges just to get their work done, to clear out the backlog. They can use some good old rural common sense on that bench as well. He brings that kind of common sense, that kind of balance, those values that are dear to the West.

Out of the Ninth Circuit, we have seen many rulings that have been very troubling to most Americans and some really radical rulings. They are the court that ruled the words “under God” in the Pledge of Allegiance were unconstitutional. Now, to a lot of us, that doesn’t make a lot of sense. But I will tell you, it was evidenced by the continual overturning of many of the Ninth Circuit rulings. That court has been overturned more than any court in the land.

Bill Myers is a man of strong character, who would reestablish balance in the Ninth Circuit by accurately reflecting those commonsense values—in other words, that old country lawyer that came to town who understands people. He will reflect the population from those States, such as my State of Montana, which make up the Ninth Circuit.

I am committed to making sure he gets the vote he deserves on the floor of the Senate.

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

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. VITTER). Without objection, it is so ordered.

Mrs. HUTCHISON. Mr. President, how much time remains?

The PRESIDING OFFICER. There is 16 minutes 23 seconds remaining.

Mrs. HUTCHISON. I thank the Chair.

Mr. President, we have taken one step forward in the last few days on our advise and consent responsibility in the Senate. I am here today to say we are doing the right thing by one nominee, and that is to have a fair up-or-down vote on Judge Priscilla Owen to be a justice on the Fifth Circuit Court of Appeals after 4 years of waiting for this day.

During this entire process, she has continued to serve on the Texas Supreme Court, demonstrating judicial temperament beyond anything I have ever seen. She has waited patiently, showing courage, determination, and a quiet spirit, the likes of which I have never seen before.

This is a person who would have been confirmed by the Senate four times, though she has never been able to take

her rightful place on the bench. On May 1, 2003, she received 52 votes in a cloture motion; on May 8, 2003, 52 votes; on July 29, 2003, 53 votes; and on November 14, 2003, 53 votes.

She has waited, and she is going to be rewarded. She will get over 50 votes, and she will take her place on the bench. Justice Owen ought to receive 100 votes. Anyone who has looked at her record and who has seen her experience knows she is a judge who does not believe in making law from the bench. She believes in interpreting law, trying to determine what the Supreme Court has said on this subject, trying to determine what the legislature intended, as it is her responsibility to do. To depict Justice Owen as a judicial activist is absolutely wrong. President Bush is trying to put jurists on the bench who have a strict constructionist view of the Constitution, who interpret as opposed to making laws from the bench.

Justice Owen, as has been said so many times, has bipartisan support in Texas. Fifteen State bar presidents—Republicans and Democrats—have come out in her favor. The American Bar Association gave her a unanimous well-qualified rating, the highest they give. She was reelected to the Texas Supreme Court with 84 percent of the vote. Priscilla Owen has had distortions of her record. She has had innuendoes about what she believes, no one speaking from knowledge, and yet she has never lashed out, she has never shown anger or bitterness, always a judicial demeanor, always respect for the Senators as they were questioning her.

I believe it is an important time in the Senate that we are now voting on someone who has been held up for four years, and I hope this is a time that is never repeated in Senate history. I hope we will go forward with all of the judges who should have the respect given to people willing to serve, people who have taken an appointment with the honest view that they can do a good job for our country and, in many cases, taking pay cuts to do so. I hope they will be treated by the Senate in the future with respect. I hope we can debate their records according to the different views. But in the end, I hope they will get an up-or-down vote, not only for these nominees, but out of respect for the President of the United States. Our President, George W. Bush, has had fewer circuit court of appeals nominees confirmed by the Senate than any President in the history of our country—69 percent. Every other President of our country has had confirmation rates in the seventies, eighties, and even Jimmy Carter in the nineties, and yet our President has not had his right under the Constitution for appointment of judges who would get an up-or-down vote by the Senate.

I hope that period in the history of the Senate is at an end today. I hope this is the first day of going back to the traditions of over 200 years, except for that brief 2-year period in the last session of Congress. I think the people

of our country also agree this period should end. They agreed by the votes they cast for Senators who are committed to up-or-down votes. There were Democrats who ran on that platform and won, and there were Republicans who ran on that platform and won.

I hope very much that today we will end a dark period in the Senate and return to the traditions of the past 200 years and not only confirm Priscilla Owen, as we are going to do today, but start the process of giving up-or-down votes to the other nominees who have come out of committee after thorough vetting and after debate of any length of time that is reasonably necessary to bring everything to the table and to the attention of the American people. In the end, every one of these people has reputations and experience and they deserve the respect of an up-or-down vote.

Priscilla Owen, I have to say, is the perfect person to be first in line to break a bad period in the history of the Senate because she is a person of impeccable credentials. She is a person with a great record of experience, showing what a smart, honorable judge can be. She is a person who graduated at the top of her class at Baylor Law School. She is a person who received the highest score on the State bar exam. She is a person who practiced law for over 15 years and was so well regarded that she was asked to run for the Texas Supreme Court, and she did so. She is a person who was reelected with 84 percent of the vote and endorsed by every major newspaper in Texas. No one ever said anything bad about Priscilla Owen as a person. Her record has been distorted, but she is a person of impeccable credentials.

I was able to talk with Priscilla in the last few days. She is so happy that she is going to finally have this opportunity because she certainly has withstood so much. This is going to be a bright day in her life. And Priscilla Owen deserves a bright day.

I said in one of my earlier speeches that the classmates of her father at Texas A&M, the class of 1953, have a reunion every year. They realized at their reunion 2 years ago that one of their classmates who died very early had a legacy. The class newsletter came out saying, with a headline: "Pat Richman's Legacy," and it told the story of Priscilla Owen. It related back to her dad in the class of 1953 at Texas A&M when it was an all-male school, and almost every member of the Corps of Cadets went into the service after graduation, as did Pat Richman.

Pat Richman served in Korea. He left his sweetheart, whom he had just married, pregnant, as he took off for Korea. Priscilla was born while he was gone. He came back to see her for the first time when she was 7 months old. Pat Richman died of polio 3 months later. His daughter, of course, never remembered anything about him, but he was a star in the class of 1953.

When the newsletter came out, they decided to invite Priscilla Owen to

their last reunion this spring, and she went. She told me she learned things about her dad she had never heard before because, of course, it was from the perspective of his college classmates.

I ended that speech by saying I hope Priscilla Owen will be able to go to this year's reunion of the class of 1953 and that she would be able to go as a Fifth Circuit Court of Appeals judge.

In about 2 hours, this Senate is going to finally do the right thing for this woman of courage, conviction, and quiet respect for the rule of law and for our President, quiet respect for the Senate that I do not think has merited that respect in her individual case, although I love this institution. But she does respect the institution, the process, and most especially the judiciary of our country. Priscilla Owen is finally going to be treated fairly by the Senate. I know the class of 1953 is going to invite her back, and I know she will attend as a judge on the Fifth Circuit Court of Appeals to once again hear stories about her dad, Pat Richman, a man she never met but who is so respected by those classmates because he was one of the class stars.

It is time that Priscilla Owen has that opportunity. I am pleased the Senate is finally going to give her what is rightfully due and long overdue, and that is an up-or-down vote, where I am confident she will be confirmed. She will make America proud because she will undoubtedly become one of the best judges on the Federal bench in the United States of America.

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

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

AMERICA'S NUCLEAR NONPROLIFERATION POLICY

Mr. OBAMA. Mr. President, we have been spending a considerable amount of time in this body debating the so-called nuclear option. Today I want to spend a little bit of time talking about an issue that poses a more significant threat to our Republic.

Throughout the last half of the 20th century, one nation more than any other on the face of the Earth, defined and shaped the threats posed to the United States. This nation, of course, was the Soviet Union and its successor state, Russia.

While many have turned their attention to China or other parts of the world, I believe the most important threat to the security of the United States continues to lie within the borders of the former Soviet Union in the form of stockpiles of nuclear, biological, and chemical weapons and materials.