

I asked her what was her most important trait for success. And she said something I think is especially important to note today, on the day she announces her retirement. She said:

I am blessed with having a lot of energy. I think I inherited it from my mother. But to be a working mother requires an enormous amount of energy to do your job and to manage to take care of your family and to go nonstop all the time with never any personal downtime. I can't remember a time in my life when I had time for myself.

I think on the day that she is announcing her retirement, to have that time for herself, makes us understand that this is a woman who deserves, finally, to have her time for her family.

She said:

Another attribute that perhaps has been helpful is a curiosity about things, how things work. I think a love of learning and finding out about things is useful. And, third, probably, is liking people. Enjoying talking to them, whoever they are with whatever lifestyle or standard of living. I have always enjoyed talking to people. I think I got that, maybe, from my grandmother, in Texas.

So that is just one excerpt from an interview with an extraordinary woman, a woman who made her mark in the history of the United States and who will always be remembered, as we wish her well in her retirement, as one of the leaders of our time, the leaders of the last century who, indeed, did break an important barrier.

VETERANS HEALTH CARE

Mrs. HUTCHISON. Mr. President, I want to talk about the Veterans' Administration issue that we dealt with this week in the Senate. I want to bring us up to date, where we are, to try to fix some of the problems that Secretary Jim Nicholson has brought to our attention. We were hoping that the Veterans' Administration would not have financial difficulties this year. But I have to say that Jim Nicholson stepped right up to the plate when he saw that, in fact, we would have a shortfall this year, and we would need to borrow from capital funds and maintenance funds in order to make ends meet by the end of this fiscal year, September 30. He came straight to Congress. He didn't try to hide it. He didn't go and try to Band-Aid the Veterans' Administration. He came absolutely public, to the Congress, and said: We have a problem. Even though he did not anticipate it, even as late as a month ago.

But, in fact, models that have been used for 20 years in the Veterans' Administration have had to change because we do have veterans now coming out of the war in Iraq and Afghanistan. There are more injuries and fewer deaths in this kind of conflict, and I think we are proud there are fewer deaths and we are proud these soldiers who are injured are going to be taken care of.

The Senate voted unanimously this week to amend the appropriations bill

that was on the floor with an emergency supplemental of \$1.5 billion. This was the initial estimate Secretary Nicholson gave to the Committee on Veterans' Affairs about what they would need to get through the 2005 fiscal year and take them into 2006 with their preliminary estimates.

Last night, the House of Representatives passed a bill for \$975 billion as an emergency supplemental, just taking care of the year 2005. That now is resting in the Senate.

I have talked to Secretary Nicholson today. I talked to Josh Bolton at the Office of Management and Budget today. I have asked them to come back to the Senate the week of July 11, and tell what they project their needs to be for 2006. As chairman of the Veterans Affairs Appropriations Committee, along with my colleague Senator FEINSTEIN, who is the ranking member, we want to have all of the information before we mark up our 2006 budget for the Veterans' Administration which will occur July 21. I asked Secretary Nicholson and the Office of Management and Budget director to determine what is going to be needed in 2006, and if they can give us that number and assure the money will be transferred into the budget for 2006, then the Senate would pass the House bill and send it to the President so that 2005 would be taken care of. We did not want to pass that bill until we know the 2006 number is finite so we can assure we will take care of the 2006 deficit in projections. We must try to do this in July to get our appropriations bills going.

We are going to come back July 11 or 12. Hopefully, we will have numbers next week that will allow us either to pass the House bill that will take care of 2005, knowing exactly what we will need to take care of 2006, or send the \$1.5 billion that has already passed the Senate over to the House to take care of 2005 and take us into 2006 with a cushion if the Veterans' Administration says they cannot make good estimates for the rest of 2006 at this time. That is where we stand.

Here is the point I make: The Veterans' Administration, the President of the United States, the Office of Management and Budget Director—the Office of Management and Budget being responsible for being the steward of the President's budget—the Democrats on the Committee on Veterans' Affairs, the Republicans on the Committee on Veterans' Affairs, all working together along with the House of Representatives, are going to do what is right for veterans. We will not make this a partisan issue. We will not make it some test between any function of Government. We are going to do what is right for the veterans who have served our country, who are protecting freedom for our children. The money will be there. There will not be one iota of service not given to a veteran today or next week or next year. That is our commitment to them. It is part of the war on terrorism.

Democrats and Republicans are going to work together. The President is going to assure we do. The Veterans' Administration and the Office of Management and Budget are going to do the right thing. And Secretary Nicholson has already done the right thing by coming forward in a public way, being criticized by some for having made these mistakes, but saying, I am not going to let this pass for one more day. We are going to do the right thing.

Everyone is working together. We will do the right thing by the veterans. We will have a supplemental appropriation. We will get a bill to the President in very short order to make sure not one stone is left unturned to give our veterans the best care possible for the great service they have performed for our country.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Missouri.

JUSTICE SANDRA DAY O'CONNOR

Mr. BOND. Mr. President, I rise briefly to say thank you, congratulations, and best wishes to an outstanding person, a truly remarkable jurist. That is, of course, Sandra Day O'Connor, who announced her retirement today.

A lot of people can say many good things about her service on the Court, her interpretation of the Constitution. We have heard many discussions about the wise judgment she has made.

I reflect a little bit as a personal acquaintance. Going back over 30 years when I visited my parents in Arizona, I had the opportunity to get to know John and Sandra Day O'Connor. We played a lot of tennis together. Incidentally, they are both very good tennis players. John has a great, somewhat wacky sense of humor. Sandra Day O'Connor is a truly wonderful, remarkable, warm human being.

She wouldn't tell the stories publicly, but there are a number of stories her friends know about the extra measure of kindness she showed to people in need, people who are very ill, people who were suffering. She went out of her way quietly and demonstrated a human kindness and compassion that was significant.

As has already been outlined, she had a great record, great educational record, a record of great service. When I met her, she was majority leader of the Arizona State Senate. I was Governor of Missouri. We were recruiting people to run for Governor of Arizona. I thought Sandra Day O'Connor would make a great Governor of Arizona. I made it my cause to recruit her on behalf of the Republican Governors Association to run for Governor. Then one day she told me, I have decided I am going to take a seat on the bench. I am going to become a judge. In one of those famous comments that lives with you forever, I said: Sandra Day O'Connor, it is a dead-end job being a judge in Phoenix, AZ.

I was dead flat wrong. When I welcomed her to Missouri to address the

bar association as Madam Justice of the Supreme Court, needless to say she took great delight in relating that wonderful advice I had given her to run for the Governor of Arizona. We have been very pleased to have her back several times, and as far as I can tell she has never failed to mention that story.

I mention that story only to say she was right, once again, and she has contributed honorably and significantly to the judicial service of this Nation.

I can only say on behalf of those who were her constituents, as Americans, and those who know her as a friend, we wish you the very best. We go forward with our deep gratitude for all you have contributed and our very best wishes for health, happiness, and a long life.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

The Senator from Virginia is recognized.

SUPREME COURT NOMINATIONS

Mr. WARNER. Mr. President, today our President, President Bush, spoke so eloquently upon learning of Justice O'Connor's desire to step down and spend more time with her husband. I think that is such a beautiful and warm way to send a message all across America.

I say, with a deep sense of humility, I consider her a friend. I am privileged to know her. I know her husband. He loves the outdoors. He loves the golf game. They are a wonderful couple who have inspired America.

It is interesting, I also heard, this morning, another broadcast in which a retired Federal circuit court judge—an individual well known to the Senate, well known to America—in commenting upon this retirement, did so in a way that left me troubled. That is what brings me to the floor. I am not sure he paid the respect this great Justice is owed. I will let people who desire to look at his remarks.

But then he said, in so many words—and used the word—that the Senate advice and consent process today is “corrupt.” That moved me to the point where I felt compelled to speak out today.

What a privilege it has been for me, on behalf of Virginia, to stand on this floor for 27 years and to participate in debates and vote for the best interests of our Nation and the Commonwealth of Virginia.

As I look at Justice O'Connor's record, it exemplifies to me a quotation from Shakespeare that I have always tried to follow: Unto thine own self always be true.

The record will show and history will record the magnificent way in which she discharged public office not only in the Supreme Court but, indeed, back in the legislative body of her beloved State of Arizona.

I will participate with my colleagues in this debate, this careful and fair and objective consideration of that individual selected by our President. As sure as I am standing here, I am confident that when it reaches the vote—and I think we will have an up-or-down vote; I will certainly do what I can to ensure that takes place—the American public will look back upon the duty of the Senate, under the Constitution, as having been fulfilled with dignity and in a manner to reflect confidence within this great Nation and our citizens.

As you know, Mr. President, the executive branch, with the President, has a role in this nomination coequal to that of the Senate. In studying history, the role of the President is set out so carefully. I did this research when I worked with the “Gang of 14,” which I will mention here momentarily.

But Alexander Hamilton, in *Federalist Paper No. 66*, said:

It will be the office of the President to nominate, and, with the advice and consent of the Senate, to appoint. There will, of course, be no—

I repeat: “no”—
exertion of choice on the part of the Senate. They may defeat one choice of the Executive—

I hope that does not happen in this case—

and oblige him to make another; but they cannot themselves choose—they can only ratify or reject the choice of the President.

How clear that is. And working with Senator BYRD and the other members of the 14 Senators who got together—and, by the way, I think the work of that group reflects credit on this institution—some six Federal judges are now serving our Nation as a consequence of their work, work which I always felt was in support of the Senate leadership and their valiant efforts to see that the consideration by Senators of nominees be fair and expeditious.

But in the context of our sort of agreement—and I quote from it—

We [the 14] believe that, under article II, Section 2, of the United States Constitution, the word “Advice” speaks to consultation between the Senate and the President with regard to the use of the President's power to make nominations. We encourage the Executive branch of government to consult with members of the Senate, both Democratic and Republican, prior to submitting a judicial nomination to the Senate for consideration.

Such a return to the early practices of our government may well serve to reduce the rancor that unfortunately accompanies the advice and consent process in the Senate.

As it has in contemporary times.

The Founding Fathers put the word “advice” in there, drawn from our English language, clearly defined in dictionaries and by precedent. It simply speaks to the role of the Senate and its ability to counsel with the

President. I am confident that will take place.

This is a magnificent opportunity for the President, this nomination, in so many respects. Clearly, he is fully entitled, under the Constitution, to select an individual whose philosophy is basically consistent with the core values of our President and his goals that he wishes to achieve, not only during the course of his Presidency but with confirmation, judicial nominees remain on for some 10, 15, 20, 25 years—long after the President has stepped down from office. So that shows you the value of this nomination.

But in this instance, our President has an opportunity, against a background of troubled times in our country. We are engaged in a very difficult war on terrorism.

Great sacrifices are being made by our country. He can step forward and be a uniter, not a divider, in this nomination by selecting someone who will gain the confidence of the majority of Americans, someone who will enable the two aisles here to remove the center aisle, and we can join in a bipartisan way and give strong ratification to the President's choice.

It is interesting. I went back to General Eisenhower. I reached back 50 years to examine the manner in which the President and the Senate worked together under this advice and consent clause. In that 50-year period, there have been 27 total nominees. Fifteen, better than half, were passed by the Senate either with voice vote—and as the Presiding Officer knows full well, that means total unanimity in the Senate—or with more than 80 votes, so 3 by voice and over half of those by 80 votes. Only 1 of the 27 passed by fewer than 60 votes, that threshold that describes the filibuster. Three were rejected by the Senate and one withdrew. To me, that shows action in history for a half a century, consistent with what the Founding Fathers devised in this magnificent Constitution of ours.

That individual selected by the President—I suppose he or she, as the case may be—will be labeled a conservative. That is fine. That doesn't trouble me at all. That doesn't divide. That is consistent with the President's basic philosophy. But if we can put on the bench of the highest Court in the land, a Court that decides literally decisions which affect every one of us—every single American is affected by their decisions—an individual who will begin with the confidence of the American public as reflected in a strong bipartisan vote in this Chamber, that will be a great legacy for the President as a uniter and not a divider.

I wish to reflect on the consultation. I am confident it will take place. There is no way of trying to describe it. It is up to the President. It is within his discretion. But I have confidence it will take place in a manner that history will document that will be more than adequate for the purpose.

I also listened to a report this morning where one group has been gathering