

years to come. He or she will impact the lives of millions of Americans.

As Senators, we should ask ourselves, What kind of Justice does America expect on the Supreme Court? I am confident President Bush will choose a qualified nominee who will make America proud, someone of demonstrated character and integrity, someone who is fair, intelligent, open-minded, and impartial; he or she will listen to the merits of every case and make a determination based on the facts, the law, and the Constitution, not driven to prejudge cases, predetermine outcomes, or advance a personal political agenda; the nominee will treat litigants and their attorneys fairly and with dignity and respect; and above all, this person will uphold the Constitution and be fully committed to equal justice under the law.

I am confident of all these things because every day I have seen the care, seriousness, and the thoughtfulness President Bush brings to this task.

In addition to considering the type of nominee America expects, I also encourage my colleagues to ask themselves, What kind of Supreme Court nomination process does America expect from the Senate? The American people, through their votes, have put their trust in us. They have entrusted us to govern as their elected representatives. History will reflect on the Senate's deliberations, how Senators conduct themselves, how we treat a nominee, and how we reach a decision.

We owe it to the American people to conduct a fair process that treats nominees with dignity and respect. It should include a fair hearing, a floor debate in which all views are heard, and then an up-or-down vote on the confirmation. This process should not become a trial. It is a process by which we examine the character and credentials of someone willing to volunteer to serve America on its highest court.

In the past, the judicial nominations process has been marked by obstruction, many times partisan obstruction, and attacks on the character and integrity of nominees. I hope we have put this painful and humiliating process behind us. Given the monumental role this nominee will play sitting on America's highest court, we need the best of the best legal minds. This requires a process that will not deter the best of the best from serving. The fair and dignified nomination process requires civility, requires common sense and some self-restraint.

As we consider the nominee who will soon come before the Senate, I encourage my colleagues to focus on questions that are relevant to the nominee's qualifications and experience, questions such as: Will the nominee be fair, independent, and unbiased? Will the nominee consider each case before the Court with an open mind, examining the facts, the law, and the Constitution very carefully? Will the nominee place the Constitution and the law above personal political ideology?

Will the nominee approach his or her role as a Justice as an interpreter of the law and the Constitution and not as a lawmaker who will legislate from the bench? Is the nominee qualified to serve on our highest court? Does he or she have the necessary experience to serve as a Supreme Court Justice?

These are the questions nominees should be asked to answer honestly and thoroughly. They should not be asked to prejudge cases or to speculate on how they would rule or not rule on a hypothetical scenario that may or may not come before the Court.

I look forward to working with our colleagues on both sides of the aisle in the coming weeks. We should work together to conduct the kind of confirmation process America expects from its elected representatives, a fair and thorough confirmation process that treats nominees with dignity and respect and confirms a new Justice before the Supreme Court starts its new term on October 3. I am confident the President will nominate someone who will make America proud, someone who will be worthy of this seat he or she will fill. This is what the American people expect, what our justice system needs, and what our Nation and the nominee deserves.

I yield the floor.

RECOGNITION OF THE MINORITY LEADER

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

SUPREME COURT NOMINATION PROCESS

Mr. REID. Mr. President, regarding the statement of my distinguished friend, my counterpart, the Republican leader, 90 percent of what he said is right on target. It is absolutely true that we need a process. That is why Senators HATCH and SPECTER have been working on this for several weeks prior to the resignation of Sandra Day O'Connor. The process is moving along very well.

I acknowledge that the meetings I have had with the President on this matter have been very productive. They have been good and are pointed in the right direction.

However, on a couple of things I disagree with my distinguished friend, the senior Senator from Tennessee; that is, we need to be very careful and put these problems we have had behind us, dealing with the so-called nuclear option. It is easy to throw words around like "obstructionism," but the fact is the vast majority of the President's nominees were approved easily. I don't know the exact numbers, but I believe 210 out of 219 were approved, and a number of them withdrew. The battles over 5 turned out to be 5 out of 219. We do not need words like that. We need to look at this in a positive sense.

There are times, as has been indicated in the recent debate that oc-

curred in the Senate, where certain nominees have to be viewed very cautiously and carefully. For example, the person the President has chosen to go to the United Nations has caused close scrutiny of this individual.

The other two people the President sent to the United Nations as our Ambassador are people who the minority proudly voted for. Ambassador Negroponte went through here very quickly. And then, of course, Jack Danforth, the former Senator from Missouri, whipped through here and was our United Nations Ambassador. John Bolton is a different story. We had to take a look at him. That is not obstructionism. We asked for certain information. It was not forthcoming.

So as I said, I agree with my friend from Tennessee that this is a process that needs to have the view of the American public, and they need to be proud of the work we do. I think we are headed in the right direction. I am cautiously optimistic we can move through this. I have given President Bush the benefit of every doubt that he is doing this with his heart in the right place. I have told him personally and in writing how much I appreciate his reaching out to me. And I continually will be optimistic until there is no need to do so.

It would be so good for the country if they could see the Senate at its best, moving a nomination that is a consensus candidate; that is, someone Democrats and Republicans both support to this very high, honorable position, a member of the U.S. Supreme Court.

I look forward to my continued consultation with the administration. I had a conversation yesterday with one of the President's representatives, his legal counsel. I am going to continue to do whatever I can to make this process move as quickly as possible, and not only as quickly as possible but as dignified as possible. And having done this, it would be a strong message for us to send to the people of America.

Mr. President, I suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

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

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RESERVATION OF LEADER TIME

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

DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2006

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