

should be very rare and require a high standard of proof. I respectfully submit that these are policy decisions for the Legislature. . . . Thus, to construe the Parental Notification Act so narrowly as to eliminate bypasses, or to create hurdles that simply are not to be found in the words of the statute, would be an unconscionable act of judicial activism. As a judge, I hold the rights of parents to protect and guide the education, safety, health, and development of their children as one of the most important rights in our society. But I cannot rewrite the statute to make parental rights absolute, or virtually absolute, particularly when, as here, the Legislature has elected not to do so.

The chairman of the Judiciary Committee states that Justice Owen did not write the opinion that Justice Gonzales criticized. I fail to see how Senator HATCH can reach that conclusion. Justice Gonzales clearly refers to "the dissenting opinions"—plural—and Justice Owen wrote one of those dissenting opinions.

I trust that this resolves any dispute regarding this matter.

Mr. LEAHY. Madam President, how much time remains for the Senator from Vermont?

The PRESIDING OFFICER. One minute and 40 seconds.

Mr. LEAHY. I yield back our time.

Mr. REID. 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. REID. I ask unanimous consent that the order for the quorum call be rescinded.

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

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, the clerk will report the motion to invoke cloture.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Executive Calendar No. 86, the nomination of Priscilla R. Owen of Texas to be United States Circuit Judge for the Fifth Circuit:

Bill Frist, Orrin Hatch, Kay Bailey Hutchison, John Cornyn, Mitch McConnell, Jon Kyl, Wayne Allard, Sam Brownback, Jim Talent, Mike Crapo, Gordon Smith, Peter Fitzgerald, Jeff Sessions, Lindsey Graham, Lincoln Chafee, Saxby Chambliss.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call is waived.

The question is, Is it the sense of the Senate that debate on the nomination of Priscilla R. Owen, to be United States Circuit Judge for the Fifth Circuit, shall be brought to a close? The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from Oklahoma (Mr. INHOFE) is necessarily absent.

Mr. REID. I announce that the Senator from Florida (Mr. GRAHAM), the Senator from Connecticut (Mr. LIEBERMAN), and the Senator from Maryland (Mr. SARBANES) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 52, nays 44, as follows:

(Rollcall Vote No. 137 Ex.)

YEAS—52

Alexander	Dole	Murkowski
Allard	Domenici	Nelson (NE)
Allen	Ensign	Nickles
Bennett	Enzi	Roberts
Bond	Fitzgerald	Santorum
Brownback	Frist	Sessions
Bunning	Graham (SC)	Shelby
Burns	Grassley	Smith
Campbell	Gregg	Snowe
Chafee	Hagel	Specter
Chambliss	Hatch	Stevens
Cochran	Hutchison	Sununu
Coleman	Kyl	Talent
Collins	Lott	Thomas
Cornyn	Lugar	Voinovich
Craig	McCain	Warner
Crapo	McConnell	
DeWine	Miller	

NAYS—44

Akaka	Dodd	Lautenberg
Baucus	Dorgan	Leahy
Bayh	Durbin	Levin
Biden	Edwards	Lincoln
Bingaman	Feingold	Mikulski
Boxer	Feinstein	Murray
Breaux	Harkin	Nelson (FL)
Byrd	Hollings	Pryor
Cantwell	Inouye	Reed
Carper	Jeffords	Reid
Clinton	Johnson	Rockefeller
Conrad	Kennedy	Schumer
Corzine	Kerry	Stabenow
Daschle	Kohl	Wyden
Dayton	Landrieu	

NOT VOTING—4

Graham (FL)	Lieberman
Inhofe	Sarbanes

The PRESIDING OFFICER. On this vote, the yeas are 52, the nays are 44. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

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

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

MORNING BUSINESS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business between 11 a.m. and 12 noon, with Senators permitted to speak therein for up to 10 minutes each.

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

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

The PRESIDING OFFICER (Mr. GRAHAM of South Carolina). Without objection, it is so ordered.

Mr. REID. Mr. President, the Senator from Texas wishes to speak as in morning business. I ask unanimous consent that he be allowed to speak.

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

The Senator from Texas.

HONORING OUR ARMED FORCES

Mr. CORNYN. Mr. President, I rise this morning to offer a tribute to our men and women in uniform.

As we all know, President Bush will speak this evening to the Nation and mark the end of a major conflict in Iraq and acknowledge the heroism and sacrifice of our brave men and women in the Armed Forces. I know I speak for the people of my State of Texas and for all Americans when I give thanks that this operation has reached such a swift end, with so few coalition lives lost.

Over the April recess, I took the opportunity to visit most of the military bases in my home State, along with my distinguished colleague Senator HUTCHISON. One in 10 active duty military personnel call Texas their home. As a member of the Armed Services Committee, I am dedicated to looking after their interests and the interests of all of our military personnel.

We must ensure that the United States military continues to have the training, the equipment, and the facilities they need to remain the greatest fighting force the world has ever known, both in war and in peace. The military bases we have in Texas are some of the strongest components of our military readiness in the current war against terror, from Afghanistan to Iraq and across the world. We must use these valuable assets to maintain our status as the world's lone superpower, as we transform our military to face the challenges of the future.

Seeing our soldiers face to face reminds us that they are not just numbers or statistics. They are real Americans, true patriots, with real families. When someone leaves their home to fight for American interests abroad, it affects their entire community; it affects their friends and, most profoundly, it affects their families.

We must remember not just the sacrifices of the brave men and women who fight on the battlefield but the sacrifices of the families they leave behind. I remember, most poignantly, as the deployment was occurring from Camp Lejeune, on CNN a young mother with her child was saying goodbye to her husband, the father of that child. I will never forget the comments she made. She said:

I used to think that if he loved us, he would never leave us. But now I know that he is leaving us because he loves us.

We must remember the sons who have never seen the faces of their fathers, and mothers who are separated from their children. We must remember the families whose loved ones will not be coming back, who paid the ultimate price so that others can live free.

Our own freedom was not won without cost but bought and paid for by the sacrifices of generations that have gone before. We must honor these heroic dead for their courage and their commitment to the dream that is freedom.

On this same trip with Senator HUTCHISON, visiting our Texas military bases, I had the chance to meet with several of the former prisoners of war who had just returned to their homes. It was especially meaningful to me, because my dad was a POW in World War II. On a bombing mission over Mannheim, Germany, he was shot down and captured and spent 4 months in a prison camp before General Patton and his Army came along and liberated him and others. Knowing the impact of my dad's experience, I have sensed a glimmer of the pain, the anxiety, and ultimately the joy of the families of these former POWs.

I know, in time, as both the former captives and their loved ones learn the names of the rescuers, they will want to express their gratitude in person and continue to be thankful to a nation that recognizes the value of each and every human life.

It strikes me that the Iraqi people's experience was much the same. No doubt the captivity of their nation was longer, more brutal, and more terrible than what our soldiers experienced. The pain of the Iraqi people was immeasurable. But now, at long last, their country has returned to them.

In 1944, Winston Churchill spoke in the Royal Albert Hall to the British troops and reminded them that they served a cause greater than themselves. He said:

We are joined together in this union of action which has been forced upon us by our common hatred of tyranny. Shedding our blood side by side, struggling for the same ideals, until the triumph of the great causes which we serve shall be made manifest. . . . Then, indeed, there will be a day of thanksgiving, one in which all the world will share.

There is a lot of work to be done in Iraq. But the difference our forces have made in such a short time is undeniable. Just a few short months ago, the idea that the Iraqi people could live free was a concept that some found hard to treat seriously. Now the dream of a free Iraq is in sight. The day of thanksgiving is not here yet, but it is coming. And thanks to the sacrifices of American families and America's warriors, it is coming soon.

We as a grateful nation continue to wish our men and women in uniform godspeed, and we hope and pray for their swift return to the loving arms of their families.

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

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

UNANIMOUS CONSENT AGREEMENT—JUDICIAL NOMINATIONS

Mr. FRIST. Mr. President, I ask unanimous consent that the vote on the pending Prado nomination occur at 2:15 today with the remaining time until then equally divided between the chairman and the ranking member. I further ask consent that following the vote, the President immediately be notified of the Senate's action. I also ask consent that on Monday, May 5, at a time determined by the majority leader after consultation with the Democratic leader, the Senate proceed to executive session for the consideration of Calendar No. 34, the nomination of Deborah Cook to be a U.S. district judge for the Sixth Circuit; provided further there be 4 hours for debate equally divided between the chairman and ranking member or their designees. Further, I ask that following the use or yielding of that time the Senate proceed to a vote on the confirmation of the nomination, again with no intervening action.

The PRESIDING OFFICER. Is there objection?

The Senator from Nevada.

Mr. REID. I ask that the consent be modified so we have a vote on Prado at 2:15 today.

Mr. FRIST. I believe that was the way it was requested.

Mr. REID. I am sorry. I missed that. I was visiting with someone else.

The PRESIDING OFFICER. Is there objection to the unanimous consent request?

Without objection, it is so ordered.

Mr. REID. Mr. President, it is my understanding that the distinguished majority leader wishes to have a vote on Cook at 4:45 on Monday. Is that true?

Mr. FRIST. That is correct. The first vote on Monday will be 4:45, and that would be on the Cook nomination.

Mr. REID. I ask consent that that be part of what we are doing today. I ask consent that the vote occur at 4:45 and there be a period prior to that of 4 hours for debate on the Cook nomination.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. REID. And that 1 hour of that time be reserved for Senator KENNEDY.

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

Mr. FRIST. Mr. President, I thank all of the Senators who have been involved in leadership on the Democratic side and the Republican side in work-

ing on this agreement. I particularly thank Senator MCCONNELL for his perseverance and counsel over the course of the past several days. Both sides have worked in good faith to come to this conclusion.

I now would ask for a further clarification with respect to the nomination of John Roberts. That nomination will be reported a week from today. We have been assured by the other side of the aisle that there would be no filibuster on the nomination of John Roberts; also, that the Senate would vote up or down on his confirmation. I know Members will want to speak on that nomination and we will be prepared to provide time on Thursday for that debate.

I, therefore, expect that prior to completing our business next week we will vote on the nomination. I yield to my colleague with regard to this understanding.

Mr. REID. The statement of the Senator is absolutely correct. There will be no filibuster. I would only ask, as the Senator has already indicated, that there be ample time—it may take as much as 6 hours of debate—prior to a vote on that. The Senator said it would be on Thursday. It may have to spill over until Friday. We may not be able to do all 6 hours on Thursday.

I was just saying—I know the Senator was preoccupied—we may take as much as 6 hours, 3 hours on our side; the other side may not need as much time, and so we may not be able to complete all that on Thursday. That is strictly up to the leader, but we have already indicated we would need up to that much time.

Mr. FRIST. Mr. President, I want to make sure there is adequate time for debate. I would like to try to have the vote by the end of next week, if at all possible.

Mr. REID. Mr. President, Senator MCCONNELL and I worked as much as we could to get this to a point where we are today. I do not like to acknowledge this often, but we were unable to do that. It was only because of the intervention of the two leaders that we were able to arrive at this point. We need not go into all the details of what went into this agreement, but I want to publicly acknowledge the good work of the Democratic leader and the majority leader in allowing us to get to this point. This has been done very quickly on the Senate floor, but to arrive at this point has taken literally hours of time.

This is a significant breakthrough. I think, with all the difficulty we have been having with judicial nominations, that this is a significant advancement. It is typical of what has to be done when dealing with legislation. A lot of people have to give up what they felt was something they could not give up.

I also would say that Senator HATCH and Senator LEAHY have been involved. I think they have helped the advancement of the Senate by their agreeing to things to which a little while ago they