

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