

I was also pleased to play a central role in the development of the Memphis Bioworks Foundation and the revitalization of the Central Medical District in Memphis by securing \$8.1 million for these efforts.

And to ensure that we encourage the bright young men and women of our State to pursue an education in these fields that are vital to America's competitiveness in the 21st century's global economy, I also created the SMART Grant program—a \$3.75 billion initiative that provides financial assistance to students seeking degrees in math, science, engineering, technology, and foreign languages critical to national security.

I have tried to encourage economic growth in other ways, however, working closely with communities throughout Tennessee to provide the Federal assistance that can often enable local governments to pursue opportunities that will benefit their citizens for generations.

I secured \$100 million to construct sections of Interstate 69 in Tennessee from Dyersburg to Memphis—a highway that will one day serve as an economic engine for much of West Tennessee.

When community leaders in the Chattanooga area asked for assistance with the crumbling Chickamauga Lock and Dam, a structure providing access to hundreds of miles of waterway used for economic economy in East Tennessee, I helped ensure the authorization of a new 110 ft.-by-600 ft. replacement lock.

Construction funding for the replacement structure has been successfully secured in each year since 2003, and after a long period of hard work and difficult discussion, the White House agreed to include the project in its most recent budget request.

Several years ago, violent tornados ravaged Jackson, and local leaders sought my assistance in rebuilding badly damaged neighborhoods and city infrastructure.

I was honored to secure almost \$11 million from the Department of Housing and Urban Development to rebuild public housing lost as a result of the devastating storms and an additional \$2.1 million for the city's police department to improve communications during such emergencies.

Nashville long sought a light rail system that could help alleviate the burden placed on its roadways and improve the flow of consumers into downtown—the heart of its economic marketplace.

So I went to work and eventually secured \$24.6 million in funding necessary to start and complete the Music City Star East Corridor Commuter Rail Project, which allowed Tennessee's first commuter rail passenger service to begin between the Riverfront Station in downtown Nashville and the city of Lebanon in Wilson County just 3 months ago.

And when the city of Memphis began redeveloping its riverfront, I lent my

support to the cause and secured nearly \$8.7 million for the Cobblestone Landing and Beale Street Landing projects.

To help advance this work, I facilitated an agreement that will allow the University of Memphis Cecil Humphreys School of Law to relocate to the Postal Service Front Street Station in downtown Memphis—a move that will act as a cornerstone of riverfront redevelopment and reshape the law school's future.

I have also tried at every turn to provide steadfast support for Tennessee's brave men and women in uniform as a sign of my gratitude and respect for their extraordinary efforts on behalf of our Nation.

Because they deserve only the best facilities, I secured \$32 million to construct a new headquarters facility for the Tennessee Army National Guard in Nashville and an additional \$31 million to consolidate personnel previously located in 22 different buildings into a single, state-of-the-art command headquarters for the 101st Airborne and other units at Fort Campbell.

Because they and their families deserve basic economic fairness, I helped secure passage of the Fort Campbell Tax Fairness Act, which now ensures Volunteer State residents working at Fort Campbell are spared from a State income tax like all other Tennesseans.

I could spend many hours on the Senate floor recalling the countless ways in which I have worked to meet Tennessee's needs during my 12 years as a Member of this body.

But instead, I would rather thank the people of Tennessee for the opportunity.

I will forever treasure the experience—and the many individuals I have had the privilege of befriending across our great State along the way.

Electing me to serve two terms in the Senate is the greatest honor the citizens of Tennessee could have ever given me.

No words could ever express my deep appreciation.

I look forward to returning home and continuing my efforts to repay their generosity in the years to come.

FULFILLING DUTY, PRESERVING LEGACY: NOMINEE CONFIRMATIONS

Mr. FRIST. Mr. President, this week, among other agenda items, the Senate considered the nomination of Robert Gates as Secretary of Defense. It puts me in mind of similar high-level nominations we considered earlier this year, and throughout the 109th Congress. Namely, Chief Justice John Roberts, Justice Samuel Alito, and a host of other judicial nominees and presidential appointees.

When I consider these nominees I am reminded of the progress we've made—the remarkable strides we've taken—to ensure continued fulfillment of our constitutional duty as United

States Senators. Whether we recognized it or not, the 109th Congress had the potential to become a pivotal turning point in our Nation's history—with repercussions reaching far into the future.

Over the past 30 years, the Senate's confirmation process has slowly but steadily deteriorated. We faced the confirmation of fewer and fewer judicial nominees. During the Carter and Reagan administrations, the Senate confirmed 9 out of 10 appeals court nominees. But in the first term of the current administration, the Senate blocked one out of every three appeals court nominees.

Those that were confirmed took longer and longer. In the Carter and Reagan administrations, the Senate took an average of about 60 days to confirm a Federal appeals court nominee. But in the first term of this administration, we took an average of nearly 300 days.

And as the judicial nominations process deteriorated, so too did the quality and civility of debates. Bitterness and acrimony seeped in, threatening to poison the Senate's legacy—and our nation's future.

The 108th Congress marked the low point. For the first time in history, a minority of Senators obstructed the principle of a fair up-or-down vote on judicial nominees. That was unprecedented. Never in 214 years of Senate history had a judicial nominee with majority support been denied an up-or-down vote.

Two years ago, I faced a decision. I could ignore the events of the 108th Congress. Through passivity, I could permit the active obstruction of Senate duties—and the active destruction of Senate traditions.

Or I could do something to halt the unchecked downward spiral. I could protect the Senate's history of fulfilling our constitutional duty. I could help restore our legacy.

At the beginning of this Congress—the 109th Congress—I made a decision. I chose to stand on principle. I came to this floor, and reminded my colleagues of the 14-word oath of office we each take: "I do solemnly affirm that I will support the Constitution of the United States."

Our first responsibility, above all else, is to do our constitutional duty. Yet in the 108th Congress, the Senate failed to perform an essential constitutional duty. It failed to offer advice and consent to the President by filibustering ten judicial nominees and threatening to filibuster another six.

So nearly 2 years ago, when the 109th Congress opened, I took a stand.

In the spirit of bipartisanship, I extended my hand across the aisle to the new Senate Democratic leadership. I held the sincere hope that we could move forward beyond the difficulties of the 108th Congress—to a future of cooperation.

I said:

If my Democratic colleagues exercise self-restraint and do not filibuster judicial nominees, Senate traditions will be restored. It

will then be unnecessary to change Senate procedures. . . . But if my Democratic colleagues continue to filibuster judicial nominees, the Senate will face this choice: Fail to do its constitutional duty or reform itself and restore its traditions, and do what the Framers intended.

And it was at that point I made it clear that if the obstruction of fulfilling our constitutional duty continued, I would enforce the constitutional option—what some of my colleagues took to calling the “nuclear” option.

The principle is simple. The U.S. Senate has a constitutional obligation of advice and consent on the President’s nominees.

To consent—or not consent. To vote yea or nay.

That is our constitutional duty.

And nothing—not party, not ideology, not politics, and not even tradition—should interfere.

That is the principle.

The nomination process is a grueling experience. Even for those nominees with impeccable credentials, a spotless record, and unassailable positions—it’s anything but pleasant.

We grill nominees. We scrutinize their every word—both written and spoken. We demand justifications for their every action and decision. We advertise their flaws, both real and imagined. And we posit hypothetical situations before them, to gauge their reactions.

It takes a certain amount of stamina—of endurance—to undergo the nomination process. It demands exposure of the nominees and their families to public slander and character assassination.

And yet we have the audacity to compound this grueling experience by forcing nominees to languish without benefit of a vote.

So the principle I outlined at the beginning of this Congress—that every nominee should have a fair up-or-down vote—is twofold. First, each vote is the fulfillment of our constitutional duty to offer advice and consent on each of the President’s nominees. And second, each vote offers a measure of fairness to nominees. They have submitted to the grueling public scrutiny entailed by the nomination process. In return, they deserve a definitive answer—yea or nay—on whether they have passed muster.

Undoubtedly, we lose many qualified candidates because they choose not to endure the public scrutiny of being nominated. But how many more do we lose—needlessly—because they fear languishing without a vote?

That is why I made it clear—at the outset of this Congress—that I could not countenance the perpetuation of the travesties of the previous Congress.

Looking back, I firmly believe that without that firm stand—without the promise of the constitutional option—we would not be where we are today.

Without the promise of the constitutional option, we would not have seen the so-called Gang of 14.

Without the promise of the constitutional option, it’s unlikely we would

have confirmed two Supreme Court nominees with such timeliness.

Without the promise of the constitutional option, I have no doubt that future generations would look at the 109th Congress as a negative turning point for the Senate. A turning point in which, through our passivity, we allowed a laudable Senate tradition to trump Senate duty as defined in the Constitution.

We have, for the time being, protected our Senate legacy.

I recounted these events for a reason. There is purpose to my reminiscing.

This week we are wrapping up the business of the 109th Congress. We are preparing for a change in control of the Senate. Many of my colleagues will return for the 110th Congress. I would leave them with this challenge: continue the progress of the 109th Congress.

We have halted the deterioration of the nominations process. We have even turned it around, helping prevent numerous nominees from languishing indefinitely.

But despite these important strides, there have still been casualties.

Just yesterday, President Bush accepted John Bolton’s resignation from his post as Ambassador to the United Nations. A man eminently qualified to articulate the position of the United States—and yet a minority of my colleagues refused to grant him an up-or-down vote.

They refused to take a decisive stand—yea or nay. And in so doing, they abdicated their constitutional duty of advice and consent.

And there are others. Ten circuit court nominees still await a definitive vote, as do 21 district court nominees. And some have waited years. Not months, and certainly not days: but years.

It is true that the number of nominees still languishing is smaller now than it was at the end of the 108th Congress. And I firmly believe that what progress we’ve realized is a direct result of standing on principle.

For more than 200 years, the Senate operated on the underlying assumption that every nominee deserved an up-or-down vote. In the 109th Congress, we were forced to defend that assumption. And we did so, by standing on principle.

We have made important strides. We have stopped the downward spiral, and started to regain lost ground. But the fact remains: we still have farther to go. We have made progress, but it hasn’t been enough.

So let me reiterate: to the 110th Congress—to my returning colleagues, and to the new Members—I issue this challenge: continue that upward momentum. Continue the progress of the 109th Congress.

Fulfill your constitutional duty of a fair up-or-down vote on each nominee.

Fulfill your commitment to fairness by giving nominees a firm yea or nay.

And fulfill your place in history by helping preserve the Senate’s legacy.

Don’t let history remember the 110th Congress as the one when the Senate turned rebel.

It comes down to this: You can build on the progress of the 109th Congress. Or you can abdicate your constitutional duty, and irreparably damage America.

Looking back, I can proudly say the Senate stood on principle during the 109th Congress. We made genuine progress. I hope I can say the same of future Congresses.

SECRETARY OF THE SENATE EMILY REYNOLDS

Mr. FRIST. Mr. President, I came to the floor to recognize two individuals who have been very close to me and contributed significantly to the progress I have made here in this body and, indeed, the progress that we make as an institution.

I rise to pay tribute to Emily Reynolds, our magnificent Secretary of the Senate. Abraham Lincoln once said, “I am a success today because I had a friend who believed in me, and I didn’t have the heart to let him down.”

Looking back at the past 13 years, those words ring true. I know for a fact that successes and triumphs I have enjoyed throughout my years in office are largely attributable to family and friends and staff, people who have stood with me, people who hold me to a higher standard, people who compel me to meet that standard.

Today, I specifically speak about one such person who has been at the center of everything I have done over the past 13 years, Emily Reynolds. No one has believed in our mutual vision for the future of Tennessee and the country—that mutual vision that she has shared and I have shared, that we have shared for the people of Tennessee—nobody has articulated and stood behind that more than Emily Reynolds.

Most of my colleagues know Emily as the Secretary of the Senate. She is the woman who keeps the legislative machine well oiled, moving and running smoothly, no matter what the circumstances; the woman largely responsible for bringing us the Capitol Visitor Center, and the woman who signs our paychecks every other week.

Thirteen years ago this month, I came out of the operating room having made the decision to run for the Senate. I learned early on from my experiences in the operating room—part of the surgical team—how important it is to surround yourself with the best of the best. So I sought counsel from former Majority Leader Howard Baker, who very quickly introduced me to his former chief of staff Jim Cannon. They both within a few days steered me to a remarkable fellow Tennessean who has literally been with me every step of the way over the last 13 years, currently serving as Secretary of the Senate, Emily Reynolds. It should come as no surprise after meeting her that I wanted Emily on my team.