

which we saw when we ignored Afghanistan after the Soviet occupation. We cannot and should not allow this to happen.

And so, I ask my colleagues on both sides of the aisle to be deeply aware of the sacrifices of people such as Martha Daniels, Ingrid Betancourt, and their staffs. They have paid the ultimate price for their commitment to democracy and have shown great courage by serving as politicians in such a volatile and strife-torn country. Their service is a testament to the democratic commitment of the vast majority of Colombian people, a commitment that was reconfirmed on March 11, when huge numbers of Colombians went to the polls even though they had been threatened with violence as they sought to execute their constitutionally given right to vote.

Colombia is a troubled country in desperate need of our assistance and the assistance of other democratic nations around the globe. But the spirit of democracy lives on in the dedicated public servants and citizens of our friend and neighbor to the South.

I want the Colombian Government, and more importantly the people of Colombia, to know their courage and sacrifice has been noted by the American people and by this individual in this body speaking. I am very confident, on behalf of all of us in this Chamber in urging the FARC and other organizations to cease in the abduction of political figures, to cease in the abduction of innocent civilians, in that country and to go back to the bargaining table and try to figure out a way to resolve this four-decade old conflict. The deaths and the abductions shredding this country deserve the attention of this Congress, the American people, and freedom-loving people everywhere.

I ask my colleagues to take an active interest in this problem and act as friends of Colombia. The Colombian people, people like Ingrid Betancourt and Martha Daniels, deserve no less.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. DEWINE. Mr. President, I congratulate my colleague, Senator DODD, for a very eloquent and compelling statement in regard to the tragedies that are going on in Colombia today. I think he does very well in expressing the sentiments of all the Members of the Senate. I thank him for that eloquent comment.

Colombia must be looked at not just as a place we worry about in regard to drugs coming into this country, not just as a country that we have to partner with to try to deal with our mutual drug problem, the production of drugs, and the huge consumption of drugs in the United States, although we are partners in that effort, but we also must understand that what is going on in Colombia is a direct threat to the democracy of Colombia.

Senator DODD has spelled out very well what has been going on. We do have a longstanding democracy in this

hemisphere, a democracy that has been a friend of the United States for many years that is, in fact, imperiled. When we make a decision about what assistance we can and will give in the future, we need to keep that in mind.

(The remarks of Mr. DEWINE pertaining to the introduction of S. 2027 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. DURBIN. I thank the Chair.

(The remarks of Mr. DURBIN pertaining to the introduction of S. 2027 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. DURBIN. Madam President, 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. DURBIN). Without objection, it is so ordered.

EXECUTIVE SESSION

NOMINATION OF RANDY CRANE TO BE UNITED STATES DISTRICT JUDGE

The PRESIDING OFFICER. Under the previous order, the hour of 5:38 having arrived, the Senate will now go into executive session and proceed to the consideration of Executive Calendar No. 705, which the clerk will report.

The legislative clerk read the nomination of Randy Crane, of Texas, to be United States District Judge for the Southern District of Texas.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Parliamentary inquiry, Mr. President. When is the vote scheduled?

The PRESIDING OFFICER. It is scheduled for 5:50 p.m.

Mr. LEAHY. Is there time reserved to the Senator from Vermont?

The PRESIDING OFFICER. The Senator from Vermont has 6 minutes.

Mr. LEAHY. I understood the Senator from Vermont had 10 minutes.

The PRESIDING OFFICER. The time is divided equally between 5:38 and 5:50.

Mr. LEAHY. I thank the Chair.

Mr. President, we are voting on our 42nd judicial nominee to be confirmed since last July when the Senate Judiciary Committee reorganized after the Senator majority changed. With the confirmation of Robert Randall Crane to the U.S. District Court for the Southern District of Texas—and I predict we will accept him—the Senate will have resolved 7 judicial emergencies since we returned to session a few short weeks ago, 14 judicial emergencies since I became chairman.

As of this week, the Senate has confirmed more judges in the last 9 months than were confirmed in 4 out of 6 years under the Republican leadership. I have heard some inaccurate statements—I am sure innocently enough but mistakenly—by my friends on the other side of the aisle. As of this week, we will have confirmed, in 9 months, more judges than were confirmed in 4 of the 6 total years under the Republican leadership. In fact, the number of judicial confirmations over these past 9 months exceeds the number of judicial nominees confirmed during all 12 months for the years 2000, 1999, 1997, and 1996.

During the 6½ years the Republicans controlled the Senate, judicial nominations averaged 38 a year. We have done more than that in 9 months. In the past 9 months, we have had more hearings for more nominees and had more confirmations than the Republican leadership did for President Clinton's nominees during the first 9 months of 1995.

On the chart we took 9-month increments. In the first 9 months that the Republicans led the committee, they had 9 hearings; we had 14; they confirmed 36 and we confirmed 42. Looking at the first 3 months of the session, we will have confirmed 14. During the first 3 months of each session they were in charge the following occurred: In March 1995, they confirmed 9; in March of 1996, they confirmed 0; by March of 1997, they confirmed 2; by March of 1998, the high-water mark, they had 12; by March of 1999, they had 0; by March of 2000, they had 7; by March of 2001, they had 0; we have done 14.

We tried to have a pace faster than the Republicans when they chaired the Judiciary Committee, when they controlled the Senate, and so far we have done that. Some have expressed concern how this Senate, under this leadership, has handled nominations of President Bush. So far he will have won 41 out of 42 nominations. As great as the football team is in Nebraska, they would be delighted to win 41 out of 42, as would any team.

In 1999, when the Republicans controlled the Senate, in the whole year, they confirmed 26 district judges and 7 circuit judges. In the year 2000, for the whole year, they confirmed 31 district judges and 8 circuit judges. In the first 6 months of last year, when they controlled the Senate, they had 0. In the past 9 months—remember, these are comparing whole years—in the past 9 months, we have had 35 district judges, 7 courts of appeal.

Take the average number of days between nomination and confirmation, figuring we have to wait extra time for the ABA: they took 182 one year; 212 days another year; 232, another; 178, another; 196, another. The Democrats average considerably less.

Reviewing today's nominations illustrates the effect of the reform process that the Democratic leadership has spearheaded.

The PRESIDING OFFICER. The Senator has used 6 minutes.

Mr. LEAHY. Mr. President, I see no other Member seeking recognition. I ask consent the vote still be at 5:50 and I be allowed to use the time until 5:50.

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

Mr. LEAHY. Mr. President, we will have a vote today on Randy Crane. There are Members who have stated, because the Democrats took over the full committee in July of last year, we would try to do the same thing to the Republicans that the Republicans did to the Democrats; that is, slow up and refuse to confirm judges. Of course, the figures show the opposite. The speedy confirmation of Randy Crane to the district court in Texas illustrates the effect of the reforms on the process that the Democratic leadership has spearheaded.

Despite the poor treatment of too many Democratic nominations through the practice of anonymous holds and other tactics employed during the past 6½ years, Randy Crane will be filling a judicial emergency vacancy seat that has been vacant since the year 2000 when the new position was created.

I worked with the Senators from Texas and other Senators along the southwestern border to fill this vacancy. In fact, Randy Crane is the second Federal judge confirmed from Texas in just the past few months.

Not too long ago when the Senate was under Republican control, it took 943 days to confirm Judge Tagle to the Southern District of Texas. She was nominated in August of 1995 and made to wait until March of 1998, stalled for 3 years, then passed unanimously—a lot different than the nomination of Michael Schattman to a vacancy on the Northern District of Texas. He never got a hearing. I recall 2 years ago, Ricardo Morado, who served as mayor of San Benito, TX, was nominated for a vacancy and never got a hearing or vote. They could have had those votes. We could have moved forward to fill those vacancies. This Senate and this Judiciary Committee is trying to fill them. They could have long ago been filled by nominees from President Clinton, but the fact is the Republicans refused to even allow a vote. We are not doing the same.

Unlike the many judicial nominees who were given a hearing but never allowed to be considered by the committee, we try to make sure President Bush's nominees get both a hearing and a vote by the committee. Until Judge Edith Clement of Louisiana received a hearing on her nomination to the Fifth Circuit last year, after the shift in majority, there had been no hearings on Fifth Circuit nominees since 1994 and no confirmations since 1995. In fact, we confirmed the first new judge of the Fifth Circuit in 6 years, even though there was a judicial circuit emergency.

Jorge Rangel was nominated to the Fifth Circuit in 1997 and never received a hearing on his nomination, or a vote, in 15 months. Enrique Moreno was

nominated for the Fifth Circuit in 1999 and he never received a hearing on his nomination or a vote by the committee.

H. Alston Johnson was also first nominated to the fifth circuit in 1999 and never received a hearing on his nomination or a vote by the committee in 1999, 2000, or the beginning of 2001.

Despite the support of both of his home State Senators, his nomination to a Louisiana seat on the fifth circuit also languished without action for 23 months.

In contrast, under the Democrat-led Senate, President Bush's nominees to the fifth circuit, Judge Edith Brown Clement and Judge Charles Pickering, were treated fairly. Both received hearings less than 6 months after their nominations.

In fact, Judge Clement was the first fifth circuit nominee to receive a hearing since Judge James Dennis had a hearing, when Senator BIDEN chaired the Senate Judiciary Committee in 1994. She is the first person to be confirmed to that circuit since Judge Dennis' confirmation in 1995.

In contrast to recent, past practices, we are moving expeditiously to consider and confirm Randy Crane, who was nominated in September, received his ABA peer review in November, participated in a hearing in February, was reported by the committee in March and is today being confirmed.

This nominee has the support of both Senators from his home State and appears to be the type of qualified, consensus nominee that the Senate has been confirming to help fill the vacancies on our Federal courts. I congratulate Mr. Crane and his family on his confirmation today.

Following the votes on the Pickering nomination last Thursday by the Judiciary Committee, there have been a number of unfounded and unfair attacks against Democratic members of the Judiciary Committee. Reasonable people can disagree about whether Judge Pickering deserved a promotion, given his record as a judge. I am sorry, however, that some have chosen to make that committee action into an unfortunately acrimonious fight.

It is unfortunate that some are going out of their way to intervene, for example, in a matter before the Rules Committee, and objected to a bipartisan request for oversight funds—to be evenly divided between the committee's majority and minority—in order better to fulfill our increased oversight responsibility and make sure that agencies such as the FBI and the INS are doing their jobs appropriately.

In the wake of September 11, Senator HATCH and I submitted the joint request on behalf of the committee with oversight jurisdiction over the Department of Justice and its components. We wanted to assess the management, training, and resource lapses in the FBI, INS, and in the other Department of Justice agencies to ensure that these agencies know what they did wrong

and to avoid a recurrence of those tragic events.

We were reminded just last week of the need for this kind of oversight when additional problems at the INS surfaced. It is too bad that some are choosing to obstruct this important effort.

That retribution is now threatening the important work of the committee and the functioning of the Senate. I hope we are not entering an era in which any disagreement is vilified, and harsh, inappropriate rhetoric, is employed to make political points with the extreme elements.

This scorched earth campaign in which unrelated nominations and bills and oversight responsibilities are being compromised is not in the best interests of the Senate.

I recall that even in our disappointment after the Republicans rejected the nomination of Judge Ronnie White in a party-line floor vote in 1999, I proceeded to vote for the confirmation of Ted Stewart of Utah.

The committee vote on the Pickering nomination was not a sneak attack or a "lynching."

It was not a nomination of which Senators had indicated that would vote one way and then went into a closed party caucus and were instructed to vote another. It was not a party-line vote insisted upon by party leaders. It was not a matter in which the committee held a pro forma hearing and then refused over a period of weeks and months to bring the matter to the committee agenda for an up or down vote.

It was not a circumstance where the nominee was not afforded the opportunity to hear Senators' concerns and respond to those concerns. It was not a circumstance where the nominee was not asked about concerns and cases and his own actions at his hearing.

This was a case in which I responded to the request of a Senator to proceed to schedule a quick hearing on a judicial nomination.

As Senators reviewed this nomination, they had concerns. They asked the nominee about those concerns. The committee assembled a record, which was the record of the nominee's official actions as a Federal judge. The committee then held a follow-up hearing to allow the nominee another opportunity to make his best case and respond to Senators' concerns and then provided a further opportunity through written questions and answers.

After delaying committee action for 2 weeks at the request of the Republican leader and the ranking Republican on the committee, we met and debated the merits of the nomination for over 4 hours before voting.

I believe that the members of the Judiciary Committee based their votes on their review of the record and their having measured the nominee against the standard each Senator must develop for voting on lifetime appointments to the Federal courts. I regret

that some are questioning the motives of Senators.

The Senators on the Judiciary Committee, both Republican and Democratic, are seeking to exercise their responsibilities with respect to their votes appropriately, on the merits and in accordance with their standards for such matters.

In spite of fair treatment, hearings and a vote, on Thursday, attacks arose suggesting that Senate Democrats have imposed an unconstitutional religious test to the nomination of Judge Pickering to the appellate court. I hesitate to dignify such a scurrilous allegation with a response, but I feel I must set the record straight. The Democratic members of the committee have never inquired into Judge Pickering's religion. It had no place in the deliberations.

These charges, that the Democratic Senators on the committee have voted against Judge Pickering based in any way based on his religion are outrageous, unfounded, and untrue. Whether a nominee goes to church, temple, or mosque, or not, has not been used by anyone in this Senate in the consideration of a judicial or any nominee.

Article VI of the United States Constitution requires that "no religious test shall ever be required as a qualification to any office or public trust under the United States." In accordance with the separation of church and state embodied in our Constitution, no religious test has been applied to this nominee or any other.

I recall the recent reports indicated that Justice Scalia had recently commented on the religion of judges and suggested that Federal judges who are Catholic should consider resigning if imposing the death penalty was a moral problem for them. But no Senator, at any time during the consideration of the Pickering nomination, commented unfavorably on his religion.

The responsibility to advise and consent on the President's nominees is one that I take seriously and the other members of the Judiciary Committee take seriously. Senator SCHUMER and Senator FEINSTEIN chaired fair hearings on Judge Pickering's nomination. I regret that they and others on the committee have been subjected to unfair criticism and attacks for fulfilling their duties.

Some of our Democratic Senators have been receiving calls and criticism based on their religious affiliations. That is wrong. Other Senators have been insulted and called names for asking questions of the nominee and for disagreeing with this choice for the court of appeals. That is regrettable.

There are strongly held views on both sides. But while Democrats and most Republicans have kept to the merits of this nomination, it is unfortunate that some have chosen to vilify, castigate, unfairly characterize, and condemn without basis Senators work-

ing conscientiously to fulfill their constitutional responsibilities.

I also want to express concerns about recent statements from the administration, including from the President, that the Senate's treatment of judicial nominees "hurts our democracy."

This statement reveals an unsettling misunderstanding of the fundamental separation of powers in our Constitution and the checks and balances in the Founder's design.

In our democracy, the President is not given unchecked powers to pack the courts and to give lifetime appointments to anyone who shares certain ideological views.

Instead, the Constitution provides a democratic check on the power of appointment by requiring the advice and consent of the Senate.

Each Senator on the committee made up his or her own mind on whether to vote for the promotion of Judge Pickering to the Court of Appeals. The Senators on the committee studied Judge Pickering's record as a judge. The committee's vote was part of our democratic process.

This democratic check on the President's appointment power demonstrates our democracy in action, not action that "hurts our democracy." By having fair hearings and voting on nominees, up or down, the Judiciary Committee is proceeding as it should.

The administration should not throw gasoline onto this combustible situation. It could, instead, recognize its role in sending division nominations to the Senate and seek to work with us to find and appoint consensus nominees.

Unlike the many judicial nominees who did not get hearings or were accorded a hearing but were never allowed to be considered for a vote by the committee, we are trying to accord nominees whose paperwork is complete and whose blue slips are returned both a hearing and a fair up or down vote.

Those who assert that the Democrats have caused a vacancy crisis in the Federal courts are ignoring recent history.

There were an unusually high number of retirements taken by Federal judges after the November 2000 election. Moreover, by the time the Senate was permitted to reorganize after the change in majority, the number of vacancies have reached 105 and was rising to 111, including 32 vacancies on the courts of appeals. That is the situation I inherited and the Democratic majority in the Senate was faced with last summer.

Since then this is the 42d judicial nominee to be confirmed, including seven judges to the courts of appeals. Contrary to what some might say, the Democratic majority has actually been keeping up with attrition and we have started moving the vacancy numbers in the right direction—down. By contrast, from January 1995, when the Republican majority took over control of the Senate until they relinquished it in June 2001, Federal judicial vacancies rose by 65 percent, from 63 to 105.

Already, in less than 9 months in the majority, we have made more progress than was made in 4 whole years of Republican leadership, 2000, 1999, 1997, and, of course, 1996.

Within the past 9 months, after the change in majority, we have confirmed 42 judges, including 7 to the courts of appeals.

In all of 2000, the Senate confirmed fewer, only 39 judges, and in 1999 fewer still, only 33 judges, with 7 to the courts of appeals.

We are doing what the Republican majority did not do: keeping up with the rate of attrition and moving the numbers in the right directions. Tomorrow we are scheduled to hold another hearing on another court of appeals nominee, at the request of Senator ENZI.

I hope this nominee will turn out to be uncontroversial and well-regarded by people from both sides of the aisle.

Our task is made easier when the President works with members of both parties to nominate consensus nominees who are not outside of the mainstream and whose record demonstrates that they will follow precedent, not try to find a way around it.

Tomorrow's hearing will be our 15th for judicial nominees within the last 9 tumultuous months. That is more hearings on judges than the Republican majority held during any full year. In only 9 months we have confirmed as many court of appeals nominees, seven, as the Republican majority averaged per year while they were in control.

Indeed, in the 76 months in which a Republican majority recently controlled the pace of judicial confirmations only 47 judges were confirmed to the 78 vacancies that existed on our Federal courts of appeals. We have confirmed seven in less than 9 months already. The Republicans went one entire congressional session, 1996, refusing to confirm even a single court of appeals nominee.

We are holding more hearings for more nominees than in the recent past. We have moved away from the anonymous holds that so dominated the process from 1996 through 2000. We have made home State Senators' blue slips public for the first time. We have drastically shortened the average time for confirmation proceedings.

What had grown during Republican control to over 230 days on average is now down to 74 days from receipt of the ABA peer review to confirmation for the 42 judges we have confirmed over the last 9 months.

However, because the Republicans refused to hold hearings on so many of President Clinton's nominees there were an enormous number of vacancies we inherited. Under Democratic leadership, we have tried to fill those vacancies as quickly as possible.

By moving first on the nonideological and well qualified of President Bush's nominees we can fill the most vacancies in the least amount of time. With controversial, less qualified

judges we spend much more of time. With consensus, well-qualified nominees we could have confirmed a dozen judges in the same amount of time the committee devoted over the last 5 months to the Pickering nomination.

It is not possible to repair the damage caused by long standing vacancies in several circuits overnight, but we are contributing to improved conditions in the 5th, 10th, and 8th circuits, in particular. We will do our best to remedy as many circumstances as possible.

I understand we have time before the vote. The distinguished ranking member has come to the floor. I yield the floor.

Mr. HATCH. I thank my colleague for his courtesy.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. I will say a few words before the vote. I ask unanimous consent I be permitted to proceed for a few minutes.

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

Mr. HATCH. Mr. President, the vote will still be at 5:50 because Senators have commitments.

Mr. President, I rise to support the nomination of Robert Randall Crane to be U.S. District Judge for the Southern District of Texas.

I have had the pleasure of reviewing Mr. Crane's distinguished legal career, and I have come to the conclusion that he is a fine lawyer who will add a great deal to the federal bench in Texas.

Randy Crane is a native Texan who graduated with honors from the University of Texas School of Law when he was only 22 years old. He clerked for the McAllen, Texas, firm of Atlas & Hall during the summers of 1986 and 1987, joined the firm as a full-time associate in 1988, and became a partner in 1994. During his fourteen-year legal career, Mr. Crane has handled primarily civil cases, including commercial litigation, personal injury matters, and toxic torts. He has also gained valuable experience in several criminal cases, including a large federal drug conspiracy case.

Mr. Crane currently serves as a Director of the Texas-Mexico Bar Association, which seeks to promote cross-border dialogue of common legal issues, resolution of cross-border legal issues, education about United States and Mexico legal systems, and attorney networking for answering questions about the two legal systems.

I have every confidence that Randy Crane will serve with distinction on the federal district court for the Southern District of Texas.

Mr. President, I must take a moment to respond to some of the comments made by my colleague, the distinguished Senator from Vermont, regarding the pace of judicial confirmations. The Senator has made much of comparing the pace of confirmations under Republican and Democratic control of the Judiciary Committee. This has in-

volved comparing 9 months to 12 months, 9 months to 9 months, 3 months to 3 months, and so on. Of course, anyone knows that you can manipulate statistics to achieve the result you want. I find the bottom line numbers to tell a more compelling story. And the bottom line is that we have 94 vacancies in the Federal judiciary today—the exact same number as we did at the end of last session, and only slightly fewer than we did when the Democrats took control of the Senate in June of last year.

The bottom line numbers are even more compelling when you look at the number of circuit court vacancies.

When Senate Democrats took over the Judiciary Committee in June of last year, there were 31 circuit court vacancies, and there remain 31 circuit court vacancies today. This does not represent progress—it represents stagnation.

In contrast, at the end of 1995, which was the Republicans' first year of control of the Judiciary Committee during the Clinton administration, there were only 13 circuit vacancies.

In fact, during President Clinton's first term, circuit court vacancies never exceeded 21 at the end of any year—including 1996, a presidential election year, when the pace of confirmations has traditionally slowed.

Moreover, there were only 2 circuit nominees left pending in committee at the end of President Clinton's first year in office. In contrast, 23 of President Bush's circuit nominees were left hanging in committee at the end of last year.

Last Thursday, Senator LOTT introduced a resolution calling for the confirmation of each of the circuit court judges nominated by President Bush on May 9 of last year.

We are coming up on the one-year anniversary of those nominations, and yet only 3 of the 11 nominees have had hearings and confirmation votes. All of these nominees have received qualified or well-qualified ratings from the American Bar Association.

This is problematic because it is no secret that there is a vacancy crisis in the federal circuit courts, and that we are making no progress in addressing it.

A total of 22 circuit nominations are pending in the Judiciary Committee. But we have confirmed only one circuit judge this year, and only seven since President Bush took office.

In light of the vacancy crisis, we cannot afford to let only 10 Senators defeat a circuit nominee. This is a question of process, not of seeking favorable treatment.

For all these reasons, it is imperative to support Senator LOTT's resolution to get hearings and votes for our longest pending circuit nominees. Given the vacancy crisis in our circuit courts, I cannot imagine anyone voting against it.

Mrs. HUTCHISON. Mr. President, I rise today to speak on behalf of Randy

Crane, who is the next nominee for the Federal judiciary who will be voted on by the Senate this afternoon. I am proud to support Randy Crane's nomination to be a Federal judge for the Southern District of Texas.

Texas' Southern District has the third highest number of filings of criminal cases in the country. It is tremendously overburdened. The non-partisan Judicial Conference of the United States has designated the court as a "judicial emergency."

Randy Crane has an outstanding record of academic qualifications, legal experience, and public service to make him an excellent Federal judge. He has been unanimously approved by the American Bar Association.

A graduate of the University of Texas at Austin, Randy Crane received his law degree with honors at the University of Texas School of Law at the age of 22. He is currently a partner with one of the outstanding law firms of Texas, Atlas & Hall, a law firm in McAllen, TX. He has been active in the State bar of Texas and a director of the Texas-Mexico Bar Association.

Randy Crane is a native of south Texas, and he is of Mexican American heritage. Randy Crane has strong relationships within the local community. He is highly respected and has been very active in McAllen. Everyone I have talked to who lives in McAllen knows Randy Crane and thinks so highly of him.

His community involvement includes working with the McAllen Independent School District helping children, trying to make sure they have a quality public education system in McAllen. He is active with the American Cancer Society, youth soccer, and Little League baseball.

I urge my colleagues to support the nomination of Randy Crane to the Federal bench. This is a vacancy that needs to be filled quickly, and we have a quality candidate to fill that need.

The President has made this nomination, and his nomination has received bipartisan support. So I look forward to a unanimous vote on behalf of Randy Crane, and getting help down to this Southern District that so desperately needs the attention because of its high caseload.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Randy Crane, of Texas, to be United States District Judge for the Southern District of Texas? On this question, the yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Iowa (Mr. HARKIN), the Senator from South Dakota (Mr. JOHNSON), the Senator from Louisiana (Ms. LANDRIEU), the Senator from New York (Mr. SCHUMER), and the Senator from New Jersey (Mr. TORRICELLI) are necessarily absent.

Mr. NICKLES. I announce that the Senator from Missouri (Mr. BOND), the

Senator from Arizona (Mr. McCAIN), the Senator from North Carolina (Mr. HELMS), and the Senator from Arizona (Mr. KYL) are necessarily absent.

I further announce that if present and voting the Senator from North Carolina (Mr. HELMS) would vote "yea."

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

The result was announced—yeas 91, nays 0, as follows:

[Rollcall Vote No. 52 Ex.]

YEAS—91

Akaka	Domenici	McConnell
Allard	Dorgan	Mikulski
Allen	Durbin	Miller
Baucus	Edwards	Murkowski
Bayh	Ensign	Murray
Bennett	Enzi	Nelson (FL)
Biden	Feingold	Nelson (NE)
Bingaman	Feinstein	Nickles
Boxer	Fitzgerald	Reed
Breaux	Frist	Reid
Brownback	Graham	Roberts
Bunning	Gramm	Rockefeller
Burns	Grassley	Santorum
Byrd	Gregg	Sarbanes
Campbell	Hagel	Sessions
Cantwell	Hatch	Shelby
Carnahan	Hollings	Smith (NH)
Carper	Hutchinson	Smith (OR)
Chafee	Hutchison	Snowe
Cleland	Inhofe	Specter
Clinton	Inouye	Stabenow
Cochran	Jeffords	Stevens
Collins	Kennedy	Thomas
Conrad	Kerry	Thompson
Corzine	Kohl	Thurmond
Craig	Leahy	Voinovich
Crapo	Levin	Warner
Daschle	Lieberman	Wellstone
Dayton	Lincoln	Wyden
DeWine	Lott	
Dodd	Lugar	

NOT VOTING—9

Bond	Johnson	McCain
Harkin	Kyl	Schumer
Helms	Landrieu	Torricelli

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is laid on the table, and the President shall be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

The majority leader is recognized.

BIPARTISAN CAMPAIGN REFORM ACT OF 2002—Continued

CLOTURE MOTION

Mr. DASCHLE. Madam President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

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, hereby move to bring to a close the debate on Calendar No. 318, H.R. 2356, a bill to provide bipartisan campaign reform:

Russell D. Feingold, Tom Daschle, Tim Johnson, Byron L. Dorgan, Bob

Graham, Daniel K. Inouye, Joseph R. Biden, Jr., Patty Murray, James M. Jeffords, Jeff Bingaman, Debbie Stabenow, Max Baucus, E. Benjamin Nelson, Harry Reid, Richard J. Durbin, Jon Corzine, Thomas R. Carper.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. DASCHLE. Madam President, we anticipate a cloture vote on Wednesday on campaign reform. I have talked with the Senator from Kentucky. I am not averse to—in fact, I would encourage our colleagues to return to the energy bill and continue the debate on the energy bill. But if Senators have a desire to speak on campaign reform, to be heard on it, they are certainly entitled to do so. We will be on campaign reform on Wednesday.

If we get a unanimous consent agreement, it may be for a shorter period of time. Barring that, we will then stay on it through the end of the period, assuming we get cloture on Wednesday.

Mr. MCCONNELL. Will the Senator yield?

Mr. DASCHLE. Yes.

Mr. MCCONNELL. I want to give the leader an update. We have had very fruitful negotiations today on the technical corrections package. I see my friend from Wisconsin. We have been bouncing back and forth for a couple of days. We are very close to finishing that. I hope we will be able to enter into a unanimous consent agreement that would advance the cloture vote sooner and have a limited time agreement under which you can have a scheduled cloture vote; then, hopefully, some kind of agreement related to the technical package—a Senate resolution that both sides agree on, with a brief debate, giving the proponents and opponents of the bill enough time to describe their views, and then go to final passage, all of which I hope can be done in a few hours. I am optimistic that it won't take much of the Senate's time to complete this job.

I see my friend from Wisconsin on the floor. I hope he will see things the same way I do and we might be able to get this off of your plate sometime tomorrow.

Mr. DASCHLE. Madam President, I am very pleased to receive that report. I look forward to talking more with the Senator from Kentucky, the Senator from Wisconsin, and others, as the day unfolds tomorrow.

Senators should be prepared, beginning tomorrow morning, for votes. We will see if we can schedule some debate on the energy bill and move forward with amendments on the energy bill until some agreement can be reached.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

MISSILE DEFENSE TESTING AND THE BALLISTIC MISSILE THREAT

Mr. COCHRAN. Madam President, there have been two important events relating to missile defense programs

that occurred last week, which I would like to bring to the attention of the Senate.

First is the successful test last Friday night of our Nation's long-range missile defense system. This was the fourth successful test against an intercontinental ballistic missile and it was much more complicated than earlier tests have been, in that the target warhead was accompanied by three decoys. Despite the presence of these countermeasures, the interceptor was able to destroy the ICBM warhead.

The target warhead was launched on a missile from California, nearly 5,000 miles from the interceptor. The target warhead itself was a cone about 4 feet high and 2 feet wide at its base. The decoys were about the same size. Sensors were able to track these objects along their flightpath and give their location to a battle management system. The battle management system computed an intercept point and launched the interceptor. The interceptor missile received information about the target's position and characteristics, and while it was still several hundred miles from the target warhead, the kill vehicle separated from its booster rocket, its infrared sensors then detected the target, and its guidance system fired small rocket motors to guide the vehicle into a collision with the warhead. The target was destroyed by the force of this collision. All of this took place in just a few minutes in outer space, at closing speeds in excess of 20,000 miles an hour.

This impressive event cannot be considered routine, but it is becoming regular. The regularity with which our missile defense testing is succeeding is very encouraging. Although slowed down by uncertain funding and ABM Treaty restrictions in the past, the missile defense program is now showing the benefits of the support provided by Congress over the past few years and of the new seriousness with which President Bush has attacked this problem.

There is still much technical work to be done, and problems are bound to occur, as they do in all weapons programs. But the continued testing success of our ground-based missile defense system—as well as in other missile defense systems such as the Patriot PAC-3 and the sea-based mid-course system—suggests that we are steadily making progress and moving toward the time when we will no longer be defenseless against ballistic missile attack.

The other event I want to mention in this context was last week's testimony before our Governmental Affairs Subcommittee on International Security by Mr. Robert Walpole, National Intelligence Officer for Strategic and Nuclear Programs at the CIA. Mr. Walpole testified on an unclassified CIA report published last December entitled "Foreign Missile Developments and the Ballistic Missile Threat to the United States Through 2015." Compared with