

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Amy J. St. Eve, of Illinois, to be United States District Judge for the Northern District of Illinois?

The nomination was confirmed.

**NOMINATION OF DAVID S. CERONE TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

The PRESIDING OFFICER. The clerk will report.

The senior assistant bill clerk read the nomination of David S. Cerone, of Pennsylvania, to be United States District Judge for the Western District of Pennsylvania.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of David S. Cerone, of Pennsylvania, to be United States District Judge for the Western District of Pennsylvania?

The nomination was confirmed.

**NOMINATION OF MORRISON C. ENGLAND, JR., TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF CALIFORNIA**

The PRESIDING OFFICER. The clerk will report.

The senior assistant bill clerk read the nomination of Morrison C. England, Jr., of California, to be United States District Judge for the Eastern District of California.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Morrison C. England, Jr., of California, to be United States District Judge for the Eastern District of California?

The nomination was confirmed.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the motions to reconsider be laid upon the table; that the President be immediately notified of the Senate's action; and that the Senate now return to legislative session.

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

**NOMINATION OF RICHARD EVERETT DORR**

Mr. HATCH. Mr. President, I rise in support of the nomination of Richard Everett Dorr to the U.S. District Court for the Western District of Missouri. He is a man who has dedicated large portions of his career to public service, one of the qualities I most admire in a nominee to the bench.

Mr. Dorr attended the University of Illinois at Champaign on a football scholarship. He graduated with a B.S. in Marketing in 1965. In 1968, he graduated with a J.D. from the University of Missouri at Columbia. During the next five years as a Judge Advocate, the nominee regularly appeared as either a prosecutor or defense counsel in criminal cases before Courts-Martial

and Administrative Boards. During this period, Mr. Dorr also served as a legal advisor to Administrative Boards and as a Military Judge. He was also appointed to the Human Relations Council, an Air Force program designed to educate service members on appropriate behavior regarding racial diversity.

Upon returning to private life, Mr. Dorr was an associate at the firm of Mann, Walter, Burkart, Weathers & Walter for 5 years. In this position he practiced general civil law, including real estate, business, domestic relations and general litigation cases. In 1978, he started his own firm, Harrison, Tucker and Dorr and continued his general civil practice. In 1996, Mr. Dorr became the Managing Partner of the Springfield office of Blackwell Sanders Peper Martin, a major law firm based out of Kansas City, Missouri. In this new position, he has concentrated on business and commercial litigation.

Mr. Dorr was very active in the establishment of the Southwest Missouri Legal Aid Corporation. He served on its first Board of Directors from 1976 to 1982 and was the Corporation's President from 1978 to 1982. This organization provides legal aid to the poor who normally could not afford for their cases to be heard in a court of law.

Unfortunately, this is Mr. Dorr's second nomination to the federal court. He was nominated by the first President Bush, but he did not receive a hearing.

Throughout his life Mr. Dorr has given back to his community, first in the Air Force, where he championed the cause of human rights, and then by forming an organization that helped those who could not afford access to the courts. Clearly, Mr. Dorr has the character and temperament to be a fair and balanced federal court judge. I urge my colleagues to confirm this most deserving attorney.

**NOMINATION OF DAVID GODBEY**

Mr. HATCH. Mr. President, I rise to support the nomination of David Godbey to be U.S. District Judge for the Northern District of Texas.

I have had the pleasure of reviewing Mr. Godbey's distinguished legal career, and I have concluded, as did President Bush, that he is a fine jurist who will add a great deal to the Federal bench in Texas.

Mr. Godbey has a terrific record as a civil litigator and as a highly effective state court judge.

Following graduation from Harvard Law School, where he graduated magna cum laude, Judge Godbey clerked for Judge Goldberg of the Fifth Circuit Court of Appeals for a year, then accepted a job with Hughes & Luce, a Dallas firm, in 1983.

For the next 11 years, he handled civil and commercial litigation in Federal trial and appellate courts in Texas and elsewhere. He accepted criminal appointments and represented clients in commercial arbitration cases. He specialized in technology litigation,

appeals, public-law litigation, and oil and gas matters.

In 1994 Mr. Godbey was elected to a judgeship on the 160th Judicial District Court in Texas. Judge Godbey has handled over 6,500 cases on the bench, including approximately 230 jury trials, and his reversal rate is well below 1 percent.

It is clear that Judge Godbey is well prepared for the Federal district court bench. I know he will make a great judge in the Northern District of Texas.

**NOMINATION OF HENRY HUDSON**

Mr. HATCH. Mr. President, I rise today in support of Henry E. Hudson's nomination to the U.S. District Court for the Eastern District of Virginia.

Judge Hudson's many accomplishments as a prosecutor, State court judge, and Federal law enforcement officer convince me that he will excel on the federal bench in Virginia.

Upon graduation from American University in 1974, Mr. Hudson worked as Assistant Commonwealth Attorney in Arlington, VA, prosecuting felony and misdemeanor cases. From 1978-1979 he served as an Assistant U.S. Attorney for the Eastern District of Virginia, where he handled federal criminal case; and from 1980 to 1986 he served as Commonwealth's Attorney for Arlington County.

Mr. Hudson then served as U.S. Attorney for the Eastern District of Virginia, gaining substantial supervisory and prosecutorial experience. He headed an office of 70 Assistant U.S. Attorneys and 25 Special Assistants and prosecuted major civil and criminal cases, including "Operation Ill Wind," a federal investigation resulting in the conviction of 54 individuals and 10 corporations for illegally exchanging confidential defense contract bidding information.

Mr. Hudson served as Director of the U.S. Marshals Service from 1992 to 1993, and since 1998 Mr. Hudson has served as Circuit Court Judge for the Fairfax County Circuit Court.

Judge Hudson received an ABA rating of Substantial Majority Well Qualified and Minority Qualified. My support for Judge Hudson's nomination to the Federal bench is unqualified. He will make an excellent federal judge.

**NOMINATION OF HENRY HUDSON**

Mr. WARNER. Mr. President, I rise today in support of the nomination of Judge Henry Hudson, who has been nominated to serve as a judge on the U.S. District Court for the Eastern District of Virginia.

Senator ALLEN and I had the honor of recommending Judge Hudson to President Bush for this position, and we have worked closely with Chairman LEAHY, Senator HATCH, and with our leadership to get Judge Hudson's nomination to a confirmation vote.

It is important to note that the Virginia Bar Association "highly recommends" Judge Hudson for this Federal judgeship.

In addition, Judge Hudson's nomination enjoys bipartisan support in Virginia. Congressman JIM MORAN and State Senate Minority Leader Dick Saslaw, both Democrats, have penned letters of support for Judge Hudson.

Judge Hudson enjoys such widespread support based on his extensive experience with the law, and his reputation for having an appropriate judicial temperament. For these reasons, the Senate Judiciary Committee unanimously reported out his nomination.

Judge Hudson's legal career began with his service as a Deputy Sheriff in Arlington County, Virginia, in 1969 and 1970. He then went to law school, graduating from American University in 1974.

Subsequent to his graduation from law school, Mr. Hudson entered legal practice as a prosecutor. First, he served as an Assistant Commonwealth's attorney for 5 years and then as an Assistant U.S. Attorney in the Eastern District of Virginia.

In 1986, Mr. Hudson was confirmed by the Senate and began his service as the United States Attorney for the Eastern District of Virginia, where he served until 1991.

After leaving the U.S. Attorney's office, Judge Hudson once again received Senate confirmation and served as the Director of the United States Marshals Service from 1992 to 1993.

After completing his work at the Marshals Service, Mr. Hudson entered private practice until he was sworn in as a Judge on the Fairfax County, Virginia, Circuit Court. Judge Hudson has served as a Judge on this important court since 1998.

During his time on the Fairfax County Circuit Court bench, Judge Hudson has been known as a fair, objective judge who conducts proceedings with dignity and with the appropriate judicial temperament. I am confident that he will continue his service on the Eastern District of Virginia bench consistent with this reputation.

I urge my colleagues to support Judge Hudson's nomination.

Mr. THURMOND. Mr. President, today, the Senate confirmed Judge Henry Hudson to the United States District Court for the Eastern District of Virginia. I am very pleased to see this fine man take his place on the Federal bench, and I know that he will serve our Nation with distinction.

Judge Hudson is very deserving of this high honor, and I commend President Bush for nominating such a well-qualified and honorable man. Throughout Judge Hudson's distinguished career, he has held several positions of public trust, and he has always performed his duties with the utmost integrity. Judge Hudson has also demonstrated a profound respect for the rule of law, and he will no doubt be an asset to the Eastern District of Virginia.

Judge Hudson has an illustrious legal background. Upon graduation from the American University School of Law, he

worked as an Assistant Commonwealth Attorney in Arlington County, Virginia. There, he learned the basics of trial work, and after 5 years, he became an Assistant U.S. Attorney for the Eastern District of Virginia. As a Federal prosecutor, Judge Hudson handled many important and oftentimes complex criminal cases, including drug conspiracies, racketeering, and political corruption cases. After his service as an Assistant U.S. Attorney, Judge Hudson served as the Commonwealth Attorney in Arlington County, Virginia. As Commonwealth Attorney, he was responsible for prosecuting crimes such as homicides and violent sexual assaults.

Judge Hudson's vast knowledge of the law and his skills as a trial attorney did not go unnoticed. In 1986, he was nominated and confirmed as the U.S. Attorney for the Eastern District of Virginia. As the U.S. Attorney, Judge Hudson not only gained additional experience as a Federal prosecutor, but also demonstrated an ability to supervise others. He was responsible for an office staffed by 70 Assistant U.S. Attorneys and 25 Special Assistant U.S. Attorneys. During his tenure, he supervised "Operation Ill Wind," a Federal investigation of unlawful defense contract bidding that resulted in the conviction of 54 people.

Judge Hudson was again honored in 1992 when he was selected as Director of the U.S. Marshals Service, our Nation's oldest law enforcement organization. This appointment serves as a testament to the widespread admiration and respect enjoyed by Judge Hudson.

In 1998, Henry Hudson became Circuit Court Judge for the Fairfax County Circuit Court in the Commonwealth of Virginia. In this role, he has performed admirably, demonstrating an outstanding legal mind and a good judicial temperament. He has served the people of Fairfax County well and will no doubt serve the Eastern District of Virginia with equal competence and integrity.

Judge Henry Hudson will make an outstanding Federal judge. A substantial majority of the American Bar Association Standing Committee on the Federal Judiciary rated Judge Hudson as Well Qualified. Not only does he have considerable legal expertise, but he is a fine man. I am proud to see my friend, Henry Hudson, confirmed as a Federal District Court Judge.

#### NOMINATION OF TIMOTHY SAVAGE

Mr. HATCH. Mr. President, I rise today in support of the nomination of Timothy J. Savage to the U.S. District Court in the Eastern District of Pennsylvania.

My review of Mr. Savage's career as a litigator and public servant has convinced me that he will make a fine Federal judge.

Following graduation from Temple University School of Law, Mr. Savage joined the Philadelphia firm of MacCoy, Evans & Lewis as a civil litigator. In 1974 he and a partner started

the firm of Savage and Ciccone, where he turned to criminal defense work. Since 1976 Mr. Savage has worked as a sole practitioner in Philadelphia, moving in the last two decades to civil litigation and white collar crime specialties.

Mr. Savage knows his way around the Eastern District, serving as a mediator in the Eastern District of Pennsylvania and as judge pro tem in the Court of Commons Pleas in Philadelphia County.

Since 1977 he has served in a quasi-judicial role on the Pennsylvania Liquor Control Board, making evidentiary rulings, overseeing interrogation of witnesses, and authoring findings of fact and recommendations for Board decisions.

Outside his law practice, Mr. Savage has served as counsel for a local civil association and for the local Boys and Girls Clubs for the last 20 years. He has also provided pro bono services to community groups, his church, senior citizens and served on the Philadelphia Bar Association's Volunteers for Indigent Persons panel.

I am confident Mr. Savage will serve well on the Federal bench in the Eastern District of Pennsylvania.

#### NOMINATION OF AMY ST. EVE

Mr. HATCH. Mr. President, I rise in support of the confirmation of Amy J. St. Eve to the U.S. District Court for the Northern District of Illinois.

Ms. St. Eve's academic record is truly outstanding. She received her undergraduate degree in History, with Honors and Academic Distinction in All Subjects, from Cornell University.

She then graduated from Cornell's College of Law, where she was an Articles Editor on the Law Review, a member of the Order of the Coif, and recipient of numerous prizes for finishing her first and second years at the top of her class.

After graduation, she joined the law firm of Davis Polk & Wardwell. For four years, she worked as a litigator representing corporations in civil and criminal matters. In 1994, Ms. St. Eve joined the Office of the Independent Counsel, investigating the events surrounding the Whitewater Development Corporation. She drafted the indictment and second-chaired the trial that led to the conviction of Jim McDougal, Susan McDougal and then-Arkansas Governor Jim Guy Tucker.

In 1996, she joined the U.S. Attorney's Office of the Northern District of Illinois. In this position, her responsibilities included health care fraud, bank fraud, narcotics, trafficking, public corruption and gang violence cases. Additionally, she served as the Criminal Health Care Fraud Coordinator. For her work in this position, she twice received the Award for Integrity from the U.S. Health and Human Services Office of the Inspector General. She was also one of the senior prosecutors in "Operation Safe Road." This operation was charged with ridding the Melrose Park Illinois Secretary of State facility of corruption.

Currently, Ms. St. Eve is a Senior Counsel in the Litigation Department of Abbott Laboratories.

Ms. St. Eve is one of the best and brightest of her generation. Her and others like her are prime examples of a new generation of women who are becoming the top legal minds in the legal community. Her nomination is a fine example of the diverse judiciary that President Bush is creating. I urge all of my colleagues to vote for her confirmation.

NOMINATION OF DAVID CERCONE

Mr. HATCH. Mr. President, I am pleased today to rise in support of David S. Cercone, who has been nominated to the U.S. District Court for the Western District of Pennsylvania.

Judge Cercone graduated from Duquesne University School of Law. Judge Cercone then clerked for Hon. Paul R. Zavarella on the Allegheny County Court of Common Pleas from 1978 to 1979. Judge Cercone has also been a sole legal practitioner in Pennsylvania. From 1979 to 1981, Judge Cercone served as the Assistant District Attorney for Allegheny County Court of Common Pleas and specialized in the prosecution of narcotics and violent crime cases.

From 1982 to 1985, Judge Cercone served as the Pennsylvania district justice magistrate. In 1986 to the present, Judge Cercone was the youngest person ever elected, at 32, to the Court of Common Pleas for Allegheny County Pennsylvania. In 1993, Judge Cercone was appointed administrative judge for the criminal division by the Supreme Court of Pennsylvania. Judge Cercone implemented an accelerated plea docket to prevent jail overcrowding and to reduce case backlogs. He also established the first "drug court" in western Pennsylvania for the rehabilitation of drug offenders.

In his capacity as Judge of the Court of Common Pleas for Allegheny County, Judge Cercone has ruled on many issues including medical malpractice, auto accidents, criminal homicide, murder, arson, insurance fraud, drugs, vehicular homicide, defamation, intoxication of minors and criminal conspiracy of an escape of six inmates from the Western State Correctional Institute. Judge Cercone has also prepared annual reports for the Allegheny County Court of Common Pleas, Criminal Division from 1994 to 1998.

Judge Cercone has been rated "unanimous qualified" by the American Bar Association. I am confident Judge Cercone will serve on the bench with integrity, intelligence, and fairness.

NOMINATION OF MORRISON ENGLAND

Mr. HATCH. Mr. President, I rise today to support the nomination of Morrison C. England to be U.S. District Judge for the Eastern District of California.

I have enjoyed reviewing Judge England's distinguished legal career, and I have concluded that he will make an excellent Federal judge in California.

Judge Morrison C. England is a native of St. Louis and a graduate of

McGeorge School of Law at the University of the Pacific. He has had more than a decade of private practice experience as a litigator and transactional attorney and has served for the past six years as a California state judge in Sacramento presiding over criminal and civil cases. In 1996 Governor Pete Wilson appointed him as Sacramento Municipal Court Judge and elevated him to Superior Court Judge on the Sacramento Superior Court a year later. He currently serves in a General Trial Court, presiding over both civil and criminal cases. Previous to his judicial service, Judge England acted as Referee and Judge Pro Tem in the Sacramento County Juvenile Court from 1991-96. Clearly he has the experience a Federal judge needs.

Judge England also serves this country as a member of the U.S. Army Reserve, JAG Corps, holding the rank of Major. Judge England's nomination has been praised by his colleagues and Sacramento attorneys alike. He has home state support and my support as well. He will make an excellent Federal judge in California.

Thank you, Mr. President. I yield the floor.

Mr. BOND. Mr. President, I have the distinct honor of being on the floor again to support the nomination of another fine candidate to the Federal bench in Missouri. The President has nominated Dick Dorr of Springfield, MO, to serve on the U.S. District Court for the Western District of Missouri. Mr. Dorr embodies well the principles laid out by the President for nominees to the Federal bench. Above all, Mr. Dorr respects the roll of a judge in our Federal system—to interpret the law. In addition, Mr. Dorr is a respected trial attorney who will bring years of experience in the court room to this position. He is an excellent candidate and I urge the Members of this body to give him your favorable consideration.

Mr. Dorr will bring to this position a reputation as an outstanding trial attorney with the respected Missouri law firm. His experience extends to both criminal and civil law. Attorneys in Springfield who worked with Mr. Dorr and who have litigated against him share my belief that he has the experience to preside over trials in a fair and efficient manner. Mr. Dorr has also served his country in the U.S. Air Force as a reservist and as a judge advocate general.

Mr. Dorr has given a tremendous amount of this time to ensure that the citizens of Springfield have legal representation available to them despite their financial means. He has worked for the Missouri Bar's Volunteer Lawyer Program. He was instrumental in starting the Legal Aid Society of Southwest Missouri and served on its board. He has received the Equal Access to Justice Award from the Springfield Bar for his work, and he was recognized for outstanding service to the community by the Greene County Community Justice Association.

I thank the chairman of the Judiciary Committee for scheduled a hearing for this nominee, and I thank the Members for the unanimous vote in support of this nominee.

I believe the Senate will find this candidate is well qualified for the position, possessing the experience, the intellect and the personal qualities necessary to preside over trials and rule in an informed and impartial manner. He will be a tremendous asset to the bench, and I urge the Members of the body to support the nomination.

Mr. ALLEN. Mr. President, I rise to express to my Senate colleagues my support for the confirmation of Henry E. Hudson to serve as a judge in the United States District Court for the Eastern District of Virginia. I have known Henry Hudson for about 20 years. He has had a long and distinguished career in public service, beginning as a firefighter and a deputy sheriff. He was elected in 1979 by the citizens of Arlington County, VA to serve as their Commonwealth's Attorney, and was reelected by a large margin four years later.

In 1986, President Reagan selected Henry Hudson to serve as the United States Attorney for the Eastern District of Virginia. He is credited with elevating the stature and visibility of that office with such prosecutions as Operation Illwind, which restored integrity to the field of defense procurement.

In 1992, Judge Hudson was appointed by President Bush to serve as Director of the United States Marshals Service. The Department of Justice recognized his exceptional leadership of that agency and awarded him the John Marshall Award for outstanding legal achievement.

During my term as Governor of Virginia, I appointed Henry Hudson to serve as Chairman of the Criminal Justice Services Board and a member of the Governor's Commission to Abolish Parole and Reform Sentencing. Later, I selected him to be a member of the Virginia Criminal Sentencing Commission. From his superb performance in all those roles, which helped us reduce crime in Virginia as well as better protect victims, I can personally attest to his calm, knowledgeable, and fair leadership as well as his dedication, work ethic and integrity.

Henry Hudson is currently serving as a Circuit Court Judge in Fairfax County, VA, where he has enjoyed a reputation for being a fair, but firm, jurist. His nomination to the Federal court is widely supported by both Democrats and Republicans, as well as bar associations and civic groups.

It is vital at this point in our Nation's history that we have the highest caliber men and women on the Federal bench.

Indeed, our Federal personnel are charged with the responsibility in these difficult times with enforcing our laws while still respecting civil liberties.

Perhaps in no district court is that more important than in the U.S. District Court for the Eastern District of Virginia.

The U.S. District Court for the Eastern District of Virginia, which has been short-handed for some time—handles some of the nation's most important and high-profile cases, including the John Walker Lyndh case and the Moussaoui trial.

I am very pleased that the United States Senate will today confirm Judge Henry Hudson for this very important judicial position. He possesses a strong legal acumen, the requisite judicial temperament, and proper judicial philosophy of interpreting the law and Constitution and not rewriting it from the bench. This will enable him to serve with distinction on the federal bench, and this is why the President wisely nominated him.

Thus, I respectfully urge my colleagues to vote for the Confirmation of Henry Hudson as judge for the U.S. District Court for the Eastern District of Virginia.

Mr. LEAHY. Mr. President, this week marks a little more than one year after the reorganization of the Senate Judiciary Committee following the change in majority last year. The Democratic-led Judiciary Committee has had an impressive year of fairly and promptly considering President Bush's nominees. In addition to the dozens of high-ranking Justice Department officials for whom we held hearings and our work in connection with almost 200 Executive Branch nominees the Committee reported, we have had a noteworthy record year with respect to judicial nominees.

With the lifting of a Republican hold on nominations we have been able to move forward this week to confirm 15 more judicial nominees—4 circuit court nominees and 11 district court nominees. The Democratic-led Senate has now confirmed 72 of President Bush's judicial nominees. This interim total of 72 judges far outdistances any Republican total for any of the preceding six years. Moreover, this is more judges than were confirmed under Republican control during all of 1999, 2000 and the first six months of 2001 combined. Thus, in less than 13 months we have done more than the Republicans did in 30 months! And we did so while reforming the process to ensure bipartisan cooperation and greater fairness.

The Senate has now confirmed 13 of President Bush's circuit court nominees—which is almost twice as the average during the prior six and one-half years of Republican control when they averaged seven circuit court confirmations per year. This is more circuit court nominees than were confirmed in two years combined, during all of 1996 and 1997, of the prior years of Republican control.

In this, our first year, we held 23 hearings for 84 of the President's nominees to the Federal Courts of Appeals and District Courts. That is more hear-

ings for more of this President's district and circuit court nominees than were ever held in any of the six and one-half years that preceded the change in majority last summer. It is more hearings for more circuit and district court nominees than in 20 of the last 22 years.

In particular, we held more hearings for more of President Bush's circuit court nominees, 18, than in any of the six and one-half years in which the Republicans controlled the Committee before the change in majority last summer. For that matter, we held twice as many hearings for courts of appeals nominees than were held in the first year of the Reagan Administration when the Senate was controlled by Republicans and five times more than in the first year of the Clinton Administration when the Senate was controlled by Democrats. That total of 18 hearings for circuit court nominees is also twice what the Republican majority averaged when it was in control of the process. Those are the facts.

Under Democratic leadership, the Judiciary Committee voted on more judicial nominees, 79, than in any of the six and one-half years of Republican control that preceded the change in majority. We voted on twice as many circuit court nominees, 15, than the Republican majority averaged in the years they were in control. In fact, this last year we voted on more nominees than were voted on in 1999 and 2000 combined and on more circuit court nominees than the Republicans allowed votes on during 1996 and 1997 combined.

We have achieved what we said we would by treating President Bush's nominees more fairly and more expeditiously than President Clinton's nominees had been treated. By many measures the Committee has achieved twice as much this last year as Republicans averaged during their years in control, and, by some measures, has done so in less than half the time.

I commend and thank the Majority Leader and Assistant Majority Leader for their patience and determination in achieving movement on judicial nominees on the Senate floor. The Administration's obstructionism stalled Senate floor actions on nominations for more than two months, while the Administration failed to fulfill its responsibility to work with the Senate in the naming of members of bipartisan boards and commissions. But just last Friday we resumed voting on judicial nominations and confirmed 15 judicial nominees in the last week once Senator McCAIN's hold was lifted.

Four of these nominees were confirmed to the Federal Courts of Appeals, including the first nominee to the Sixth Circuit in almost five years, the first nominee to the Ninth Circuit in two years, and the first nominee to the Third Circuit in almost two and a half years and the third nominee that we have confirmed to the Eighth Circuit.

With these confirmations, we have addressed long-standing vacancies on

circuit courts caused by Republican obstruction on President Clinton's nominees. We held the first hearing for a Fifth Circuit nominee in seven years, the first hearings for Sixth Circuit nominees in almost five years, the first hearing for a Tenth Circuit nominee in six years, and the first hearings for Fourth Circuit nominees in three years.

We have also now confirmed 59 of the President's district court nominees, twice as many as the Republican average for the past six and one-half years. Contrast the 59 Federal trial court judges confirmed by the Democratic Senate in just a little more than a year with the Republican average, during their past six and one-half years of control, of confirming only 31 Federal trial court judges a year. The Senate has confirmed more Federal trial court judges than were confirmed in 19 of the past 21 years and almost twice as many as the Republican average from their six and one-half years of control.

With this week's confirmations, the Democratic-led Senate has confirmed the 10th Federal judge for Pennsylvania. In addition, we confirmed our fifth judge to the District Courts in Texas, and our fifth judge to the Federal courts in the Eleventh Circuit. Our treatment of these nominees as well as a number of others, including the nominees confirmed today for the District Courts in Missouri, stands in sharp contrast to the treatment of nominees by the Republican majority.

We have reformed the process for considering judicial nominees. For example, we have ended the practice of anonymous holds that plagued the period of Republican control, when any Republican Senator could hold any nominee from his home state, his own circuit or any part of the country for any reason, or no reason, without any accountability. We have returned to the Democratic tradition of holding regular hearings, every few weeks, rather than going for period of as long as six months without a single hearing.

It would certainly have been easier and less work to retaliate for the unfair treatment of the last President's judicial nominees. We did not. We have been, and will continue to be, more fair than the Republican majority was to President Clinton's judicial nominees. More than 50 of Clinton's nominees never got a vote, many languished for months and years before their nominations were returned without a hearing or other action by the Senate. Others waited years—not just a year, but up to more than four years. Some never were accorded a hearing, some were finally confirmed after years of delay.

Those who now seek to pretend that the Democratic majority in the Senate caused a vacancy crisis in the Federal courts are ignoring the facts. Under Republicans, court vacancies rose from 63 in January 1995 to 110 in July 2001, when the Committee reorganized. During Republican control before the reorganization of the Committee, vacancies

on the Courts of Appeals more than doubled, increasing from 16 to 33. That is what we inherited. But in one year of Democratic control, and despite 45 additional vacancies caused largely by the retirements of many past Republican appointees, we have reduced the number of district and circuit court vacancies.

Vacancies continue to exist on the Court of Appeals, in particular, because a Republican Senate majority was not willing to hold hearings or vote on more than half—56 percent—of President Clinton's circuit nominees in 1999 and 2000, and was not willing to confirm a single circuit judge during the entire 1996 session. Republicans caused the circuit vacancy crisis, and it has taken a tremendous effort to evaluate and have hearings for 18 circuit court nominees in our first year.

In the meantime, Republicans have been unfairly critical that not every nominee has yet had a hearing or been confirmed. Rather than commend our efforts to do twice as much as they, their criticism is that we have yet to conclude consideration of everyone simultaneously. In less than 13 months we have already confirmed 13 of President Bush's nominees to the Courts of Appeals, and one more is awaiting a vote by the full Senate. They confirmed 46 circuit court nominees in 76 months. Without the benefit of presidential consultation of the Senate before nomination—as Republicans did in recent past years, without having had the luxury of taking two, three and sometimes four years before voting on a nominee, we have already achieved a confirmation rate of over 40 percent in our first year. With some cooperation in the fall from the Administration and from the Republican minority, we can improve on that confirmation rate before the end of the year. It already tops the Republican's record in 1997 and far exceeds the Republicans' record in 1999 when their own confirmation rate for circuit court nominees was 28 percent.

It constantly amazes me that our Republican critics run away from their record on judicial nominees, without admitting any error or wrongdoing or regrets of course, and seek to hold us to a much higher standard than they achieved. For example, they seek to compare what we have been able to do in less than 13 months with what other Congresses did over two years. They seek to make comparisons without recognizing that in the current situation we have a Republican President nominating an extreme group of nominees without consulting with Senators, as opposed to other situations in which Presidents and Senate majorities of the same party consulted and worked closely together.

A good example of this double standard is the Republican critics' use of "confirmation rates for Court of Appeals nominees." Remember that in 1996 the Republican majority's confirmation percentage for Court of Appeals nominees was zero—not a single

confirmation of a single Court of Appeals judge all year. In 1999, President Clinton sent the Senate 25 nominations to the Courts of Appeals. Of those six were renominations of people on whom the Senate had failed to take action dating back to 1996, 1997 and 1998. Of the 25 nominations to the Courts of Appeals by President Clinton, the Republican majority in the Senate would allow only seven to be confirmed by the end of the year, for a confirmation rate of 28 percent. We have already achieved a confirmation rate of 40 percent in our first year.

No judicial nominees should be rubber-stamped by the Senate, not even a President's first few choices. All nominees for these lifetime positions merit careful review by the Senate. When a President is using ideological criterion to select nominees, it is fair for the Senate to consider it, as well. Federalist Society credentials are not a substitute for fairness, moderation or judicial temperament. When a President is intent on packing the courts and stacking the deck on outcomes, consideration of balance and how ideological and activist nominees will affect a court are valid considerations.

What the President and his advisors acknowledge they are doing is nominating ideologically conservative judicial nominees to stack the 5th, 6th, and D.C. Circuits with judicial activists of their choice. I have tried to work with the White House on judicial nominations. I have gone out of my way to encourage them to work in a bipartisan way with the Senate, like past Presidents, but in all too many instances they have chosen to bypass bipartisanship. I have encouraged them to include the ABA in the process earlier, like past Presidents, but they have refused to do so even though their decision adds to the length of time nominations must be pending before the Senate before they can be considered.

This past January, I again called on the President to stop playing politics with judicial nominations and act in a bipartisan manner. In June, I sent a detailed letter to the President on these issues. My efforts to help the White House improve the judicial nominations process have been rejected. I would like to improve the process and speed up the filling of judicial vacancies with qualified, fair-minded judges.

Advice and consent does not mean giving the President *carte blanche* to pack the courts. The ingenious system of checks and balances in our Constitution does not give the power to make lifetime appointments to one person alone to remake the courts along narrow ideological lines, to pack the courts with judges whose views are outside of the mainstream, and whose decisions would further divide our nation.

We have worked hard to balance these competing concerns over the past year: how to address the vacancy crisis we inherited while also not being a rubberstamp and abdicating our re-

sponsibilities to provide a democratic check on the President's choices for lifetime appointment to the federal courts. These are the only lifetime appointments in our system of government, and they matter a great deal to our future.

We have moved quickly, but responsibly, to fill judicial vacancies with qualified nominees we hope will not be activists. In our first year we confirmed 72 judges and reported 79 judicial nominees. Partisans ignore these facts. The facts are that we are reporting President Bush's nominees at a faster pace than the nominees of prior presidents, including those who worked closely with a Senate majority of the same political party. We have accomplished all this during a period of tremendous tumult and crisis.

The Judiciary Committee noticed the first hearing on judicial nominations within 10 minutes of the reorganization of the Senate, and held that hearing on the day after the Committee was assigned new members. We held unprecedented hearings during the August recess last year and proceeded with a hearing two days after the 9-11 attacks and shortly after the anthrax attack. Today, we held our 23rd hearing for judicial nominees. We are doing our best to address the vacancy crisis we inherited.

The Democratic majority in the Senate has worked hard since the change in majority last summer. We have a record of achievement and of fairness to be proud of at the recess of this session. I thank the members who have worked cooperatively with me to make progress in so many areas over the last year.

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#### LEGISLATIVE SESSION

The PRESIDING OFFICER (Mr. DAYTON). The Senate will return to legislative session.

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#### TRADE ACT OF 2002—CONFERENCE REPORT—Continued

Mr. DASCHLE. Mr. President, I ask unanimous consent that all time on the trade promotion authority conference report be yielded back.

Mr. BYRD. Mr. President, reserving the right to object, will the majority leader repeat his request?

Mr. DASCHLE. I ask unanimous consent that all time for debate on the conference report for the trade promotion authority bill be yielded back.

The PRESIDING OFFICER. Is there objection?

Mr. BAUCUS. Parliamentary inquiry: When may Senators speak after the vote?

Mr. DASCHLE. Mr. President, I know a number of our colleagues have indicated an interest in speaking on the issue. We will reserve a block of time immediately following the vote on the trade promotion authority conference report for that purpose.

The PRESIDING OFFICER. The Senator from Montana.