

appeals court languish—nothing happening for months and months and months. The protests we hear now from our friends on the other side about the process are a bit shameless because we had a nominee from California, Mr. Paez, who waited, I believe, 1,500 days.

Mr. REID. One thousand five hundred four days.

Mr. LAUTENBERG. Waiting for a review by the committee, and could not get that.

If we talk about obstinate approaches to the process about deliberate obstruction, the record is very clear.

When we presented candidates, when the Democrats were a majority, they could not move them because the Republican side of the Senate would not permit any action at all.

Mr. REID. Will the Senator yield for an additional question?

Mr. LAUTENBERG. I am happy to yield to my friend from Nevada.

Mr. REID. The final paragraph of this short but powerful editorial, does the Senator from New Jersey agree with this:

The Senate Democratic leader, Tom Daschle, insists that the Senate be given the information it needs to evaluate Mr. Estrada. He says there cannot be a vote until senators are given access to Mr. Estrada's memorandums and until they get answers to their questions. The White House can call this politics or obstruction. But in fact it is Senators doing their jobs.

Would the Senator agree with this statement?

Mr. LAUTENBERG. I agree 100 percent with that statement, and I think we ought to get on with the business of the American people.

Mr. REID. If the Senator will yield for another question before he leaves the floor. The Senator mentioned there were aspirants to be appellate judges, and is the Senator aware that a number of these people were from New York? Is that true?

Mr. LAUTENBERG. Indeed, that is true.

I just got a letter from a district court judge in New Jersey, considered one of the most brilliant and able district court judges, who was recommended for the circuit court of appeals in our district and decided after a long wait that he was not going to get a chance to be heard for a circuit court job. He informs me in his letter that he is going back to the law firm after 10 years on the Federal bench—a distinguished jurist, a great loss. He could not get a hearing, so he decided to withdraw rather than sit there and be dangled like a kite in the wind.

Mr. REID. Is the Senator aware of the names of 79 Clinton judicial nominees who were not confirmed by the Republicans?

Mr. LAUTENBERG. I am fully aware of that. I listened when the distinguished Democratic whip read that list the first time, and I took the liberty of reading the list a second time to make sure it was clearly understood.

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

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

Mr. THOMAS. Mr. President, it is very interesting to hear the discussions. It is very similar to what we have heard now for a couple of weeks. I could not agree more with the Senator from New Jersey who says let's get on with it. I have a suggestion as to how we can do that. There are more than a majority in this Senate who are satisfied with this candidate and ready to vote. All we need to do is have an up-or-down vote. Those who are opposing that are in the minority. They can study as many things as they choose. The fact is, the majority of the people on this floor are satisfied this candidate is the right candidate and it is time to go. I could not agree more.

We have a lot of things to do. We have gone through the hearings, we have gone through all the background, and certainly most of us would like to get away from this delay tactic and get on with our work. I have to say that when the majority is ready to go, that is what we ought to do. I suggest that.

I will discuss another subject for a moment.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. THOMAS. I thank the Chair.

(The remarks of Mr. THOMAS pertaining to the introduction of S. 475 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. THOMAS. Mr. President, again I hope we find ourselves in a position to move forward. I don't think there is a soul here who would not admit we have talked enough about this judicial nomination. I don't think there is a soul here who would deny we have all made up our minds, we all know exactly what we are going to do. It is very clear that the majority on this floor is prepared to vote for this nominee and we are being held up over here by a minority that simply continues to ask for something that is not necessary because the majority has already been determined. So I hope we can move on and do the business of this country for these people.

I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAPO. Mr. President, I rise today to submit a resolution.

(The remarks of Mr. CRAPO pertaining to the submission of S. Con. Res. 11 are printed in today's RECORD under "Submission on Concurrent and Senate Resolutions.")

JUDICIARY COMMITTEE ACTION

Mr. DASCHLE. Mr. President, I wanted to come to the floor this afternoon to discuss a matter that occurred in the Judiciary Committee today that is deeply troubling.

During a mark-up of 3 controversial circuit court nominees, the Chairman of the Judiciary Committee refused to observe the long-standing rules of the committee and brought two circuit court nominations to a vote despite the fact that there was a desire by several members of the minority to continue debate.

This situation is very specifically addressed by Committee Rule No. 4, which reads as follows:

The Chairman shall entertain a non-debatable motion to bring a matter before the Committee to a vote. If there is objection to bring the matter to a vote without further debate, a rollcall vote of the Committee shall be taken, and debate shall be terminated if the motion to bring the matter to a vote without further debate passes with ten votes in the affirmative, one of which must be cast by the Minority.

At the time that the chairman attempted to bring the nominations of John Roberts and Deborah Cook to a vote, objections were lodged by at least 2 members of the committee.

In fact, I believe that this rule was read into the RECORD in an effort to make clear to the chairman that it was not appropriate under the committee rules to bring these matters to a vote.

Despite the fact that this action represented a clear violation of the committee rules, the chairman ended debate on these nominations and conducted a roll call vote.

This reckless exercise of raw power by a chairman without regard to the agreed-upon standards of conduct that members of the committee have agreed to is ominous.

Senate committees either have rules or they do not. It cannot be the case that the rules of a committee will apply unless the chairman deems them inconvenient or an obstacle to a goal he seeks at any given moment.

This body has, for over 200 years, operated on the principle that civil debate and resolution of competing philosophies require rules. If the actions taken today indicate the new standard to which the majority plans to hold itself, then I propose that we simply repeal committee rules altogether and acknowledge that "might makes right" and there is no respect for minority interests.

How can we expect the Judiciary Committee to place on the bench individuals who respect the rule of law if the very process that the committee uses to confirm those individuals violates the Senate rules themselves?

I hope that upon reflection the chairman of the Judiciary Committee will reconvene the committee and allow for the committee to report out these nominations in a manner that is consistent with the committee rules.

If not, he must recognize that he is setting a terrible precedent regarding the operation of Senate committees in the future, regardless of which party may be in control.

Mr. President, I am very deeply troubled. This is a body of rules. This is a

country of laws. I cannot imagine that there is ever a time that any one of us—any one of us—ought to be in a position to say: The rules in this case are not going to apply, the law in this case will not apply.

And how ironic—how ironic—that in the Judiciary Committee, the committee which passes judgment on those who will interpret the rule of law, that very committee violated the rule today.

So, Mr. President, we call attention to this extraordinary development with grave concern about its implications, about its precedent, about the message it sends. And I must say, it will not be tolerated.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill 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. Without objection, it is so ordered.

HOMELAND SECURITY

Mr. REID. Mr. President, there have been a number of statements over the past many months about the fact that we should have been spending more money on homeland security.

For example, this week, I had a woman come to me from Las Vegas, who is in charge of the 9-1-1 center at the Metropolitan Police Department, a very large police department, with hundreds and hundreds of police officers representing that urban area of some 1.5 to 1.7 million people.

She indicated to me there is a real problem. If you have a telephone call coming from a standard telephone, that person can be identified. They know the location of that telephone. Or if it is a pay phone, they know the location of that pay phone. But today a lot of people are getting rid of their standard telephones, as we know them, and are using computers, and millions of people are using cell phones.

She said that for virtually every place in the United States, including the Las Vegas area, if you call 9-1-1 from a cell phone, they have no idea who is making the phone call or where it is coming from. And, of course, with the computer, that is absolutely the case also.

She was lamenting the fact that the technology is there. It is easy to do what needs to be done to make sure that 9-1-1 calls that come from cell phones can be located.

People have lost their lives and have been injured and harm caused to them as a result of 9-1-1 not being able to identify when the emergency call comes in. This is only one example of how technology could handle the problem.

Why isn't it being done in Las Vegas and other places? There isn't enough money. With what happened on Sep-

tember 11, there is tremendous need for more money to be spent for homeland security. This was certainly the opinion of the Governors who were in town this week. They are having all kinds of problems.

So, Mr. President, I would like to refer again to the New York Times. I have talked about an editorial, as did my friend from Idaho, in the New York Times. I want to refer to a news story from the New York Times, dated today, February 27, 2003, written by one Philip Shenon, entitled "White House Concedes That Counterterror Budget Is Meager." In effect, what this news article says is the White House now recognizes that there isn't enough money to take care of the problems of homeland security.

In this article, among other things, the President blames the leadership of the House and the Senate. And, of course, that does not include the Democratic leadership, because everyone knows, including the President, that we have been crying for more money for more than a year.

There are just a couple things from this news article I would like to point out to the Senate:

... the long delayed Government spending plan for the year does not provide enough money to protect against terrorist attacks on American soil.

Mr. President, this is a statement from this administration. This is not a statement from the Senator from West Virginia, the senior member of the Appropriations Committee, who has spoken for hours and hours on the need for more money. This is not a statement from Senator DASCHLE, the Democratic leader. This is coming from the administration: White House concedes that counterterror budget is meager.

The article goes on to say:

... because it had failed to provide adequate money for local counterterrorism programs.

Mr. President, throughout America today you can't have police agencies talking with each other. In Las Vegas, as an example, you have the Las Vegas Metropolitan Police Department, the city of Henderson, and Boulder City, and they can't talk to each other in an emergency. The technology is there. They can do that. But these governments simply don't have the money to do that. Fire departments can't talk to police departments all over America. It is not only a problem in Nevada.

We have been asking that the President help with these moneys, and he has been unwilling to do so. He, in effect, vetoed a multibillion dollar proposal we had in a bill just a short time ago. In the bill we had, the big omnibus bill, we asked for a small amount of money for all the demands in here. We asked for \$3.5 billion, but it contains only, as this article indicates, about \$1.3 billion in counterterrorism money for local governments.

Now, these remarks struck some of the audiences unusually sharp, given that "both Houses of Congress are con-

trolled by the President's party," as the article indicates.

Now, there is more in this article, and the day is late, and the snow is falling, but I do want to read this to make sure the picture is plain.

This is a quote from Governor Gary Locke of Washington, which is in the article:

We have a lot of police agencies in the state that were assured by the administration, repeatedly, that this money was on the way.

Still quoting from the article:

He said that many police and fire departments had bought [for example] hazardous-materials protective suits and other counterterrorism equipment in the expectation that they would be reimbursed by the federal government.

"And now," Governor Locke said, "they're going to have to scramble to terminate other programs in order to cover those costs."

It is not only Democratic Governors complaining. Republican Governors are complaining. Governor Bob Taft, a Republican, said lawmakers did not appropriate the amount that was recommended and earmarked for what they appropriated. So it is very clear there are things we need to do on this Senate floor that deal with more than the employment of one man, Miguel Estrada, a man who today, I am sure, is billing big hours down at his plush office here in Washington, a man who makes hundreds of thousands of dollars a year.

There have been statements made on this floor that it is extremely important that we shift from this man's employment, one man's employment, to the millions of people who are unemployed, and millions who are underemployed, people who have no health insurance and are underinsured and the many other problems we face.

UNANIMOUS CONSENT REQUEST—S. 466

Based upon the New York Times article and the fact that the President of the United States has now acknowledged that the counterterror budget is meager, I ask unanimous consent that the Senate return to legislative session and then proceed to the immediate consideration of S. 466, a bill to provide \$5 billion for first responders, introduced today by Senator DASCHLE.

The PRESIDING OFFICER. Is there objection?

Mr. CRAPO. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. Mr. President, this is no surprise. I hope that people will understand the need to go to other legislation. When we have our own President who, for more than a year, has said we have enough money, there is money in the pipeline, now agreeing that we have a problem, that we don't have enough money. The State of Nevada, I spoke to the State legislature there a week ago last Tuesday, 10 days ago, 9 days ago. I told the legislature there, which is like 45 other State legislatures around America today, they have a State that is in red ink. I told them there are a number of reasons they are