

the Red River Valley expecting to be able to move potato flakes into Korea without a 300-percent tariff or somebody producing Durham wheat, expecting not to compete against the state cartel in Canada that undersells them at secret prices, or, yes, a big automobile company in this country that expects not to have to compete against those who produce elsewhere and keep their markets closed to us—all of those are very serious problems relating to this country's economy and this country's ability to produce good jobs that pay well for the American people.

A \$470 billion trade deficit this year—somebody is going to have to pay that bill. You can make the case—at least economists do—that the budget deficit is money we owe to ourselves. You cannot make that case with the trade deficit. This is money we owe to other countries that will inevitably be repaid with a lower standard of living in this country. That is why it is important at some point that we pay attention to it and view this as a crisis.

You can't get the editorial pages of the major newspapers to say so. You can't even get an op-ed piece published in the Washington Post unless you have a vision about trade that exactly matches theirs and the prevailing view in this town, which is: There are free traders—that is what they say—there are free traders who see beyond the horizon, who have a world view that is learned and is to be commended.

Then there are the others and the others are xenophobic isolationist stooges who just have never gotten it and understood that things have changed in the world.

Those are the two sides. If you are someone who says an unkind word at all about this structure of trade agreements that requires us to compete unfairly and allows others to compete unfairly against us, you don't have a chance of having that view expressed in the major newspapers in this country. That is regrettable because that means we don't have an aggressive debate on international trade.

The debate should never be about: Is expanding trade something that helps our country and helps others around the world? The debate ought to be about as we globalize—and we are globalizing our economies very quickly—will the rules of international trade in this global economy keep up with the galloping globalization? The answer to that, until now, regrettably, has been no. The rules have not kept pace, and that is why we find ourselves in this position.

I yield the floor.

I make a point of order that a quorum is not present.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

## CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

## EXECUTIVE SESSION

### NOMINATION OF CORMAC J. CARNEY, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE CENTRAL DISTRICT OF CALIFORNIA

The PRESIDING OFFICER. Under the previous order, the Senate will go into executive session to consider the nomination of Cormac J. Carney, which the clerk will report.

The bill clerk read the nomination of Cormac J. Carney, of California, to be United States District Judge for the Central District of California.

Mr. HATCH. Mr. President, I am pleased today to speak in support of Judge Cormac Carney, who has been nominated to the United States District Court for the Central District of California.

Following his graduation from Harvard Law School in 1987, Judge Carney entered private practice with the high powered law firm of Latham & Watkins. He worked there until 1991. He next worked as an associate for another widely respected law firm, O'Melveny & Myers, where he became a partner in 1995. He remained at O'Melveny until his appointment to the Orange County Superior Court in 2001, where he has presided over both criminal and civil matters.

Prior to his appointment to the bench, Judge Carney was an exceptional business litigator who typically represented Fortune 500 companies as both plaintiffs and defendants. His areas of expertise included complex matters such as real estate, partnership, lender liability, environmental law, intellectual property, and insurance coverage.

Even with a heavy workload and prestigious clients, Judge Carney devoted numerous hours to pro bono work for the disadvantaged. As a partner at O'Melveny, he supervised the firm's junior lawyers on pro bono cases, which included housing issues, education, civil rights, and the rights of homeless people. Because of the firm's extensive pro bono work, the Orange County Bar Association awarded it the Pro Bono Services Award, and the Orange County Public Law Center awarded it the Law Firm of the Year Award.

Since his appointment to the bench, Judge Carney has become involved with victims' rights. He currently serves as a member of the Governing Board of Victim Assistance Programs in Orange County. The Board provides support and guidance to all victim assistance programs and advises on procedure and policies relating to operations of victim centers located throughout Orange County.

Although Judge Carney has had a stellar legal career, I must note that before he made law his chosen profession he played professional football, first for the New York Giants and then for the Memphis Showboats. The legal profession is fortunate that he ultimately joined our ranks, since he has served on both sides of the bench with compassion, integrity, intelligence and fairness. I am confident that he will serve with the same qualities on the Federal district court bench.

Mrs. FEINSTEIN. Mr. President, I am pleased to support the nomination of Judge Cormac Carney for the Central District of California.

Judge Carney is a bright, young judge with truly impressive credentials. Judge Carney graduated cum laude from UCLA, where he earned All-American honors as a wide receiver. He attended Harvard Law School, worked as a partner for the prestigious law firm of O'Melveny & Myers, and has served with distinction as a Los Angeles Superior Court judge.

I am confident he will prove a valuable addition to the bench in the Southern District of California.

Today's vote on Judge Carney marks a milestone event for California's bipartisan Judicial Advisory Committee, which Senator BARBARA BOXER and I set up with the White House.

Judge Carney is the eighth judge to come out of the advisory committee. Nearly every one of these judges has passed out of the committee by a unanimous vote.

With Judge Carney's confirmation, the committee will have filled all the current district court vacancies in California.

This is the first time in recent memory that all of California's authorized district court judgeships are filled.

I would like to give credit to Jerry Parsky and the White House for working constructively with the California Senate delegation in a bipartisan manner to get these judgeships filled.

The results of the committee's efforts speak for themselves. On average, these eight California judges have received Senate confirmation within 114 days of their nomination.

In contrast, during the last year of the Clinton administration, district court nominees took an average of 196 days to get confirmed.

We have confirmed these nominees efficiently and without rancor. This process has enabled the best and the brightest legal minds of our state to gain admission to the Federal bench.

I hope the Senate sees our efforts in California as a model of how the judicial nominations process could work.

Mr. CORNYN. Mr. President, I ask for the yeas and nays on the nomination.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is, Will the Senate advise and consent to the nomination of Cormac J. Carney, of California, to be

United States District Court Judge for the Central District of California? The yeas and nays are ordered, and the clerk will call the roll.

Mr. McCONNELL. I announce that the Senator from Tennessee (Mr. ALEXANDER), the Senator from Virginia (Mr. ALLEN), the Senator from Missouri (Mr. BOND), the Senator from Kansas (Mr. BROWNBACK), the Senator from Oklahoma (Mr. INHOFE), the Senator from Oregon (Mr. SMITH), and the Senator from Missouri (Mr. TALENT) are necessarily absent.

Mr. REID. I announce that the Senator from New Jersey (Mr. CORZINE), the Senator from North Carolina (Mr. EDWARDS), the Senator from Florida (Mr. GRAHAM), the Senator from Iowa (Mr. HARKIN), the Senator from Hawaii (Mr. INOUE), the Senator from Massachusetts (Mr. KERRY), the Senator from Louisiana (Ms. LANDRIEU), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Maryland (Ms. MIKULSKI), the Senator from Georgia (Mr. MILLER), the Senator from Florida (Mr. NELSON), the Senator from Maryland (Mr. SARBANES), and the Senator from New York (Mr. SCHUMER) are necessary absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) and the Senator from Florida (Mr. NELSON) would each vote "Aye"

The PRESIDING OFFICER (Mr. GRAHAM of South Carolina). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 80, nays 0, as follows:

[Rollcall Vote No. 126 Ex.]  
YEAS—80

|           |             |             |
|-----------|-------------|-------------|
| Akaka     | DeWine      | Lincoln     |
| Allard    | Dodd        | Lott        |
| Baucus    | Dole        | Lugar       |
| Bayh      | Domenici    | McCain      |
| Bennett   | Dorgan      | McConnell   |
| Biden     | Durbin      | Murkowski   |
| Bingaman  | Ensign      | Murray      |
| Boxer     | Enzi        | Nelson (NE) |
| Breaux    | Feingold    | Nickles     |
| Bunning   | Feinstein   | Pryor       |
| Burns     | Fitzgerald  | Reed        |
| Byrd      | Frist       | Reid        |
| Campbell  | Graham (SC) | Roberts     |
| Cantwell  | Grassley    | Rockefeller |
| Carper    | Gregg       | Santorum    |
| Chafee    | Hagel       | Sessions    |
| Chambliss | Hatch       | Shelby      |
| Clinton   | Hollings    | Snowe       |
| Cochran   | Hutchison   | Specter     |
| Coleman   | Jeffords    | Stabenow    |
| Collins   | Johnson     | Stevens     |
| Conrad    | Kennedy     | Sununu      |
| Cornyn    | Kohl        | Thomas      |
| Craig     | Kyl         | Thomas      |
| Crapo     | Lautenberg  | Voinovich   |
| Daschle   | Leahy       | Warner      |
| Dayton    | Levin       | Wyden       |

NOT VOTING—20

|             |           |             |
|-------------|-----------|-------------|
| Alexander   | Harkin    | Miller      |
| Allen       | Inhofe    | Nelson (FL) |
| Bond        | Inouye    | Sarbanes    |
| Brownback   | Kerry     | Schumer     |
| Corzine     | Landrieu  | Smith       |
| Edwards     | Lieberman | Talent      |
| Graham (FL) | Mikulski  |             |

The nomination was confirmed.

Mr. LEAHY. With today's confirmation vote on the nomination of Judge Cormac Carney to the U.S. District Court for the Central District of Cali-

fornia, Senate Democrats again demonstrate their bipartisanship toward consensus nominees. Judge Carney's confirmation will bring to 16 the number of judicial nominees of President Bush confirmed just this year, with 14 district court nominees and two circuit court nominees confirmed in the first 10 weeks since the reorganization of the Senate. This stands in marked contrast to 1996 when only 17 judicial nominees of President Clinton were confirmed all year, and not one of them was for the circuit courts.

Last year alone, in an election year, the Democratic-led Senate confirmed 72 judicial nominees, more than in any of the prior 6 years of Republican control. Overall, in the prior 17 months I chaired the Judiciary Committee, we were able to confirm 100 judges and vastly reduce the judicial vacancies that Republicans had stored up by refusing to allow scores of judicial nominees of President Clinton to be considered. Not once did the Republican-controlled Senate consider that many of President Clinton's district and circuit court nominees. We were able to do so despite the White House's refusal to consult with Democrats on circuit court vacancies and many district court vacancies.

There is no doubt that the judicial nominees of this President are conservation, many of them quite to the right of the mainstream. Many of these nominees have been active in conservative political causes or groups. Democrats moved fairly and expeditiously on as many as we could consistent with our obligations to evaluate carefully and thoroughly these nominees to lifetime seats in the Federal courts. Unfortunately, many of this President's judicial nominees have proven to be quite controversial and we have had serious concerns about whether they would be fair judges if confirmed to lifetime positions. We are pleased that this is not the case with Judge Carney of California.

While Republicans frequently point to the 377 judges confirmed for President Clinton, what they tellingly leave out is that only 245 of them were confirmed during the 6½ years Republicans controlled the Senate. That amounts to only 38 confirmations per year when the Republicans last held a majority. In 1999, the Republican majority did not hold a hearing on any judicial nominee until June. Last week, the Republican majority held its seventh hearing including a 32nd judicial nominee in the last 2 months. The Senate Judiciary Committee under Republican control operates in two very different ways under very different practices and rules depending on the political party of the President. This year it is acting like a runaway train, operating at breakneck speed and breaking longstanding rules and practices of the committee to rush through the consideration of lifetime appointees.

This year we have had a rocky beginning with a hearing for three con-

troversial circuit court nominees which caused a great many problems that might have been avoided had the chairman honored the bipartisan agreement on controversial nominees and the pace of hearings and votes that has been in place since 1985, for almost 20 years. The chairman's insistence on terminating debate on the Cook and Roberts nominations, in clear violation of the committee's express rules that have been honored since 1979, for almost 25 years—is another serious problem. Of course, with the Estrada nomination, the administration's unwillingness to work with the Senate to provide access to documents of the exact same type as have been provided in past nominations for lifetime and short-term appointments has proven to be a significant problem. The opposition to the Sutton nomination is also extensive. The unprecedented nature of a President re-nominating someone for the same judicial position after a defeat in committee has led to the very controversial Owen nomination pending on the floor with the assent of only the Republicans on the committee. The chairman's decision to hold a hearing on the controversial Judge Kuhl, despite objections of one of her home state Senators, is also problematic and is something that he never did, not once, when there was a Democrat in the White House.

Nonetheless, the Senate has proceeded to confirm 116 of President Bush's judicial nominees, including 16 this year alone and another today. It was not until September 1999, 9 months into the year, that 16 of President Clinton's judicial nominees were confirmed in the first session of the last Congress in which Republicans controlled the Senate majority. At the pace set by Republicans now, we are 6 months ahead of that schedule.

The confirmation of Judge Carney will fill the last current vacancy in the Federal district courts in California. This nomination is a good example of the kind of bipartisan-supported candidates the President ought to be sending the Senate. Judge Carney comes to us after being unanimously approved by California's Bipartisan Judicial Advisory Committee—a committee established through an agreement Senator FEINSTEIN and Senator BOXER reached with the White House. This is one of the few bipartisan commissions that the White House has allowed to proceed, although the White House has not moved forward with some of its bipartisan, qualified recommendations. This California committee works to take the politics out of judicial nominations. It reviews qualified, consensus nominees who will serve on the Federal judiciary with distinction. Too often in the last 2 years we have seen the recommendations of such bipartisan panels rejected or stalled at the White House. Instead, they should be honored and encouraged.

Judge Carney has served as a Superior Court Judge in the State of California since 2001. Judge Carney was a

partner with the law firm of O'Melveny & Myers handling civil matters before he was appointed to the State court bench in 2001. He played professional football before going to law school and has served in the Air Force Reserve.

Two other district judges in California have already been unanimously confirmed this year, Judge Selna and Judge Otero. Last Congress, led by a Democratic Senate majority, the Senate confirmed four nominees to the Federal district courts in California. Percy Anderson and John Walter were confirmed to the U.S. District Court for the Central District of California on April 25, 2002, just 3 months after their initial nominations. The Senate also confirmed Robert G. Klausner to be a U.S. District Judge for the Central District of California on July 18, 2002, and Jeffrey S. White to be a U.S. District Court Judge for the Northern District of California on November 14, 2002. The Senate has now filled all seven of the vacancies on the Federal trial courts in California that we inherited.

Last year, at the urging of Senator FEINSTEIN and the chief judge of the district, we included in the 21st Century Department of Justice Appropriations Authorization Act, five additional judgeships for the Southern District of California. We also included an additional position for the Central District of California. By mid-July California will have six important vacancies to be filled. I look forward to working with the Senators from California to proceed, if possible, in advance of July on additional nominations so that these much-needed seats can be filled quickly with fair, mainstream nominees. It is unfortunate that the President, who has had notice of these upcoming vacancies for some time, has not worked with the California Senators and their bipartisan commissions to send consensus nominees to the Senate.

I congratulate Judge Carney, his family, and the Senators from California on his confirmation.

• Mr. NELSON of Florida. Mr. President, I want to express my support for the nomination of Cormac J. Carney to be U.S. District Judge, for the Central District of California. Mr. Carney has the knowledge, experience and personal characteristics needed to succeed on the Federal bench.

Unfortunately, due to inclement weather, I was unable to return to Washington in time for the vote to confirm Mr. Carney, but I would like the RECORD to reflect that, had I been present, I would have cast my vote in favor of his confirmation.●

The PRESIDING OFFICER. The President will be immediately notified of this action.

#### LEGISLATIVE SESSION

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

The Democratic leader.

#### TRIBUTE TO PRIVATE FIRST CLASS LORI PIESTEWA

Mr. DASCHLE. Mr. President, I want to take just a couple of minutes of my leader time to make a statement with regard to a very special young woman.

Throughout America—especially in Native American communities—Americans are grieving the loss in combat of Army PFC Lori Piestewa. But we are also feeling pride for Lori Piestewa's remarkable life.

PFC Piestewa was a member of the Army mechanics unit that was ambushed by Iraqi soldiers on March 23.

Her body, and the remains of eight other soldiers, were recovered last week from a hospital in southern Iraq when Special Forces stormed the hospital to rescue another member of the 507th Maintenance Company, PFC Jessica Lynch.

Private Piestewa is the first Native American woman in the U.S. Armed Forces ever to die as a result of combat.

She was 23 years old. She leaves behind two small children—a 4-year-old son and a 3-year-old daughter. . . .

She also leaves behind a broken-hearted but proud family—and countless friends.

There are more than 12,000 Native Americans serving in our military today—including many from my State of South Dakota.

They and Private Piestewa are part of a noble tradition that too few Americans know much about.

It is a tradition that includes heroes like the "Code Talkers" of World War II—the service members from the Lakota, Navajo and other Indian nations who developed the only military code that was never broken by the Japanese.

The Code Talkers were key to U.S. victories throughout the Pacific theater. Their service helped turn the tide of the war—and saved untold numbers of American lives.

Today, Private Piestewa takes her place alongside them as an American who risked everything to protect her land and her people.

Over the weekend, memorials began to appear all over the reservation near Tuba City, AZ, where Private Piestewa grew up and where her family still lives.

At one of the memorials, someone left a group of red, white, and blue balloons. Included in the bunch was one green balloon, the team color for Tuba City High School, where Lori Piestewa had been a softball star and a junior ROTC commander.

On May 24, Private Piestewa will be honored at another memorial. Red rose petals will be placed in her honor in the reflecting pool of the Women in Military Service for American Memorial at Arlington National Cemetery.

When I heard about the memorials to Private Piestewa, I thought of another cemetery—at Wounded Knee, on the Pine Ridge reservation in South Dakota.

I remember the first time I visited it. As I walked toward the cemetery, I was surprised to see little American flags dotting many of the graves. When I got close enough to read the headstones, I could see that many of the people there were veterans.

Some—like Private Piestewa—had died in the service. Others had died years after they took off the uniform. But they wanted it recorded on their graves: This person loved this Nation.

I have never seen a more profound expression of American patriotism.

The thoughts and prayers of our Nation are with the family and friends of PFC Lori Piestewa.

She was an American hero. We are deeply grateful to her for her service and sacrifice—and to all Native Americans who are serving, and have served, our Nation in uniform.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I compliment the distinguished minority leader for this very sensitive and very important statement about this wonderful person. As someone who belongs to a family which has lost my older brother, and lost a brother-in-law—an older brother in the Second World War, and brother-in-law in Vietnam—and then have another brother-in-law who is suffering tremendously from his war wounds, who fought both in the Inchon Reservoir in Korea and also in Vietnam, I have to say these are the greatest of all Americans. I really appreciate his sensitivity in delivering this message for the Senate here today.

#### EXECUTIVE SESSION

#### NOMINATION OF PRISCILLA RICHMAN OWEN, OF TEXAS, TO BE UNITED STATES CIRCUIT JUDGE FOR THE FIFTH CIRCUIT

Mr. HATCH. Mr. President, I ask unanimous consent the Senate now resume executive session for the consideration of Calendar No. 86, Priscilla Richman Owen, of Texas, to be U.S. Circuit Judge for the Fifth Circuit.

Mr. REID. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. I hoped my friend in his statement tonight would indicate why we are moving to this woman, when we have people here—we have Edward Prado, who is from Texas, Dee Drell from Louisiana, Richard Bennett from Maryland—who, it appears, will go through here very easily.

My friend should understand, as I told him privately, there will be some people wanting to speak about this at some length.

The majority leader has indicated there will be no more votes today so there is no need for anyone to hang around on this tonight—that's true? You are going to speak, but there is