

of the complexity of the caseload. Those practicing before the Court know that its judges are busy." This letter, drafted by a lawyer who actually practices before the court, took direct issue with the Post's recommendation to abolish the court, saying it "missed the central point."

The editorial by Professor Schooner in the Washington Post on March 23, 2003, suggesting that the current cases pending before the Court of Claims can be easily divided among the district courts is troubling to me. Eliminating the Court of Claims would add nearly 5,000 additional cases to the district courts at a time when they are unable to keep up with the pace of cases being filed. Professor Schooner's academic analysis also fails to take account of the considerable work and learning that district judges do in order to handle complex patent, antitrust, environmental or civil rights cases.

I must admit that I was surprised to learn how inaccurate the statistics of my colleague from New York were after I did some research regarding the caseloads of the Federal district courts and the Court of Claims. These misleading numbers allege that the district court judges have an average caseload of 355 cases per judge, whereas Court of Claims judges would have an average caseload of 19 cases if the four pending nominees were confirmed. After reviewing statistics from both the Federal courts' legislative affairs office and the Court of Claims, however, it is clear that Senator SCHUMER's figures are erroneous. If we take the current caseload of the Court of Claims and suppose that the court was at its fully authorized number of 16 judges, the average caseload per judge would be 309. This is in sharp contrast to the 19 my colleagues would have us believe and not much less than the average caseload per district judge.

This campaign against Mr. Wolski and the Court of Claims is just the newest tactic in an organized effort to prevent President Bush's well-qualified judicial nominees from being confirmed and it must stop. It is obvious to me that the criticism of the court's necessity is borne more of political opportunity than any serious merit. We shouldn't be in the business of creating more rationales for delay. The lack of any functional problem in litigation between sovereign and citizen, or problem with the court structure, makes the solution of elimination of the Court of Claims a solution in search of a problem.

Mr. HATCH. Madam President, I rise today in support of Victor Wolski, one of the four nominees for the Court of Federal Claims who have been awaiting votes on their nominations by the full Senate since March.

When Mr. Wolski was first nominated to the Court of Claims in September 2002, he joined three other well-qualified nominees to the same court who had been pending even longer. Charles Lettow had been nominated a month

earlier, in August 2002, while Susan Braden and Mary Ellen Coster Williams had been nominated, respectively, in May and June 2001. None of them received a hearing in the 107th Congress.

So I am pleased that we have at last reached an agreement for an up-or-down vote on the nominations of Mr. Wolski and the other Court of Claims nominees. But getting to this point was not simple. We had to file a motion to invoke cloture on Mr. Wolski's nomination. Now, I am pleased that our Democratic colleagues agreed to vitiate this motion. But the fact still remains that we were almost forced to resort to a cloture vote simply to secure an up-or-down vote on Mr. Wolski's nomination. Mr. Wolski would have been the first Court of Claims nominee in the history of the Senate to be forced through a cloture vote. This would have been a historic but sad precedent that we came dangerously close to setting. As I said, I am pleased that we did not go down this path and that we are proceeding to an up-or-down vote on Mr. Wolski's nomination.

Mr. Wolski will make a fine addition to the Court of Claims. His nomination has bipartisan support, having been reported favorably to the full Senate by all 10 Judiciary Committee Republicans and Senator FEINSTEIN. He is an accomplished trial attorney who has represented clients on both sides of the issues, including a number of clients on what many consider to be the so-called liberal side. For example, Mr. Wolski has represented a group of municipal governments challenging a commercial development that would have caused environmental, traffic, and other urban sprawl problems. He presently represents a class of Medicare beneficiaries who are suing the tobacco industry to try to recover reimbursement to the Medicare system. And he represents the State of Nevada, Clark County, and the City of Las Vegas in their opposition to the location of a nuclear waste repository at Yucca Mountain. Clearly, this is not the work of an ideologue but the work of an accomplished lawyer who recognizes his duty to represent his clients' interests to the best of his ability.

Mr. Wolski's breadth and depth of experience will be a true asset to the Court of Claims. After graduating from the University of Virginia Law School, Mr. Wolski clerked for Judge Vaughn Walker of the U.S. District Court for the Northern District of California. He has a fine record in public service, including 5 years as a litigator with a public interest law firm. During his tenure there, he represented clients in cases presenting significant issues of constitutional and property rights law. He continued his public service by serving as General Counsel and Chief Tax Advisor in the Congress with the Joint Economic Committee for Senator Connie Mack. As the first person to attend college in his family, Victor Wolski feels it is important to give back to the community and felt a

strong commitment towards the public sector. This commitment is quite evident in his professional background.

In 2000, Mr. Wolski transitioned from the public sector to private practice, joining the prominent Washington, DC, law firm Cooper, Carvin & Rosenthal. He now practices with its successor firm, Cooper & Kirk. He has a reputation for being a thoughtful and hard-working legal professional who will be a stellar addition to the Court of Federal Claims, and I commend President Bush for nominating him.

Mr. President, we find ourselves at an important point. We have two eminent and well-qualified circuit court nominees, Miguel Estrada and Priscilla Owen, currently being blocked by a minority of Senators from an up-or-down vote on the Senate floor. History will show that this minority group of Senators was not asking for a full and open debate. They were not asking for meaningful deliberation on these well-qualified nominees. Rather, this minority group of Senators was committed to subverting precedent and reworking the meaning of advice and consent.

I think we can agree that the confirmation process is broken. I certainly hope we can find a constructive way to restore the process, but recent talk does not lead me to be overly optimistic—not when we hear injudicious talk about plans for three, four, or more planned filibusters. I hope that is not the kind of history we want to write. Instead, I hope that my colleagues will see today's up-or-down vote on Mr. Wolski's nomination as an opportunity to put a stop to the obstruction and delay by giving all the rest of our nominees the courtesy of a simple vote on their nominations. That is all we ask.

NOMINATIONS OF MARY ELLEN COSTER WILLIAMS, OF MARYLAND, SUSAN G. BRADEN, OF THE DISTRICT OF COLUMBIA, AND CHARLES F. LETTOW, OF VIRGINIA

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of the following nominations, en bloc, which the clerk will report.

The assistant legislative clerk read the nominations of Mary Ellen Coster Williams, of Maryland, to be a Judge of the United States Court of Federal Claims; Susan G. Braden, of the District of Columbia, to be a Judge of the United States Court of Federal Claims; and Charles F. Lettow, of Virginia, to be a Judge of the United States Court of Federal Claims.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Madam President, I ask unanimous consent to speak for up to 2 minutes on the nomination of Susan Braden before the vote.

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

Mrs. HUTCHISON. Madam President, I rise to speak in support of the nomination and confirmation of someone for whom I have a great deal of respect, Susan Braden, to be a Judge for the U.S. Court of Federal Claims. I cannot think of a better person for this court. She is currently counsel at Baker & McKenzie. She earned her bachelor degree in 1970 and her law degree in 1973 from Case Western Reserve University. She has worked as a trial attorney in the Department of Justice. She has served as a senior attorney at the Federal Trade Commission. For the past 18 years, she has had a distinguished career in the private sector, specializing in Federal litigation, antitrust, international trade practices, and intellectual property.

Her work on international trade gave her the opportunity to accompany a delegation led by Justices O'Connor, Kennedy, Ginsburg, and Breyer on an official visit to several European courts in 1998.

She is very qualified, and I wish to say on a personal note that she and her husband, Tom Sussman, have been friends of mine for a long time. I went to law school with Tom Sussman. I have a great deal of respect for both Tom and Susan, and I urge my colleagues to support this qualified nominee. She will be a wonderful public servant.

Madam President, I urge approval of the three nominees.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Madam President, I wish to add my comments to the confirmation of Susan Braden. I happen to know her. She represented a business in the steel industry in Alabama that was in trouble. We tried to save it for the State. She worked so hard with the union members and with the company. I came to be extraordinarily impressed with her dedication, her legal skill, her love of law, and her integrity. I think she will do an excellent job in this important position.

I wanted to add my comments that we need more people like Susan Braden in the courts of America. I think she will do a super job. I am very proud of her on this special day.

I yield the floor.

Mr. HATCH. Madam President, I rise today in support of the confirmation of Susan Braden, who has been nominated to serve as a judge on the U.S. Court of Federal Claims. Ms. Braden has the breadth of experience and accomplishment we look for in a Federal judge, and I commend President Bush for nominating her.

After graduating from law school, Ms. Braden served for 7 years as a trial attorney, and then as a senior trial attorney, for the Department of Justice Antitrust Division. She then worked at the Federal Trade Commission for 5 years as a senior attorney advisor and senior counsel to Chairman David Clanton and Chairman James Miller III. In this capacity, she assumed re-

sponsibility for special policy and legislative projects, such as drafting a potential set of guidelines concerning interlocking directorates and issues concerning enforcement of the antitrust laws to professionals.

Ms. Braden has worked in the private sector for the past 18 years, where she has focused on antitrust law, complex civil litigation, international trade matters for industrial clients, and computer software litigation. Her experience will serve her well on the bench. I am confident that she will execute her duties on the bench with integrity, intelligence, and fairness. I ask my colleagues to join me in my unqualified support for her nomination.

NOMINATION OF MARY ELLEN COSTER WILLIAMS

Mr. HATCH. Madam President, I am pleased today to speak in support of Mary Ellen Coster Williams, who has been nominated to the U.S. Court of Federal Claims.

Judge Williams has served with distinction on both sides of the bench. Upon her graduation from Duke University Law School in 1977, she worked in private practice with Fulbright & Jaworski and with Schnader, Harrison, Segal & Lewis.

Judge Williams then left private practice in 1983 to work in the Civil Division of the United States Attorney's Office in Washington, DC. She returned to private practice in 1987 as a partner with Janis, Schuelke & Wechsler.

During her 8 years in private practice and 3½ years as an Assistant United States Attorney, Judge Williams gained valuable experience handling matters involving Government contracts, employment law, torts, and commercial litigation. Since 1989, she has served as an administrative judge on the General Services Administration Board of Contract Appeals.

Judge Williams was named a Life Fellow by the American Bar Association and is currently the vice chair of the ABA Section on Public Contract Law. She also has been active in the District of Columbia Bar Association. Since 1997, she has served on the U.S. Court of Federal Claims Advisory Council, so she has much more than simply a passing familiarity with the court to which she has been nominated.

With her wealth of experience and dedication, Judge Williams is well equipped to serve on the Court of Federal Claims. I urge my colleagues to join me in supporting her nomination.

NOMINATION OF CHARLES F. LETTOW

Mr. HATCH. Madam President, I rise today to express my full support for the confirmation of Charles F. Lettow, who has been nominated to the U.S. Court of Federal Claims.

Mr. Lettow is an excellent selection to join the Court of Federal Claims. He has a strong academic background and more than 30 years of litigation experience in constitutional and administrative law matters. A graduate of Stanford Law School, Mr. Lettow clerked for both the Ninth Circuit Court of Appeals and the U.S. Supreme Court be-

fore taking a position in 1970 as Counsel to the Council on Environmental Quality, which was established by Congress a year earlier. His responsibilities included drafting legislation and Executive orders and working to negotiate bilateral agreements.

In 1973 Mr. Lettow joined the firm of Cleary Gottlieb as a litigation associate, became a partner three years later, and has remained with the firm since that time, focusing on Federal litigation and environmental cases. Cases he has handled over his career have presented often difficult questions of constitutional and administrative law, and he has handled them with expertise.

Mr. Lettow has argued before the U.S. Supreme Court three times and in the U.S. Courts of Appeals in more than 40 cases, as well as litigated in numerous Federal district courts and the U.S. Court of Federal Claims. I cannot imagine someone who is better prepared to sit on the Court of Federal Claims. I urge my colleagues to vote for his confirmation.

The PRESIDING OFFICER. Under the previous order, the nominations are confirmed, en bloc, the motions to reconsider are laid upon the table, the President will be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

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

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

FOREIGN RELATIONS AUTHORIZATION ACT, FOR FISCAL YEAR 2004

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of S. 925, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 925) to authorize appropriations for the Department of State and international broadcasting activities for fiscal year 2004 and for the Peace Corps for fiscal years 2004 through 2007, and for other purposes.

AMENDMENT NO. 1136

Mr. LUGAR. Madam President, I send a substitute amendment to S. 925 to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Indiana [Mr. LUGAR] proposes an amendment numbered 1136.

Mr. LUGAR. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.