

days, we will do just that. As I mentioned, we have the class action bill. Once we complete that, we have appropriations bills. We are, at some juncture, going to consider the Federal marriage amendment, and there will be a number of other issues. But as they come forward, I would be happy to discuss it with the leader.

LEON HOLMES

Mr. FRIST. Mr. President, I want to spend a few minutes on what the Senate will be addressing over the next several hours. That is the consideration of the nomination of Leon Holmes to be a Federal district court judge in the Eastern District of Arkansas. His nomination has been languishing since January 2003. It is long past time that the Senate give Mr. Holmes the up-or-down vote he deserves.

Mr. Holmes is known in his home State of Arkansas as a brilliant and impartial jurist who follows the law. His nomination has brought substantial opposition from some liberal activists in Washington. But in Arkansas, he has earned respect and support from liberals and conservatives alike.

These supporters include Kent Rubens, who led the fight to strike down Arkansas's pro-life laws in the wake of *Roe v. Wade*. Rubens writes in a letter to Chairman HATCH and Senator LEAHY on March 21, 2003:

I cannot think of anyone who is better qualified to serve . . . As someone who has represented the pro-choice view, I ask that you urge your members to support this confirmation.

Or you can listen to this letter from Ellen Woods Harrison to Chairman HATCH and Senator LEAHY:

I am a female attorney in Little Rock, Arkansas. I am a life-long Democrat and am also pro-choice . . . I commend Mr. Holmes to you. He is a brilliant man, a great lawyer and a fine person.

And the editorial board of the Arkansas Democrat Gazette supports Mr. Holmes' nomination. They write:

What distinguishes Mr. Holmes is the rare blend of qualities he brings to the law—intellect, scholarship, conviction, and detachment . . . He would not only bring distinction to the bench, but a promise of greatness.

I should also note that Arkansas's Democratic Senators, Mark Pryor and Blanche Lincoln, strongly support Leon Holmes.

In light of this broad support for Mr. Holmes, one wonders if some activists in Washington are more interested in a witch hunt than in fairness. This body should not erect religious tests for judges. One's personal religious beliefs—in Leon Holmes' case, his Catholic beliefs—should not disqualify anyone from serving on the bench. I fear that the arguments put forth by some of my colleagues may lead to the disqualification of judicial nominees who are Catholic or Baptist or who hold deeply held religious views.

Nominees should be judged on their temperament and their ability to impartially uphold the law. The Framers of the Constitution wisely rejected religious tests for officeholders. I would hate to see this body try to upend that wise judgment of our Founders.

A judge should know how to separate his personal views from those of the law, and Leon Holmes' record of impartiality speaks for itself.

Mr. Holmes finished law school at the top of his class. He was inducted into Phi Beta Kappa while a doctoral student at Duke University. His doctoral dissertation discusses the political philosophies of W.E.B. DuBois and Booker T. Washington, and it analyzes the effort Dr. Martin Luther King, Jr. made to reconcile their divergent views. Mr. Holmes was habeas counsel for death row inmate Ricky Ray Rector, a mentally retarded man whose execution then-Governor Clinton refused to commute during the 1992 Presidential election.

Clearly, his record speaks of a man who is compassionate, thoughtful, and fairminded. Taken together, I believe Leon Holmes will be a just and impartial jurist. He deserves the Senate's support, and I trust that my colleagues will join me in voting to confirm him later today.

I yield the floor.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The distinguished minority leader is recognized.

ON OPTIMISM AND THE ECONOMY

Mr. DASCHLE. Mr. President, we hear a lot these days about how essential optimism is to economic growth and progress. These discussions remind me of that old saying that "an optimist is someone who believes we're living in the best of all possible worlds, and a pessimist is someone who fears this may be true." By those definitions, there are probably very few optimists or pessimists in America because we all know that America's economy today is not the best possible.

This morning, I want to say a few words about how we can strengthen our economy and create new jobs and a brighter future for hard-working middle-class families in America.

We are all relieved that the economy has finally started adding more jobs each month than it is shedding. After 2½ years in which our economy lost jobs every month, these new jobs are good news—especially for the millions of Americans who are looking for work. But there are still over a million fewer jobs in America today than there were 4 years ago. In addition, the latest job-growth figures, released last Friday, were considerably weaker than most analysts had predicted. That disappointing news reminds us that optimism alone is not a national economic policy. What we need is realism.

Many proposals have been introduced in this Senate to create jobs and to help people who have lost jobs find new ones. We owe it to the American people to consider a variety of ideas. And in weighing our economic options, the question we ought to ask ourselves is not whether an idea is optimistic or pessimistic. The question we should ask about every proposal is: Does it do right by America? Will it lead to the kind of economic growth that benefits all Americans, not just the fortunate few? Does it provide incentives to encourage companies to create jobs in America—rather than encouraging companies to ship American jobs overseas? Does it help the people and communities that have lost jobs these last 4 years? Does it give them the tools and the opportunities to replace those lost jobs with better jobs? Or does it just write them off? Does it do right by the millions of middle-class families who are working harder every year but are still losing ground economically? Optimism alone can't stretch a paycheck, or pay a mortgage, or put your children through college.

Some people point to the fact that the economy has finally started to create jobs as proof that we have solved the jobs problem. They say that all we have to do now is stay the course and be patient. I wish the people who say that would come to North Sioux City, SD, and some of the communities that surround it. Until very recently, North Sioux City was the headquarters for Gateway computers, one of the largest private employers in South Dakota. Four years ago, Gateway employed 6,000 people in the Siouxland area around North Sioux City. But the recession and the shakeout in the technology sector hit Gateway hard, as it did many tech companies. Today, only 1,700 people work for Gateway in the North Sioux City area.

I am not sure if it is a blessing or a curse, but the job losses at Gateway didn't come in one crushing blow. They came instead as a steady stream of layoffs. While none was large enough to grab national media attention, the cumulative impact of these layoffs on the families and communities in the Siouxland area around North Sioux City has been devastating. Some of the laid-off workers received severance packages. Some have found new jobs that pay less. Many are still looking for work. There are many more good workers today in the Siouxland area than there are good jobs.

These times are tough even for many people who are working. Over the past year, real weekly earnings actually fell for the average worker, according to the Department of Labor. In South Dakota and across America, workers are earning less than they did a year ago, but they are paying more—for gas, health care, tuition, and other basic necessities.

Even with the recent easing of prices, gas still costs 30 cents a gallon more in South Dakota today than it did a year ago.

Health care costs continue to rise by double digits every year. More employers are being forced to scale back the health care benefits they offer their workers; others are dropping health care coverage altogether. According to a new report by Families USA, 27 percent of South Dakotans today have no health insurance. Across America, 44 million people are in that category. And most of the people who are uninsured get up and go to work every day. They work hard. Some of them work two and three jobs to support their families. But they can't afford health insurance. You don't have to be an optimist to believe that we can do better than that.

Last week, the Federal Reserve raised interest rates for the first time in 4 years as protection against inflation. Most analysts predict that we will see additional rate hikes in the future. And the enormous budget deficits built up these last 4 years will put even more pressure on interest rates, making it harder and more expensive for families to borrow money and to pay off mortgages, loans and credit card balances.

The Gateway workers who have lost their jobs, and middle-class families across South Dakota and across America, don't lack for optimism. But it is not easy to be patient when you have lost your job and your unemployment benefits, and your savings are getting low. It is not easy when you are working harder every year and getting deeper in debt.

Middle-class families across America are getting squeezed between stagnant wages and rising costs. They are being hurt by an economy that is creating jobs too slowly to fill the demand, and by the fact that the new jobs pay, on average, 21 percent less than the jobs they replaced.

The choices we make must do right by these families. Middle-class families need more—and deserve more—than soothing words of optimism. They deserve action from the Federal Government—smart, sustained, realistic, bipartisan action to help people who have lost jobs find new ones and to make sure that American companies and workers can compete for, and win, the jobs of the future.

One of the fastest, easiest ways we can reduce the economic squeeze on middle-class families is by protecting overtime pay. The Senate voted overwhelmingly last year to reject the administration's outrageous effort to deny overtime pay to millions of workers, and we rejected that misguided proposal again this year when we passed the Senate version of the FSC bill. Overtime pay isn't extra money; it is essential family income and protecting it is doing right by America. We need to continue to stand together and make sure that the final FSC bill Congress sends to the President preserves overtime protections.

When it comes to helping workers whose jobs have disappeared or been

shipped overseas, we don't need to create a new government bureaucracy. We just need to invest in solutions that we know work.

The Commerce Department's Trade Adjustment Assistance program is one example. It helps manufacturing workers who have lost jobs because of globalization get back on their feet. Among other things, it provides access to community college so workers can learn new job skills and it helps workers maintain their health coverage until they can find work.

The Trade Adjustment Assistance program is a good program. The only problem is, it doesn't cover service-sector workers, who are among the workers hardest hit by "outsourcing" and "offshoring." During the debate on the FSC bill, the Senate considered a bipartisan proposal to expand the Trade Adjustment Assistance program to help service-sector workers whose jobs are being shipped to India and other low-wage countries. Not only did the administration oppose our efforts to help these workers get back on their feet, it continues to encourage companies to ship more jobs overseas.

Turning our backs on workers who are being displaced by this economic transition isn't optimism. And it isn't doing right by America. We can do better—by expanding the Trade Adjustment Assistance program to match the realities of today's economy and help more laid-off workers get back on their feet.

We should also extend Federal unemployment benefits for those workers who have exhausted their State benefits and still can't find work. It is the sensible thing to do. It is the decent thing to do. It is right for America. And with the average length of unemployment at a 20-year high, we need to do it now.

We can also do a better job of helping businesses create new jobs. Tax cuts are one tool. But they do not, by themselves, create jobs. Small businesses and start-ups need access to capital. They need technical advice. They need help developing marketing plans. In other words, they need the kind of help that is provided by innovative programs such as the Small Business Administration's lending and technical assistance programs, and the Treasury Department's Community Development Financial Institutions Fund. Both of these programs have achieved wonderful results with limited resources. Yet the President's proposed budget for next year drastically reduces or eliminates funding for many of their efforts. That is a mistake, and we should fix it.

Finally, EDA, the Economic Development Administration, which is part of the Commerce Department, was created specifically to "alleviate conditions of substantial and persistent unemployment and underemployment in economically distressed areas and regions." I have seen how EDA seed money can grow into real jobs in rural

areas, on Indian reservations and in other communities in South Dakota where private lenders weren't as optimistic as the EDA about the community's future. If we are looking to reward hard work and optimism, we need to make sure EDA has the resources to carry out its mission wherever it is needed.

Around the country there must be hundreds, if not thousands, of communities like North Sioux City, where well-equipped factories stand idle and well-trained, highly skilled workers are waiting for an opportunity. Even though they have had a tough time these last few years, these workers are not pessimistic about America. They believe in America. They believe the future can be better than the past and they're willing to work hard to make that happen.

Let's work together to show these workers that America believes in them. Optimistic words are not enough. We need a comprehensive economic plan that does right by all Americans. We need to reduce the squeeze on middle-class families and make sure that every American worker is able to find work that allows them to care for their family and live in dignity. We have done it before. Working together, we can do it again.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CHAMBLISS). The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

ORDER OF BUSINESS

Mr. REID. Mr. President, will the Senator yield?

Mr. PRYOR. Yes.

Mr. REID. It is my understanding that on the matter we are about to consider there are 6 hours under the order before the Senate; is that right?

The PRESIDING OFFICER. That is correct.

Mr. REID. We are starting at approximately 10 after. We will have a little more than 2 hours before the lunch break, and we will come back at 2:15. So if all 6 hours were used, what time would we vote tonight?

The PRESIDING OFFICER. Approximately 6 o'clock.

Mr. REID. OK. So if we are going to do what the majority leader suggests, someone would have to yield back some time for us to be able to vote at 5:30. That is doable. I appreciate that.