need for more resources for our law enforcement agencies. Recognizing this, we must build upon the past success of the COPS Program and continue to work to provide police departments with the tools and resources they need to help keep our families and communities safe.

LOCAL LAW ENFORCEMENT ENHANCEMENT ACT OF 2005

Mr. SMITH. Mr. President, I speak about the need for hate crimes legislation. Each Congress, Senator KENNEDY and I introduce hate crimes legislation that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society. Likewise, each Congress I have come to the floor to highlight a separate hate crime that has occurred in our country.

Last month, a fifth person was arrested and charged with beating up a teenager because of his sexual orientation. The victim, an 18-year-old from Virginia, was at a gathering at his cousin's home. Late that night, the five assailants repeatedly kicked and hit the victim with a chair because he was gay.

I believe that the Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. By passing this legislation and changing current law, we can change hearts and minds as well.

JUDICIAL NOMINATIONS AND THE NOMINATION OF MICHAEL SEABRIGHT

Mr. LEAHY. Mr. President, so far this year the Senate Republican leadership has called up one judicial nomination. That is right, despite the fact that other nominations are on the Senate Executive Calendar and ready to be confirmed, it is the Republican leadership of the Senate that is delaying action on judicial nominations.

When the Senate finally turned to the nomination of Paul Crotty to be a U.S. district court judge for the Southern District of New York on April 11, that nomination was confirmed 95 to 0. All Democrats present voted in favor of confirmation. Indeed, Senator SCHUMER and Senator CLINTON came to the floor to speak in favor of the nominee. That is the only judicial nomination Senate Republicans have been willing to consider all year. There has been no filibuster of judicial nominees. Instead, it is the Senate Republican leadership that, through its deliberate inaction, is keeping judgeships unnecessarily vacant for months. With the Crotty nomination, I was the one asking for months for the nomination to be considered, debated, voted on and confirmed.

At the time, I noted that another noncontroversial nomination was ready for Senate action. More than a week ago, I called upon the Republican leadership to proceed to the confirmation of Michael Seabright to the District Court of Hawaii. I renew that plea.

All Democrats on the Judiciary Committee have been prepared to vote favorably on this nomination for some time. We were prepared to report the nomination last year but it was not listed by the then-chairman on a committee agenda. I thank Chairman SPECTER for including Mr. Seabright at our meeting on March 17. The nomination was unanimously reported and has been on the Senate Executive Calendar for more than a month. It is Senate Republicans who are resisting a vote on this judicial nominee, not Democrats. I understand that Mr. Seabright has the support of both of his home State Senators, both distinguished and highly respected Democratic Senators.

Once confirmed, Mr. Seabright will be the 206th of 216 nominees brought before the full Senate for a vote to be confirmed. That means that 830 of the 875 authorized judgeships in the Federal judiciary, or 95 percent, will be filled. As late as it is in the year, we would still be back on pace with that set by the Republican majority in 1999, when President Clinton was in the White House. That year, the Senate Republican leadership did not allow the Senate to consider the first judicial nominee until April 15. Two judges were confirmed in April and the third was not confirmed until June.

Of the 46 judicial vacancies now existing, President Bush has not even sent nominees for 28 of those vacancies, more than half. I have been encouraging the Bush administration to work with Senators to identify qualified and consensus judicial nominees and do so, again, today. The Democratic leader and I sent the President a letter in this regard on April 5, but have received no response.

It is now the third week in April, we are more than one-quarter through the year and so far the President has sent only one new nominee for a Federal court vacancy all year—only one. Instead of sending back divisive nominees, would it not be better for the country, the courts, the American people, the Senate and the administration if the White House would work with us to identify, and for the President to nominate, more consensus nominees like Michael Seabright who can be confirmed quickly with strong, bipartisan votes?

I commend the Senators from Hawaii for their efforts to work cooperatively to fill judicial vacancies. I only wish Republicans had treated President Clinton's nominees to vacancies in Hawaii with similar courtesy. Had they, there would not have been the vacancies on the Ninth Circuit and on the district court. The work of the Senators from Hawaii is indicative of the type of bipartisan efforts Senate Democrats have made with this President and remain willing to make. We can work together to fill judicial vacancies with qualified, consensus nominees. The vast majority of the more than 200 judges confirmed during the last 3½ years were confirmed with bipartisan support.

The truth is that in President Bush's first term, the 204 judges confirmed were more than were confirmed in either of President Clinton's two terms, more than during the term of this President's father, and more than in Ronald Reagan's first term when he was being assisted by a Republican majority in the Senate. By last December, we had reduced judicial vacancies from the 110 vacancies I inherited in the summer of 2001 to the lowest level, lowest rate and lowest number in decades, since Ronald Reagan was in office.

The Hawaii judgeship at issue here has been vacant for more than 4 years, since December of 2000 when Judge Alan Kay took senior status. President Clinton made a nomination to that seat in advance of the vacancy, but the Republicans in control of the Senate refused to act on it. They preserved the vacancy for a Republican President.

In 2002, President Bush nominated James Rohlfing to the vacancy. That nomination failed, however, because in the view of his home State Senators and the American Bar Association, he was not qualified for the position. It took the White House more than two additional years to agree. Finally, in May 2004 that nomination was withdrawn by President Bush.

The administration finally got it right after consultation with the Hawaii Senators. The President sent Michael Seabright's name to the Senate last September. An outstanding attorney who has experience in private practice as well as a sterling reputation as an assistant U.S. attorney, Mr. Seabright merited consideration and swift confirmation. Despite his reputation as a law-and-order Republican, Republicans would not move on Mr. Seabright's nomination last Congress. The President took his time renominating Mr. Seabright and even then it took repeated requests to get his nomination included on the agenda of the committee. When he was considered on March 17 he was reported with unanimous support. Senate Democrats have long supported and requested action on this nomination.

I have been urging this President and Senate Republicans for years to work with all Senators and engage in genuine, bipartisan consultation. That process leads to the nomination, confirmation and appointment of consensus nominees with reputations for fairness. The Seabright nomination, the bipartisan support of his home State Senators, and the committee's action by a unaimous, bipartisan vote is a perfect example of what I have been urging.

I have noted that there are currently 28 judicial vacancies for which the President has delayed sending a nominee. In fact, he has sent the Senate

only one new judicial nominee all year. I wish he would work with all Senators to fill those remaining vacancies rather than through his inaction and unnecessarily confrontational approach manufacture longstanding vacancies. It is as if the President and his most partisan supporters want to create a crisis.

Over the last weeks we have heard some extremists call for mass impeachments of judges, court-stripping and punishing judges by reducing court budgets. Now we are seeing an effort at religious McCarthyism by which Republican partisans inject religion into these matters. Rather than promote crisis and confrontation, I urge this President to disavow the divisive campaign and do what most others have and work with us to identify outstanding consensus nominees. It ill serves the country, the courts and most importantly the American people for this administration and the Senate Republican leadership to continue down the road to conflict.

The Seabright nomination shows how unnecessary that conflict really is. Let us join together to debate and confirm these consensus nominees to these important lifetime posts on the federal judiciary.

It is the Federal judiciary that is called upon to rein in the political branches when their actions contravene the Constitution's limits on governmental authority and restrict individual rights. It is the Federal judiciary that has stood up to the overreaching of this administration in the aftermath of the September 11 attacks.

It is more and more the Federal judiciary that is being called upon to protect Americans' rights and liberties, our environment and to uphold the rule of law as the political branches under the control of one party have overreached. Federal judges should protect the rights of all Americans, not be selected to advance a partisan or personal agenda. Once the judiciary is filled with partisans beholden to the administration and willing to reinterpret the Constitution in line with the administration's demands, who will be left to protect American values and the rights of the American people?

The Constitution establishes the Senate as a check and a balance on the choices of a powerful President who might seek to make the Federal judiciary an extension of his administration or a wholly owned subsidiary of any political party. Today, Republicans are threatening to take away one of the few remaining checks on the power of the executive branch by their use of what has become known as the nuclear option. This assault on our tradition of checks and balances and on the protection of minority rights in the Senate and in our democracy should be abandoned. Eliminating the filibuster by the nuclear option would destroy the Constitution's design of the Senate as an effective check on the Executive. The elimination of the filibuster would reduce any incentive for a President to consult with home State Senators or seek the advice of the Senate on lifetime appointments to the Federal judiciary. It is a leap not only toward one-party rule but to an unchecked Executive.

Rather than blowing up the Senate, let us honor the constitutional design of our system of checks and balances and work together to fill judicial vacancies with consensus nominees. The nuclear option is unnecessary. What is needed is a return to consultation and for the White House to recognize and respect the role of the Senate appointments process.

The American people have begun to see this threatened partisan power grab for what it is and to realize that the threat and the potential harm are aimed at our democracy, at an independent and strong Federal judiciary and, ultimately, at their rights and freedoms.

HYDROGEN AND FUEL CELL TECHNOLOGY ACT OF 2005

Mr. HARKIN. Mr. President, I am pleased to announce my support for an important piece of legislation recently introduced by Senator DORGAN and Senator GRAHAM, the Hydrogen and Fuel Cell Technology Act of 2005.

This legislation lays out a bold vision for the energy future of our Nation. It takes steps to secure the research, development, demonstration and market transition necessary to deliver on the tremendous promise of a ''hydrogen economy.''

The economy of this country today depends heavily on oil, much of which we must import from countries with hostile and dangerous regimes. This dependence on foreign oil threatens our national security, our economy and the environment. We must take the steps now to find alternative sources of energy and new ways of powering everything from cell phones to cars. This bill does exactly that.

The Hydrogen and Fuel Cell Technology Act funds the research and demonstration needed to develop key aspects of a reliable, renewable hydrogen economy. The bill incorporates language from the Hydrogen Passenger Vehicle Act, which I introduced earlier in this Congress to provide funding for projects to demonstrate the cost-effective production and distribution of hydrogen from renewable sources, such as ethanol. The bill also adopts several proposals from my Hydrogen and Fuel Cell Energy Act, including support for hydrogen transportation corridor demonstrations, such as the Upper Midwest Hydrogen Initiative.

This legislation will fund development of better fuel cell technology, of lighter, more efficient ways to store hydrogen on board vehicles, and of less expensive ways of converting renewable energy to hydrogen fuel.

It updates the language and sets clearer priorities for the existing hydrogen research program under the Matsunaga Act, and adds important demonstration, commercialization, and market driver mechanisms, using Federal Government procurement to help drive demand for new technology.

In order to be most effective, however, we will need to enact the tax incentives necessary to encourage widespread investment, production and utilization of hydrogen. Tax credits for fuel cell vehicles, for hydrogen fueling infrastructure, for hydrogen fuel from renewable sources, and for stationary and portable fuel cells should all be considered as part of a package of support for the hydrogen economy.

The measures proposed in this legislation will require a significant Federal investment in our energy future, but with these measures, we can use hydrogen and fuel cell technologies to realize our vision of cars that do not pollute, of power that will not go out, and of true energy security. I urge the support of my colleagues for this visionary legislation.

Mr. DORGAN. Mr. President, Senator HARKIN has shown great leadership in the effort to create a hydrogen fuel-cell economy and I welcome his support and look forward to working with him and other cosponsors as we move this legislation forward.

90TH ANNIVERSARY OF THE ARMENIAN GENOCIDE

Mr. REED. Mr. President, I, along with the Armenians in Rhode Island and throughout the United States, as well as those around the world, recognize the 90th anniversary of the Armenian Genocide.

On the night of April 24, 1915, nationalists in the Ottoman Empire rounded up and executed 200 Armenian community leaders, sparking an 8-year campaign of tyranny that impacted the lives of every Armenian in Asia Minor. By 1923, an estimated 1.5 million Armenians were murdered, and another 500,000 were exiled.

The U.S. Ambassador to the Ottoman Empire, Henry Morganthau, Sr., unsuccessfully pleaded with President Wilson to act. Morganthau later remembered the events of the genocide. ''I am confident that the whole history of the human race contains no such horrible episode as this,'' the Ambassador wrote in his memoir. ''The great massacres and persecutions of the past seem almost insignificant when compared to the sufferings of the Armenian race in 1915.''

Unfortunately, the United States, and the world, did not intervene.

Today, on the 90th Anniversary, I am proud to be one of 32 Senators who urged President Bush to refer to the mass murder of Armenians as genocide in his commemorative statement. Failing to do so, does not properly commemorate this tragedy. Accurate acknowledgment of this event in human history is a small, but necessary, step to take.