

the Senate has chosen to pursue a partisan agenda using judicial nominees. Sadly, published reports during the last couple of weeks indicate that the Senate Republican leadership is, instead, preparing to cater to the extreme rightwing faction that is agitating for fights over judicial nominations. We will see that when they insist on confrontation over such controversial nominations as Judge Terrence Boyle, Norman Randy Smith or Brett Kavanaugh. Despite Democratic cooperation in the confirmation of scores of nominees and the undeniable fact that we have treated this President's nominees more fairly than Republicans treated those of President Clinton, they seem intent on using controversial judicial nominations to stir up their partisan political base.

Rather than address the priorities of Americans by focusing on proposals to end the subsidies to big oil and rein in gas prices, rather than devote our time to passing comprehensive immigration reform legislation, rather than completing a budget, the Republican leader came to the floor last week to signal a fight over controversial judicial nominations. One of the nominations that the Republicans want to rubberstamp is that of Judge Terrence Boyle to the U.S. Court of Appeals for the Fourth Circuit. We have learned from recent news reports that, as a sitting U.S. district judge and while a circuit court nominee, Judge Boyle ruled on multiple cases involving corporations in which he held investments. In at least one instance, he is alleged to have bought General Electric stock while presiding over a lawsuit in which General Electric was accused of illegally denying disability benefits to a long-time employee. Two months later, he ruled in favor of GE and denied the employee's claim for long-term and pension disability benefits. Whether or not it turns out that Judge Boyle broke Federal law or canons of judicial ethics, these types of conflicts of interest have no place on the Federal bench. Certainly, they should not be rewarded with a promotion. They should be investigated.

The Republican leadership would rather have the Senate be a rubberstamp for rewarding this administration's cronies with lifetime appointments to high Federal courts. They have tried before. If the White House had its way, we would already have confirmed Claude Allen to the Fourth Circuit. He is the former Bush administration official who recently resigned his position as a top domestic policy adviser to the President. Last month we learned why he resigned when he was arrested for fraudulent conduct over an extended period of time. Had Democrats not objected to the White House attempt to shift a circuit judgeship from Maryland to Virginia, someone now the subject of a criminal prosecution for the equivalent of stealing from retail stores would be a sitting judge on the Fourth Circuit

confirmed with a Republican rubberstamp.

A look at the Federal judiciary in Pennsylvania demonstrates yet again that President Bush's nominees have been treated far better than President Clinton's and shows dramatically how Democrats have worked in a bipartisan way to fill vacancies, despite the fact that Republicans blocked more than 60 of President Clinton's judicial nominees. With today's confirmation of Thomas Golden to be a district court judge in Pennsylvania, 21 of President Bush's nominees to the Federal courts in Pennsylvania will have been confirmed, more than for any other State except California.

With this confirmation, President Bush's nominees will make up 21 of the 43 active Federal circuit and district court judges for Pennsylvania—that is more than 49 percent of the Pennsylvania Federal bench. On the Pennsylvania district courts alone, President Bush's will now sit in 18 of the 36 judgeships.

This is in sharp contrast to the way vacancies in Pennsylvania were left unfilled during Republican control of the Senate when President Clinton was in the White House. Republicans denied votes to nine district and one circuit court nominees of President Clinton in Pennsylvania alone. Despite the efforts and diligence of the senior Senator from Pennsylvania, Senator SPECTER, to secure the confirmation of all of the judicial nominees from every part of his home State, there were 10 nominees by President Clinton to Pennsylvania vacancies who never got a vote. Despite records that showed these to be well-qualified nominees, these nominations were blocked from Senate consideration.

So while I congratulate Thomas Golden and his family on his confirmation, I remember those who were not treated so fairly by Senate Republicans.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Brian M. Cogan, of New York, to be United States District Judge for the Eastern District of New York?

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. The following Senators were necessarily absent: the Senator from Kentucky (Mr. BUNNING) and the Senator from Utah (Mr. HATCH).

Further, if present and voting, the Senator from Kentucky (Mr. BUNNING) would have voted "yea."

Mr. DURBIN. I announce that the Senator from Indiana (Mr. BAYH), the Senator from California (Mrs. BOXER), and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

The PRESIDING OFFICER (Mr. COLEMAN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 95, nays 0, as follows:

[Rollcall Vote No. 113 Ex.]

YEAS—95

Akaka	Dorgan	McConnell
Alexander	Durbin	Menendez
Allard	Ensign	Mikulski
Allen	Enzi	Murkowski
Baucus	Feingold	Murray
Bennett	Feinstein	Nelson (FL)
Biden	Frist	Nelson (NE)
Bingaman	Graham	Obama
Bond	Grassley	Pryor
Brownback	Gregg	Reed
Burns	Hagel	Reid
Burr	Harkin	Roberts
Byrd	Hutchison	Salazar
Cantwell	Inhofe	Santorum
Carper	Inouye	Sarbanes
Chafee	Isakson	Schumer
Chambliss	Jeffords	Sessions
Clinton	Johnson	Shelby
Coburn	Kennedy	Smith
Cochran	Kerry	Snowe
Coleman	Kohl	Specter
Collins	Kyl	Stabenow
Conrad	Landrieu	Stevens
Cornyn	Lautenberg	Sununu
Craig	Leahy	Talent
Crapo	Levin	Thomas
Dayton	Lieberman	Thune
DeMint	Lincoln	Vitter
DeWine	Lott	Voinovich
Dodd	Lugar	Warner
Dole	Martinez	Wyden
Domenici	McCain	

NOT VOTING—5

Bayh	Bunning	Rockefeller
Boxer	Hatch	

The nomination was confirmed.

#### NOMINATION OF THOMAS M. GOLDEN TO BE U.S. DISTRICT JUDGE FOR THE EASTERN DISTRICT OF PENNSYLVANIA

The PRESIDING OFFICER. The clerk will report the next nomination.

The legislative clerk read the nomination of Thomas M. Golden, of Pennsylvania, to be United States District Judge for the Eastern District of Pennsylvania.

Mr. SPECTER. Mr. President, I have sought recognition to recommend to my colleagues the confirmation of Thomas M. Golden to the U.S. District Court for the Eastern District of Pennsylvania.

Mr. Golden graduated from Penn State University in 1969, and received a law degree from Dickinson School of Law in 1972. Thereafter, he has been in the practice of law with Stevens & Lee, first as an associate and then as a partner. And from 1979 to the present, he has owned his own firm, Golden Masano Bradley and serves as managing partner in that capacity.

Mr. Golden enjoys an excellent reputation for academic achievement, for lawyerly skills, for integrity, and for community service. Alvernia College awarded Mr. Golden a doctorate of human letters for service to the community and legal profession in 2003. He is past president of the Pennsylvania Bar Association and the Berks County Bar Association.

Holding those positions is demonstrative of active community service, taking on responsibilities to promote the public welfare beyond his work as a private practicing attorney.

The American Bar Association gave Mr. Golden a unanimous "well-qualified" rating. In my years on the Judiciary Committee and now as chairman of the committee, I have seen many nominees, and I believe Tom Golden has outstanding potential for the Federal district court. I urge my colleagues to support him.

Mr. SANTORUM. Mr. President, it is a pleasure for me to come to the floor of the Senate to give good words of encouragement to my colleagues to support Tom Golden for the Eastern District of Pennsylvania judgeship. This is a vacancy that the Office of Administration at the U.S. Courts has determined is a judicial emergency, so it is high time that we get this vacancy filled. Tom Golden has proven to be just the right medicine for us to be able to move this process very quickly in the Senate.

On April 27 he was moved out of committee by a voice vote, so I guess, from all reports at least, unanimously. Certainly there were no vocal objections. He now comes to the floor for confirmation. I congratulate him in anticipation of a strong positive vote today on his successfully negotiated, what can be tough shoals in the Senate when it comes to judicial nomination.

The record speaks for itself. This is a man of great legal ability, as well as someone who is a fine member of his community and citizen of this country. He started out with great potential. He graduated from Penn State University, which happens to be my alma mater, and also graduated from the Dickinson School of Law, which happens to be my alma mater. He has a fine background and education, and he has come forward from that education to work at a law firm in Reading, PA. He is from Berks County. Berks County is one of the larger counties in our State. It has not had a judge there for some time, even though there is a courthouse in Reading. We are quite excited. Folks in the Eastern District are rather exited about the opportunity of having their cases heard and their filings be filed before judges and motions be heard in Reading as opposed to having to travel all the way to Philadelphia to have their cases proceed.

This is not just a good moment for Tom Golden, but it is a good moment for all of the litigants in the western part of the Eastern District, to be able to have their cases heard in a much more convenient fashion.

Aside from a variety of involvements in charitable organizations and specific organizations, I want to mention the fact that Tom was very active in the bar association. In fact, not only is he in the House of Delegates at the ABA, and has been since 2002, he was the president of the Pennsylvania Bar Association from 2003 to 2004 and served, as you can imagine, often as chair leading up to his election to the presidency in 2006. He has been active in the Berks County Bar Association and a whole lot of other legal areas.

He was rated "well-qualified," not surprisingly, by the bar association. He is coming here with the highest recommendations from the legal community, as well as the community at large in Berks County.

It is a pleasure to come here with a noncontroversial nomination, someone who has the highest character, as well as great legal ability, and someone who, I am confident, will do a fine new job as judge on the Eastern District of Pennsylvania.

Mr. BIDEN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there sufficient second?

There appears to be a sufficient second.

The question is, Will the Senate advise and consent to the nomination of Thomas M. Golden, of Pennsylvania, to be U.S. District Judge for the Eastern District of Pennsylvania. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. McCONNELL. The following Senators were necessarily absent: the Senator from Kentucky (Mr. BUNNING) and the Senator from Utah (Mr. HATCH).

Further, if present and voting, the Senator from Kentucky (Mr. BUNNING) would have voted "yea."

Mr. DURBIN. I announce that the Senator from California (Mrs. BOXER) and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 96, nays 0, as follows:

[Rollcall Vote No. 114 Ex.]  
YEAS—96

Akaka	Domenici	McCain
Alexander	Dorgan	McConnell
Allard	Durbin	Menendez
Allen	Ensign	Mikulski
Baucus	Enzi	Murkowski
Bayh	Feingold	Murray
Bennett	Feinstein	Nelson (FL)
Biden	Frist	Nelson (NE)
Bingaman	Graham	Obama
Bond	Grassley	Pryor
Brownback	Gregg	Reed
Burns	Hagel	Reid
Burr	Harkin	Roberts
Byrd	Hutchison	Salazar
Cantwell	Inhofe	Santorum
Carper	Inouye	Sarbanes
Chafee	Isakson	Schumer
Chambliss	Jeffords	Sessions
Clinton	Johnson	Shelby
Coburn	Kennedy	Smith
Cochran	Kerry	Snowe
Coleman	Kohl	Specter
Collins	Kyl	Stabenow
Conrad	Landrieu	Stevens
Cornyn	Lautenberg	Sununu
Craig	Leahy	Talent
Crapo	Levin	Thomas
Dayton	Lieberman	Thune
DeMint	Lincoln	Vitter
DeWine	Lott	Voinovich
Dodd	Lugar	Warner
Dole	Martinez	Wyden

NOT VOTING—4

Boxer	Hatch
Bunning	Rockefeller

The nomination was confirmed.

Mr. DEMINT. Mr. President, I move to reconsider the vote.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the President shall be immediately notified of the Senate's action.

## LEGISLATIVE SESSION

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

The PRESIDING OFFICER. The Senator from South Carolina.

## MORNING BUSINESS

Mr. DEMINT. Mr. President, I ask unanimous consent that the time until 5:30 p.m. be equally divided between the two leaders or their designees in morning business.

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

Mr. DEMINT. Mr. President, I ask to be recognized for 10 minutes in morning business.

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

## HEALTH CARE AND MEDICAL MALPRACTICE

Mr. DEMINT. Mr. President, next week this Senate is going to consider one of the most important issues that we will consider as a Congress and as a nation, and that issue is health care. All of us know that the cost of health care, the cost of health insurance, and, in many cases, access to doctors around the country is becoming a serious problem. Many are uninsured. It is an issue we talk about a lot in the Senate, but it is an issue we haven't done a lot about.

This is like some other issues, I am afraid, where our tongue doesn't exactly match our action. We heard a lot of talk on the Senate floor about jobs and jobs going overseas, but when the proposals come up to make America the best place in the world to do business, to lower the cost of doing business in this country, to continue investment tax credits, to put some caps on frivolous lawsuits, to reduce the costly and unnecessary regulations, and even to do things that make energy less expensive so we can manufacture in this country, I am afraid my colleagues, particularly my Democratic colleagues, block those actions and, again, unfortunately, pit business against people and profits against jobs. What we know and most Americans know is that people have jobs with businesses, and businesses that don't have profits don't create jobs.

Our rhetoric needs to match our action. We need to stop blocking legislation that needs to be done and blaming other folks when it doesn't get done.

We have seen the same thing happen with energy, unfortunately. For the