

Center, in 1990, where he served on the Georgetown Law Journal as a Notes and Comments Editor.

I thank both home State Senators for their support of this nominee. I know Senator SPECTER, who has been a strong advocate for Judge Hardiman on the Committee, will welcome his confirmation. I also thank Senator CASEY for his support, and for considering and approving this nominee so quickly after taking office.

With this confirmation, the Senate continues to make significant progress in this Congress on nominations for lifetime appointments to the Federal bench. We continue to put the lie to the alarmist rhetoric of some on the other side of the aisle by proceeding promptly and efficiently.

This session of Congress, the Senate has already confirmed 10 judicial nominations, including the nomination of Norman Randy Smith to the Court of Appeals for the Ninth Circuit. And now the Senate stands poised to confirm a Second Circuit court nomination and will likely have confirmed 13 judges by the end of the day.

The treatment of President Bush's judicial nominees in a Democratic Congress stands in stark contrast to the fate of many of President Clinton's nominees, who were blocked and delayed by the Republican majority. In the 1996 session, a Republican-controlled Senate confirmed only 17 of President Clinton's nominees—this year, we have already reported 15 nominees out of committee in just 3 months. In 1996, not a single judge was confirmed to the circuit courts—not one. This nomination is already the second confirmed this year. In all, more than 60 of President Clinton's judicial nominees were defeated in Senate committees through pocket filibusters and practices that Republicans then abandoned as soon as there was a Republican in the White House.

Regrettably, the Administrative Office of the U.S. Courts lists 50 judicial vacancies, yet the President has sent us only 20 nominations for these vacancies. Thirty of these vacancies—more than half—have no nominee. Of the 22 vacancies deemed by the Administrative Office to be judicial emergencies, the President has yet to send us nominees for 16 of them. That means more than two-thirds of the judicial emergency vacancies are without a nominee.

I would rather see us work together in the selection of nominees so that we can confirm judges rather than spend time fighting about them.

I congratulate Judge Hardiman, and his family, on his confirmation today.

#### NOMINATIONS OF JOHN PRESTON BAILEY AND OTIS D. WRIGHT

Mr. President, now the Senate will consider and, I believe, confirm the nominations of John Preston Bailey for the Northern District of West Virginia and Otis D. Wright II for the Central District of California.

With these two confirmations, both to fill judicial emergency vacancies, the Senate will have confirmed 13 lifetime appointments to the Federal bench so far this year. There were only 17 in the entire 1996 session. I have worked cooperatively with Members from both sides of the aisle on our committee and in the Senate to move quickly to consider and confirm these judicial nominations so that we can fill vacancies and improve the administration of justice in our Nation's Federal courts.

The Administrative Office of the U.S. Courts lists 48 remaining judicial vacancies, yet the President sent us only 18 nominations for these vacancies. Thirty of these vacancies—more than half—have no nominee. Of the 20 vacancies deemed by the Administrative Office to be judicial emergencies, the President has yet to send us nominees for 16 of them. That means four-fifths of the judicial emergency vacancies are without a nominee.

Each of the nominations before us today has the support of their home State Senators. And I thank Senators BYRD, ROCKEFELLER, FEINSTEIN, and BOXER for their support of these nominations.

John Preston Bailey has been nominated to the Northern District of West Virginia, a seat deemed to be a judicial emergency by the Administrative Office of the U.S. Courts. Mr. Bailey is a graduate of Dartmouth College, and he obtained his law degree from West Virginia University where he graduated with honors as a member of the Order of the Coif and the West Virginia Law Review. After law school, Mr. Bailey served as a law clerk to Judge Charles H. Haden II, a U.S. District Judge of the Northern and Southern Districts of West Virginia.

In his legal career, Mr. Bailey has worked as an assistant prosecuting attorney for Ohio County, WV, and special assistant prosecuting attorney for Marshall County, WV. He currently is a partner at the Wheeling, WV, law firm of Bailey, Riley, Buch and Harman, L.C., where he has worked since 1978.

Judge Otis D. Wright II has been nominated to the Central District of California, another seat designated a judicial emergency. Judge Wright is a judge on the Superior Court of California, a court with one of the largest caseloads in the country. Before coming to the bench, Judge Wright worked for 22 years as a civil litigator at the Los Angeles law firm of Wilson, Elser, Moskowitz, Edelman and Dicker LLP, and 3 years as a deputy attorney general for the California Department of Justice. He graduated from California State University and received his law degree from Southwestern School of Law.

Judge Wright's story has been a march toward the American dream. As an African American born in Tuskegee, AL, Judge Wright rose above the travails and barriers posed by a Jim Crow segregated society to serve his country

as a U.S. marine, a deputy sheriff in the Los Angeles County Sheriff's Department, a State government attorney, a partner at a Los Angeles law firm, and a judge on the State bench. Today this great American story includes confirmation to a lifetime appointment on the Federal bench.

I am pleased one of the two nominations before us is an African American. I have urged, and will continue to urge, the President to nominate men and women to the Federal bench who reflect the diversity of America. Racial diversity remains a pillar of strength for our country and one of our greatest natural resources. Diversity on the bench helps ensure that the words "equal justice under law," inscribed in Vermont marble over the entrance to the Supreme Court, are a reality and that justice is rendered fairly and impartially. Judicial decisions should reflect insight and experiences as varied as America's citizenry. A more representative judiciary helps cultivate public confidence in the judiciary which strengthens the independence of our Federal courts.

A more representative judiciary also strengthens the fabric of our democracy. As we were reminded earlier this year, while honoring the life of Dr. Martin Luther King, Jr., the promise of our democracy lies in building a nation more inclusive of all Americans.

The nomination before us today represents an important step toward achieving that promise. I am pleased that, if confirmed, Judge Wright would become the 90th African-American judge currently on the Federal bench.

But there is still much work to be done. In 6 years, President Bush has nominated only 18 African-American judges to the Federal bench, compared to 53 African-American judges appointed by President Clinton in his first 6 years in office. He has yet to appoint an African-American judge from Mississippi even though that State has the highest percentage of African-American residents of any State.

Our Nation has highly qualified individuals of diverse heritages who would help to unify our Nation while adding to the diversity of our courts. I hope the President will send us more consensus nominees that reflect the rich diversity of our Nation.

I congratulate the nominees, and their families, on their confirmations today.

#### NOMINATION OF OTIS D. WRIGHT

Mrs. FEINSTEIN. Mr. President, it is my pleasure to support Judge Otis Wright, a distinguished nominee to the U.S. District Court for the Central District of California.

Judge Wright is nominated to a seat that has been designated as a judicial emergency. The Central District of California, based in Los Angeles, is the largest and busiest Federal judicial district in the Nation.

When this Congress began, there were five vacancies on this court more than twice as many as in any other judicial district in the country.

I am pleased that the Senate has already confirmed two new judges for the Central District this year, and I thank Chairman LEAHY for moving the California judicial nominees quickly.

Judge Wright is a graduate of California State University at Los Angeles and of the Southwestern School of Law.

After graduating from law school, Judge Wright was a deputy attorney general in the California Department of Justice for 3 years. During that time he specialized in criminal appeals.

He went on to join the law firm of Wilson, Elser, Moskowitz, Edelman & Dicker, where he became a partner during a career that spanned more than 20 years. He practiced civil litigation in many areas, with a particular focus on insurance coverage litigation.

While in private practice, Judge Wright was a volunteer attorney with the HIV AIDS Legal Services Alliance. His work on behalf of those with HIV and AIDS included housing and employment discrimination cases, as well as preparing wills for the terminally ill.

Judge Wright's public service has not been limited to his legal career: he was a deputy sheriff in the Los Angeles County Sheriff's Department while attending college and law school, and before that he served in the U.S. Marine Corps and the Marine Corps Reserves.

He is one of only 16 African Americans who have been nominated to be federal judges in the 6 years that President Bush has been in office. During the first 6 years of the Clinton presidency, by contrast, 53 African Americans were nominated. Judge Wright will be a welcome addition to the bench.

In California we have developed a bipartisan process known as the Parsky Commission for selecting Federal district court nominees. Under this system, a committee of lawyers, including Democrats and Republicans, recommends qualified applicants to the President.

I am proud of this system and pleased to say that Judge Wright was recommended by the Parsky Commission. This gives me confidence that he comes to the bench without an ideological agenda and prepared to serve all the people of California.

I urge my colleagues to vote in favor of Judge Wright's nomination.

#### NOMINATION OF JOHN PRESTON BAILEY

Mr. BYRD. Mr. President, I am pleased to speak today in support of an esteemed colleague, a fine West Virginia lawyer named Mr. John Preston Bailey. Mr. Bailey hails from the beautiful city of Wheeling, WV. John Bailey has been nominated by the President for a seat on the Federal bench in the Northern District of West Virginia.

Mr. Bailey is a splendid choice for this judgeship. He is senior partner at the firm of Bailey, Riley, Buch and Harman. Not only is Mr. Bailey well-versed in administrative law, he is also a successful litigator, competent in both civil and criminal litigation.

John Bailey graduated from West Virginia University's College of Law in 1976, where he was a member of the West Virginia Law Review. He was admitted to the State Bar of West Virginia that same year and clerked for 2 years thereafter with the Honorable Charles H. Haden II, who, at that time, was the U.S. district judge for both the Northern and Southern Districts of West Virginia.

Mr. Bailey is extremely well qualified to be confirmed as a Federal judge. He worked as an assistant prosecuting attorney in the mid-1980s, and he served as chairman of the Workers' Compensation Appeals Board in West Virginia from 1985 to 1991. He sat on the executive council of the West Virginia Bar Association for 6 years and was elected to be president of that association in 1992. He was thereafter elected and served as president of the West Virginia State Bar from 2003 to 2004. Before that, he served as vice president of the state bar and as a member of the bar's Board of Governors.

More recently—in fact, just last year—he was also bestowed the honor of “Fellow” by the West Virginia Bar Foundation. In bestowing that honor upon Mr. Bailey, Tom Tinder, the executive director of the West Virginia Bar Foundation, stated that Mr. Bailey is a “true leader” of his community. John Preston Bailey has been a member of the Order of the Coif, the Order of the Barristers, a member of the Moot Court Board, the Ohio County Bar Association, the West Virginia Trial Lawyer Association, and a member of the National Association of Criminal Defense Attorneys.

I can attest to the fact that Mr. Bailey comes highly recommended by West Virginians of varying legal viewpoints. He is a smart, independent thinker. He is hard working. He has had over 30 years of experience as a licensed attorney. As a result, he recognizes the solemn responsibility with which a Federal judge is charged. He must interpret—impartially, and with proper contemplation of, and respect for, the three, separate branches of our Government—provisions that have been approved by the Congress and signed into law the President.

Mr. Bailey has an excellent reputation and a keen intellect. Based on my understanding of Mr. Bailey's character and impressive credentials, I believe that he will make a fine Federal judge. For all of the reasons that I have mentioned, I am pleased to urge my colleagues to support his nomination to be a U.S. district court judge for the Northern District of West Virginia.

Mr. ROCKEFELLER. Mr. President, I thank the majority leader for moving expeditiously to move the confirmation for John Preston Bailey to be a judge on the U.S. District Court for the Northern District of West Virginia. I thank Judiciary Committee Chairman LEAHY and Ranking Member SPECTER

for reporting this nomination to the full Senate, and I commend Mr. Bailey to my colleagues as exactly the type of nominee we should all support for seats on the Federal bench.

John Bailey did something somewhat unusual after he earned his degree from Dartmouth College. He came back. He defied a longstanding trend of our best and brightest young men and women leaving to seek their fortunes and not returning. He went on to earn his law degree from the School of Law at West Virginia University and then served as a law clerk for the Honorable Charles Haden II. Judge Haden was a Republican and a Ford appointee but was also a good friend to this Senator. He was a fair and decent man widely respected for his intellect and his diligent efforts to arrive at the correct outcome. I can only hope that John Bailey chooses to emulate his former mentor, Judge Haden. Knowing what I know of John Bailey, he will, and West Virginians will benefit.

Lawyers in West Virginia have a great deal of respect for John Bailey. He has served the West Virginia legal community as president of the West Virginia State Bar and the West Virginia Bar Association and was a member of the Board of Governors of the West Virginia Trial Lawyers Association. Some West Virginia lawyers and judges I have known for many decades believe John Bailey will be a very capable judge because he is a great lawyer. He takes the facts as he finds them and does not come to the table with preconceived notions as to what the outcome should be. Those traits, along with a first-rate intellect and solid educational and work credentials, make up the formula for the kind of judicial nominee we all hope to see come to the Senate from Presidents of both parties.

I yield back the remainder of my time and ask for the yeas and nays on the Hardiman nomination.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. SPECTER. Mr. President, a very brief supplemental comment: Judge Hardiman has been on this bench since 2003. He received a unanimous “well qualified” rating from the American Bar Association.

I ask unanimous consent that the following information be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THOMAS MICHAEL HARDIMAN—UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

Birth: July 8, 1965, Winchester, Massachusetts.

Legal Residence: Pennsylvania.

Education: B.A., University of Notre Dame, 1987, Notre Dame Scholar; J.D., Georgetown University Law Center, 1990, Associate Editor and Notes & Comment Editor, Georgetown Law Journal.

Employment: Associate, Skadden, Arps, Slate, Meagher & Flom LLP, 1990-1992; Associate, Titus & McConomy LLP, 1992-1996,

Partner, 1996-1999; Partner, Reed Smith LLP, 1999-2003; Judge, United States District Court for the Western District of Pennsylvania, 2003-Present.

Selected Activities: Delegate, American Bar Association House of Delegates, 1996-1998; Fellow, Academy of Trial Lawyers of Allegheny County; Member, Pennsylvania Bar Association, Member Professionalism Committee, 1999-2003; Member, American Inns of Court, University of Pittsburgh Chapter; Volunteer, Big Brothers Big Sisters of Greater Pittsburgh, Inc., Director, 1995-Present, Past-President, 1999-2000; Member, Federalist Society; Treasurer, Republican Committee of Allegheny County, 2000-2003

Mr. LEAHY. We yield back all of our time.

Mr. SPECTER. I yield back my time.

The PRESIDING OFFICER. All time is yielded back.

The question is, Will the Senate advise and consent to the nomination of Thomas M. Hardiman, of Pennsylvania, to be U.S. circuit judge for the Third Circuit? 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. REID. I announce that the Senator from Illinois (Mr. DURBIN) and the Senator from South Dakota (Mr. JOHN-SON) are necessarily absent.

Mr. LOTT. The following Senators were necessarily absent: the Senator from Colorado (Mr. ALLARD), the Senator from Mississippi (Mr. COCHRAN), and the Senator from Arizona (Mr. MCCAIN).

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

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

[Rollcall Vote No. 78 Ex.]

YEAS—95

Akaka	Dorgan	Mikulski
Alexander	Ensign	Murkowski
Baucus	Enzi	Murray
Bayh	Feingold	Nelson (FL)
Bennett	Feinstein	Nelson (NE)
Biden	Graham	Obama
Bingaman	Grassley	Pryor
Bond	Gregg	Reed
Boxer	Hagel	Reid
Brown	Harkin	Roberts
Brownback	Hatch	Rockefeller
Bunning	Hutchison	Salazar
Burr	Inhofe	Sanders
Byrd	Inouye	Schumer
Cantwell	Isakson	Sessions
Cardin	Kennedy	Shelby
Carper	Kerry	Smith
Casey	Klobuchar	Snowe
Chambliss	Kohl	Specter
Clinton	Kyl	Stabenow
Coburn	Landrieu	Stevens
Coleman	Lautenberg	Sununu
Collins	Leahy	Tester
Conrad	Levin	Thomas
Corker	Lieberman	Thune
Cornyn	Lincoln	Vitter
Craig	Lott	Voinovich
Crapo	Lugar	Warner
DeMint	Martinez	Webb
Dodd	McCaskill	Whitehouse
Dole	McConnell	Wyden
Domenici	Menendez	

NOT VOTING—5

Allard	Durbin	McCain
Cochran	Johnson	

The nomination was confirmed.

VOTE ON NOMINATION OF JOHN PRESTON BAILEY

The PRESIDING OFFICER. The question is, Will the Senate advise and

consent to the nomination of John Preston Bailey, of West Virginia, to be United States District Judge for the Northern District of West Virginia?

The nomination was confirmed.

VOTE ON NOMINATION OF OTIS D. WRIGHT II

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Otis D. Wright II, of California, to be United States District Judge for the Central District of California?

The nomination was confirmed.

The PRESIDING OFFICER. The President will be immediately notified of the Senate's action.

#### LEGISLATIVE SESSION

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

The Senator from Alaska.

Ms. MURKOWSKI. Mr. President, I ask unanimous consent to speak as in morning business.

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

(The remarks of Ms. MURKOWSKI pertaining to the introduction of S. 896 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mrs. MURKOWSKI. Mr. President, I yield the floor, and 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. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. NELSON of Florida). Without objection, it is so ordered.

#### MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to a period for the transaction of morning business, with Senators allowed to speak for up to 10 minutes each.

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

#### FAMILY-BASED METH TREATMENT ACCESS ACT

Mr. DURBIN. Mr. President, substance abuse continues to claim victims, destroy families, and eat away at communities. Today, many communities in Illinois and across the country are struggling with the methamphetamine epidemic. Drug treatment centers in Illinois report an explosion in the number of people entering treatment for meth addiction. Public drug treatment providers have seen a 73 percent increase in meth treatment admissions in the last decade. Meth is having a particularly dire effect on families, tearing them apart and overwhelming our child welfare network. In 2004, more than half of the children en-

tering foster care in some areas of rural southeastern Illinois were forced into the program because their caretakers were meth abusers. Meth use among adult women has very real and tragic implications for child safety, foster care, and family breakups.

It is the stories of these mothers that paint the real picture of the disease of addiction. Last week, I met an amazing woman and mother whose story clearly represents the need for family-based treatment services. Imani has been in recovery from drug addiction for over 5 years. Before that, she was in and out of treatment programs, making six consecutive attempts to break the addiction. She fought to find a treatment program that would meet her needs as a mother of three young children. While she was using and bouncing between failed attempts, she became pregnant with a fourth child. With four children and dwindling hope, she made one more stab at sobriety.

Imani found an addiction and treatment center that offered a family-based approach to treatment services. Five years later, Imani is sober, living happily with her children, including her fourth child who is now a healthy young boy and is currently on his school's honor roll. Today, she advocates on behalf of other recovering mothers and the importance of family-based treatment services.

As we identify new methods to combat the disease of addiction, we must consider the specific needs of families. When mothers seek out treatment to heal from their addiction, they face a difficult battle. The world of substance abuse treatment is not designed with the needs of families in mind, and though the general programs may be successful for single men and women, families struggling with substance abuse issues find few opportunities to find treatment and recovery.

Family-based treatment centers combine substance abuse recovery with mental health counseling, medical treatment, parenting, education, and legal services. These programs provide essential assistance to the entire family, rather than just the parent, and have proven to be extremely effective. Studies consistently show that family-based treatment increases long-term sobriety, educational enrollment, and gainful employment, along with decreased criminal activity and child development delays. Addressing the meth crisis through a comprehensive family-treatment approach provides a cost-effective alternative to incarceration and foster care and yields consistently positive outcomes in child well-being, family stability, and lower recidivism rates. A Substance Abuse and Mental Health Services Administration, SAMHSA, evaluation of family-based treatment programs in 2003 revealed that 60 percent of the mothers remained sober 6 months after discharge.

Family-based treatment acknowledges the important connection between a mother and her child. Many