

noncommercial airlines, requiring certifications and disclosures filed by Senators and staff available to the public for inspection?

Also, it includes slowing down the revolving door between Senators and staff, so those leaving the Senate are limited in the jobs they can take; reducing and eliminating negotiations for another job by a sitting Senator in terms of where they might go when they leave the Senate; also, prohibiting staff contact with lobbyists who are family members of the Senator; also, voting to significantly expand lobbying disclosure.

It goes on for lengthy paragraphs: voting to prohibit partisan efforts like the K Street Project, that notorious project involving lobbyists and Members of the Senate; voting to deny pensions to former Members convicted of certain crimes; voting to protect the integrity of conference reports.

Does the Senator from New York not make this point, that when one Senator stands up and says: Well, I have one little section that I want to guarantee is going to be in the final conference report, that Senator is stopping us from considering all of these elements of ethics and lobbying reform, each of which points to some concern of Members of the Senate where we want to change the ethics standards, clean up the culture of corruption?

So when the Republican Senator from South Carolina objects to going to conference, he stops us from considering any and all of the things I just read.

Is that the point the Senator from New York is making?

Mr. SCHUMER. Madam President, I thank my colleague from Illinois. That is exactly the point I am making. I would say, the reason we have a Senate, and not a body of one, is because there are different views. Some of the things that my colleague from Illinois read to me are the most objectionable that are on the books now.

I would guess the public is probably closer to my view than the view of the Senator from South Carolina. I would guess what bothered them the most with Abramoff, or with anything else, was all the trips and emoluments and the way the lobbyists sort of insinuated their way into the whole process. There are hundreds of earmarks where there were no lobbyists involved. There were many more earmarks—most earmarks—where the public debate would be supported by this body.

Mr. DEMINT. Madam President, will the Senator yield for a question?

Mr. SCHUMER. So I would say to my friend from Illinois that is exactly the point. If each of us insists that our little provision must be passed on its own—no debate, no discussion, no moving forward with the general process—we would have no ethics reform.

Mr. DEMINT. Madam President, will the Senator yield for a question?

Mr. SCHUMER. So despite the good intentions of my colleague from South

Carolina, the effect of what he is doing is preventing good, strong, tough ethics reform across the board on issues such as earmarks, but also on issues such as trips and the K Street Project, and everything else from moving forward.

So my colleague from Illinois makes a point that I think is—

Mr. DURBIN. Madam President, will the Senator yield for another question?

Mr. SCHUMER. Madam President, I continue to yield to my colleague.

Mr. DURBIN. Madam President, I would like to ask my colleague from New York, as to the notorious K Street Project, where lobbyists had regular meetings with Members of the Senate to discuss which legislation would come up, which amendments would be considered, which provisions in the Tax Code would be passed, and which would fail—all of these things are now prohibited under the bill that we want to send to conference. They do not relate directly to earmarks, which are appropriations measures, but everyone across America would concede there were clear abuses when it came to this K Street Project.

So when the Republican Senator from South Carolina objects to taking this bill to conference, he has gone beyond earmarks. He is not allowing us to consider the broader question about what we consider to be unethical and illegal contacts between lobbyists and Members of the Senate. He is stopping us from passing new laws to bring some ethics reform to the Senate.

I ask the Senator from New York, the issue of earmarks was voted on with an overwhelming vote in the Senate. The Appropriations Committee, on which I serve, is moving forward with real earmarks reform. So it would seem that the Senator from South Carolina is carping on a trifle here. We have a huge number of important legislative items to consider in S. 1.

I ask the Senator from New York, in the time he has served in the House and the Senate, can he recall a time when a Senator or Member of Congress could receive a guarantee that a conference committee was going to produce exact language as each Member would like going into the conference?

Mr. SCHUMER. Well, Madam President, I have served in this body now for 8 years. I had served in the House for 18 years. I cannot recall a single instance. We do have senses of the Senate; we had senses of the House, which are supposed to direct things. But we have never asked for a guarantee. I, for one, cannot recall someone saying: I am holding up everything until I get my guarantee. That is wrong.

Mr. DEMINT. Madam President, will the Senator yield for a question?

Mr. SCHUMER. Madam President, I will be happy to yield in a second.

I will tell you, I go to my State. It is a diverse State of 19 million people. It is not South Carolina. It is not Illinois. It is not Nevada. It is not California. It

is not Washington State. But I will tell you, the No. 1 thing I hear is: Can't you folks each give in a little bit? Can't you folks each work with one another and get something done?

That is what I hear. Yet the path my friend from South Carolina is taking is exactly the opposite because we will get good earmark reform.

## EXECUTIVE SESSION

### NOMINATION OF LIEUTENANT GENERAL DOUGLAS E. LUTE, TO BE LIEUTENANT GENERAL, U.S. ARMY

The PRESIDING OFFICER. Under the previous order, the Senate resumes executive session and will proceed to a vote on Executive Calendar No. 165, which the clerk will report.

The legislative clerk read the nomination of Lt. Gen. Douglas E. Lute to be Lieutenant General.

The question is, Will the Senate advise and consent to the nomination of Lt. Gen. Douglas E. Lute, to be Lieutenant General, U.S. Army, under title 10, U.S.C., section 601?

Mr. REID. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mrs. BOXER (when her name was called). Present.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHN-SON) is necessarily absent.

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

The result was announced—yeas 94, nays 4, as follows:

[Rollcall Vote No. 236 Ex.]

#### YEAS—94

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

## NAYS—4

Byrd  
McCaskillTester  
Webb

## ANSWERED "PRESENT"—1

Boxer

## NOT VOTING—1

Johnson

The nomination was confirmed.

Mr. REID. Madam President, it is my understanding that there are three votes for district court judges, is that true?

The PRESIDING OFFICER. That is true.

Mr. REID. Madam President, I ask unanimous consent that all votes be 10 minutes in duration.

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

Mr. REID. I thank the Chair.

The PRESIDING OFFICER. Under the previous order, there is 10 minutes of debate preceding the votes.

Who yields time?

The Senator from Vermont is recognized.

Mr. LEAHY. Madam President, we are going to have how many nominations?

The PRESIDING OFFICER. Three. The Senator has 5 minutes.

Mr. LEAHY. Madam President, the Senate continues to make progress today with the confirmation of three more lifetime appointments to the Federal bench, Benjamin Hale Settle to the District Court for the Western District of Washington, Richard Joseph Sullivan to the District Court for the Southern District of New York, and Joseph S. Van Bokkelen to the District Court for the Northern District of Indiana. The nominations of Mr. Settle and Mr. Sullivan are for vacancies deemed by the Administrative Office of the U.S. Courts to be judicial emergencies. All three nominees have the support of their home State Senators. I thank Senators MURRAY, CANTWELL, CLINTON, SCHUMER, LUGAR, and BAYH for working with us and with the President on the nomination.

These 3 judges will bring this year's judicial confirmations total to 21. It is before the Fourth of July recess, and we have already confirmed many more judges than were confirmed during the entire 1996 session when President Clinton's nominees were being reviewed by a Republican Senate majority. That was the session in which not a single circuit court nominee was confirmed. We have already confirmed three circuit court judges in the early months of this session. As I have previously noted, that also puts us well ahead of the pace established by the Republican majority in 1999.

As the Judiciary Committee chairman, I have always treated this President's judicial nominees more fairly than Republicans treated President Clinton's. With these confirmations, the Senate will have confirmed 121 judges while I have served as Judiciary Chairman. It is a little known and wholly unappreciated fact that during

the more than 6 years of the Bush Presidency, more circuit court judges, more district court judges, and more total judges have been confirmed while I served as Judiciary chairman than during the longer tenures of either of the two Republican chairmen working with Republican Senate majorities.

The Administrative Office of the U.S. Courts lists 48 judicial vacancies after these nominations are confirmed, yet the President has sent us only 26 nominations for these vacancies. Twenty two of these vacancies—almost half—have no nominee. Of the 15 vacancies deemed by the Administrative Office to be judicial emergencies, the President has yet to send us nominees for 6 of them. That means more than a third of the judicial emergency vacancies are without a nominee.

Of the 13 circuit court vacancies, more than half are without a nominee. If the President had worked with the Senators from Rhode Island, New Jersey, Maryland, California, Michigan, and the other States with the remaining circuit vacancies, we could be in position to make even more progress.

As it is, we have cut the circuit vacancies in half, from 26 to 13. Contrast that with the way the Republican-led Senate's lack of action on President Clinton's moderate and qualified nominees resulted in circuit court vacancies increasing from 17 to 26. During most of the Clinton years, the Republican-led Senate engaged in strenuous efforts to keep circuit judgeships vacant in anticipation of a Republican President. To a great extent they succeeded.

The Judiciary Committee has been working hard to make progress on those nominations the President has sent to us. Of course, when he sends us well-qualified, consensus nominees with the support of his home-state Senators like those before us today, we can have success.

Mr. Settle is a partner and cofounder of the Shelton, WA, law firm of Settle & Johnson, PLLC, where he has worked for 30 years. He also served 7 years as a prosecutor and defense counsel in the U.S. Army Judge Advocate General Corps.

Mr. Sullivan is general counsel to Marsh & McLennan Companies, Inc., where he has worked since 2005. Before that, he worked as a Federal prosecutor in the Southern District of New York and in private practice at the Wall Street law firm of Wachtell, Lipton, Rosen, & Katz.

Mr. Van Bokkelen is the U.S. attorney for the Northern District of Indiana, where he has served since 2001. He has worked in private practice for the law firms of Goodman, Ball, Van Bokkelen & Leonard and Wilson, Donnesberger, Van Bokkelen & Reid. He previously served as an assistant U.S. attorney and as an assistant attorney general in the Indiana Attorney General's office.

I congratulate the nominees and their families on their confirmation today.

Have the yeas and nays been asked for on the Benjamin Hale Settle nomination?

The PRESIDING OFFICER. They have not.

Mr. LEAHY. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Is all time yielded back?

Mr. LEAHY. I yield back my time.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SPECTER. Madam President, I seek recognition to speak on the nomination of Benjamin Settle to be a U.S. District Judge for the Western District of Washington. Benjamin Hale Settle was nominated by President Bush on January 9, 2007. A hearing was held on his nomination on March 13, and he was unanimously reported out of the Judiciary Committee on April 25.

Mr. Settle has an impressive resume and a record of service. He received his B.A. from Claremont McKenna College in 1969. Upon graduating from college, he enlisted in the U.S. Army Reserve and entered law school at Willamette University College of Law where he received his J.D. degree in 1972.

After graduating from law school he worked for Don Miles Attorneys as an associate until he was called up to serve full time in the Judge Advocate General's Corps for the U.S. Army in 1973. Three years later, in 1976, Mr. Settle left full time Army service and rejoined the Don Miles where he practiced for one year, before opening a small partnership of his own. He has enjoyed a successful career as a general practitioner, working in a variety of small partnerships over the last three decades.

Mr. Settle's broad practice has encompassed both litigation and transactional matters. The nominee has also served as the general counsel to several municipal and private corporate entities. In addition to his litigation and general counsel work, Mr. Settle has served as judge pro tempore in Mason County Superior and District Courts where he has managed numerous matters for mediation and arbitration.

The ABA has unanimously rated Mr. Settle "Qualified." The vacancy to which Mr. Settle is nominated has been designated a "judicial emergency" by the nonpartisan Administrative Office of the Courts. I hope my fellow Senators will support this nomination.

Madam President, I also seek recognition to discuss the nomination of Richard Sullivan to be a District Judge for the Southern District of New York.

Richard J. Sullivan was nominated to be a U.S. District Court Judge for the Southern District of New York on February 15, 2007. A hearing was held on his nomination on April 11, 2007, and the Judiciary Committee reported his nomination favorably on May 3, 2007.

He is a highly qualified nominee with a distinguished record both as a prosecutor and in private practice. In 1986,

he received his B.A. degree from the College of William and Mary, where he was elected to Phi Beta Kappa. In 1990, he graduated from Yale Law School. Following law school, he served as a law clerk to Judge David M. Ebel of the United States Court of Appeals for the Tenth Circuit. In 1991, he joined Wachtell Lipton Rosen & Katz as a litigation associate.

In 1994, he joined the U.S. Attorney's Office for the Southern District of New York as an assistant U.S. attorney. During his tenure in the office, he served in a variety of leadership positions. In 1999, he was put in charge of the Office's General Crimes Unit and later became chief of the Narcotics Unit. In 2002, he was named the founding chief of the newly created International Narcotics Trafficking Unit, which was dedicated to investigating and prosecuting the world's largest narcotics trafficking and money-laundering organizations. From 2002 to 2005, he also served as director of the New York/New Jersey Organized Crime Drug Enforcement Task Force.

In 2005, Mr. Sullivan joined Marsh & McLennan Companies, Inc., as deputy general counsel for litigation. He still works in that capacity, and since 2006 has also served as the general counsel of Marsh Inc., the world's largest insurance broker and risk management firm. Marsh & McLennan Companies is the parent company of Marsh Inc.

The American Bar Association has unanimously rated Mr. Sullivan "Well Qualified." The seat to which he is nominated has been designated a "judicial emergency" by the nonpartisan Administrative Office of the Courts. I hope my fellow Senators will vote to confirm Mr. Sullivan.

And finally, Madam President, I seek recognition to discuss the nomination of Joseph S. Van Bokkelen to be a District Judge for the Northern District of Indiana.

President Bush nominated Mr. Van Bokkelen on January 9, 2007. A hearing was held on his nomination on April 11 and the Senate Judiciary Committee reported his nomination favorably on May 3. He is a highly qualified nominee with extensive experience both as a prosecutor and in private practice.

In 1966, Mr. Van Bokkelen received his B.A. degree from Indiana University. In 1969, he graduated from Indiana University School of Law. After graduating law school, Mr. Van Bokkelen joined the Office of the Indiana Attorney General, serving as deputy attorney general and subsequently as assistant attorney general. In 1972, he became an assistant U.S. attorney for the Northern District of Indiana, where he served until 1975.

Between 1975 and 2001, he worked in private practice as a partner—first at Wilson, Donnesberger, Van Bokkelen & Reid and then at Goodman, Ball, Van Bokkelen & Leonard, P.C. His practice has focused on litigation, both civil and criminal. Between 1983 and 1985, he served as a special prosecutor to inves-

tigate the murder of a prominent politician and lawyer in Lake County, IN.

Since 2001, Mr. Van Bokkelen has served as U.S. Attorney for the Northern District of Indiana. His courtroom experience is extensive. Over the course of his career, he has tried over 100 cases to verdict. The American Bar Association has unanimously rated Mr. Van Bokkelen "Well Qualified."

I urge my fellow Senators to support this nomination.

Madam President, I know everybody is anxious to conclude these matters. They ought not be noncontroversial. Again, we have Benjamin Hale Settle, for the Western District of Washington; Joseph S. Van Bokkelen, for the Northern District of Indiana; Richard J. Sullivan, for the Southern District of New York.

All have excellent academic records and professional records and passed through the Judiciary Committee. I recommend that my colleagues vote for them.

I yield back the remainder of my time.

#### NOMINATION OF BENJAMIN HALE SETTLE, TO BE UNITED STATES DISTRICT JUDGE

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Benjamin Hale Settle, of Washington, to be United States District Judge for the Western District of Washington? The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHN-SON) is necessarily absent.

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

The result was announced—yeas 99, nays 0, as follows:

[Rollcall Vote No. 237 Ex.]

YEAS—99

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

Sununu  
Tester  
Thune

Vitter  
Voinovich  
Warner

Webb  
Whitehouse  
Wyden

NOT VOTING—1

Johnson

The nomination was confirmed.

#### NOMINATION OF RICHARD SULLIVAN, TO BE UNITED STATES DISTRICT JUDGE

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

The legislative clerk read the nomination of Richard Sullivan, of New York, to be United States District Judge for the Southern District of New York.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Madam President, for all Members, this will be our last vote. There will be a voice vote following this vote. On Monday, July 9, starting at 5:30 p.m., maybe even 5:15 p.m., we will have a series of three or four roll-call votes.

Madam President, I ask for the yeas and nays on this nomination.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is, Will the Senate advise and consent to the nomination of Richard Sullivan, of New York, to be U.S. district judge for the Southern District of New York?

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHN-SON) is necessarily absent.

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

The result was announced—yeas 99, nays 0, as follows:

[Rollcall Vote No. 238 Ex.]

YEAS—99

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