

Andonian decision, have agreed. However, we have a problem again with the Office of Legal Counsel. The Office of Legal Counsel said this:

Unless made a clear statement in the Foreign Intelligence Surveillance Act that it sought to restrict presidential authority to conduct wireless searches in the national security area—which it has not—then the statute must be construed to avoid a reading.

I don't know how you get "which it has not" out of the clear language of the Foreign Intelligence Surveillance Act saying this is the exclusive means. But once we found out that in these classified opinions the Office of Legal Counsel had suggested this language right here either didn't exist or didn't mean anything, it had to be solved. Thanks to the leadership of Senator FEINSTEIN, in particular, there has been great energy put into improving the exclusivity provision. I think it is now an exclusivity provision that would defeat this type of, frankly, improbable legal analysis and clearly define that it is Congress's intent in the FISA statute to take every possible avenue it can to limit executive surveillance activities to those that are performed within the statutory authority of this particular legislation.

The last thing is reverse targeting. There has been considerable concern about allowing the Government to identify a foreigner who is in touch with Americans regularly and target that foreigner with the reverse targeting purpose to actually pick up the conversations of the American and dodge the requirement for a warrant for judicial review vis-a-vis the American. There are strong provisions in here that require that regulations and procedures be developed to prevent that.

I hope to be able to discuss the statute further, as we get to the discussion about immunity. But I will conclude by summarizing that the process we went through to get to this piece of legislation, particularly article I of this bill, was a very proud moment for this Senate and for this caucus, for Chairman ROCKEFELLER. It has been infinitely better than the degraded process we went through last August in the atmosphere of stampede. I think the quality of the underlying legislation shows it. I hope as we continue to work together in the Senate on other issues, we continue to follow the process that took place with respect to this iteration of the FISA bill, and we never go back to the kind of hectic, imprudent stampede we were put through last August. Second, the elements of article I are improved. This is, in article I, a bill we can be very proud of. We will have our dispute about the immunity provisions. I will have my thoughts on that for later. But there is much that has been accomplished and great credit is due particularly to Chairman ROCKEFELLER for those accomplishments.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. I ask unanimous consent that the order for the quorum call be rescinded.

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

#### EXECUTIVE SESSION

#### NOMINATION OF WILLIAM T. LAWRENCE TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF INDIANA

#### NOMINATION OF G. MURRAY SNOW TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF ARIZONA

Mr. REID. Madam President, under the authority of the June 24 order issued by the Chair, I now ask that the Senate proceed to executive session to consider Calendar Nos. 627 and 628.

The PRESIDING OFFICER. The clerk will report the nominations.

The legislative clerk read the nominations of William T. Lawrence, of Indiana, to be United States District Judge for the Southern District of Indiana; and G. Murray Snow, of Arizona, to be United States District Judge for the District of Arizona.

Mr. REID. Madam President, all Senators should be aware that this vote will occur very quickly and the second vote will occur immediately after the first one is completed. We appreciate everyone's cooperation. We are still working through some issues, and we will have some news for the rest of the Senators by the time, hopefully, the first vote is announced.

Mr. LEAHY. Will the Senator yield?

Mr. REID. Yes.

Mr. LEAHY. Madam President, I advise the distinguished leader, I will speak on these judges and judicial matters probably for 10 to 15 minutes at most, and then I would be prepared to go to a rollcall vote on William Lawrence, which would be the first one. I intend to support both nominees.

Mr. REID. Madam President, let me say to the distinguished chairman of the Judiciary Committee, we are glad we are at the point where we are today. There has been cooperation. We have approved two circuit court judges. This will be the third district court judge. It is my understanding there was a mark-up that went ahead today without any problem and a couple more judges were reported out at that time.

Mr. LEAHY. I advise the leader, four judges were reported out this morning, as well as a U.S. attorney and another one of President Bush's nominees.

Mr. REID. I appreciate the continued good work of my friend, the distinguished Senator from Vermont.

Mr. LEAHY. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEAHY. I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. LEAHY. Madam President, the distinguished leader has put the Senate in executive session to consider two more judicial nominations. I would like to speak on these in my capacity both as a Senator from Vermont and as chairman of the Judiciary Committee. We are going to be confirming these two nominations which are, of course, for lifetime appointments to the federal bench, as the distinguished Presiding Officer, an attorney in her own right and with a distinguished background as a prosecutor in Minnesota prior to being here, knows. The two are William Lawrence, nominated to a vacancy in the Southern District of Indiana, and Murray Snow, nominated to a vacancy in the District of Arizona.

I have been delighted to work with my friend of 30 years, Senator LUGAR of Indiana. He strongly supports the recommendation of Judge Lawrence. He came to see me about Judge Lawrence prior to his nomination coming up here. Senator BAYH of Indiana also came to see me and supports the nomination. I have been pleased to accommodate Senator KYL in scheduling first Committee action and now Senate action on the nomination of Judge Snow. Both nominations are being expedited for confirmation in a Presidential election year.

As we approach the Fourth of July recess and celebrate the independence of our great Nation, we will be confirming our fourth and fifth judicial nominations of the week.

But when I go back home to Vermont, as I did this past weekend, and as I will this week, I find that Vermonters—and I suspect this is so with all Americans—are not really concerned about judicial nominations. I have not had anybody come up to me—when I am coming out of church or walking through the grocery store or gassing up my car—and say: We need more judicial nominations.

But what they are concerned about are gas prices that have skyrocketed so high they don't know how they are going to be able to afford to drive to work. I have talked to parents of children in rural parts of our State where there is no mass transportation—never will be. They have to bring their children to school. Both the mother and father are working. They then have to drive to work. These are not high-paying jobs. They then have to drive back and get their children. One couple might have to take care of elderly parents, and they are wondering how they can afford to do it with these gas prices. They are far more concerned about that than they are with lifetime appointments to our Federal bench.

They are concerned also about the steepest decline in home values in two

decades. Madam President, when I was a child, I remember my parents always telling me one of the greatest things you can do is to own your own home. Marcelle and I have been fortunate. We have been able to do that. We have encouraged our children to do the same. And I encourage people in my own State of Vermont, especially young people: If you can own your own home, it is worth borrowing money because that will be part of your retirement, part of your stability. But now they have seen the steepest decline in home values in two decades. Many owe more on their house than their mortgage. Many are wondering as they see jobs failing, as they see their gasoline prices go up, as they see the value of their homes go down, if their children will have a brighter future than they did or their parents did.

More and more Americans are affected by rising unemployment. Last month brought the greatest 1-month rise in unemployment in 20 years. It brought the job losses for the first 5 consecutive months of this year to over 325,000 people. The number of people who lost their jobs are equal to half the population in my whole State. Americans are worried about soaring health care costs. They are worried about rising health insurance costs. They are worried about the rising costs of education. They are worried about rising food prices—long before they are worried about the number of Federal judges being confirmed.

Just yesterday, the front page of the Wall Street Journal had this headline: "Consumer Confidence Plummets." That is a pretty dire headline: "Consumer Confidence Plummets." The next line read: "Home Prices See Sharp Decline." With that article they ran a graph titled "In a Free Fall" that shows housing prices in April down more than 15 percent from a year ago and consumer confidence at the lowest level in nearly 20 years. According to the Wall Street Journal, the number of Americans saying they intend to buy a home in the next 6 months is at a 25-year low and consumers' expectations of the economy over the next 6 months is the lowest it has ever been in the more than 40 years they have kept track—the lowest it has ever been—ever been—in 40 years.

Unfortunately, the bad economic news for hard-working Americans is nothing new under the Bush-Cheney administration. During his administration, President Bush and all Americans have seen unemployment rise more than 20 percent and trillions of dollars in budget surplus—which he inherited from President Clinton's administration—turned into trillions of dollars of debt, with an annual budget deficit of hundreds of billions of dollars. When President Bush took office, the price of gas was \$1.42 a gallon. Madam President, I remember some people complaining about \$1.42 a gallon gas when the President took office. Today, it is at an all-time high of over \$4 a gallon.

The Nation's trade deficit widened 8 percent in April alone due to the surging gas prices, and now it is at the highest level in 13 months.

The numbers are staggering: \$4 a gallon for gas, \$139 a barrel for oil, more than \$1 billion a day—let me repeat that: \$1 billion a day—just to pay the interest on the national debt and the massive costs generated by the disastrous war in Iraq. These are the numbers Americans care about, not a few nominees who are getting the honor of a judicial appointment and lifetime tenure in a respected job that pays nearly \$200,000 a year.

Yet we do not hear about these numbers from the other side of the aisle. We do not hear about the free-fall in home prices. We do not hear about the free-fall in the consumer confidence index from the other side. We do not hear about the Bush deficits, which have brought the value of a dollar down almost in half. We do not hear about these numbers, as terrible as they are, and as much as they affect real people in Minnesota and Vermont and elsewhere. We do not hear from them about the number of Americans who are losing their homes, nor about the number of Americans who are losing their jobs, nor about the number of Americans who cannot afford to bring their children to school, nor about the number of Americans who cannot afford to put groceries on the table, nor about the number of Americans who cannot afford to gas up their car so they can go to work. The only numbers we hear about from the other side of the aisle are the number of nominees they insist must be considered by a certain date to reach some mythical average number.

Week after week, even as the Senate—under the leadership of Senator REID and the Democrats—continues to make progress on filling judicial vacancies, we hear a steady stream of grumbling from Republicans. And it turns out, they are responding to partisan pressures from special interest groups.

Madam President, the special interest group I listen to are the hard-working American families in my State of Vermont and the other 49 States. If we are going to listen to a special interest group, listen to the men and women who have to pay to take their children to school, put groceries on their table, go to work, try to make ends meet, and are seeing the value of their home drop 25 percent. If we are going to listen to any special interest group, at a time when the economy is tanking, let's talk about the special interest group, the average American man and woman.

It is ironic that the Senate's Republican minority is so focused on the number of judges because that is the only number that has actually improved under President Bush. On July 1, 2000, when a Republican Senate majority was considering the judicial nominees of a Democratic President in a Presidential election year, there were

60 judicial vacancies. Twenty-one were circuit court vacancies. These vacancies were the result of the actions of Republicans, when there was a Democrat in the White House, pocket-filibustering over 60 judicial nominees.

In stark contrast, after the two nominations we confirm today, and the circuit court judges we confirmed on Tuesday, there are just 40 total judicial vacancies throughout the country. There are only nine circuit court vacancies. By confirming Judge Helene White and Ray Kethledge to the last two vacancies on the Sixth Circuit Court of Appeals, we reduced circuit court vacancies to single digits for the first time in decades—only nine vacancies on our Nation's 13 circuit courts.

The history is clear. Democrats have reversed course on judicial vacancies from the days during which the Republican Senate majority more than doubled them. We have already lowered the 32 circuit court vacancies that existed when I became chairman of the Judiciary Committee in the summer of 2001. We had 32 vacancies. We lowered it to nine. In fact, this is the first time we have hit single digits in decades—since the Republican tactics of slowing judicial confirmations began in earnest in 1996. Why? Because the Democrats did not pocket-filibuster 60 judges, as the Republicans did to a Democratic President. We treated President Bush's nominees with more respect than they treated President Clinton's. But we also treated the whole Federal judiciary system with a great deal more respect. This is, after all, the third independent branch of Government. It is the one branch that should be devoid of politics. It is the one branch that should be able to be set apart from this. And it is the one branch where you leave your political affiliations at the doors.

The 100 nominations we confirmed in only 17 months in 2001 and 2002—I was working with a very uncooperative White House—reduced the vacancies I inherited by 45 percent by the end of 2002. I became chairman halfway through that year. The Republicans had been in control up to that halfway mark. They did not confirm a single judge. In 17 months, we confirmed 100.

So with 40 additional confirmations last year, and another 14 so far this year, the Senate, under Democratic leadership, has already matched the confirmation total for the entire last Congress. That was 2 full years with a Republican Senate majority working to confirm the judicial nominees of a Republican President. In fact, after these two confirmations, we will have reached 54 judicial confirmations for this Congress.

I am sure there are some who prefer partisan fights designed to energize a political base during an election year. I do not. The American people do not want Federal judges to be tied to partisan politics.

Madam President, I felt very honored to be a lawyer. I felt very honored to

try cases in Federal courts. I felt very honored to try cases when I was a prosecutor. And I feel honored to be on the Senate Judiciary Committee. But I have always said one of the things you should be able to do if you walk into a court room—whether you are a plaintiff or a defendant, whether you are the Government or the other side, whether you are rich or poor, no matter your race, no matter your issue—you should be able to look at the judge and say: I am going to be treated fairly. The judge is not going to ask what my political party is, what my station in life is, whether I am a big corporation, whether I am a poor defendant or a plaintiff.

So when there are efforts to make a partisan issue over judicial confirmations, as my friends on the Republican side have done, that is sorely misplaced. Their obstructionism has done a great deal of damage to our attempts to address the important needs of Americans.

We have seen Republican obstructionism since the beginning of this Congress. Republicans used filibuster after filibuster to thwart the will of the majority of the Senate from doing the business of the American people. Republican filibusters prevented the Senate majority from passing a climate change bill. Republican filibusters prevented the Senate majority from passing the Employee Free Choice Act and the Lilly Ledbetter Fair Pay Act. Republican filibusters prevented the Senate majority from passing the DC Voting Rights Act. Republican filibusters prevented the Senate majority from passing the Renewable Fuels, Consumer Protection and Energy Efficiency Act of 2007. Republican filibusters blocked the Renewable Energy and Job Creation Act of 2008. Republican filibusters blocked the Medicare Improvements for Patients and Providers Act of 2008. Republican filibusters blocked the Consumer First Energy Act. These are critical pieces of legislation to address the priorities not of special interest groups, but of real Americans—urgent priorities such as the energy crisis, the environment, voting rights and health care, and fair wages for working men and women. All of them had the support of the majority of the Senate. All were blocked by a minority of Republican Senators who filibustered them.

This long list of priorities unaddressed because of the Republicans in Congress would be even longer if we were to include the many important bills President Bush has vetoed since the beginning of this Congress. That list includes legislation to fund stem cell research, to fight debilitating and deadly diseases such as Parkinson's, multiple sclerosis, and diabetes; to extend and expand the successful State Children's Health Insurance Program that would have provided health insurance to more of the millions of American children who are without it in the wealthiest, most powerful Nation on

Earth; to set a timetable for bringing American troops home from the disastrous war in Iraq that has lasted longer than we were in World War II; and to ban waterboarding and thus help restore America as the beacon for the rule of law.

The effort of Republicans to turn attention from the real issues facing Americans to win partisan political points with judicial nominations is another in a long line of tactics we have seen that have prevented us from making progress since the beginning of this Congress.

As I said before, people do not stop me in the grocery store or coming out of church or walking down the street or getting out of my car to say please confirm more judges. They say: Please, do something about the high cost of gasoline. Do something about the fact that I am going to lose my home in foreclosure because the value has dropped so much. Do something about the fact that our child does not have health insurance.

These tactics would be laughable if they were not tragic. I believe they are an affront to those men and women in this country who are working hard to make ends meet. I know a lot of these good, honest Americans. I see them every weekend in my own State of Vermont. They don't face problems as Republicans or Democrats; they face them as proud Americans, proud Vermonters. They wonder how they are ever going to get insurance for their child and they worry every day their child may become ill. They wonder if they can get to their job, and often they are holding down two jobs to make ends meet. They wonder if they can bring their children to school.

I congratulate the nominees and their families on their confirmation today. These nominees have good reason to be proud. I predict they will be confirmed unanimously, and I am proud of them, because the Federal judiciary is the one arm of our Government that should never be political or politicized regardless of who sits in the White House.

So let us stop using this question of judges as some kind of an issue in trying to distort the fact that the Democrats have treated President Bush better than the Republicans treated President Clinton on judges. Let us stop using the issue of judges to prevent us from addressing the things Americans care about: their jobs, their homes, their children, the cost of gas and oil.

I will continue in this Congress, and I will be here in January with a new President in the next Congress, to work with Senators on both sides of the aisle to ensure that the Federal judiciary remains independent and this real jewel of jurisprudence be able to provide justice for all Americans, as they say in their oath of office, without fear or favor.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SPECTER. Madam President, in my capacity as ranking member on the

Judiciary Committee, I did want to make very brief comments on the nominees who are pending for the district courts.

First, G. Murray Snow for the U.S. District Court for the District of Arizona, a very well-qualified man: a bachelor's degree from Brigham Young University in 1984, magna cum laude; a Harry S. Truman scholar for Nevada, a noted scholarship—parenthetically, one which our older son Shanin had—Phi Kappa Phi; law degree, magna cum laude—a very distinguished academic and professional record.

Similarly, William Thomas Lawrence for the U.S. District Court for the Southern District of Indiana has exemplary qualifications academically and professionally.

I ask unanimous consent to have the resumes printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. SPECTER. One additional addendum. I thank the chairman of the committee and the majority leader for moving ahead with three confirmations earlier this week, and these two confirmations.

Again I renew my request that we be able to move to a situation where we will avoid blocking judges, where we will proceed on up-and-down votes and we will not seek to hold vacancies in judicial nomination situations where there are judicial emergencies—for example, in the Fourth Circuit with the nomination of Judge Conrad pending from North Carolina—and that we will move ahead with the nomination of others who have been waiting for very long periods of time.

Today, the Judiciary Committee took up a report by the Inspector General, in which he noted that there had been political considerations in hiring at the Department of Justice. The report singled out Peter Keisler, who had been acting Attorney General and Assistant Attorney General in the Civil Division, and commended him for calling the inappropriate conduct for what it was. I mention Peter Keisler because he is so well qualified for the DC Circuit vacancy to which he has been nominated.

It will be my expectation that these two nominations would move through smoothly. They were accepted on a voice vote in the Judiciary Committee, and it is my hope that we will use this to move ahead on the confirmations of Federal judges on a yes-or-no vote.

#### EXHIBIT 1

WILLIAM THOMAS LAWRENCE—UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF INDIANA

Birth: 1947; Indianapolis, Indiana.

Legal Residence: Indianapolis, Indiana.

Education: Louisiana State University, 1965–1968; no degree received; B.S., Indiana University, 1970; J.D., Indiana University School of Law—Indianapolis, 1973.

Primary Employment: Attorney, Poore, Popchegg, Wurster, Sullivan & Burke, 1973–1976; Attorney, Popchegg, Lawrence & Page,

1976-1979; Public Defender (Part-time), Marion County Superior Court, Criminal Division 4, 1974-1983; Attorney, Lawrence, Carter, Gresk, Leerkamp & Walsh, 1979-1989; Attorney, Johnson, Smith, Pence, Densborn, Wright & Heath, 1989-1997; Master Commissioner (Part-time), Marion County Circuit Court, 1983-1997; Presiding Judge, Marion County Circuit Court, 1997-2002; Magistrate Judge, U.S. District Court for the Southern District of Indiana, 2002-Present.

Selected Activities: Indiana Bar, 1973-Present; Indianapolis Bar Association, 1973-Present—Distinguished Fellow, 1997, Chairman, Bench Bar Conference, 2002, Chairman, Judicial Section of the Association, 2004, Chairman, Continuing Legal Education Commission, 2002, Vice-President, 2005, Board of Managers, 2005, Executive Committee, Litigation Section, 2004-2005; Seventh Circuit Bar Association, 2002-Present; Federal Bar Association, 2002-Present; Indiana Judges Association, 1997-2002, Board of Managers, 2000-2002; Board of Directors, Judicial Conference of Indiana, 1997-2002; United States Magistrate Judges Association, 2002-Present; Board of Directors, Marion County Justice Agency, 1996-2002; Member, Indiana State Forensic Science Commission, 1984-1990; Executive Director, Indiana Merit Selection Commission on Federal Judicial Appointments, 1980-1986.

ABA Rating: Substantial Majority "Well Qualified," Minority "Qualified."

G. MURRAY SNOW—UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF ARIZONA

Birth: 1959; Boulder City, NV.

Legal Residence: Tempe, AZ.

Education: B.A., magna cum laude, Brigham Young University, 1984—Harry S. Truman Scholar for Nevada, 1982; Member, Phi Kappa Phi Honor Society.

J.D., magna cum laude, J. Reuben Clark Law School, Brigham Young University, 1987—Editor-in-Chief, Brigham Young University Law Review, 1986-1987.

Primary Employment: Law Clerk, Hon. Stephen H. Anderson, U.S. Court of Appeals for the Tenth Circuit, 1987-1988; Meyer, Hendricks, Victor, Osborn & Maledon, P.A.—Associate, 1988-1994, Member, 1994-1995; Member, Osborn Maledon, P.A., 1995-2002; Judge, Arizona Court of Appeals, Division One, 2002-Present.

Selected Activities: Arizona State Bar Association, 1987-Present—Committee on the Rules of Professional Conduct, 1998-2004, Ethical Rules Review Group, 2000-2002; Mesa [Arizona] Judicial Advisory Board Member, 2003-Present; Judicial College of Arizona—Board Member, 2003-2004, Dean, 2005-Present; Committee on Judicial Education and Training—Board Member, 2005-Present, Executive Committee, 2005-Present; Task Force on Model Code of Judicial Conduct, 2007-Present—Chair, March 2007-Present; Recipient, Halo Award, Arizona Association of Providers for People with Disabilities, 2000; Recipient, Citation for Service on the Arizona State Bar Committee on the Rules of Professional Conduct, 1998-2004.

ABA Rating: Unanimous "well qualified."

The PRESIDING OFFICER. The Senator from Indiana is recognized.

Mr. LUGAR. Madam President, I appreciate this opportunity to support the President's nomination of Judge William Thomas Lawrence to serve as a U.S. district judge for the Southern District of Indiana.

I would first like to thank the Senate Judiciary Committee chairman, PAT LEAHY, ranking member, ARLEN SPECTER, the respective leaders of the Senate, and especially my colleague, Sen-

ator EVAN BAYH, for their important work to facilitate the timely consideration of this distinguished nominee.

On December 18, 2007, the Senate voted to confirm the nomination of John Tinder to serve on the Seventh Circuit Court. John was a distinguished leader on Indiana's Southern District Court, and I knew his successor would need to possess the same degree of integrity and intelligence. Given this need for strong leadership, I was pleased to commend William Lawrence to President Bush for consideration. This selection was the product of a bipartisan process and reflective of the importance of finding highly qualified judges to carry forward the tradition of fair, principled, and collegial leadership.

I have known Bill Lawrence for many years. I have always been impressed with his high energy, his resolute integrity, and his remarkable dedication to public service.

William Lawrence attended Indiana University, where he received both his undergraduate and his law degrees. He immediately entered private practice but also devoted time to serve as a public defender in Marion County, IN, courts.

Subsequently, he served part time as a master commissioner of the Marion County Circuit Court.

In 1996, Judge Lawrence was elected to the Marion County Circuit Court. In this position, he built a reputation for fairness and efficiency. The Marion County Circuit Court is one of the busiest in the State of Indiana. In less than 3 years, Judge Lawrence reduced the number of pending cases by 20 percent. This impressive performance on the bench led to his appointment in 2002 to serve as U.S. magistrate judge.

Throughout Bill's career, his reputation for personal courtesy, fairness, decency, and integrity was equally well earned and widespread among colleagues and opposing counsel alike and on both sides of the political aisle.

I am also pleased that Bill's experience and professionalism are recognized by the American Bar Association, which bestowed a rating, by a substantial majority of the committee, of "well-qualified."

I would like to thank again Chairman LEAHY and Ranking Member SPECTER for their important work on this nomination. I believe Judge Lawrence will demonstrate remarkable leadership and will appropriately uphold and defend our laws under the Constitution.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. KYL. Madam President, I wanted to note that what Senator SPECTER said a moment ago about Arizona judge Murray Snow are my feelings as well.

He has been nominated to the Federal bench in Arizona. He is supremely qualified, unanimously "well-qualified," according to the Bar Association, and a fine appellate court judge already. He will make a fine addition to the Federal bench.

I will have an additional statement so all of my colleagues will know about his superb qualifications. We will be voting for him soon. I assume he will be approved. I appreciate my colleagues' support for his nomination.

Judge Snow has served on the Arizona Court of Appeals since 2002. Prior to his judicial service, he was a partner at Osborn Maledon. Judge Snow received his bachelor's degree magna cum laude from BYU in 1984 and received his law degree magna cum laude from BYU in 1987. He was Order of the Coif. After law school, Judge Snow clerked on the Tenth Circuit for Judge Stephen Anderson. Judge Snow was an adjunct professor of political science at ASU 7 years. He served for 4 years on the State Bar of Arizona Ethical Rules Review Group and for six years on the Committee on Rules of Professional Conduct. The ABA unanimously gave Judge Snow its highest rating of "well-qualified."

Mr. LEAHY. Madam President, I have permission to yield back time on both sides of the aisle for the judges, so I yield it back.

I ask for the yeas and nays on the pending nomination.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

All time is yielded back.

The question is, Will the Senate advise and consent to the nomination of William T. Lawrence, of Indiana, to be United States District Judge for the Southern District of Indiana?

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 Massachusetts (Mr. KENNEDY) and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. KYL. The following Senator is necessarily absent: 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 97, nays 0, as follows:

[Rollcall Vote No. 159 Ex.]

YEAS—97

Akaka	Cochran	Hatch
Alexander	Coleman	Hutchison
Allard	Collins	Inhofe
Barrasso	Conrad	Inouye
Baucus	Corker	Isakson
Bayh	Cornyn	Johnson
Bennett	Craig	Kerry
Biden	Crapo	Klobuchar
Bingaman	DeMint	Kohl
Bond	Dodd	Kyl
Boxer	Dole	Landrieu
Brown	Domenici	Lautenberg
Brownback	Dorgan	Leahy
Bunning	Durbin	Levin
Burr	Ensign	Lieberman
Byrd	Enzi	Lincoln
Cantwell	Feingold	Lugar
Cardin	Feinstein	Martinez
Carper	Graham	McCaskill
Casey	Grassley	McConnell
Chambliss	Gregg	Menendez
Clinton	Hagel	Mikulski
Coburn	Harkin	Murkowski

Murray	Schumer	Thune
Nelson (FL)	Sessions	Vitter
Nelson (NE)	Shelby	Voinovich
Pryor	Smith	Warner
Reed	Snowe	Webb
Reid	Specter	Whitehouse
Roberts	Stabenow	Wicker
Rockefeller	Stevens	Wyden
Salazar	Sununu	
Sanders	Tester	

## NOT VOTING—3

Kennedy	McCain	Obama
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The nomination was confirmed.

The PRESIDING OFFICER. There is 2 minutes of debate equally divided on the nomination of G. Murray Snow.

The Senator from Vermont.

Mr. LEAHY. Madam President, I yield back the remainder of time on this side, and I am advised on the other side they yield their time. There is no need for a rollcall vote.

The PRESIDING OFFICER. Time is yielded back.

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

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

Mr. REID. For the information of all Members, Senator LEAHY and Senator SPECTER have agreed that we can have the judge's vote by voice, and we will do that in a minute. But I wish to inform everyone that the Republican leader and I, following this judge being approved—we will go into a quorum call, and we will be in a position, hopefully, in the next 15 minutes, half hour—you know how time is counted in the Senate. Jack, who used to work down here—one night I came in here and he gave me a dog chain. I said: Why did you do that? He said: Because the Senate goes on dog time.

We will try to do something very quickly. But we will go into a quorum call following the judge being approved, and Senator MCCONNELL and I will be back with the next chapter of the saga as quickly as we can.

The PRESIDING OFFICER. The question is, Shall the Senate advise and consent to the nomination of G. Murray Snow, of Arizona, to be United States District Judge for the District of Arizona?

The nomination was confirmed.

The PRESIDING OFFICER. The motions to reconsider are laid on the table, en bloc, and the President will be immediately notified of the Senate's action.

## LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

Mr. LEAHY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill 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.

The majority leader is recognized.

Mr. REID. Mr. President, we do not have our path forward yet, and that is an understatement. But we are working on it. There are a number of Senators, both Democrats and Republicans, who want to speak in morning business.

## MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate now be in a period for the transaction of morning business for a period of a half hour, that the time be divided equally and I, of course, ask this time count against postclosure time on the FISA matter on which we are working.

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

The Senator from New Jersey.

Mr. MENENDEZ. Mr. President, is the business before the Senate that we are in morning business?

The PRESIDING OFFICER. It is.

OUTER CONTINENTAL SHELF  
DRILLING

Mr. MENENDEZ. Mr. President, for years, we have had an energy policy that was written by big oil for big oil, and the result has been good for big oil but a disaster for the American people.

Gasoline is now at over \$4 per gallon, and the Bush-McCain plan is to do more of the same. My colleagues on the Republican side of the aisle have continuously sought to help big oil while at the same time they have blocked Democratic attempts to develop real policies to end our addiction to oil. The result is that under the Bush administration the price of oil has shot up to \$125 per barrel and more, and the price of gasoline has more than doubled.

Despite this history of gas prices going up and up because of failed policies, the Republican Party continues to block measures that will help create change in this situation. Every time we offer sensible policies to address the oil crisis, my friends on the other side of the aisle say no. They said no to the Consumer-First Energy Act that would finally clamp down on rampant oil speculation and burst the speculative bubble that has caused oil prices to skyrocket. Then they said no to the renewable energy tax extension bill that would help continue the rapid growth of wind and solar and provide an incentive for the purchase of plug-in hybrid vehicles. This would help us begin the transition to new energy sources so we are not so vulnerable to the rising cost of fossil fuels. And then our colleagues said no to climate change legislation that lays out the framework to com-

pletely change our economy from one based on oil and other fossil fuels to an economy based on renewable energy.

Democrats have now laid out a sensible plan for change in our energy policy that will make America stronger and more independent in the short, medium, and long term, but all our colleagues can say in return is no—no to the American people and—from what I hear in terms of their response—yes to big oil.

President Bush was right when he told the Nation we are addicted to oil. But what amazes me is their plan is designed to have us continue to act like addicts. Instead of supporting real plans to conserve oil or even transition to sustainable fuels, the Bush-McCain plan is to go out in search of our next oil fix.

Ending a bipartisan 26-year moratorium to open the Outer Continental Shelf to oil is simply not a solution to our oil crisis.

To defend the senseless Bush-McCain plan to open all our shores to drilling, my colleagues on the other side of the aisle have been playing fast and loose with the facts. They claim opening our shores to future drilling will somehow affect gas prices. As I recently pointed out on the floor, this argument flies in the face of projections by President Bush's own Energy Information Agency. They project that even if we opened the entire Outer Continental Shelf to drilling off the East Coast, off the West Coast, and opened the entire eastern Gulf of Mexico, nothing would happen to gas prices—not today, not tomorrow, not ever.

Now, it seems that Senator MCCAIN cannot keep up the charade any longer. On Monday, he admitted he did not expect his plan to provide relief at the pump, but that his plan would have a psychological impact that would be "beneficial." Psychological games are not going to reduce the price of oil. The American people are sick and tired of Republican politics that try to use political spin rather than sound policy to solve our problems.

Another fact that the other side of the aisle wants to keep from the American people is that 80 percent of the oil and natural gas resources in our Federal waters are already open, already open for exploration. Oil companies are sitting on 68 million acres of oil and natural gas leases where they have not produced any oil or natural gas. I joined my colleagues, Senator DODD and Senator DURBIN, to introduce a bill, the Responsible Ownership of Public Lands Act, that will charge oil companies an escalating fee for leased acres they put aside and do not use for oil and natural gas exploration. This will give these companies the incentives they need to stop hoarding the resources they have instead of seeking access to environmentally sensitive areas.

One other factor that has not been discussed properly in this debate about