

Airlines, Inc.; Lawrence W. Kellner, Chairman and CEO, Continental Airlines, Inc.; Richard Anderson, CEO, Delta Air Lines, Inc.; Mark B. Dunkerley, President and CEO, Hawaiian Airlines, Inc.; Dave Barger, CEO, JetBlue Airways Corporation; Timothy E. Hoeksema, Chairman, President and CEO, Midwest Airlines; Douglas M. Steenland, President and CEO, Northwest Airlines, Inc.; Gary Kelly, Chairman and CEO, Southwest Airlines Co.; Glenn F. Tilton, Chairman, President and CEO, United Airlines, Inc.; Douglas Parker, Chairman and CEO, US Airways Group, Inc.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. GREGG. Mr. President, it is my understanding that I have 10 minutes to speak as in morning business?

The PRESIDING OFFICER. The Senator is correct.

Mr. GREGG. Mr. President, I rise to participate in this discussion on energy. I agree with the Senator from Alaska, and I agree, in part, with the Senator from North Dakota, that there has to be an addressing of the issue of speculation.

I think any deal that takes shape on this floor will help if we do that. In addressing the issue of speculation, there are a lot of different factors, however. One of them is that we make sure to maintain control over these commodity markets, and we not create an atmosphere where these commodity markets move offshore and therefore we lose any regulatory control on our part.

But, in addition, I do not think we can repeal the laws of common sense. The essence of the law of common sense is that you have India and China moving toward fairly developed nations and creating massive increases in the demand for oil. There are 2.5 billion people in those two countries. We have 300 million people in our country. We still use the majority of the world's oil. But the simple fact is that demand for oil has radically increased, and we are not going to be able to reduce our energy costs in this country unless we produce more American resources, and also conserve more. That is the simple fact. It is a function of supply and demand. And part of producing more means that we have got to look at those places where we have sources of energy. Two of the key places we have sources of energy are offshore and also oil shale. Both of those resources and, in fact, in the case of oil shale, those resources, the reserves of oil there, exceed the reserves of Saudi Arabia by a factor of two or three. In both of those instances we can recover energy by exploring and drilling in a manner that is environmentally safe. We have proved that beyond any question relative to offshore drilling, when you see that Hurricane Katrina came right up the gulf coast and destroyed one of our great cities but at the same time there was essentially no oil leak or no gas leak from any of the production facilities in the Gulf of Mexico.

We have proven we can produce this energy in a safe and environmentally sound way, and we need to produce it. If you want to see the price of energy drop in this country, you have got to show the world community that we as a nation are willing to step forward and produce and conserve more energy. The way you produce more energy is by drilling, drilling offshore and using the underground resources of oil shale which exceed the reserves of Saudi Arabia. So if we want to address the cost of energy, we should do it, and we should do it now. We should not be waiting.

That is why I congratulate the President for lifting the moratorium. The Senate should lift the moratorium that was put in place by the Senate, by the Congress, on both oil shale and offshore drilling.

(The remarks of Mr. GREGG pertaining to the introduction of S. 3279 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. GREGG. I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. KLOBUCHAR. I ask unanimous consent that the order for the quorum call be rescinded.

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

#### EXECUTIVE SESSION

NOMINATIONS OF PAUL G. GARDEPHE TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF NEW YORK AND KIYO A. MATSUMOTO TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF NEW YORK

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the Senate now proceed to executive session to consider the following nominations: Calendar Nos. 687 and 688, and that the Senate proceed to vote on confirmation of the nominations; that upon confirmation of the nominations, the motions to reconsider be laid upon the table, en bloc, the President be immediately notified of the Senate's action, with no further motions in order, and the Senate then resume legislative session; and that any statements relating to the nominations be printed in the RECORD; and that after this consent is granted, Senator SPECTER of Pennsylvania be recognized for 1 hour.

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

Under the previous order, the Senate will go into executive session and proceed to the consideration, en bloc, of Executive Calendar Nos. 687 and 688, which the clerk will report.

The assistant legislative clerk read the nominations of Paul G. Gardephe,

of New York, to be United States District Judge for the Southern District of New York; and Kiyo A. Matsumoto, of New York, to be United States District Judge for the Eastern District of New York.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nominations of Paul G. Gardephe, of New York, to be U.S. District Judge for the Southern District of New York, and Kiyo A. Matsumoto, of New York, to be U.S. District Judge for the Eastern District of New York?

The nominations were confirmed.

Mr. LEAHY. Mr. President, today we continue to make progress by having confirmed two more nominations for lifetime appointments to the Federal bench: Paul Gardephe for the Southern District of New York and Kiyo Matsumoto for the Eastern District of New York.

These nominees each have the support of the New York Senators, who worked with the White House to identify a slate of consensus nominees. I thank Senators SCHUMER and CLINTON for their consideration of these nominees. I also thank Senator SCHUMER for chairing the hearing on their nominations.

It is ironic that again this week the Senate Republicans have made another attempt to make a partisan, election-year issue out of the confirmation of judicial nominations. This is the one area where the numbers have actually improved during the Bush Presidency while the life of hardworking Americans has only gotten more difficult. Inflation is now on the rise, jobs are being lost, gas prices have skyrocketed, food prices have soared, health care is unaffordable and what Republicans come to the floor to pick a partisan fight about today is the pace of judicial confirmations.

Americans have seen the unemployment rate rise to 5.5 percent and trillions of dollars in budget surplus have turned into trillions of dollars of debt. This week General Motors announced layoffs. The annual budget deficit is in the hundreds of millions of dollars, the dollar has lost half its value and the costs of the Iraq war and interest on the national debt amount to \$1.5 billion a day. And today Republicans spent their time on the Senate floor—after the Democratic leadership of the Senate had pushed through two more judicial confirmations to lifetime appointments—to complain about the pace of judicial confirmations.

When President Bush took office, the price of gas was \$1.42 a gallon. Today it is at an all-time high of over \$4.10 a gallon. The Nation's trade deficit widened 8 percent in April alone due to the surging gas prices, and is now at its highest level in 13 months. The housing crisis and mortgage crisis threaten the economy. The Chairman of the Federal Reserve gave sobering testimony this week to the Senate and the House. The stock market lost 2,000 points in the first 6 months of the year and went

under 11,000. But Republicans want to talk about judicial confirmations, an issue that they hope will charge up rightwing voters.

Struggling Americans—no not whiners, but hardworking Americans trying to do the best they can for their families—are more concerned about critical issues they face in their lives each day. They are concerned about affording to heat their homes this winter. They are concerned about gas prices that have skyrocketed so high they do not know how they will afford to drive to work. They are concerned about the steepest decline in home values in two decades. More and more Americans are affected by rising unemployment, with job losses for the first 6 consecutive months of this year tallying over 438,000. Americans are worried about soaring health care costs, rising health insurance costs, the rising costs of education and rising food prices. The partisan, election-year rhetoric over judicial nominations, at a time when judicial vacancies have been significantly reduced, is a reflection of misplaced priorities.

Our progress today in confirming two more nominations for lifetime appointments shows that when the President works with home state Senators to identify consensus, well-qualified nominees, we can make progress, even this late in an election year.

Paul Gardephe has been a partner and chair of the Litigation Department at the New York law firm of Patterson, Belknap, Webb & Tyler LLP since 2003. Previously, Mr. Gardephe worked in the private sector and also held several positions with the Department of Justice, including special counsel for the Office of the Inspector General.

Kiyo Ann Matsumoto is a U.S. magistrate judge in the Eastern District of New York. Prior to her appointment to the bench in 2004, Judge Matsumoto served as an assistant U.S. attorney for the Eastern District of New York and also worked in private practice. Judge Matsumoto is only the fourth Asian-American judge appointed by this President in nearly 8 years. Her mother and father spent time in an internment camp during World War II, one of the dark days in American history when we allowed fear and prejudice to undermine our commitment to liberty and justice. Now Judge Matsumoto is poised to be confirmed to a lifetime appointment to the Federal bench, charged with protecting the rights of all Americans.

I congratulate the nominees and their families on their confirmation today. 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. I will continue in this Congress, and with a new President in the next Congress, to work with Senators from both sides of the aisle to ensure that the Federal judiciary remains independent, and able to provide justice to all Americans, without fear or favor.

Even while we hear a steady stream of grumbling from Republicans, responding to partisan pressure from special interest groups, the Senate continues to make progress in reducing judicial vacancies to lows not seen in decades. We have gone quite a ways to make up for the abuses the Republicans committed during the Clinton years. Since the years in which Republicans pocket-filibustered more than 60 of President Clinton's moderate and qualified judicial nominees, and judicial vacancies topped 100, we have cut vacancies by more than half and reduced circuit court vacancies by almost three-fourths from a high point of 32, to just nine throughout the entire country and throughout all 13 Federal circuits.

The contrast is stark between the Democratic majority that cut vacancies dramatically during the Bush Presidency and the Republican majority that doubled them during the Clinton Presidency. The 100 nominations we confirmed in only 17 months in 2001 and 2002, while working with a most uncooperative White House, reduced the vacancies by 45 percent by the end of 2002. Consider this snapshot: On July 15, 2000, when a Republican Senate majority was considering the judicial nominees of a Democratic President in Presidential election year, there were 61 judicial vacancies. Twenty were circuit court vacancies. On July 15 of this year, before today's two confirmations, there were 42 total vacancies throughout the country, and for the first time in decades, circuit court vacancies were in single digits, at just 9. For the first time since Republicans began their obstruction of President Clinton's judicial nominees in 1996, circuit vacancies had been reduced to single digits.

With 40 additional confirmations last year, and another 16 so far this year, the Senate under Democratic leadership has already confirmed more judges than in the entire last Congress. In 2 full years with a Republican chairman and a Republican Senate majority working to confirm the judicial nominees of a Republican President, 54 nominations were confirmed. After the two confirmations today, we will have already reached 56 judicial confirmations for this Congress. Two additional nominations remain pending on the Senate's Executive Calendar. With a little cooperation from Republican Senators, who objected earlier today to the majority leader's proposal to consider two judges today with a 1 hour time agreement, those two judicial nominations could also be confirmed. Then we will not only have exceeded the total of the last Congress but equaled under Democratic leadership the total number of nominees confirmed in 4½ years of Republican control of the Senate. Truth be told, President Bush's judicial nominees have been confirmed faster by the Democratic majority than by the previous Republican majority of the Senate. To

date, the Democratic majority has confirmed 156 of President Bush's judicial nominations in the 3 years that I have chaired the Judiciary Committee. Judicial vacancies have fallen from 9.9 percent at the start of the Bush administration to just 4.7 percent today.

The colloquies on the Senate floor today included misinformation about judicial emergency vacancies. Many of these resulted from the Republican slowdown during the Clinton years. In fact nearly half of the judicial nominees the Senate has confirmed while I have served as the chairman of the Judiciary Committee have filled vacancies classified by the Administrative Office of the Courts as judicial emergency vacancies. Eighteen of the 27 circuit court nominees confirmed while I have chaired the committee filled judicial emergencies, including 9 of the 10 circuit court nominees confirmed this Congress. This is another aspect of the problem created by Republicans that we have worked hard to improve. When President Bush took office there were 28 judicial emergency vacancies. Those have been reduced by more than half.

Republicans playing to the far right wing of their political base ignore this progress. They also ignore the crisis they had created by not considering circuit nominees in 1996, 1997 and 1998. They ignore the fact that they refused to confirm a single circuit nominee during the entire 1996 session. They ignore the fact that they returned 17 circuit court nominees without action to the White House in 2000. They ignore the public criticism of Chief Justice Rehnquist to their actions during those years. They ignore the fact that they were responsible for more than doubling circuit court vacancies during their pocket filibusters of Clinton nominees or that we have reduced those circuit court vacancies by almost three quarters.

In fact, as the Presidential elections in 2000 drew closer, and when the judicial vacancy rate stood at 7.2 percent, then-Judiciary Committee Chairman ORRIN HATCH declared that "There is and has been no judicial vacancy crisis," and that 7.2 percent was a "rather low percentage of vacancies that shows the judiciary is not suffering from an overwhelming number of vacancies." As a result of their inaction, the vacancy rate continued to rise, reaching 10 percent when the Democrats took over the Senate majority in 2001.

Democrats have reversed course. We have cut circuit court vacancies by nearly three-quarters, from a high of 32 to only 9. With the confirmation of two nominees today, the vacancy rate will be just 4.7 percent.

I have yet to hear praise from a single Republican for our work in lowering vacancies. I also have yet to hear in the Republican talking points any explanation for their actions during the 1996 congressional session, when the Republican Senate majority refused to allow the Senate to confirm even one circuit court judge.

Republicans' childish antics this year include boycotting business meetings of the Judiciary Committee, cutting hearings short or objecting to them being held and cutting short business meetings of the committee. Today we were scheduled to consider a number of bipartisan measures. Several are important items on which Republicans had already delayed consideration since June. They include the bipartisan bill to reauthorize the Juvenile Justice and Delinquency Prevention Act, a bipartisan OPEN FOIA bill and the bipartisan William Wilberforce Trafficking Victims Protection Reauthorization Act. In addition, we had before us the Fairness in Nursing Home Arbitration Act, the Fugitive Information Networked Database Act, the Methamphetamine Production Prevention Act and the National Guard and Reservists Debt Relief Act.

I had hoped that today we would be able to report these measures. A few words about one of them—the legislation to reauthorize the William Wilberforce Trafficking Victims Protection Act. This bill would strengthen our efforts to stop the abhorrent practice of human trafficking around the world. Our bill enhances protections for victims of these terrible crimes. Human trafficking is a modern-day form of slavery, involving victims who are forced, defrauded or coerced into sexual or labor exploitation. These practices continue to victimize hundreds of thousands around the world, mostly women and children, and we must do all that we can to be more effective in confronting this continuing problem. I thank Senator BIDEN for his leadership. Unfortunately, Republican partisan antics have gotten in the way of progress on this front and delayed the Judiciary Committee and the Senate from acting on this measure.

Rather than meet and work on the human trafficking bill and the others, a number of the Republican Senators who serve on the Judiciary Committee came to the Senate floor while Republicans objected to the committee meeting. That is too bad.

They previously boycotted business meetings for the month of February when we were trying to report judicial nominations. That only slowed our progress. Then, when we tried to expedite consideration of two circuit court nominations in May, they objected. Those judicial nominations were finally confirmed late in June.

As my friend, the senior Senator from Pennsylvania may recall, while chairman of the committee, I helped him move forward with the judicial nominations of Nora Barry Fischer, and Thomas Hardiman to the Third Circuit, and with Legrome Davis, Michael Baylson, Cynthia Rufe, Christopher Conner, John Jones III, David Cercone, Timothy Savage, Terrence McVerry, Arthur Schwab, James Gardner to the Federal district courts in Pennsylvania despite the way President Clinton's Pennsylvania nominees

were treated. I also had the committee proceed to the Third Circuit nomination of D. Brooks Smith, a nomination which I did not support. As ranking member, I worked with Chairman HATCH and Chairman SPECTER in connection with the confirmations of Michael Fisher and Franklin van Antwerpen to the Third Circuit, as well as the nominations of Thomas Hardiman, Gene Pratter, Lawrence Stengel, Paul Diamond, Juan Sanchez, and Thomas Golden to Federal district court in Pennsylvania. With the exception of two nominees from Pennsylvania currently pending before the Judiciary Committee that do not have the support of their home State Senators, every judicial nominee for a Pennsylvania vacancy nominated by President Bush has been confirmed by the Senate. That is 23 nominations in all, including four to the Third Circuit.

As my good friend from Iowa may recall, I expedited confirmation of John Jarvey and Michael Mellow to the Eighth Circuit, and James Gritzner and Linda Reade to the Federal district court in Iowa. As we discussed at a recent committee business meeting, thanks to all our work, there is no Federal judicial vacancy in Iowa, not one.

I did not hear the Senator from Arizona recall my cooperation over the years in the confirmation of a number of Federal judges in Arizona. The Senate confirmed David Campbell, Neil Vincent Wake, Frederick Martone, Cindy Jorgenson, and David Bury. Among the last judges confirmed in 2000 was the Senator from Arizona's close friend James Teilborg. I accommodated Senator KYL as recently as last month in connection with the most recent Federal judge appointed in Arizona, Judge Murray Snow. That filled the only vacancy on the Federal bench in Arizona. So like Iowa, given our action, there is no Federal judicial vacancy in Arizona, not one.

As for my friend from Alabama, he is another member I have gone out of my way to assist over the years. In particular, I remember the confirmation of Kristi Dubose. There were also the confirmations of Karon Boudre, Callie Granade and Mark Fuller while I chaired the committee. The Senate has also confirmed William Steele, L. Scott Coogler, R. David Proctor, Virginia Hopkins and W. Keith Watkins, all of whom I supported. Having helped confirm 10 Federal judges in Alabama since 2001, I wondered why he did not note that Alabama is another State that, thanks to our efforts, has no judicial vacancy, not one.

I look forward to a time when Senators from the other side of the aisle return to work with us on the important legislative business of the Judiciary Committee. It would be refreshing if they recognized the progress we have made on filling judicial vacancies. We have not pocket-filibustered 60 of President Bush's judicial nominees, as they did to President Clinton. We have not engaged in tit for tat. But, as even

Senator SPECTER acknowledged this morning, nothing we do will satisfy Republican Senators.

Mr. COBURN. Mr. President, today I join my colleagues in calling for up-or-down votes for the President's judicial nominees. I supported the decision not to attend the Judiciary Committee's Executive Business Meeting this morning because the committee does not appear to be serious about its responsibility to process nominees. Today's agenda contained no nominees, and no hearings have been scheduled for the many qualified individuals who await them. One of our highest constitutional responsibilities in the Senate is the consideration of judicial nominees. If the Judiciary Committee agenda does not include nominees, there is little point in attending its meetings. I hope the chairman will take note of Republicans' absence and schedule nominees for both hearings and markup without further delay.

Now I would like to take a minute to respond to a comment made by the majority leader this morning. He said, "I can't ever remember going home and somebody . . . saying, 'Could you guys do some more judges? We need to take care of this judges problem.'"

For the record, I would like to say that I have not had the same experience with my constituents in Oklahoma. In fact, I frequently hear from them regarding their interest in judicial nominations. Here are just a few examples:

Lou Baber, from Oklahoma City, writes: "I am incensed by the U.S. Senate's lack of action on the federal judicial nominees President Bush has proposed for seats on district and appeals courts. . . . I hope you will take action in the coming weeks on an issue that has already seriously damaged the Senate's reputation."

Samantha Jones, from Claremore, writes: "Please . . . vote for . . . judicial nominees in the confirmation process. They deserve fair treatment . . . we need good judges."

Peggy Low, of Yukon, writes: "Will you please press the other senators to give the judicial nominees an up-or-down vote, pronto? That is their job and [it is] so overdue."

Barbara Tipton, of Chandler, writes: "Please push to have the judicial nominees come to the full Senate for a vote."

John and Pam Rawlins, of Ponca City, write: "I want to applaud and thank Senator Coburn for bold[ly] standing up for the many judicial nominees that are blocked in the Senate. KEEP IT UP! That is what you are elected to do. We in Oklahoma understand this and [are] 1000 percent behind you."

As I said, there are just a few of the many letters I have received from home about this issue. I will ask that they be printed in the RECORD.

As demonstrated by the statements I just read, my constituents understand what some in this body do not: The

issue is not about getting more judges, it is about confirming quality judges who will uphold the Constitution. Isn't this our clear constitutional responsibility?

Part of the reason I decided to run for the Senate was my desire to see judicial nominees receive an up-or-down vote and my desire to restore a restrained judiciary, bound by our Constitution, laws and treaties. Too often fundamental liberties and important decisions are taken away from the American people by judicial fiat. The Constitution gives the American people, through their elected officials, the right of self-determination by allowing legislative bodies closest to the people decide the important issues of the day.

You don't have to look far to find examples of judges overriding the people's will—one recent example affected my home state of Oklahoma. Last month, in a 5-4 decision, the Supreme Court held that the death penalty is an unconstitutional punishment for the rape of a child. The majority assumed a "national consensus" that the death penalty for child rape was unconstitutional and then substituted its own independent judgment for that of the people and the law, declaring it inconsistent with "evolving standards of decency." Yet Oklahoma, along with five other States, had laws permitting the death penalty for such offenses. Congress had even adopted the penalty, a fact somehow overlooked by the Court. One decision by five unelected judges struck those laws down.

Americans are right to be outraged by this kind of judicial activism. Oklahomans chose to protect their children by allowing the death penalty for anyone convicted twice of rape, sodomy or lewd molestation involving children under 14. Now, because a handful of judges halfway across the country declared the state's decision to be inconsistent with so-called "evolving standards of decency," their sound judgment has been overruled.

Given this example and many others like it, it is clear that Americans are concerned about the Senate's treatment of judicial nominees. If further evidence is needed to prove the point, a recent Rasmussen poll shed light on the issue. It found that, by a 69 percent to 20 percent margin, voters believe that judges should interpret the law as it is written. Sixty-one percent say they trust voters more than judges or elected officials to decide important decisions facing the country.

The obstruction that has occurred in the 110th Congress is unacceptable. It is time to break this stalemate and confirm more of the President's highly qualified nominees.

I ask unanimous consent that the letters to which I referred be printed in the RECORD.

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

I am incensed by the U.S. Senate's lack of action on the federal judicial nominees

President Bush has proposed for seats on district and appeals courts. For this reason, I am urging you to use your influence to urge the Judiciary Committee and the Majority Leader to prioritize this important issue.

Many of the nominees for these important positions are well-qualified and have already gone through the Senate's confirmation process before. There is no reason not to consider their candidacy for a federal judgeship. As a member of the Center for Moral Clarity, a national Christian grassroots organization, I hope you will take action in the coming weeks on an issue that has already seriously damaged the Senate's reputation.

Thank you for considering my opinion.

LOU BABER,  
Oklahoma City, OK.

Please make a vote for the judicial nominees in the confirmation process. They deserve fair treatment in this. We need good judges.

SAMANTHA JONES,  
Claremore, OK.

DEAR DR. COBURN, will you please press the other senators to give the judicial nominees an up or down vote pronto? That is their job and so overdue. Thank you for all your good work on behalf of the unborn and for our country.

Sincerely,

PEGGY LOW,  
Yukon, OK.

Please push to have the judicial nominees to come to the full Senate for a vote. Thank you.

BARBARA TIPTON,  
Chandler, OK.

I want to applaud and thank Senator Coburn for boldly standing up for the many judicial nominees that are blocked in the senate. KEEP IT UP! That is what you are elected to do. We in Oklahoma that understand this are 1000 percent behind you.

Go with our blessings!

JOHN and PAM RAWLINS,  
Ponca City, OK.

Mrs. CLINTON. Mr. President, I am pleased that the Senate today confirmed the nomination of two New Yorkers to the Federal bench.

Kiyo Matsumoto had served as a magistrate judge in the Eastern District of New York since 2004. Prior to her appointment, Judge Matsumoto served in the U.S. Attorney's Office for the Eastern District of New York for more than two decades and held the position of deputy chief of the civil division in that office. Judge Matsumoto has taught as an adjunct law professor at the New York University School of Law as well as worked as a legal research and writing instructor at the Brooklyn Law School. Judge Matsumoto has also served as a member of the Federal Court Committee of the City of New York Bar. Now that she has been confirmed, Judge Matsumoto becomes only the eighth active Asian-Pacific American Senate-confirmed judge on the Federal bench out of approximately 850 judges nationwide.

Paul Gardephe was most recently a partner and chair of the Litigation Department at the New York law firm of Patterson, Belknap, Webb & Tyler LLP. Previously, Mr. Gardephe was a

special counsel for the U.S. Department of Justice Inspector General's Office. He has also worked for the law department of Time Inc., where he held the positions of vice president, litigation deputy general counsel, and Associate General Counsel. Prior to this work, Mr. Gardephe served in the U.S. Attorney's Office for the Southern District of New York for nearly 10 years. For the past 15 years, Mr. Gardephe has taught trial advocacy at New York Law School as an adjunct professor.

The careers of both nominees have been marked by a record of achievement and a commitment to public service. I am certain that each of these individuals will be a credit to the Federal judiciary and will continue to exhibit the qualities that have defined their entire careers: devotion to justice and respect for the rule of law. I am proud to have supported each of their nominations, and I commend Senator SCHUMER and the members of the Judiciary Committee on their diligence in ensuring that our Federal courts are served by men and women of such distinction.

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

#### LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

The Senator from Pennsylvania is recognized for up to 1 hour.

#### CONFIRMATION PROCESS

Mr. SPECTER. Mr. President, I ask unanimous consent that the résumés of the two nominees who have been confirmed be printed in the RECORD. The résumés show these two individuals to be well qualified.

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

PAUL GARDEPHE

UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF NEW YORK

Birth: 1957, Fitchburg, Massachusetts.

Legal Residence: New York.

Education: B.A. and M.A., magna cum laude, University of Pennsylvania, 1979; J.D., Columbia Law School, 1982—Articles Editor, Columbia Journal of Law and Social Problems.

Employment:

Law Clerk, Honorable Albert J. Engel, United States Circuit Judge for the Sixth Circuit, 1982-1983.

Litigation Associate, Patterson Belknap Webb & Tyler LLP, 1983-1987.

Assistant United States Attorney, United States Attorney's Office, Southern District of New York, 1987-1996—Assistant United States Attorney, 1987-1992; Chief, Appeals Unit, Criminal Division, 1992-1995; Senior Litigation Counsel, 1995-1996.

Consultant (Special Counsel), Inspector General's Office, United States Department of Justice, 1996-2000, 2001-2003.

Time Inc. Law Department, 1996-2003—Associate General Counsel, 1996-1998; Deputy