least they should let us move off Interior so we can have full days on homeland security.

The President says he wants this legislation. His wants cannot be accomplished unless we are able to legislate on a full-time basis on it. Once we get started on something, we are back on Interior doing nothing. It takes time to get revved up again on homeland security. I hope that can be accomplished today, that we can get off Interior.

It seems quite clear that the efforts to arrive at a compromise have failed. People have tried hard, and certainly no one is to be faulted, but sometimes we have issues that are irreconcilable. In the Senate, simple majorities don't solve problems that are irreconcilable; it takes 60 votes. The proposition that the majority has offered can't get 60 votes. The proposition of the minority can't get 60 votes. It would be in the best interest of the country that we move off that legislation. Maybe later someone will come up with some kind of a brainstorm to figure some way out of it, but at this stage we have not been able to.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 10:30 a.m., with Senators permitted to speak therein for up to 10 minutes each.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent that the vote begin 2 or 3 minutes early, and the leader asked me to announce this will be the last vote today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE SESSION

NOMINATION OF REENA RAGGI TO BE UNITED STATES CIRCUIT JUDGE FOR THE SECOND CIRCUIT

The ACTING PRESIDENT pro tempore. Under the previous order, the hour of 10:29 a.m. having arrived, the Senate will proceed to executive session and consider Executive Calendar No. 1006, which the clerk will report.

The assistant legislative clerk read the nomination of Reena Raggi, of New York, to be United States Circuit Judge for the Second Circuit.

Mr. LEAHY. Madam President, today the Senate will confirm the nomination of Judge Reena Raggi to the United States Court of Appeals for the Second Circuit. This is the 14th circuit court nominee to be considered by the Senate since the change in Senate majority and reorganization of the Judiciary Committee 14 months ago. That is an average of one Court of Appeals judge a month since the Democratic majority has been in place. This pace is almost double that maintained by the Republicans during their 6½ years of control of the Senate. This is also the 78th judicial nominee we have confirmed in the past 14 months.

In contrast, our Republican predecessors voted on only 46 of President Clinton's more moderate Court of Appeals nominations in their 76 months of control for an average of closer to one circuit court confirmation every other month. In fact, during the entire 1996 session the Senate Republicans stalled all Court of Appeals nominees and not a single one was confirmed. Court of Appeals vacancies went from 16, when the Republicans took over in January 1995, to 33 by the time they finally relinquished control last summer and allowed the Judiciary Committee to reorganize. During the Republican stall on judicial confirmations, vacancies more than doubled on the Courts of Appeals. However, since last summer, the Democratic majority has exceeded the rate of attrition and confirmed 14 circuit court judges, in addition to 64 district court judges. Even with extraordinary attrition of 10 new circuit vacancies during this period, we have lowered the number of Court of Appeals vacancies from the 41 it would have been if Democrats were blocking judges as Republicans falsely claim, to 27.

There are now fewer circuit court vacancies than when the 107th Congress began. Republicans confirmed no circuit court nominees or any judicial nominees during their 6 months of control last year. They could have confirmed some of the nine circuit judges re-nominated by President Clinton, if they were truly concerned about the circuit court vacancy level. They could have done that to demonstrate some commitment to fairness and the bipartisanship they claim. But they did not. The President could have urged that those circuit court nominees be confirmed to demonstrate true bipartisanship and to address the injustices of the stalling tactics of the members of his party in the Senate. He did not. Instead, he withdrew all those circuit court nominees last spring then later renominated only one of them, occasioning more needless delay.

I would like to reflect on what could have been, but for the purposeful obstruction by Republican Senators of the confirmation of more than a score of President Clinton's circuit court nominees. If Republicans had not blocked the confirmation of almost two dozen, 22, circuit court nominees, and many more district court nominees, Democrats on the Judiciary Committee would have begun with 11 circuit court vacancies, instead of the 33 we inherited. With the 10 new circuit court vacancies that arose over these past 14 months, there would have been a total of 24 circuit court vacancies for this President to fill. Given the Democratic pace of considering circuit court nominees, even without any significant cooperation or consultation from the White House, our circuit courts would today be left with only 10 vacancies. That is what might have been, but for the determined, strategic blocking of so many circuit court nominees during the 6½ years of Republican control of the Senate. Instead, after 14 circuit confirmations, there remain 27 circuit court vacancies—still fewer than at the start of this Congress but far from where we could have been.

The Judiciary Committee has already voted on 83 of this President's judicial nominees, including 17 nominees to the Courts of Appeal. Two additional circuit court nominees have had hearings and another is scheduled for a hearing this coming week. The Senate Judiciary Committee has already voted on more circuit and district court nominees than in any of the previous 6½ years of Republican control. In fact, Democrats have given votes to more judicial nominees and, in particular, to more nominees to the Courts of Appeals, than in 1996 and 1997 combined, and than in the last 30 months of the Republican majority control in 1999, 2000 and early 2001.

Judge Raggi was appointed to the Federal trial court in 1987 by President Ronald Reagan. She has a solid record of accomplishment in both the private and public sectors. She received the strong support of her two Democratic Senators, CHUCK SCHUMER and HILLARY RODHAM CLINTON, and of the New York legal community. Even though Judge Raggi is a conservative Republican, we have every reason to believe that she will serve with distinction on the Second Circuit as a fair and impartial judge.

Her record is in sharp contrast to the record of the other circuit court nominee that the Judiciary Committee considered on the very same day: Justice Priscilla Owen, a nominee whose record was too extreme even for the very conservative Texas Supreme Court. Justice Owen's written opinions demonstrated her willingness to substitute her policy preferences for those of the Texas legislature and her determination to distort precedent. Even her fellow judges criticized her approach.

The administration's claim that Democrat's have created a glass ceiling for female judicial nominees is patently ridiculous. It is unfortunate that just 21 percent of President George W. Bush's judicial nominees are women, in contrast to 30 percent of President Clinton's judicial nominees. The percentage of women nominated by this President has been cut by almost a third compared with the prior administration. In fact, so far, President