

aisle, don't prejudge. Don't start up the attack machine, don't declare war and begin the reflexive demagoging of qualified Republican nominees, regardless of who they are.

According to a USA Today article, a recent Gallup Poll found that 86 percent—no small majority—86 percent of Americans believe that our Democratic friends will try to block President Bush's Supreme Court nominee for "inappropriate political reasons." The public is beginning to see this knee-jerk opposition for what it truly is: confrontation for confrontation's sake.

I hope this is not the path we take. According to history, according to media reports, according to the overheated rhetoric of the left-wing fringe groups that have already began gnashing their teeth, it looks that way. But it doesn't have to be that way. Here is what we should do. We should have a fair process. We should treat the nominees with dignity and with respect. And we should have the Court at full strength when it starts its new term on the first Monday in October, October 3.

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

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

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 President, I ask unanimous consent that the order for the quorum call be rescinded.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

#### THE SUPREME COURT

Mr. REID. Mr. President, briefly in response to my friend from Kentucky, the distinguished majority whip, I agree with him. We should have a civil debate on the Supreme Court nominee. That is going to happen based on what the President has done to this point.

He met with me in a one-on-one meeting prior to the resignation of Sandra Day O'Connor. He called me the day she resigned. There was a meeting this past Monday in the White House with Senator FRIST, this Senator, and the two leaders of our Judiciary Committee. I thought it was a very good meeting.

What happens regarding a Supreme Court nominee is dependent on the President. From all the indications I have gotten, he does not want a big battle, nor do we. I am hopeful and confident that will be the case.

However, I say directly to my friend from Kentucky, there is no reason we can't make the October 1 date if the President selects someone next week or the week after or the week after that. We can have the FBI working. We can have the Judiciary Committee staffs working. The first or second week in September, there can be hearings that last a week. Everyone can ask all the questions they want. Especially if it is a Supreme Court Justice who is one the President thinks, and he indicated

he would allow us to—certainly I would like to conominate, but I know that is not our purpose in the Senate. He did indicate if there is someone who is deserving of a red flag for reasons that maybe he does not anticipate, we can maybe help in that regard.

Keep in mind, Sandra Day O'Connor, being the brilliant woman she is, made her resignation effective upon appointment of her successor. It would be better if we had the new Supreme Court Justice when they begin their Court hearings in October. We are going to try to do everything we can to cooperate in that regard. If it does not happen, Sandra Day O'Connor will still be there. During this period of time, the summer months, she is still handling her circuit duties, doing everything she needs to do as a member of the Supreme Court. I admire her for not making the resignation effective upon the President receiving that letter. Everyone should cool the rhetoric and see what will happen. The ball is in the President's court.

As has been indicated, a significant number of names were discussed with him. We did not discuss anyone with him in a negative tone. Every person we talked about with him was positive, some of whom he knew, some he knew personally.

I am hopeful this will all work out for the good of the country. When I say "good of the country," it would be better for everyone—the President included, the Democrats and Republicans in the Senate—that we did not have a protracted problem in the Senate regarding Sandra Day O'Connor's replacement. We would do her honor by having someone move into this position without a lot of problems.

#### MISALLOCATION OF SENATE TIME

Mr. REID. Mr. President, my friend, the distinguished majority leader, noted this morning that we have been in session for over 6 months. That is certainly true. My colleague from Tennessee is correct, we have made progress over these last 6 months.

But it is important to the American people that the other side of the story, as Paul Harvey says, is also told. What is that other side of the story? He cited progress we have made but made no mention of the wasted time in this Senate on the so-called judicial option, the nuclear option. The time we wasted there was multiple weeks. I don't know if anyone has kept an accounting of the exact time, but the rough calculation I have made is more than one-third of the time we have been in session—about 89 days—we have devoted all or most of 30 days to that issue. More than one-third of the time we have spent in the Senate was spent on the so-called nuclear option.

What did that involve? First of all, we approved, prior to starting, 208 of the President's nominees and turned down 10. The President, as soon as he was reelected, renominated 7 of the 10

we turned down. Three of the individuals decided they did not want to be judges or they did not want to go through the process. One of the judges retired who the President recess appointed. We spent more than one-third of the Senate's time on seven judges.

From the very beginning of the President's reelection, we said with two of them, there is no problem, the two Michigan judges. No problem whatever. Just bring them here, we will vote on them, and they can go through.

The reason they were turned down earlier is because of all the problems in the past when the majority at that time—the Republicans sometimes were in the minority; it flipped back and forth; but they would not allow some judges who came from Michigan. It was a procedural problem. Upon the President's reelection, we said: You have those two Michigan judges. So we have spent one-third of the Senate's time on five people, five nominees.

These people could be members of the President's family, but would you spend one-third of the Senate's time on that while leaving important issues dealing with this body alone, ignoring them and rejecting them? I don't think so. But these were not members of the President's family but people who wanted to be judges. What did it amount to when we finished? Out of the five, three have been chosen as judges, two were not. It boiled down to three people. That is what it amounts to. I don't think that is a good allocation of our time, and that is a gross understatement.

Not a single day have we spent in this Senate dealing with health care—not a debate on health care, let alone legislation. I don't think we can find a person anywhere in America who would not say, Boy, this problem with health care is significant. Why do they feel that way? Because 45 million Americans have no health care, and millions more are underinsured, meaning they have insurance but it is not very good. This problem is affecting the very core of our society.

Employers know their employees are happier and they are better employees when they have health insurance. Why did these employers not have health insurance for their employees? They are not mean. They are not miserly. They have no health insurance because they cannot figure out a way to get it. With the present state of our society, employers all over America cannot buy health insurance. Once they buy it, it is canceled if someone gets sick or is in an accident. It is a problem we should be spending time on. Ignoring it does not do the trick.

Education. I have said in the Senate, and I will say it again, I met some time ago with all 17 superintendents of schools of the State of Nevada. We have a wide range of sizes of our school districts. The Clark County school district, Las Vegas, has about 300,000 students. It is one of the largest school districts in all of America. That was