

forward. If we don't, we will end up when we recess—and maybe we will recess earlier than normal this year; many hope so—without moving anything like the number of judges that we should.

It has been stated that a substantial portion of the judicial nominees pending in committee do not have all their paperwork completed. However, almost 30 have everything in, including their ABA rating, and there is no reason for us not to move on those.

We have at least 30 that have every bit of their paperwork done. We haven't been moving those. The President made 18 nominations in May; 11 of them that have not even had a hearing and their paperwork is in. Why is it that we are not able to move effectively?

Unfortunately, it appears to be consistent with what we learned in the New York Times article. At the Democratic retreat they had a meeting to plan to change the ground rules for confirmation of judges; in effect, to slow the process down, let the vacancies grow, even though last year they were saying just the opposite.

I will share with you some of the comments we had last year. When there were 76 vacancies—now we have 108, 109—when there were 76 vacancies, the now majority leader stated:

The failure to fill these vacancies is straining our Federal court system and delaying justice for all people across this country.

That was last year when we had 76 vacancies. Just 2 years ago, when the vacancies numbered in the sixties, Senator LEAHY, then ranking member, now chairman of Judiciary said:

We must redouble our effort to work with the President to end the longstanding vacancies that plague the Federal courts and disadvantage all Americans. That is our constitutional responsibility.

Well, the Senate's pace in moving nominations this year is far behind the pace during the first years of both Reagan and Bush 1 and the Clinton administrations. For example, in the first year of President Reagan's administration, there were 40 confirmations to the Federal bench. Under former President Bush's administration, there were 15 confirmations. Under President Clinton's administration, the first year, 28 confirmations. At this point, we have confirmed eight, and we have maybe a month left in this session. At the rate we are going, we are not going to get close to what was a national average of the last three administrations of 28 judges in the first year.

In fact, with regard to the nomination process, in the first year of each of those Presidents' administrations, every person who was nominated before the August recess was confirmed that first year, except one.

This is a chart that demonstrates that quite clearly. During the Reagan administration, all of his nominees

who were sent to the Senate before the August recess—they gave us a whole month to work on the paperwork and review it—every one was confirmed. Under former President Bush, the same occurred. Every nominee he sent forward to this Senate before the August recess was confirmed. Under President Clinton, 93 percent of his were confirmed who were submitted before the August recess. Only one of his was not confirmed. Under the now-President Bush, only 18 percent of his have been confirmed to date.

So we are just heading on a collision course to a situation that is going to leave the courts shorthanded. If we don't recognize it, we are acquiescing in what could be a deliberate plan to slow down the confirmation of judges, even though last year—less than a year ago—the people who are involved in that now were decrying that as unacceptable; it was unacceptable to keep the confirmations low.

One more time, let's review these numbers because I don't think anyone should think that the reason we are here is light or insignificant. The reason we are here talking about these issues is that they are important.

In the 103rd Congress, under President Clinton—and he had a Democratic majority in the Judiciary Committee—there were 63 vacancies there. In the 104th Congress, 2 years later, at the end of President Clinton's first term there were 65 vacancies. In the 105th Congress, with Chairman Orrin Hatch's leadership there were 50 vacancies. Senator HATCH had reduced vacancies to 50. In the 106th Congress, the last years of President Clinton's term, the vacancies were 67, which is, as you can see, pretty mainstream. But now we have 110 vacancies without an extraordinary game plan in the Judiciary Committee to have hearings and move judges forward. At the rate we are going, the resignations are going to exceed the nominations and confirmations. That is not a healthy thing for our judiciary.

Mr. President, I feel strongly about the issue. I know there are pressures on all of us. We have groups out there that used to try to pressure Chairman HATCH and tell him how to run the Judiciary Committee. He took the view that: If you want to get elected to the Senate, you can run the committee; otherwise, I am going to give hearings a fair shot and do what I think is right and move nominees.

I know pressure is out there. I think it is time for us to get serious on this matter, to move nominees forward, give President Bush's nominees a fair chance to be confirmed, to reduce this extraordinary backlog of vacancies that are out there—to have hearings on those 11 judges who were nominated in May because they have not even had a hearing yet—and get busy with filling our responsibility to advise and

consent or reject President Bush's nominees.

I thank the Chair and yield the floor.
The PRESIDING OFFICER. The Senator from Nevada is recognized.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that there be a period for morning business with Senators permitted to speak therein for up to 5 minutes each.

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

ON THE ANNIVERSARY OF GOVERNOR MEL CARNAHAN'S DEATH

Mr. DASCHLE. Mr. President, one year ago today, America awoke to the terrible news that we had lost three extraordinary public servants: Governor Mel Carnahan, his son Roger, and their friend and aide Chris Sifford.

Mel Carnahan was a remarkable man—the kind whose work proved that politics and public service can indeed be a noble profession.

Like another man from Missouri, Harry Truman, Mel Carnahan was a man of plain speech and enormous political courage.

Throughout his career, he worked to help people, to make government efficient, and to use the tools at his disposal to make a difference in people's lives.

Whether it was improving public schools, expanding health insurance for children, protecting seniors through stricter safety standards for nursing homes, or making communities safer—Mel Carnahan never stopped working to make a difference.

I have no doubt that he would have been a great Senator, just as he was a great Governor. Sadly, he never got the change to show us that—at least, not directly.

But his spirit does live on in this Senate. As JEAN CARNAHAN has said so many times:

Hopes and dreams don't die with people, they live on in all the people we touch.

Today, Mel Carnahan's hopes and dreams live on through all those he touched. But they have their most powerful voice in his wife of 45 years, JEAN CARNAHAN.

It was one year ago that she pledged to keep the fire burning. And every day since—that is exactly what Senator CARNAHAN has done.

In her tireless work to see that the economic victims of September 11 get health care, unemployment benefits, and job training—we feel Mel's sense of justice and compassion. In her work to improve our nation's schools—we see Mel's commitment to the children of Missouri, and America. And when Senator CARNAHAN comes to the Senate floor, and commands here colleagues'