

the enforcement of a broad range of U.N. resolutions that may have nothing to do with weapons of mass destruction. For the reasons I have mentioned, I will oppose this resolution.

In contrast, the Levin resolution strikes the right balance. This approach focuses on what matters most—destroying Saddam Hussein's weapons of mass destruction. And it calls on us to work with our allies to effectively accomplish this task. It gets us behind the U.N.'s efforts to get the weapons inspectors back into Iraq to do their job as soon as possible.

It also authorizes the use of force, with our allies, to get rid of Saddam Hussein's weapons of mass destruction if all diplomatic efforts fail.

Senator LEVIN's approach will also shake up the U.N. and force our allies to participate in a coalition to rid Saddam Hussein of his weapons of mass destruction. If we do not engage the U.N. and we decide to go it alone, the U.N. and our other key allies will likely sit on the sidelines while we confront Saddam Hussein and try to build a new country on our own. This is not in our best interest.

Finally, the Levin approach specifically affirms our right to self-defense. There is nothing in this approach that takes away our right to self-defense and to attack Iraq unilaterally to do so.

Therefore, no one should be confused about the Levin proposal. It does not take away our right to make our own decisions about our own actions or to defend ourselves. I believe this is the proper approach.

If we do this right, Mr. President, we will truly make the world safer for our families. If we choose the wrong approach, I am deeply concerned that we will start down a road that could ultimately create a more unstable and a more dangerous world for our children and our grandchildren.

There is no doubt that we can defeat Saddam Hussein in battle. The test of our strength is not in our ability to marshal our Armed Forces but our willingness to adhere to that which has made us great.

We are a strong and powerful nation, made that way by our willingness to go that extra mile in the name of liberty and peace. The time is now for us to work together in the name of the American people and get it right.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.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

Mr. REID. Mr. President, are we in a period for morning business now?

The ACTING PRESIDENT pro tempore. We are not.

#### MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to a period for morning business, with Senators permitted to speak therein for not to exceed 5 minutes each.

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

#### THE CONFIRMATION OF THE 80TH JUDICIAL NOMINEE OF THIS CONGRESS

Mr. LEAHY. Mr. President, this week Republican critics, for whom we expedited hearings and committee votes on a number of judicial nominees in their home States, spoke on the floor about their frustration that not all the President's judicial nominees have yet been confirmed. They complain about a handful of judicial nominees. The fact is that the hearing I will chair next week will include the 100th judicial nominee to receive a hearing since the Democrats became the majority party in the Senate less than 15 months ago. Had the Senate been more productive in 1999 and 2000 and the first months of 2001, when a Republican majority was not holding hearings and votes on judicial nominees, we would be farther along. Since the shift in majority, we have been proceeding dramatically faster than the Republicans. It took Republicans 33 months, almost 3 full years, to hold hearings for 100 of President Clinton's judicial nominees when they were in the majority, we will exceed that mark next week, in less than 15 months.

Republican critics who now come to the floor of the Senate expressing outrage that a handful of judicial nominees have not had a hearing in the past year, were deafeningly silent when scores of President Clinton's judicial nominees never received hearings after many months and years. For example, Judge Helene White of Michigan, nominated to the Sixth Circuit, waited in vain for over 4 years, 1,454 days, for a hearing and never had a hearing or a vote. James Beaty of North Carolina, nominated to the Fourth Circuit, waited in vain for almost 3 years, 1,033 days, and never got a hearing. H. Alston Johnson of Louisiana, nominated to the Fifth Circuit, waited in vain for over 600 days and never got a hearing. Others, such as Allen Snyder and Bonnie Campbell who were nominated to the D.C. Circuit and Eighth Circuit, received hearings but no committee vote. Likewise, Clarence Sundram, nominated to the Northern District of New York, waited 19 months for a hearing and then languished in committee without the committee vote for 18 months before his nomination was returned, after pending before the Senate for 1,119 days. There were others, too many others, who waited in vain for a hearing or after a hearing for committee consideration.

In addition, it often took months and sometimes years for those who were ultimately confirmed to be acted upon by the Republican-controlled Senate. For example, Judge Richard Paez, nominated to the 9th Circuit, was finally confirmed after four years, 1,520 days; Judge William Fletcher, also nominated to the 9th Circuit, was finally confirmed after 1,264 days; Judge Hilda Tagle, nominated to the District Court in Texas, waited 943 days to be confirmed; Judge Susan Molloway, nominated to the District Court in Hawaii, waited 913 days to be confirmed; Judge Ann Aiken, nominated to the District Court in Oregon, waited 791 days to be confirmed; Judge Timothy Dyk, nominated to the Federal Circuit, waited 785 days to be confirmed; Judge Marsha Berzon, nominated to the 9th Circuit, waited 772 days to be confirmed; Ronald Gould, nominated to the 9th Circuit, waited 739 days to be confirmed; Margaret McKeown, nominated to the 9th Circuit, waited 728 days to be confirmed; and Margaret Morrow, nominated to the California District Court, waited almost 2 years to be confirmed. Many others took more than 1 year.

I understand how difficult the confirmation process can be. During the 6½ years Republicans controlled the Senate only 39 judicial nominees, including seven circuit court nominees, were confirmed per year on average. In contrast, in less than 15 months, the Democratic majority has already confirmed 80 judicial nominees.

The confirmation process can be frustrating at times, but it is also important work by which we implement our constitutionally-mandated advise and consent role for these lifetime appointments. It is a role that I do not take lightly and the other Members of the Senate Judiciary Committee do not take lightly. Accordingly, it is distressing to hear unintentionally inaccurate portrayals of the progress we have made in the less 15 months of Democratic control of the Senate. It is true that we have not been able to confirm every single judicial nominee proposed by this President, but we have worked at a historically fast pace to address the vacancy crisis by moving consensus nominees first and working our way through the more controversial and divisive nominees.

Since the summer of 2001, we have held more hearings for more judicial nominees and more hearings for circuit court nominees than in any comparable 15-month period of the 6½ years in which Republicans last controlled the committee. With our hearing last week, the Democratic-led Judiciary Committee has now held 25 hearings for 96 district and circuit court nominees. This is twice the pace at which the Republican majority considered President Clinton's judicial nominees. The Judiciary Committee has likewise voted on more judicial nominees, 83, and on more circuit court nominees, 17, than in any comparable 15-month period of prior Republican