

a little more than 2 years of rapid Senate action to confirm 154 judicial nominees for this President, including 100 during Democratic control. This year alone the Senate has confirmed 54 judicial nominees, including 11 circuit court nominees in 2003. That is more confirmations in just nine months than Republicans allowed for President Clinton in 1996, 1995, 1999, or 2000. Overall, we have confirmed 28 circuit court nominees of President Bush since July of 2001, which is more than were confirmed at this time in the third year of President Reagan's first term President George H.W. Bush's term, or either of President Clinton's terms.

The Senate has held hearings for 13 Pennsylvania nominees of President Bush's to the Federal courts in Pennsylvania. While I was chairman, the Senate held hearings for and confirmed 10 nominees to the district courts in Pennsylvania, plus Judge D. Brooks Smith to the Third Circuit Court of Appeals.

A look at the Federal judiciary in Pennsylvania indicates that President Bush's nominees have been treated far better than President Clinton's. Today, there is no State in the union that has had more Federal judicial nominees confirmed by this Senate than Pennsylvania.

This is in sharp contrast to the way vacancies in Pennsylvania were left unfilled during Republican control of the Senate when President Clinton was in the White House, particularly regarding nominees in the western half of the State.

Just a few months ago, on May 16, 2003, Jon Delano wrote in the Pittsburgh Business Times, an article titled "Despite Bush Protests, Court Vacancies are Down," about how this President's nominees in the western part of Pennsylvania have been treated more fairly than President Clinton's nominees. He wrote:

Take the Western District of Pennsylvania, for example. During the years of the Santorum filibuster, that court of 10 judges had as many as five vacancies. Today, the Senate has confirmed four Bush appointees—Judges Joy Contie, David Cercone, Terry McVerry, and Art Schwab—and the fifth nomination, attorney Tom Hardiman, has just been sent to the Senate.

With the elevation and confirmation of Judge Brooks Smith to the U.S. Court of Appeals, the president still needs to name one more judge to the local court, but once completed, Mr. Bush, with less than three years in office, will have named—and the Senate will have confirmed—six of the 10 judges on the local federal court. That hardly sounds like obstructionism.

Despite the best efforts and diligence of the senior Senator from Pennsylvania, Senator SPECTER, to secure the confirmation of all of the judicial nominees from every part of his home State, there were nine nominees by President Clinton to Pennsylvania vacancies who never got a vote: Patrick Toole, John Bingler, Robert Freedberg, Lynett Norton, Legrome Davis, David Fineman, Harry Litman, Stephen Lieberman, and Robert Cindrich to the

Third Circuit. Despite how well-qualified these nominees were, many of their nominations sat pending before the Senate for more than a year without being considered.

The record of this nominee stands in contrast to the record of many of this President's judicial nominees, particularly for circuit positions. Judge Gibson received a unanimous "well qualified" rating from the American Bar Association and has enjoyed a tremendous career as both a litigator and a judge. Far too many of this President's judicial nominees have limited legal experience and no judicial experience but significant partisan experience. In fact, 23 of this President's judicial nominees have earned partial or majority "not qualified" ratings from the ABA. Another nominee to the same court, Tom Hardiman, has significantly less litigation experience, no judicial experience and was given a partial "not qualified" rating by the ABA. It is also interesting to note that their local bar association, the Allegheny County Bar Association, gave the two nominees very different peer-review ratings. Judge Gibson received a rating of "highly recommended" for the district court position. Mr. Hardiman, however, received a rating of "not recommended" by the same local bar association.

Certainly, the citizens of Western Pennsylvania deserve a well qualified judiciary to hear their important legal claims in Federal court. I am pleased to lend my support to Judge Gibson's nomination. He will be the 13th judicial nominee of this President confirmed to the State of Pennsylvania and the fifth judge confirmed to the Western District of Pennsylvania. I congratulate Judge Gibson and his family.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is, Will the Senate advise and consent to the nomination of Kim R. Gibson, of Pennsylvania, to be United States District Judge for the Western District of Pennsylvania?

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from North Carolina (Mr. EDWARDS), the Senator from Florida (Mr. GRAHAM), the Senator from Massachusetts (Mr. KERRY), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Maryland (Ms. MIKULSKI), and the Senator from Georgia (Mr. MILLER) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote "yea."

The PRESIDING OFFICER (Mr. SESSIONS). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 94, nays 0, as follows:

[Rollcall Vote No. 357 Ex.]

YEAS—94

Akaka	DeWine	Lott
Alexander	Dodd	Lugar
Allard	Dole	McCain
Allen	Domenici	McConnell
Baucus	Dorgan	Murkowski
Bayh	Durbin	Murray
Bennett	Ensign	Nelson (FL)
Biden	Enzi	Nelson (NE)
Bingaman	Feingold	Nickles
Bond	Feinstein	Pryor
Boxer	Fitzgerald	Reed
Breaux	Frist	Reid
Brownback	Graham (SC)	Roberts
Bunning	Grassley	Rockefeller
Burns	Gregg	Santorum
Byrd	Hagel	Sarbanes
Campbell	Harkin	Schumer
Cantwell	Hatch	Sessions
Carper	Hollings	Shelby
Chafee	Hutchison	Smith
Chambliss	Inhofe	Snowe
Clinton	Inouye	Specter
Cochran	Jeffords	Stabenow
Coleman	Johnson	Stevens
Collins	Kennedy	Sununu
Conrad	Kohl	Talent
Cornyn	Kyl	Thomas
Corzine	Landrieu	Thomas
Craig	Lautenberg	Voinovich
Crapo	Leahy	Warner
Daschle	Levin	Wyden
Dayton	Lincoln	

NOT VOTING—6

Edwards	Kerry	Mikulski
Graham (FL)	Lieberman	Miller

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is laid on the table and the President shall be immediately notified of the Senate's action.

#### LEGISLATIVE SESSION

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

#### UNANIMOUS-CONSENT REQUEST

Mr. REID. Mr. President, Senator KENNEDY is to be recognized for 10 minutes. His remarks will take longer than that. I ask unanimous consent that he be recognized for an additional five minutes and the majority have five minutes in addition to whatever time the majority leader has under his control.

The PRESIDING OFFICER. In my capacity as a Senator, I will object at this time.

The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I yield myself 8½ minutes of my 10 minutes.

#### FAILED POLICY IN IRAQ

Mr. KENNEDY. Mr. President, I heard many of my colleagues today discussing my remarks on this administration's go-it-alone policy in Iraq. This administration and my colleagues across the aisle are trying to deflect attention away from the administration's failed policy in Iraq. For the sake of our troops, it is time for this administration to speak honestly about its failures in Iraq. Many Americans share my views, and I regret that the President considers them uncivil and not in the national interest. The