

This is legislation where we preserve parent rights, we preserve State rights, and we do something that approximately 80 percent of the American people support.

As we debate this bill over the next several days, I hope people will take an honest look at the intent of this legislation. I hope people will not automatically, because the word "abortion" is contained in this legislation, say: I can't vote for such a measure because it contains abortion language. I hope people will say: Let's find the common ground. Let's look for things that are reasonable and come together on an issue that should be agreed on to protect our children, our daughters.

I yield the floor.

#### EXECUTIVE SESSION

#### NOMINATION OF NEIL M. GORSUCH TO BE UNITED STATES CIRCUIT JUDGE FOR THE TENTH CIRCUIT

#### NOMINATION OF BOBBY E. SHEPHERD TO BE UNITED STATES CIRCUIT JUDGE FOR THE EIGHTH CIRCUIT

#### NOMINATION OF DANIEL PORTER JORDAN III TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF MISSISSIPPI

#### NOMINATION OF GUSTAVO ANTONIO GELPI TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF PUERTO RICO

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nominations, which the clerk will report.

The legislative clerk read the nominations of Neil M. Gorsuch, of Colorado, to be United States Circuit Judge for the Tenth Circuit; Bobby E. Shepherd, of Arkansas, to be United States Circuit Judge for the Eighth Circuit; Daniel Porter Jordan III, of Mississippi, to be United States District Judge for the Southern District of Mississippi; and Gustavo Antonio Gelpi, of Puerto Rico, to be United States District Judge for the District of Puerto Rico.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. In my capacity as chairman of the Judiciary Committee, I seek recognition to speak briefly on four judicial nominees currently before the Senate.

I begin with the nomination of Neil M. Gorsuch to be a judge for the U.S. Court of Appeals for the 10th Circuit. Mr. Gorsuch has an excellent academic background with a bachelor's with honors from Columbia University, 1988, a law degree with honors from Harvard

Law School in 1991, a Doctorate of Philosophy from Oxford University in 2004.

He clerked for Judge David Sentelle of the Court of Appeals for the District of Columbia. He was a law clerk for Supreme Court Justice Byron White and Supreme Court Justice Anthony Kennedy.

He was a partner in the distinguished law firm of Kellogg, Huber, Hansen, and principal deputy to the Associate Attorney General for the Department of Justice from 2005 to the present.

I also support the nomination of Bobby Ed Shepherd to be a judge for the U.S. Court of Appeals for the Eighth Circuit.

He is a candidate with an excellent academic record. He earned his bachelor's degree, magna cum laude, in 1973 from Ouachita Baptist University, and law degree with high honors from the University of Arkansas in 1976. He had a varied legal practice as a solo practitioner and as a partner with various law firms, most recently Landers & Shepherd. In 1991, Judge Shepherd was elected a circuit-chancery judge for the 13th judicial district for the State of Arkansas. Since 1993 he has served as a United States Magistrate Judge for the United States District Court for the Western District of Arkansas.

Judge Shepherd, like Mr. Gorsuch, has come to this position with unanimous approval. We expect their confirmation on a voice vote later today.

I also support the nomination of Daniel Porter Jordan III to be a judge for the United States District Court for the Southern District of Mississippi.

He received a bachelor's degree from the University of Mississippi in 1987 and a law degree from the University of Virginia Law School in 1993. He was a legislative assistant to Senator TRENT LOTT. He was an associate of the law firm of Butler, Snow from 1993 to 1999 and has been an equity member, equivalent of partner, since 2000.

Again, Mr. JORDAN has, I believe, unanimous support. We expect him to be confirmed later this evening on a voice vote.

I also support the nomination of Gustavo Antonio Gelpi to be U.S. District Judge for the District of Puerto Rico. Mr. Gelpi has a bachelor's degree from Brandeis University and a law degree from Suffolk University Law School. He was a law clerk to Federal Judge Juan Perez-Gimenez and later served in the Office of the Federal Public Defender, before joining the Puerto Rican Department of Justice. At that Department he served as an assistant to the Attorney General of Puerto Rico before becoming Deputy Attorney General for the Puerto Rican Office of Legal Counsel.

I ask unanimous consent the complete resumes of these distinguished nominees be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NEIL M. GORSUCH

UNITED STATES COURT OF APPEALS FOR THE TENTH CIRCUIT

Birth: Aug. 29, 1967, Denver, Colorado

Legal Residence: Virginia

Education: B.A. with honors, Columbia University, 1988; J.D. with honors, Harvard Law School, 1991; D. Phil., Oxford University, 2004.

Employment: Law clerk, Judge David B. Sentelle, United States Court of Appeals for the D.C. Circuit, 1991-1992; Law clerk, U.S. Supreme Court justices Byron White and Anthony Kennedy, 1993-1994; Kellogg, Huber, Hansen, Todd, Evans & Figel, PLLC, 1995-2005 (partner 1998-2005; associate 1995-1997); Principal Deputy to the Associate Attorney General, United States Department of Justice, 2005-present.

Selected Activities: American Bar Association, c. 2002-present; American Trial Lawyers Association, c. 2002-present; Phi Beta Kappa; Republican National Lawyers Association; Member of the New York, Colorado, and District of Columbia bars.

Neil M. Gorsuch was nominated by President Bush to be a Judge on the U.S. Court of Appeals for the Tenth Circuit on May 10, 2006. A hearing was held on his nomination on June 21, 2006. He was reported out of the Committee on July 13, 2006 by a voice vote.

Mr. Gorsuch received his B.A. from Columbia University in 1988, where he graduated with honors. In 1991, he received his J.D. from Harvard Law School, again graduating with honors. In 2004, he received a doctorate in legal philosophy from Oxford University.

Mr. Gorsuch has had a brilliant career as a lawyer and scholar.

Following law school he served as a law clerk to Judge David B. Sentelle of the U.S. Court of Appeals for the D.C. Circuit.

He then had the rare distinction of clerking for two Supreme Court justices. Between 1993 and 1994, he served as a law clerk to Justices Byron White and Anthony Kennedy. Mr. Gorsuch's work with Justice White occurred just after the justice retired from the Supreme Court, so he assisted the former justice with his work on the Tenth Circuit, where he sat by designation.

In 1995, Mr. Gorsuch joined the law firm of Kellogg, Huber, Hansen, Todd, Evans & Figel, PLLC, where he served as an associate until 1997 and as partner from 1998 to 2005. At Kellogg, he handled a wide range of commercial matters, including contracts, antitrust, RICO, and securities fraud.

Since June 2005, Mr. Gorsuch has served as Principal Deputy to the Associate Attorney General, Robert McCallum. The Associate Attorney General, of course, is the third ranking officer in the Department of Justice. As his Principal Deputy, Mr. Gorsuch assists in managing the Department's civil litigation components which include the Antitrust, Civil, Civil Rights, Environment, and Tax Divisions.

Mr. Gorsuch has received a unanimous "Well Qualified" rating from the American Bar Association.

BOBBY ED SHEPHERD

UNITED STATES COURT OF APPEALS FOR THE EIGHTH CIRCUIT

Birth: November 18, 1951, Arkadelphia, Arkansas.

Legal Residence: Arkansas.

Education: B.A., magna cum laude, 1973, Ouachita Baptist University; J.D., with high honors, 1975, University of Arkansas School of Law.

Employment: Associate, Spencer, Spencer & Shepherd, P.A., 1981-1984; Attorney, solo practice, 1984-1987; Partner, Landers & Shepherd, 1987-1990; Circuit-Chancery Judge, 13th Judicial District, State of Arkansas, 1991-1993; U.S. Magistrate Judge, U.S. District Court for the Western District of Arkansas, 1993-present.

Selected Activities: Director, Boys and Girls Club of El Dorado, 1985-present; Member, Arkansas Bar Association; Member,

House of Delegates, 1985–1986; Member, Executive Council, 1985–1988; U.S. Army Reserve, 1973–1981—honorably discharged as First Lieutenant.

President Bush nominated Magistrate Judge Bobby E. Shepherd to be a Judge on the U.S. Court of Appeals for the Eighth Circuit on May 18, 2006. He received a hearing on June 28. He was reported out of Committee on July 13, 2006 by a voice vote.

Judge Shepherd has a long and distinguished legal career in Western Arkansas during which he has handled a wide range of legal issues, both civil and criminal, as a judge and as an advocate.

Judge Shepherd received his B.A., cum laude, from Ouachita Baptist University in 1973 and his J.D., with high honors, from University of Arkansas School of Law in 1976.

Upon graduating from law school, he embarked on a career as a private attorney in western Arkansas. Practicing as either a solo practitioner or in small partnerships, Judge Shepherd was a true general practitioner. He handled personal injury cases, collections, domestic relations, probate, criminal defense, banking, real estate and other matters. During this period of his career he tried over 150 cases to verdict.

In 1991, Judge Shepherd was elected as a Circuit-Chancery Court Judge in Arkansas's 13th Judicial District. In that capacity he presided in over 30 major felony jury trials including capital murder cases.

Since 1993, Judge Shepherd has served as a United States Magistrate Judge in the Western District of Arkansas.

The American Bar Association has unanimously rate Judge Shepherd "Well Qualified" to serve on the Eighth Circuit.

#### DANIEL PORTER JORDAN III

##### DISTRICT COURT FOR THE SOUTHERN DISTRICT OF MISSISSIPPI

Education: B.B.A., 1987, University of Mississippi; J.D., 1993, University of Virginia Law School.

Employment: Legislative Assistant, Office of Senator Trent Lott, 1989–1990; Associate, Butler, Snow, O'Mara, Stevens, & Cannada, 1993–1999; Equity Member, Butler, Snow, O'Mara, Stevens, & Cannada, 2000–present.

Selected Activities: Member, Mississippi Bar Association—Secretary/Treasurer, Litigation Section, 2005–present; Member, Board of Directors, 2002–present; Member, Nominating Committee, 7th Circuit Court District, 1999—Member, American Bar Association, Tort Trial & Insurance Practice Section; Member, International Association of Defense Counsel; Coordinator, Mississippi Volunteer Lawyer Project; Stewpot Legal Clinic, 2005–present; Special Counsel, City of Jackson; Chairman, Madison County Republican Party, 2001–2004.

Daniel Porter Jordan III, was nominated by President Bush to be a Judge on the U.S. District Court for the Southern District of Mississippi on April 24, 2006. His hearing was on June 15, 2006 and he was voted out of the Judiciary Committee on July 13, 2006.

Mr. Jordan received his B.B.A. from the University of Mississippi in 1987, and his J.D. from the University of Virginia School of Law in 1993.

Mr. Jordan has had a distinguished legal career and will bring significant legal experience to the Federal bench. Prior to attending law school, Mr. Jordan was a Legislative assistant for Senator Trent Lott. Following law school, Mr. Jordan joined Butler, Snow, O'Mara, Stevens & Cannada as an Associate. Since 2000, Mr. Jordan has been an Equity Member of the firm, focusing on products liability litigation. More recently, he has gained significant experience mediating cases.

Mr. Jordan has been very involved with the Mississippi Bar Association, including serving as a member of the Board of Directors and both Secretary and Treasurer of the Litigation Section.

Mr. Jordan has been active in pro bono activities and was awarded the Hinds County Bar Association Pro Bono Award in 2005.

Mr. Jordan received a "qualified" rating by the American Bar Association.

#### GUSTAVO ANTONIO GELPI

##### U.S. DISTRICT JUDGE FOR THE DISTRICT OF PUERTO RICO

Birth: 1965, San Juan, Puerto Rico.

Legal Residence: Puerto Rico.

Education:

1983–1987, Brandeis University, B.A. degree.

1988–1991, Suffolk University Law School, J.D. degree.

Bar Admittance: 1992, Puerto Rico.

Experience: 1991–1993, United States District Court, District of Puerto Rico, Law Clerk to the Hon. Juan M. Perez-Gimenez.

1993–1997, Office of Federal Public Defender, Assistant Federal Public Defender.

1997–1999, Puerto Rico Department of Justice, Assistant to the Attorney General (1997). Deputy Attorney General for the Office of Legal Counsel (1997–1999).

1999–2000, Commonwealth of Puerto Rico Solicitor General.

2001, McConnell Valdés, Special Litigation Counsel.

2001–present, United States District Court, District of Puerto Rico, United States Magistrate Judge.

Judge Gelpi was nominated by President Bush to be a Judge on the U.S. District Court for the District of Puerto Rico on April 24, 2006. He received a hearing on June 15. He was reported out of Committee on July 13, 2006 by a voice vote.

Judge Gelpi graduated from Brandeis University in 1987, and received his J.D. from the Suffolk University Law School in 1991.

He began his legal career clerking for the Honorable Juan M. Perez-Gimenez on the U.S. District Court for the District of Puerto Rico.

Following his clerkship, Judge Gelpi joined the Office of the Federal Public Defender for the District of Puerto Rico as an Assistant Federal Public Defender. In that capacity he provided legal assistance to indigent defendants in criminal cases. During his time in the Public Defender's Office, he served as Special Counsel to the U.S. Sentencing Commission where he worked on revisions to the Sentencing Guidelines.

In 1997, Judge Gelpi joined the Puerto Rico Department of Justice as Assistant to the Attorney General, later that year he joined the Department's Office of Legal Counsel.

In 1999, Judge Gelpi began serving as Puerto Rico's Solicitor General.

Following a year as Solicitor General, Judge Gelpi entered private practice with San Juan firm McConnell Valdés where he worked on commercial litigation.

In 2001, Judge Gelpi was appointed to serve as U.S. Magistrate Judge for the District of Puerto Rico. In that capacity, his recommendations have consistently been adopted by the District Court.

The American Bar Association unanimously rated Judge Gelpi "Qualified."

Mr. LEAHY. Today the Senate will confirm four more lifetime appointments to our Federal courts, including two more nominees to important Federal circuit courts. Judge Bobby E. Shepherd, who has been nominated for a seat on the U.S. Court of Appeals for the Eighth Circuit, is a U.S. magistrate judge and former Arkansas State circuit-chancery judge who has the sup-

port of both home State Democratic Senators. We were pleased to be able to expedite his nomination through the committee and bring him to the floor so quickly. Neil Gorsuch has been nominated to the Court of Appeals for the Tenth Circuit. I know that Senator SALAZAR is pleased that we were able to move his nomination quickly as well. Today we also consider two district court nominees, Daniel P. Jordan, III, who has been nominated to be a judge on the U.S. District Court for the Southern District of Mississippi, and Gustavo A. Gelpi, who has been nominated to be a judge on the U.S. District Court for the District of Puerto Rico. I have heard plaudits from around the country for Judge Gelpi.

When they are confirmed, Judge Shepherd and Mr. Gorsuch will be the fifth and sixth circuit court nominees confirmed this year. Along with Judge Gelpi and Mr. Jordan, we will have confirmed 28 judges this year. This far surpasses the total number of judges confirmed in the 1996 congressional session, when Republicans controlled the Senate and stalled the nominations of President Clinton in an election year. In the 1996 session, Republicans would not confirm a single appellate court judge, compared to six already this year. All 17 confirmations in 1996 were district court nominees. That is the only session I can remember in which the Senate refused to consider a single appellate court nomination. That was part of their pocket filibuster strategy to stall and maintain vacancies in an election year with the hope that a Republican President could pack the courts and tilt them decidedly to the right. In the important DC Circuit, the confirmation of Brett Kavanaugh was the culmination of the Republicans' decade-long attempt to pack the DC Circuit that began with the stalling of Merrick Garland's nomination in 1996 and continued with the blocking of President Clinton's other well-qualified nominees, Elena Kagan and Allen Snyder.

The 28 judicial nominations confirmed this year by the Republican-controlled Senate surpasses the number of judges confirmed last year, 22. During the 17 months I was chairman of the Judiciary Committee and the Senate was under Democratic control, we confirmed 100 of President Bush's nominees. After today, in the last 2 years under Republican control, the Senate will have confirmed 50. So the fact that the Senate has now confirmed more nominees in the past 5½ years, 255, than in the last 5½ years of the Clinton administration is due in no small part to the much faster pace of confirmations of this President's nominees when Democrats controlled the Senate.

I am pleased that the Republican leadership has scheduled debate and consideration of these nominations and am glad that the Republican leadership is taking notice of the fact that we can cooperate on swift consideration and

confirmation of nominations. Working together, we can confirm four judges today. I commend the Republican Senate leadership for passing over the controversial nominations of William Gerry Myers III, Terrence W. Boyle, and Norman Randy Smith. The Republican leadership is right to have avoided an unnecessarily divisive debate over these nominations that were reported on a party-line vote.

The President and Senate Republican leadership have too often, though, chosen to pick fights over judicial nominations rather than focus on filling vacancies. Judicial vacancies have now grown to well over 40 from the lowest vacancy rate in decades. More than half these vacancies are without a nominee. The Congressional Research Service has recently released a study showing that this President has been the slowest in decades to nominate and the Republican Senate among the slowest to act. If they would concentrate on the needs of the courts, our Federal justice system, and the needs of the American people, we would be much further along.

I congratulate the nominees on their confirmations today and hope that they prove to be the kind of judges who understand the central role of the courts as a check and balance to protect the rights of all Americans.

Mr. ALLARD. Mr. President, it is my pleasure to rise in support of Neil M. Gorsuch, President Bush's nominee to the U.S. Court of Appeals for the Tenth Circuit. Mr. Gorsuch is an extraordinarily well qualified nominee. I begin by thanking Chairman SPECTER for swiftly and unanimously reporting this nominee out of committee. I also thank Majority Leader FRIST for bringing this nomination to the floor for timely consideration.

As a fifth-generation Coloradan, I am pleased that President Bush chose a nominee with deep Colorado roots. Born in Denver, Mr. Gorsuch is a fourth-generation Coloradan who, if confirmed, would carry on his family history of public service to the State of Colorado. In fact, some may recognize Mr. Gorsuch from his service as a Senate page in the early 1980s. It was in the Senate he made his foray into public service and developed a passion for it that he exudes today.

If I were asked to succinctly characterize Mr. Gorsuch, I would have to say well rounded—well rounded educationally, professionally, and personally.

Mr. Gorsuch pursued a rigorous and geographically diverse course of academic study. He earned his undergraduate degree from Columbia University, including a summer at the University of Colorado; his law degree from Harvard; and a doctorate in legal philosophy from Oxford University.

Mr. Gorsuch began his distinguished professional career as a law clerk to Judge David Sentelle on the U.S. Court of Appeals to the DC Circuit. He then went on to clerk for two Supreme Court Justices, Justice Kennedy and

Colorado's own Byron White. Following his prestigious clerkships, Mr. Gorsuch entered private practice. While in private practice, Mr. Gorsuch litigated matters for clients large and small, ranging from individuals to nonprofits to corporations. Moreover, he litigated cases on a range of issues from simple contract disputes to complex antitrust and securities fraud matters. He left private practice in 2005 to return to public service, this time at the U.S. Department of Justice where he currently serves as the principal deputy to the Associate Attorney General.

Looking collectively at his career, the picture of an appellate judge in training emerges. Mr. Gorsuch has served in all three branches of Government, including the highest levels of the judicial and executive branches. He has represented both plaintiffs and defendants. He has represented both individuals and corporations. He has litigated civil cases and criminal cases. He has litigated in both Federal and State courts. In sum, the breadth and depth of Mr. Gorsuch's experience makes him ideally suited to serve on the Federal appellate bench.

While Mr. Gorsuch is highly qualified, I also promised the people of Colorado I would support judicial nominees who would rule on the law and the facts before them, not judges who would legislate from the bench. My support for Mr. Gorsuch today is consistent with that promise. From my conversations with Mr. Gorsuch, I am certain he recognizes the proper role of the judiciary. The role of the judiciary is to interpret the law, not make the law. I believe Mr. Gorsuch is temperamentally and intellectually inclined to stick to the facts and the law in cases that would come before him and that he would refrain from legislating from the bench.

Moreover, Mr. Gorsuch's personal views would not determine the course of cases that come before him. Mr. Gorsuch himself says:

Personal politics or policy preferences have no useful role in judging; regular and healthy doses of self-skepticism and humility about one's only abilities and conclusions always do.

I believe this statement also speaks to Mr. Gorsuch as a person. He is humble, unassuming, polite, and respectful. This sentiment is reflected in numerous letters pouring into my office from people of all political persuasions who have worked with him over the years. Mr. Gorsuch possesses the temperament befitting an appellate judge.

In conclusion, Mr. Gorsuch is a top-flight nominee whom I am proud to introduce to my colleagues today. I urge my colleagues to support his confirmation.

Mr. SALAZAR. Mr. President, I am pleased to speak today in support of the nomination of Neal Gorsuch to the Tenth Circuit Court of Appeals.

At a time when too many judicial nominations are bogged down by partisan and ideological rancor, it is

heartening to see a nominee on whom Senators from both parties can agree.

While Mr. Gorsuch has spent the majority of his professional life in Washington DC, his roots in the state of Colorado are strong—going back four generations. Once confirmed, he will return to Colorado where I hope that he will live up to the standard set by a long line of distinguished jurists from our State, including the late Justice Byron White.

At the young age of 38, Mr. Gorsuch has already had an impressive legal career. After earning degrees from Columbia University, Harvard Law School, and Oxford University, he went on to clerk on the DC Circuit and U.S. Supreme Courts.

Following his clerkships, he spent nearly 10 years in private practice before becoming Principal Deputy to the Associate Attorney General of the United States—where he helps manage the Department's civil litigation.

I have had the chance to visit with Mr. Gorsuch and learn about both his personal background and his professional experience. I found him to be intelligent, thoughtful, and appreciative of the great honor it is to be nominated to the Federal bench. It is no surprise, then, that the ABA rated him unanimously well qualified.

Of course, it takes more than a great resume to be a great judge. In addition to professional excellence as a lawyer, a judicial nominee should have a demonstrated dedication to fairness, impartiality, precedent, and the avoidance of judicial activism—from both the left and the right.

I believe that Mr. Gorsuch meets this very high test—and I believe he will make a fine addition to the Tenth Circuit Court of Appeals.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. PRYOR. Mr. President, I rise in support of a very fine person whom President Bush has nominated to be on the U.S. Court of Appeals for the Eighth Circuit. His name is Bobby Shepherd. He will replace a very outstanding circuit court judge named Morris Arnold who is taking senior status. Judge Arnold has become a legal institution in the State of Arkansas and on the Eighth Circuit and in the Federal court system. He has absolutely done a fantastic job during his legal career of serving his country. He has decided to take senior status.

I am thrilled President Bush has selected Bobby Shepherd to replace him on the Eighth Circuit. Judge Shepherd has been a U.S. magistrate in the District Court for the Western District of Arkansas for almost 13 years. One thing I have noticed about Judge Shepherd is, even though I practiced law in Arkansas since 1988, I have never heard one person say a bad word about Judge Bobby Shepherd.

He was an elected court judge before he was a magistrate. He prides himself on being able to work out the litigation between or among the parties before the necessity of a trial. That is a

great quality for a trial court judge and a Federal magistrate to try to unclog the court system by finding a resolution before you have to go to the expense and the time and the judicial resources of going to trial.

Prior to his being a magistrate, he was an elected circuit court judge which is a trial court judge in Arkansas. He served there admirably. He practiced law in private practice for 14 years. He is a University of Arkansas School of Law graduate, and received high honors at the university. He went to college at Ouachita Baptist University, and served our Nation in the U.S. Army Reserve. He is a director of the Boys and Girls Club of El Dorado, AR, and has volunteered through the boys clubs and other organizations for over 20 years in that community. He also happens to be a deacon and trustee of the First Baptist Church in his hometown of El Dorado.

I thank my colleagues, especially Senators SPECTER and LEAHY, for their decision to move this nomination swiftly, and also Senator HATCH who chaired the confirmation hearing and did an outstanding job through that process. Senator LINCOLN and I were able to be there to introduce him.

President Bush made a rare find in nominating Judge Shepherd. He has totally avoided controversy. But one thing about him is, when Judge Arnold announced he was going to take senior status, very quickly a consensus grew around this Federal magistrate down in El Dorado, AR. Democrats and Republicans support him; Independents and Libertarians support him. People in his community, people outside his community, lawyers of all stripes, whether they are plaintiffs lawyers, defense lawyers, criminal defense lawyers, prosecutors, unanimously people think he is the right person to be on the Eighth Circuit Court of Appeals.

He has an outstanding reputation as a fair and studious judge. Around the State I have heard nothing but praise from my colleagues in the legal community of this decision by President Bush. In fact, the American Bar Association rated him unanimously well qualified.

When I look at judges, whether they are from Arkansas or other places, I have three criteria: First, are they qualified; second, do they have the proper judicial temperament; and third, do they have the ability to be fair and impartial.

He passes all three tests with flying colors. He is eminently qualified. He has proven beyond any doubt that he has the right temperament, and he has proven to all who have ever seen him in action or been before him that he is fair and impartial. I am confident that Judge Shepherd will bring these qualities and many more to the Eighth Circuit. I, as well as Senator LINCOLN, heartily endorse this nomination and am proud to be part of this nomination process, and I am certainly proud to give him my vote.

Mrs. LINCOLN. Mr. President, I rise in support of the nomination of Judge Bobby Shepherd to become the next member of the United States 8th Circuit Court of Appeals.

Based on my review of the record, my visits with Judge Shepherd, and feedback I have received from members of the Arkansas legal community who know Judge Shepherd well, I believe he is qualified to serve in this position, and I support his nomination.

Judge Shepherd was born in Arkadelphia, AR. After high school, Bobby graduated magna cum laude from Ouachita Baptist University in 1973. He then continued his education by earning a law degree from the University of Arkansas, graduating with high honors.

After law school, Judge Shepherd began his professional career as an attorney in private practice at Spencer & Spencer law firm in El Dorado. From 1984 to 1987, he worked as a solo practitioner. In 1991, he began his career as a jurist serving as a Circuit-Chancery judge for the 13th District of Arkansas until his appointment as a Magistrate Judge for the Western District of Arkansas in 1993.

Throughout Judge Sheperd's nomination process numerous Arkansans from all walks of life have contacted me urging me to support Judge Shepherd. Some of these people had been advocates in Judge Shepherd's courtroom and others simply considered themselves his friends. To a person, they all found Judge Shepherd to be a man of honor, respected by his peers and in his community.

In closing, I thank Chairman SPECTER and Senator LEAHY for working with Judge Shepherd and me in moving his nomination forward. I appreciate their consideration of this nominee and urge every Member of the Senate to support his confirmation.

Mr. COCHRAN. Mr. President, I am pleased to recommend to the Senate the confirmation of David P. Jordan as U.S. district judge for the Southern District of Mississippi.

His education, experience, and good moral character equip him with the qualifications to serve with distinction on the Federal bench. I have known Dan Jordan's parents since we were classmates at the University of Mississippi, and I have had the opportunity to follow their son's development and achievements over the years. He had remarkable success as a student and was a gifted athlete at his high school in Richmond, VA, where his father was a professor of history and chief executive of the foundation that maintains Thomas Jefferson's famous house and serves as a center for research as well as programs relating to early American history and public service.

Dan Jordan has earned a reputation for integrity and excellence as a lawyer in my State. He is widely respected for his sense of fairness and his keen intelligence. He is highly regarded by the

lawyers in our State and was elected chairman of the Young Lawyers' Section of the Mississippi State bar. He is a partner in one of the largest and most prestigious law firms in Mississippi.

I am confident he will serve with distinction and reflect great credit on the Federal judiciary. I urge the Senate to confirm him.

Mr. LOTT. Mr. President, it is my pleasure to speak in support of the nomination of Daniel Jordan. I am glad that the President agreed with my high opinion of Dan and nominated him to the U.S. District Court for Southern Mississippi. In Mississippi, Dan's nomination has received broad bipartisan support and praise. He is a well-respected litigator, and even those who have sometimes opposed him in the courtroom feel he is an excellent choice to serve in the Federal judiciary.

Dan comes from a wonderful family that I have known for a long time. I know that they must be extremely proud of him and all that he has accomplished. I, too, have enjoyed watching him develop into an outstanding father, lawyer, and a respected Mississippian.

Dan is a cum laude graduate in economics from University of Mississippi, where he was inducted into the University's Hall of Fame. In 1993, he received his J.D. from the University of Virginia—where he was on the editorial board of the *Journal of Law and Politics*. He is currently engaged in the general practice of law as a partner with Butler, Snow, O'Mara, Stevens & Cannada—the largest law firm based in Mississippi.

In his private practice, Dan has gained broad experience and demonstrated the knowledge, professionalism, fairness, temperament, and skill that make him ideally suited for the Federal bench. Dan is a member of the International Association of Defense Counsel. He serves on the Executive Committee of the Mississippi Bar's General Litigation practice group. Dan is a past-president of the Jackson Young Lawyers Association. He served on the Hinds County Bar Association Board of Directors, the Mississippi Young Lawyers Board of Directors, as liaison to the Bench and Bar Relations Committee of the Hinds County Bar Association and as special prosecutor for the Board of Bar Admissions.

With Federal judicial nominations, it is important that we recognize the honorable service of those who choose to leave private practice to serve. However, Dan's service is not surprising. He has a history of public service. Before attending law school, Dan gained experience while working for the U.S. Department of Interior and later as a legislative aide on my Senate staff.

Since returning to Mississippi and entering private practice, he has continued to find time to serve his community and profession in many ways. He has served as the coordinator for

the Jackson, MS-based Stewpot Legal Clinic—an organization providing legal assistance to the homeless. He has worked with Habitat for Humanity and served as a committee chairman for the Metropolitan Crime Commission. His tireless work has prompted leaders in the Jackson, MS, philanthropic community to laud his efforts and impact.

He has been named one of Mississippi's Top 40 under 40 by the Mississippi Business Journal and honored as Jackson's Finest by the Mississippi M-S (Multiple Sclerosis) Foundation. He is an active member of Christ United Methodist Church in Jackson, MS, and is a loving husband and father of two.

The President's nomination of Dan Jordan comes as no surprise, given his education, experience, reputation, and temperament. I believe that when confirmed, Dan will excel as a fair, honest, measured, and capable judge. I am proud to have the opportunity to voice my full support for Dan's nomination, and I look forward to his confirmation.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. FRIST. Mr. President, I yield back all time on the judge nominations.

The PRESIDING OFFICER. All time is yielded back. The question is, Will the Senate advise and consent to the nominations, en bloc?

The nominations were confirmed, en bloc.

The PRESIDING OFFICER. The President shall be immediately notified of the Senate's action.

#### MORNING BUSINESS

Mr. FRIST. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each.

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

#### AMERICANS IN LEBANON

Ms. STABENOW. Mr. President, earlier this week I spoke about the fact that there would be tremendous hardship on people who are currently in Lebanon—American citizens leaving in the midst of a war zone. The stated policy, earlier this week, was to require people to pay a fee to leave, and I am appreciative of the fact that, after speaking out and after introducing a bill that, in fact, would allow them to waive the fees, in fact, the Secretary of State has done that.

I appreciate the fact that they are proceeding with that and the fact that

people are now beginning to move from the region. I urge that that continue to happen as quickly as possible. We have many innocent people in harm's way. We need to remember that and do everything we possibly can to protect them.

#### MIDDLE EAST CRISIS

Mr. SPECTER. Mr. President, I have sought recognition to speak briefly about the situation with Hamas attacking Israel from the south, the Hezbollah attacking Israel from the north, and the actions of Israel in defending herself in accordance with international law under article 51 of the United Nations charter.

The action against Israel from the south was provoked by Hamas and the Palestinian Authority with the kidnapping of an Israeli soldier and the firing of rockets into southern Israel. The action against Israel from the north was provoked by Hezbollah firing rockets into northern Israel. Regrettably, the conflict has escalated but the parties responsible for the conflict are Hamas to the south and Hezbollah to the north.

The action of Hezbollah comes as a surrogate for Syria and from Iran. An Israeli ship was struck by an Iranian missile in conjunction with other circumstantial evidence of Iran having so-called advisers in Lebanon. There is strong reason to believe that the rocket was fired by Iran—not conclusive, but strong reason to believe. If so, it is an act of war.

The United Nations ought to call Iran and Syria on the carpet to explain their conduct in backing Hezbollah, in providing personnel to do more than train Hezbollah, more than advisers being integral parts of the military offensive of Hezbollah.

The Israelis living in northern Israel have complained about Hezbollah having a knife at their throat. With so many rockets poised on the southern Lebanese border and with a provocation of Hezbollah, it certainly warrants the action which has been taken by Israel on the premises.

It is regrettable that there have been civilian casualties, but I do believe that Israel has made every reasonable and realistic effort to minimize such casualties. There is inevitably collateral damage in war, but this is an occasion when the international community ought to call Iran and Syria to task for their provocative acts for using Hezbollah as a surrogate.

In the context of what has happened, I think President Bush was entirely correct in his statements that Israel had a right to defend itself against Hezbollah in the north and a right to defend against Hamas in the south.

Mr. President, I speak today about the recent unprovoked and coordinated attacks that have been launched on Israel by Hezbollah in Lebanon and Hamas in Gaza. These provocative attacks are further highlighting the role

both Iran and Syria play in supporting Hezbollah. Israel is now forced to fight a defensive war on two fronts as Hezbollah terrorists and Palestinian militants are committing countless acts of aggression towards Israel.

Israel's response to Hamas's and Hezbollah's continuing bombardment of Israel, the murder of its soldiers, and the capture of three Israeli soldiers is justified. Israel unilaterally evacuated settlements and military bases in Gaza last September after an occupation since the 1967 Middle East war. It has not returned with significant forces since then, despite near-daily rocket fire from the Gaza strip into southern Israel. As recognized by the U.N., Israel completely pulled out of Lebanon in 2000, despite missile fire from Southern Lebanon into Israel. The capture of Israeli soldiers was unprovoked by Israel. Were the United States bombarded by Kassams and Katyusha and were its soldiers kidnapped we would also respond with force—proportionate force—the force necessary to cease the bombardments and kidnappings. Yet again, the Middle East faces a crisis brought on by those opposed to the peace that is sought by so many.

On September 12, 2005, to the jubilation of the Palestinians living in Gaza, Israel unilaterally withdrew its military and civilian presence from every inch of Gaza as part of a bold and courageous effort to reduce the tensions with Palestinians and enable them to better build a strong society on their own territory. The Palestinians in Gaza wasted no time destroying all Jewish houses of worship that were left behind in Gaza, but the world, including the Israelis, remained silent because they did not want anything to derail this sincere effort for peace. Just several months later, the Palestinians elected Hamas, a terrorist organization, to lead its government. During this time, Kassam missiles have been regularly launched from Gaza into Israel and on June 25th, Palestinian gunmen within Hamas captured a 19-year old Israeli soldier, Corporal Gilad Shalit, and killed two others, at an army post within Israel. Corporal Shalit is the first Israeli soldier to be kidnapped by a Palestinian armed group since 1994. Israel immediately demanded release of the soldier. Hamas responded by offering only to provide information about Corporal Shalit, not his release, in exchange for the release of over 400 Palestinians in Israeli jails. Israel rightly refused an exchange, and hoped that international pressure would succeed. Having waited 3 days, on June 28th, Israeli troops pushed into Gaza to find and free Corporal Shalit.

President Bush appealed to Palestinian Fatah leader, Abbas and our Middle-East allies to exert pressure on Hamas to free Corporal Shalit. The U.S. ambassador to the UN, John Bolton, called on the Syrian president, Bashar Assad to arrest Hamas leader Khaled Mashaal, who is harbored in