

Arabs who'd turned against terror, that, too, received delighted media play.

As long as Baghdad-based journalists could hope that the joint U.S.-Iraqi move into Sadr City would end disastrously, we were treated to a brief flurry of headlines.

A few weeks back, we heard about another Iraqi company—100 or so men—who declined to fight. The story was just delicious, as far as the media were concerned.

Then tragedy struck: As in Basra the month before, absent-without-leave (and hiding in Iran) Muqtada al Sadr quit under pressure from Iraqi and U.S. troops. The missile and mortar attacks on the Green Zone stopped. There's peace in the streets.

Today, Iraqi soldiers, not militia thugs, patrol the lanes of Sadr City, where waste has replaced roadside bombs as the greatest danger to careless footsteps. U.S. advisers and troops support the effort, but Iraq's government has taken another giant step forward in establishing law and order.

My fellow Americans, have you read or seen a single interview with any of the millions of Iraqis in Sadr City or Basra who are thrilled that the gangster militias are gone from their neighborhoods?

Didn't think so. The basic mission of the American media between now and November is to convince you, the voter, that Iraq's still a hopeless mess.

Meanwhile, they've performed yet another amazing magic trick—making Kurdistan disappear.

Remember the Kurds? Our allies in northern Iraq? When last sighted, they were living in peace and building a robust economy with regular elections, burgeoning universities and municipal services that worked.

After Israel, the most livable, decent place in the greater Middle East is Iraqi Kurdistan. Wouldn't want that news getting out.

If the Kurds would only start slaughtering their neighbors and bombing Coalition troops, they might get some attention. Unfortunately, there are no U.S. or allied combat units in Kurdistan for Kurds to bomb. They weren't needed. And (benighted people that they are) the Kurds are pro-American—despite the virulent anti-Kurdish prejudices prevalent in our Saudi-smooching State Department.

Developments just keep getting grimmer for the MoveOn.org fan base in the media. Iraq's Sunni Arabs, who had supported al Qaeda and homegrown insurgents, now support their government and welcome U.S. troops. And, in southern Iraq, the Iranians lost their bid for control to Iraq's government.

Bury those stories on Page 36.

Our troops deserve better. The Iraqis deserve better. You deserve better. The forces of freedom are winning.

Here in the Land of the Free, of course, freedom of the press means the freedom to boycott good news from Iraq. But the truth does have a way of coming out.

The surge worked. Incontestably. Iraqis grew disenchanted with extremism. Our military performed magnificently. More and more Iraqis have stepped up to fight for their own country. The Iraqi economy's taking off. And, for all its faults, the Iraqi legislature has accomplished far more than our own lobbyist-run Congress over the last 18 months.

When Iraq seemed destined to become a huge American embarrassment, our media couldn't get enough of it. Now that Iraq looks like a success in the making, there's a virtual news blackout.

Of course, the front pages need copy. So you can read all you want about the heroic efforts of the Chinese People's Army in the wake of the earthquake.

Tells you all you really need to know about our media: American soldiers bad, Red Chinese troops good.

Is Jane Fonda on her way to the earthquake zone yet?

Mr. INHOFE. I yield the floor.

The PRESIDING OFFICER. The Senator from Washington is recognized.

ENERGY PRICES

Ms. CANTWELL. Madam President, I rise, similar to many of my colleagues this afternoon, to talk about the high price of gasoline and what we need to do as we are leaving Washington and going home for Memorial Day recess to hear, I am sure, from many constituents that they are very concerned about this crisis of paying an ever-increasing amount for gasoline.

Today, I am sure, the market is going to set another record for the number of days gas prices continue to go up, and our constituents want to see relief. I know many of my colleagues have come out here and talked about new supply. I certainly feel one of the biggest priorities the Senate has is to pass a tax credit bill for renewable energy so we can get predictability in the market and continue to get new energy incentives in place. That will take pressure off some of these other supply issues. But many of my colleagues keep talking about the United States looking for more oil or things the United States can do to get into the oil game in a more robust way.

This chart shows it pretty clearly. The United States has 2 percent of the world's oil reserves—2 percent. These are all the other countries with which my colleagues are familiar: Saudi Arabia at 20 percent of the world's oil reserves; Iraq and Iran, another 18 percent. These are the big players.

The point is, the United States is not going to dramatically impact the price of oil by what we do with only 2 percent of the world's oil reserve. So if we want a solution, we are not going to get a solution out of what the United States can do in continuing to be addicted to oil.

It is very important to also note that in the past, we have had many a conversation about this problem and what is the high price of gasoline. We had the same debate when it was the high price of electricity. No one wanted to hear about any other issue than the fact that it was just a supply-and-demand problem. In fact, the Vice President in 2001 said, when talking about the electricity crisis, when prices were going through the roof:

They have got a whole complex set of problems out there that are caused by relying only on conservation and not doing anything about the supply side of the equation.

We found out very shortly thereafter that, no, that was not right. It was not about conservation and supply side; it was about the manipulation of the electricity market. There were lots of people like that. The Cato Institute had a similar take on it. This was in 2002. In 2002, we had gone through much of the Enron debacle, and we had seen prices in the State of Washington for

electricity rise almost 3,000 times what they had been. Yet people were still saying:

Most of the price spike in 2000–2001 is explained by drought, increased natural gas prices, the escalating cost of nitrogen oxide emissions . . . and retail price controls.

We all know the history, now that we have had a few years to look back on it. It wasn't those supply and demand factors but the fact that we actually had unbelievable manipulation of the electricity market.

The reason why I am bringing that up is because I wish to make sure we are policing the oil markets. I wish to make sure we in the United States are doing everything we can to burst this oil price bubble we are seeing. We want to pop this price bubble and give consumers a more reliable number about supply and demand that even the oil company executives are saying. They have testified before Senate committees saying oil should be anywhere from \$50 to \$60 a barrel; that what we are seeing in the marketplace is not about the normal supply-and-demand features, but it is actually about the fact that something else is going on in the marketplace. This is one CEO from ExxonMobil, recently in early April, who testified:

The price of oil should be about \$50–\$55 per barrel.

I am not against discussions about future oil exploration. That is not the point. The point is, what are we going to do to solve this problem and burst this price bubble that while we are going out for the Memorial Day recess is going to continue to plague the economy, continue to plague our consumers, and continue to cause major havoc to our economy.

I think one of the solutions is to ensure effective oversight in the oil market as it relates to oil futures. I know people say they might not wish to talk about oil futures, but I am going to talk about oil futures because of the effect of substantial deregulation has had on these markets. On December 15 of 2000, at 7 p.m. on a Friday night as Congress was adjourning a lame-duck session, the last day of the 106th Congress, on an 11,000-page appropriations bill came to the floor of the Senate, we added a 262 page amendment—the Commodities Futures Modernization Act—that basically deregulated the energy futures market and said it didn't have to have the oversight of other products.

While the Commodities Exchange Act Reauthorization that recently passed as part of the Farm bill gives the CFTC more teeth to police these U.S. futures markets, under an administrative loophole speculators are still free to trade U.S. based energy commodities on U.S. trading engines free from full U.S. oversight meant to prevent fraud, manipulation, and excessive speculation. This is done under and informal CFTC staff “no-action” letter, which essentially means that the CFTC will not take action against

a foreign exchange to prevent fraud, manipulation, and excessive speculation. That means, at least on ICE Futures Europe, trading of U.S. crude oil futures, particularly the West Texas Intermediate oil contract, and U.S. home heating oil futures and U.S. gasoline futures—products that are produced in the United States, delivered in the United States, consumed in the United States, and traded in the United States—are escaping U.S. oversight. I think that is a great concern to the American consumer who wants to make sure we have transparency in energy markets.

If we think about other trading, stocks for example, we have the Securities and Exchange Commission. They look at the stock market, and they have oversight to make sure there is nothing untoward happening in the market, like manipulation. We also have NYMEX, another exchange in the United States. The Commodity Futures Trading Commission oversees that futures exchange and has oversight. Also the Chicago Mercantile Exchange—the CFTC has oversight of that futures exchange. The CFTC implements market rules. But as for trading U.S. energy futures on ICE Futures Europe, the CFTC has said: No, we don't have to have oversight of that exchange.

As I mentioned, the Congress has charged the CFTC with protecting consumers by policing futures markets for fraud, manipulation, and excessive speculation. It does this by requiring certain market rules like position limits, large trader reporting, record keeping, and trader licensing and registration. These are tried-and-true tools that Government has used to protect consumers, to protect investors, to protect business, to protect our economy, to make sure manipulation is not happening.

I often think these are great programs, but wonder why we allow certain trading of critical energy commodities to escape such oversight requirements. I always like to give the example of cattle futures because somehow it seems we are more willing to regulate hamburger in America and than we are oil.

Here are two examples of U.S. commodities: cattle futures trading and oil futures trading. When we look at the rules, cattle futures are not an exempt commodity; but when you consider the ICE Futures Europe, oil certainly is. For cattle futures, the exchange trading U.S. cattle futures has to register with the CFTC, whereas oil trading on the ICE Futures Europe does not. And daily reporting requirements: more for hamburger and less for oil on ICE Futures Europe. What about speculative limits? more for hamburger and less for oil on ICE Futures Europe.

Why am I so concerned about this significant change that transpired? The significant change that transpired is since ICE Futures Europe—which again is not subject to U.S. oversight meant to prevent fraud, manipulation, and excessive speculation—began trading West Texas Intermediate oil in Feb-

ruary 2006, oil has gone from \$60 a barrel in 2006 now to over \$134 a barrel. You bet I want to get down to the brass tacks about exactly how this exchange is working, to have the oversight and to see what large trading positions are being used in this market.

Many people have a concern about this. One report in the Asia Times was quoted as saying:

Where is the CFTC now that we need [speculation] limits? It seems to have deliberately walked away from its mandated oversight responsibilities in the world's most important traded commodity, oil.

This is by F. William Engdahl, who said this in early May of this year.

People are observing and wanting to know what we are going to do about this situation. That is why I think it is incredibly important to take action. What am I talking about, taking action? First of all, today Senator SNOWE and myself and several of our colleagues are sending a letter to the CFTC insisting that they reverse their no action in oversight of this foreign market, noting that this is a dark foreign market where oil futures are traded. We are saying bring the bright light of day into this exchange and protect consumers by ensuring that market manipulation of oil prices is not happening.

As I said, the CFTC basically gave up this oversight under an informal staff no action letter process. How did this happen? Well, in 1999 the London based International Petroleum Exchange, the IPE, which was a much smaller and foreign owned exchange, asked the CFTC for a no action letter, and received it. The IPE wanted to locate trading terminals in the U.S. but did not want to be subject to direct CFTC oversight. The CFTC decided that the IPE did not have to have to be subject to direct CFTC oversight because the CFTC agreed that the United Kingdom was going to be doing it. Then, in 2001, the U.S. owned, Atlanta based, Inter-Continental Exchange, or ICE, came along and bought the IPE. After that, the now U.S. owned IPE continued to escape U.S. oversight even though it received the foreign exchange no action letter based on it being a foreign based exchange.

So, in 2001, we can see a U.S. based entity basically purchased this foreign exchange, and the CFTC did not take action. In 2006, now named ICE Futures Europe, it starts trading what is a U.S. oil product, trading on U.S. desks in the United States and the CFTC continues to basically take no action to review that.

Our letter says the CFTC should start reviewing these trades immediately and reverse their no action decision. We hope that while we are at recess, the CFTC will take this action.

Why is this so important? Because many are concerned that U.K. oversight over U.S. energy trading is not sufficient to protect our consumers from fraud, manipulation, and excessive speculation. In fact, CFTC Commissioner Bart Chilton, on April 22 of this year, said:

I am generally concerned about a lack of transparency and the need for greater oversight and enforcement of the derivatives industry by the [United Kingdom's Financial Services Authority].

He is basically saying he has great concerns about the oversight by the government in the United Kingdom. He should have great concerns about that because the oversight in the United Kingdom is not comparable to the oversight in the United States.

The problems at the FSA led to the collapse of England's Northern Rock Bank. There was much written about this issue. They had high turnover in the staff, inadequate numbers to carry the load of what they were responsible for, very limited direct contact with the bank, incomplete paperwork, and limited understanding of their duties.

All this led to major problems, and it led the CEO of the Financial Services Authority to say:

It is clear from the thorough review carried out by the internal audit team that our supervision of Northern Rock in the period leading up to the market instability of late last summer was not carried out to a standard that was acceptable.

There are those in the United Kingdom who are criticizing the oversight abilities of their Financial Services Authority to handle this area.

The CFTC could act today in helping the United States bust this price bubble by doing their job and step in to provide needed oversight of this market.

One energy trader analyst from Oppenheimer said in April:

Unless the U.S. Government steps in to rein in speculators' power in the market, prices will just keep going up.

This is what energy analysts are saying. So we have a great deal of continuity in the marketplace of people telling us it is time for us to act. In fact, we are going to be having a hearing when we return on Tuesday after the Memorial Day recess. I know we are going to hear from many people, but one of them will be Professor Greenberger of the University of Maryland Law School, a former CFTC department head, who testified before one of our joint Democratic Policy Committee hearings. He says:

The ICE [oil trading] loophole could be ended immediately by the CFTC without any legislation.

I want to make sure the CFTC knows we will continue to pursue this. We hope they take action. We hope they will address this issue. But if they do not, we stand ready to make sure oversight in this financial market, that is a dark market on the ICE Futures Europe exchange, has the bright light of day and that they take immediate action to start investigating what is happening in our U.S. commodities markets so we can give consumers better protection. It is time to burst the oil price bubble. I think people everywhere across this country, and analysts on Wall Street, are saying: This is

not supply and demand. So it is up to us to make sure we have the enforcement in place to protect consumers, and that is what we hope the CFTC will realize their role and responsibility is.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. HATCH. Madam President, I was very interested in the distinguished Senator's remarks and her analysis. What is interesting to me is that a number of years ago Boone Pickens came to me and when oil was down around \$40 a barrel, he said: Orrin, oil is going to go to 60 bucks a barrel, and it is going to go up from there to \$100 a barrel. This was years ago. And I said: That is not true. He said: It is true. Well, he told me a couple of weeks ago, and this is pathetic, and said we are sending \$600 billion of our money to purchase non-American oil when we have it within our grasp to create much of the oil the United States of America needs from our own American oil sources.

I will cite with particularity the oil shale and tar sands in Colorado, Wyoming, and Utah. It is well established that there are 3 trillion potential barrels of oil there, and it is pretty much taken for granted that we can get at least 800 billion to almost 2 trillion barrels of oil out of that at somewhere between \$40 and \$60 a barrel. But because of legislative maneuvering by my friends across the aisle, we can't get regulations established to do the work that has to be done.

Now, I am for every form of alternative oil. And, frankly, nobody has a right to say I am not because I am the one who passed, with some very important colleagues, the CLEAR Act. The CLEAR Act created the incentives for alternative fuels, alternative fuel vehicles and alternative fuel infrastructure that are being used right now.

Ms. CANTWELL. Will the Senator yield for a question?

Mr. HATCH. Yes.

Ms. CANTWELL. I certainly want to say that I know of the work of the Senator from Utah, because we worked together on plug-in hybrids and other incentives, and he clearly does support renewable fuels and changing our tax credit policies, so I applaud that.

I am glad you brought up Boone Pickens, because I heard him on the TV the other day, I think it was 2 days ago, and he said that while he thought the United States had great opportunity in natural gas, he thought the way to get off our dependence on foreign oil, besides that, was to make investment in wind and solar. So I will look forward to working with the Senator when we return on trying to push those tax policies to make sure we continue to incent those good renewable energy policies.

Mr. HATCH. Well, I thank the Senator from Washington for her comments, because she has been central to this effort, especially with regard to

plug-in hybrid vehicles. Now, those are a still a distance away yet, but, nevertheless, we can do it. That effort may not completely solve our energy problem, but it certainly would alleviate some of it.

In addition, a number of other measures I put through are the investment tax credits to spur the development of solar, geothermal, wind, and other renewable forms of electricity. No question about it. But that alone still not going to solve our problem, especially not with liquid fuels.

We had testimony yesterday from oil company executives who said if we do everything in our power on alternative fuels by 2025, or around that time, we might be able to get 20 percent of our energy needs. But in the meantime, what are our cars, trucks, trains, and planes going to run on? They have to run on oil. And we have the oil within the confines of the United States, on land and offshore, to resolve a lot of these difficulties. But it will take years even to do that, if we can get past the environmental extremists to be able to do this. In the meantime, we are losing jobs, we are losing our economy, and we are losing with respect to a lot of other problems. In the end, we are going to have to resolve it by drilling for American oil, both conventional and unconventional oil, and we have the ability to do it, and to do it in ways that make sense, that are environmentally sound, and are economical. Some of my colleagues on the other side object to Canadian oil because Canada is putting up a million barrels a day out of their tar sands, and they do not like the fact the tar sands have some carbon in them. But the fact is, Canada is going to go to 3 million barrels a day. So what do we do if we don't take Canadian oil when they are happy to sell it to us? We are going to have to go to Venezuela, Russia, the Middle East, and other places to get our oil, and many of those countries are antithetical to what we believe in and are not particularly happy about United States power in this world.

Now, Mr. Pickens also predicted it is only going to be a matter of time until we are going to be called in and these oil barons from these other foreign lands, who aren't particularly enamored of the United States—in fact, if anything, they are jealous of the United States—are going to say: You have been consuming 25 percent of the world's oil, but you only have 6 percent of the world's population. We are going to have to cut you back, especially now that they can sell all they want to China, India, and other countries that are voracious in their demands for oil.

We have to wake up and realize we can't sit back and hope ethanol is going to solve this problem. We can produce about 5 billion barrels of ethanol, which is the equivalent to about 3½ billion gallons of oil. However, we consume 3½ billion gallons of gas. If we do everything in our power to do ethanol, we are not going to be able to re-

solve our energy problem without increasing our oil supply, too.

I might add that I see some very important work being done on renewables. I talked to my friend Vinod Khosla. Vinod is building a solar thermal plant, 200 megawatts, in California that should be finished by 2010. He believes we can do that all over the place. Boone Pickens has decided that in the wind corridor from Canada right down through Texas, he could build windmills all up and down that corridor that would provide over one thousand megawatts of power, which would be very beneficial to our country, but that's electricity, not liquid fuel.

We know we can find more and more natural gas on our Federal lands if we want to do it. We know how to do natural gas-driven vehicles right now. We actually have natural gas stations in Utah and we have natural gas drivers, but they are the exception to the rule. We know how to build hydrogen cars that have absolutely zero emissions, but we only have 9 million tons of hydrogen in this country. You would have to have at least 150 million tons of hydrogen to make a dent, and the only feasible way to get that much hydrogen is probably through nuclear. We are about the only major nation in the world that isn't going ahead with nuclear as we should. We know it is one of the cleanest sources of energy in the world. I personally believe we will find methodologies and ways of neutralizing nuclear waste.

We can no longer afford to sit back and believe ethanol is going to solve all our problems, or wind power is going to solve all our problems, or solar power is going to solve all our problems, or that geothermal is going to solve all our problems. We have to distinguish between electricity and liquid fuels. Because of the work I have done to promote geothermal, I went out to Utah 2 weeks ago and helped dedicate the ground for the first geothermal power plant in over 20 years. This company, which is a very rare company, is going to build these all up and down Utah, where we have all kinds of geothermal prospects. It's wonderful, but it doesn't solve our liquid fuel problem. It will not get us to where we can continue to keep our economy alive in America.

A lot of this has stopped because of environmental extremism. We all want clean air and clean water, and I don't think any environmentalist should start chewing me up when I am the one who helped put these bills through that have spurred on alternative energy and hybrid technologies, and I will do everything in my power to continue spurring it on. But let us make no mistakes about it, we have to have oil over the next 20, 25 years and beyond that in order to keep America strong.

And to blame the big oil companies—we hear: Big oil companies—one of the Senators yesterday said: How could you do this to America? Now, let's get the facts. The big oil companies are only 6 percent of the world's deliverers

of oil. The vast majority of oil that is delivered is by government-owned entities. Not ours, but foreign government-owned entities. We have made it all but impossible to drill for oil within the continental United States, especially on Federal grounds. And again, it is environmental extremism that is stopping that.

I want people to have jobs. I also want to go full bore in all of these other alternative forms of energy that hopefully will alleviate some of this dependency we have, but we can alleviate a lot of our dependency by doing the oil shale work in Colorado, Wyoming, and in my home State of Utah. That needs to be done. It takes one acre to produce 5 barrels of ethanol. I'm a big fan of ethanol incentives, as I've said. However, Mr. President, do you realize how much oil can be achieved from 1 acre in oil shale in those tri-State areas? It is between 100,000 and 1 million barrels of oil. And we are just letting it sit there because we can't get the leases and my friends on the other side of the aisle are specifically blocking it.

Because of liberal, excessive environmental restraints, we can't get American oil to save America. We can't drill in American waters. China is. They are coming right over to our waters and drilling for oil that we can't drill for because of these extremists. And they blame 6 percent of the world's oil-producing companies and say they are the cause of all these problems? Give me a break. It is about time we wake up. Sure, politically it sounds good, but practically and scientifically it is total bull corn, I think may be my best way of describing it.

I am for all these environmental things too, but I want it to work. I don't want it to be a political exercise so one side can win over the other.

JUDICIAL NOMINEES

Mr. HATCH. Now, Madam President, I want to change the subject for a minute. I need to make a few remarks on the ongoing effort to conduct something that resembles a fair and productive judicial confirmation process, which is something that is bothering me here today as well. As you can see, I am not in a good mood.

It looks obvious that the commitment by leaders on the other side of the aisle to confirm three more appeals court nominees by the Memorial Day recess is not going to be met. Failure was not inevitable. There was a clear path to keep that commitment with nominees who had long ago been fully vetted, nominees who have been pending for up to 2 years, highly qualified nominees with the highest ratings from the American Bar Association and who have the support of their home State Senators.

My friends on the other side of the aisle knew how to keep their commitment, but instead they chose the path of greatest resistance, the path with the greatest chance of failure. And fail-

ure is exactly what is happening. These days, we often make comparisons between how President Bush's nominees are being treated today and how President Clinton's nominees were treated. Now here is one more comparison to consider.

In November 1999, Majority Leader Trent Lott promised to hold a vote by May 15, 2000 on two of President Clinton's most controversial judicial nominees, with my consent as the Judiciary Committee chairman, Richard Paez and Marsha Berzon to the Ninth Circuit, two very liberal nominees. These nominees were opposed by hundreds of grassroots groups. Their records caused a great deal of angst among many Senators on this side of the aisle. The majority leader did not make his commitment in vague, fuzzy terms. He named names, picked dates, and stated objectives. He made a commitment and he kept it, and they both sit on the Ninth Circuit Court of Appeals to this day.

They were both competent. Would I have nominated them? No. Would a Republican President have nominated them? No. But they were competent, they did have the approval of the ABA, and they deserved a vote up or down and they got it.

We took a cloture vote to ensure there would be no filibuster, and confirmed those controversial nominees on March 8, 2000, a week earlier than promised. It is a very different situation today.

I wish to address some other issues that highlight the current state of the judicial confirmation process. Talking about numbers, percentages, and comparisons makes some people's eyes glaze over, while others have trouble sorting out the dueling figures. If enough confusion exists, the American people might not fully appreciate what is going on. But as our former colleague from New York, the late Senator Daniel Patrick Moynihan once said—a friend of mine—"You are entitled to your own opinion but not to your own set of facts."

I believe facts matter. I believe the truth matters. Some have claimed the Senate has confirmed 86 percent of President Bush's judicial nominees compared to only 75 percent of President Clinton's. This claim is either true or false. If you believe, as I do, that the truth matters, then it is important to know the answer. What is true? The most recent figures from the Congressional Research Service show the Senate has confirmed 85 percent of President Bush's appeals court nominees compared to 84 percent of President Clinton's nominees. That is about as nonpartisan and objective a source as you can find. It turns out the Senate confirmed, not 75 percent of President Clinton's judicial nominees but 84 percent. No matter how you slice, dice or spin it, this claim is not true.

Another claim often repeated on the Senate floor by Democrats is that when I chaired the Judiciary Committee, I blocked more than 60 of Presi-

dent Clinton's judicial nominees by denying them a hearing. Some claims, apparently, need not be true as long as they are useful. In this one, the judicial confirmation version of the urban myth seems useful indeed, based on the number of times it is repeated in various versions and permutations. This claim is no more true than the first one I mentioned. Some Clinton nominees were not confirmed. Some nominees of every President are not confirmed.

In 1992, George Herbert Walker Bush left office, the Senate was controlled by the same party as today, the Democratic Party, and returned more than 50 unconfirmed judicial nominees to President Bush. I don't recall that we stood and moaned and groaned like is going on today, at this time. We didn't. The fact is, that is what happens at the end of a Presidential term. The claim being made today, however, is all those unconfirmed Clinton nominees could have been confirmed but were not, solely because I, as chairman, refused to give them hearings.

This is one of those claims that some apparently hope no one will bother to unpack and sort out. But consider this. A dozen of those nominees were not confirmed because President Clinton withdrew them. He actually withdrew them. That was not his prerogative as chairman. That was his prerogative as President. It continues to baffle me how the Judiciary Committee chairman can be blamed because nominees who no longer exist were not confirmed. Many of those unconfirmed nominees did not have the support of their home State Senators. Judiciary Committee chairmen of both parties, before me and after me, including the current chairman, do not give hearings to nominees without the support of their home State Senators. That is a matter of fact.

We also hear the claim that in Presidential election years, the judicial confirmation process is, to quote the current Judiciary Committee chairman, "far less productive."

Once again, this claim is not true. The average number of appeals court nominees given hearings and the number of judicial nominees confirmed goes up, not down, in Presidential election years.

Finally, we hear the astounding claim that Republicans are supposedly obstructing the nomination of Judge Helene White to the Sixth Circuit because we have asked her questions about her record, her qualifications, and her judicial philosophy. Judge White was nominated less than 2 months ago, and the Judiciary Committee was given just 22 days from her nomination until her hearing—a period far shorter, even, than noncontroversial nominees over the years.

We had 70 days before Seventh Circuit Court nominee John Tinder's hearing, for example, and 120 days before Second Circuit nominee Debra Livingston received a hearing. We had only 22