In June of the year 2000, Professor James Liebman and his colleagues at the Columbia Law School released the most comprehensive statistical study ever undertaken in modern American capital appeals. They found that serious error permeates American's death penalty system, compelling courts to reverse more than two-thirds of all death verdicts.

With the capital system collapsing under the weight of its mistakes, the risk of executing the innocent is shockingly high.

Part II of the Columbia study, which was just released this week, reaffirms the fundamental conclusion of his first study—that the death penalty is fraught with errors and inconsistencies nationwide. But it also adds a new and disturbing twist: In a rigorous empirical examination, the new study shows that the States and counties that use the death penalty most are also the most error-prone, and the most likely to send innocent people to death row. When I read that, it sent a shiver up my spine. The States and counties that use the death penalty the most are the ones most likely to make mistakes.

When the legal machinery of the death penalty system is broken, practice does not make perfect. It is leading to more mistakes. Can you imagine how long any commercial enterprise would last if it accepted and refused to correct failure rates like these? And this is not a commercial enterprise; here we are talking about life and death decisions.

There is one other thing we should keep in mind. If the wrong person is on death row for a murder, if somebody is convicted of a murder they did not commit, that means that the real murderer is still running loose. Maybe everybody can feel comfortable that we have locked up somebody for that murder, but if there is still a killer on the loose, everything has broken down. Not only is an innocent man on death row, but a guilty man is running free.

Thanks to the careful research of Professor Liebman and his team, responsible people from across the political spectrum are now united in acknowledging that the question is not whether the system is broken, but whether it can be fixed.

Shortly after the Judiciary Committee held its most recent hearing on this subject last year, Supreme Court Justice Sandra Day O'Connor expressed skepticism about the administration of capital punishment in the Nation.

She said:

> The system may well be allowing some innocent defendants to be executed.

She went on to say:

> Perhaps it is time to look at minimum standards for appointed counsel in death cases and adequate compensation for appointed counsel when they are used.

I could not agree more. In fact, the reforms suggested by Justice O'Connor mirror core components of the Innocence Protection Act.

In addition to providing for postconviction DNA testing, our bill would establish a national commission to formulate reasonable minimum standards for ensuring competent counsel in capital cases. Ask any good prosecutor. They will tell you they want a good, competent counsel on the other side. You want to make sure you do not make mistakes.

As a prosecutor, I might win a case only to have it go up on appeal and get thrown out because of incompetent counsel on the other side. Five years later, I will be retrying the case. You want to do it right.

DNA tests, which have exonerated so many, are not as much a solution to the death penalty problem as they are a window, exposing the flaws of a broken system.

We have to understand in many cases—perhaps most—there will be no DNA evidence. In many cases—perhaps most criminal cases—there are no fingerprints. This is not Perry Mason. There probably will not be any DNA or fingerprints.

But where there is DNA evidence, it can show us conclusively, even years after a conviction, where mistakes have been made. And what it has shown us in case after case is that many of the mistakes that have landed innocent people in prison and on death row could have been avoided—and probably would have been avoided—if the defense counsel had been reasonably competent.

Ensuring competent counsel is the single most important step we can take to get at the truth and protect innocent lives. By helping States improve the quality of legal representation in their life or death cases, the Innocence Protection Act strikes at the very heart of injustice in the administration of capital punishment.

As I said when I began, it is not a question of whether you are for or against the death penalty. People of good conscience can and will disagree on the morality of the death penalty. But we all share the goal of preventing the execution of the innocent. I hope Senators will read the Columbia Law School study and consider the comments of Justice O'Connor. We should reflect on these two milestones and ask ourselves if we are satisfied with a system that condemns one innocent person to death for every 7 or 8 that it executes. It is past time for the straightforward reforms of the Innocence Protection Act.

## THE BYRD RULE

Mr. BYRD. Mr. President, Thursday a week ago yesterday, the Secretary of the Treasury, Paul O'Neill, appeared before the Senate Budget Committee, at which time he and I had a discussion of the Senate rules, and particularly the "Byrd Rule." I ask unanimous consent that the discussion to which I refer be printed in the RECORD. It speaks for itself.

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

Senator BYRD. Thank you, Mr. Chairman.

Thank you, Mr. Secretary.

On page 51 of the first volume of the President's Budget, I noted the picture of Gulliver being tied down by the Lilliputians. Here it is. The caption beneath it reads: "Many departments are tied up in a morass of Lilliputian do's and don't's.

This is not the first time that the administration has invoked the word "Lilliputian" when referring to the priorities of Congress. It makes me wonder if the administration may not be requiring the members of the Cabinet to read Jonathan Swift's masterpiece of satire.

Last year, before the National Association for Business Economics, Mr. Secretary, you used the word "Lilliputian" in referring to the application of the Byrd rule on reconsideration bills. You were quoted as saying: "the rules that have been created by just ordinary people are in some ways more and more like the Lilliputians tying us to the ground. I do not know why we have to live by these rules; after all, so far as I can tell, God did not send them."

Inasmuch as you have invoked the name of the Creator, I would say that God works in mysterious ways his wonders to perform. This is not my quotation, but he does. He believes in rules, too. He gave them to Moses on Mount Sinai—the Ten Commandments. They hang in my office. Those are rules. I feel that God had his hand upon the destiny of this country when those illustrious men gathered in Philadelphia to create the Constitution of the United States.

I do not know whether or not you have read Catherine Drinker Bowen's book, but she says that at no other time could these men have written this Constitution, which has proved to be the earliest written Constitution in the world and the most successful one. She says that 5 years earlier, the people and their representatives who were at the Convention would not have experienced enough of the disadvantages or the shortcomings that they needed to have experienced to have written this Constitution. She says that were it 5 years later, the people would have been turned off by the excesses of the French Revolution and the carnage by the guillotine.

So the clock struck just at the right time. As far as I was concerned, that was God's hand, if you want to invoke God's name; that was God's hand at work.

You said "The rules that have been created by just ordinary people"—the rules, Mr. Secretary, of the Senate have only had seven revisions in the more than 200 years of the Senate's history. Their roots go back into the House of Commons in Great Britain. Their roots go back to the Continental Congress. Their roots go back to the Confederation.

We are using rules of which the first 20 were written within the first 10 days of the Constitutional Convention's meeting. Those are rules.

Let us compare what Thomas Jefferson says about rules. Let us compare it with what you say. You said, "The rules that have been created by just ordinary people are in some ways more and more like the Lilliputians tying us"—now, who is "us"—"tying us to the ground. I do not know why we have to live with these rules; after all, so far as I can tell, God did not send them."

Well, Mr. Secretary, I say with all due respect—and I have great regard for you—that you seem to have gotten off the track. You probably should have had a good study course in American history before you came here—I am not talking about the kind of history that comes up with cartoons like this. Many of the so-called history books of our present time are full of colorful cartoons just like this. They do not teach real history.

I read Muzzey back in 1927, 1928, 1929, 1932, David Seville Muzzey. That was history. There were pictures. Now, you say, ''The rules that have been created by just ordinary people''—these were not ordinary people, the men who signed the Constitution. They provided for the rules of the Senate.

The Congress and certainly this Senate is not ordinary, and it is certainly not Lilliputian. We are Senators. I have been before the people at the bar of judgment 29 times in these 50 years, counting this year, that I have served in Congress—29 times. I have taken the oath to support and defend this Constitution 16 times.

I am not asking you to answer this question—but how many times have you been before the bar of judgment of the people? In what elections did you run in order to represent the people? You were appointed. We were elected by the people, directly by the people—not like the President, indirectly, by electors who were elected by the people—we were directly elected.

Chairman CONRAD. Senator, if I could say, I grant 7 minutes and my first round of questioning to the Senator so he can continue in his statement.

Senator BYRD. Mr. Chairman, I thank you, and I will not dwell upon this any longer except to say that we are Senators, and you have been in this town one year. I have been in this town 50 years. I have seen many Secretaries of the Treasury. And I just want to tell you that we Senators are here to look after the interests of the people of our States. They are not well-to-do people—not all of them—in my State. They are not CEOs of multi-billion-dollar corporations. They cannot just pick up the phone and call a Cabinet Secretary.

In time of need—in drought, in floods, in famines, when a bridge is near collapse, when safe drinking water is not available, when health care services are endangered—they come to us. The people come to us. Yes, they are ordinary people. They are coal miners, they are farmers, they are schoolteachers, they are ministers, they are lawyers, they are bankers.

This cartoon on page 51 and comments throughout this budget suggest that this administration believes that so-called experts at bureaucratic agencies should determine the priorities of this Nation—not the Congress, not the people they represent. That suggests that the problems of the people are too little to deserve the attention of the administration.

Here is what the paragraph says by Dr. Gulliver: ''. . . it is critical that the government operate effectively and spend every taxpayer dollar wisely. Unfortunately, Federal managers are greatly limited in how they can use financial handling and other resources to manage programs. Federal managers lack much of the discretion given to their private sector counterparts to get the job done.''

We have seen what discretion given to private sector counterparts has done. We saw that in Enron.

This budget, wrapped in the American Flag, says: ''Government is ineffective under these conditions. During wartime, turf protection cannot dictate the national interest. The Congress should remove barriers and give the administration the tools to do the job that must be done.''

You say the Federal managers are greatly limited in how they can use financial resources. That is a good thing. These people, the so-called Federal managers, are not elected by the people, and we are talking about the taxpayers' dollars—the taxpayers' dollars. That is why there are rules. That is why we have rules.

So you say ''Federal managers lack much of the discretion given to their private sector counterparts.'' Yes, because they are dealing with tax dollars, the American people's dollars.

My question would be does this kind of nonsense belong in a budget document. Now, to be fair, if we are going to do that, let us have a little more fun. Why not refer to the territory that was called Brobdingnag. Swift also wrote about that. Dr. Gulliver visited Brobdingnag, where there were not pygmies, but giants as tall as church spires, and with respect to one step of those giants, that step covers 10 yards.

I would refer to this since we are in the business of using Swift's satire. This budget is a Brobdingnagian budget, a Brobdingnagian budget. Not bad.

If we want to continue this, we can do it after the meeting. I have been very generously given time at this point.

I just want to remind you, Mr. Secretary, that a lot of us were here before you came, and with all respect to you, you are not Alexander Hamilton.

I have a question. Steel company representatives and steel workers have worked through numerous hurdles and made a number of concessions to reach consensus on a plan to renovate the U.S. steel industry. They have let the administration know that in order for this plan to work, the President needs to conclude the Section 201 of investigation of steel importation at the earliest possible date, with a remedy of nothing less than a 40 percent tariff on steel imports.

In addition, the steep companies and workers have asked for the administration's help in removing barriers to steel industry consolidation in the United States and in relieving the costs to the maximum extent possible of health care and pension benefits to retirees.

Steel industry representatives from my own State have expressed optimism that this administration is working positively with them to advance such a multifaceted solution. In light of this very critical time for the steel industry and this window of just a few weeks that could mean a turning point to a revitalization of bankruptcy and collapse of an industry that ties under our national security, this administration submits a budget that cuts the steel loan guarantee program by $96 million.

I find it hard to share in the optimism, and I will just ask one question at this time, and I will have further questions that I will submit.

What can you tell this committee specifically about this administration's intentions with regard to helping the steel industry with tariffs, reorganization, and legacy costs?

Secretary O'NEILL. Well, Senator, what I said to the National Association of Business Economists, I stand by, because what I had in my mind and what I deeply believe is this—that where we have rules made by men that restrict the realization of human potential, they should be changed.

We had rules that said, ''Colored, do not enter here.'' That was a manmade rule. And there are lots of those same kinds of rules that limit the realization of human potential, and I have dedicated my life to doing what I can to get rid of rules that so limit human potential, and I am not going to stop.

Senator BYRD. Mr. Secretary, I have been around for a long time, and I try to live with the rules. You were specifically talking about the Byrd rule.

Secretary O'NEILL. I was talking about all rules that limit human potential and the realization of human potential, and referring to something different is fine if you wish to do so, but I would also like to say, because there was an inference in your remarks that somehow I was born on home plate and thought I hit a home run—Senator, I started my life in a house without water or electricity. So I do not cede to you the high moral ground of not knowing what life was like in the ditch.

Secretary BYRD. Well, Mr. Secretary, I lived in a house without electricity, too, no running water, no telephone, and with a wooden outhouse.

Secretary O'NEILL. I had the same.

Senator BYRD. I started out in life without any rungs in the bottom of the ladder. I am talking with you about your comments concerning the Byrd rule and the people who wrote these rules. I am not talking about putting a halter or a break on anybody's self-incentive or anybody's initiative. I have had that experience, and I can stand toe-to-toe with you. I have not walked in any corporate board rooms. I have not had the churning of millions of dollars into trust accounts.

I lived in a coal miner's home. I married a coal miner's daughter. So I hope we do not start down this road, talking about our backgrounds and how far back we came from. I am citing to you what you said in response to a question about the Byrd rule. The Byrd rule has saved millions and millions and millions of dollars for this Government, and we ought to live up to it.

Perhaps you ought to study the Byrd rule a little bit if you have not to the point that you can explain it. And just remember, the rule that I am talking about, those ordinary people—you are talking about Senators. They are ordinary people, and they are not going to let you get away with it. We are not going to let you get away with it.

So if you want to answer my question on steel.

Secretary O'NEILL. All right. As you know because you have been in some of the meetings that we have been having on the subject of steel, we began last year to see if it was possible to create a basis for the world to adjust the arguably 30 percent overcapacity that the world today has in steel, and through the President's efforts and administration work, we succeeded in getting the OECD to provide a structure for calling together the principal producers of steel in the world to try to get them to stipulate the need for capacity reductions, especially of capacity that is exporting its goods around the world with Government subsidies and undercutting the ability of almost any steel company in the world to make enough money to cover the cost of its capital, as a piece of a concerted, connected set of ideas about how we should proceed in this area.

Subsequent to beginning that work, the President filed a 201, and he has until March 6, I believe, to make a final decision of what level, if any, and kinds of combinations of tariffs and impositions he should put on imports in the United States to make sure that the world is fair in the way that we provide a basis for our own steel industry to make a living. There are day-by-day conversations going on to this issue of what tariffs or barriers or provisions should be imposed on the rest of the world, and as I say, the work will be done by the appointed date of March 6.

Senator BYRD. I hope the President will act and act immediately and act forcefully. He was in West Virginia and told the steel workers that he would help them. The Vice President certainly was in West Virginia and told the steel workers he would help them. West Virginia went for Mr. Bush, else you would not be sitting there today if my State had gone for Mr. Gore.

So the steel workers are hoping and praying that the President will act and act immediately to help them in this regard.

Thank you very much.

Chairman CONRAD. Senator Smith.

Senator SMITH. Mr. Secretary, I was looking at your resume, and I believe you started your professional employment as a civil servant for the Office of Management and Budget. Is that correct?

Secretary O'NEILL. In fact I started at the Veterans Administration as a computer systems analyst in 1961 and completed my previous Government service at the office of Management and Budget as deputy director in 1977.

Senator SMITH. And you have served in the administrations of Gerald Ford, is that correct——

Secretary O'NEILL. That is right.

Senator SMITH [continuing]. And President——

Secretary O'NEILL. Kennedy, Johnson, Nixon, and Ford.

Senator BYRD. Would the Senator yield to me?

Senator SMITH. I would be happy to yield, Senator Byrd.

Senator BYRD. Since we are talking about how many administrations we have been in——

Senator SMITH. You can beat us all, I am sure.

Senator BYRD. I have served with—not under—11 Presidents.

Senator SMITH. Well, I have great respect for Senator Byrd. I feel badly, though, if you feel demeaned appearing before this committee in any personal way, because I just want to say again for the record as I did in my opening statement that you did not need this job, but you are doing a fine job, and I believe you have served in many administrations, and you left a very lucrative position because you wanted to make the world a better place. And I think that needs to be said again. So I——

Senator BYRD. Would the Senator yield?

Senator SMITH. I would be happy to yield to Senator Byrd any time.

Senator BYRD. May I just add a little footnote along that line?

Senator SMITH. Of course.

Senator BYRD. I do not need to serve here, either. I believe I could retire and get more money in retirement than I earn as a Senator. I am talking about my retirement from the years I have served in Government.

Senator SMITH. I understand that.

I thank you, Secretary O'Neill, for your service to your country, and I thank Senator Byrd for his service to our country as well.

Mr. BYRD. Mr. President, with reference to the word ''Lilliputians'', that seems to be the prevailing way that officials in the Bush Administration view members of Congress. Several members of the Bush Cabinet have publicly used that term when speaking about the inconvenience of having to work with the people's representatives and the laws and rules that Congress writes.

Defense Secretary Donald Rumsfeld spoke to the National Defense University on January 31, 2002. Referring to Congressional earmarks in the defense appropriation bills, he said: ''The Congress has, for whatever reason, decided that they want to put literally thousands of earmarks on the legislation—that you can't do this, you can't do that, you can't do this, you can't do that. Well, your flexibility is just—it's like Gulliver with a whole bunch of Lilliputian threads over them: no one thread keeps Gulliver down, but in the aggregate he can't get up.''

OMB Director Mitchell E. Daniels testified before the Senate Budget Committee in July 2001 on the economic and budget outlook. Referring to Congressional earmarks, the OMB Director said: ''I would point out that Congress has got to help here. We struggle with earmarks in the federal budget, and . . . its very hard . . . when you are hogtied by a million lilliputian orders to do this, that, or the other, which maybe does not fit the strategy.''

Treasury Secretary Paul O'Neill spoke to the National Association for Business Economics in March 2001 regarding the Administration's desire to see a permanent tax cut enacted. A question was raised regarding the Byrd rule. Under current law, if the Senate passes a ten-year budget resolution, a tax cut reconciliation bill would have to sunset after ten years in order to be in compliance with the Byrd rule.

In response, the Treasury Secretary said: ''There is a very interesting thing that the rules that have been created by just ordinary people—are in some ways more and more like the Lilliputians tying us to the ground. . . . I don't know why we have to live by these rules, after all, they were only made by other people, and so far as I can tell, God didn't send them. . . . And, so, it's OK for us to entertain a different kind of an idea, and that . . . we don't have to live by rules that were made in a different time for a different purpose and a different set of circumstances.''

The last quote in particular addressed an arcane and little understood rule whose author put it into place in 1985. Its purpose was to stop rampant abuses of Reconciliation Bills, which were originally intended to lock in deficit reduction measures.

Because of tight time limitations—20 hours—a nondebateable motion to reduce the time and only a majority vote needed to reduce it, and no opportunity to debate a motion to proceed, reconciliation is a supergag rule, one that makes cloture look like a mere speck by comparison.

Reconciliation bills have frequently been grossly misused to ram costly spending measures through the Senate and to prevent thorough debate of controversial measures. The Administration chose a reconciliation bill for its controversial tax cuts last year, in order to take advantage of the ''fast track'' nature of reconciliation bills. However, in 1985, the Senate unanimously adopted the Byrd Rule. One part of the Byrd Rule is a budgetary restriction which prohibits reconciliation bills from either reducing revenues or increasing spending in a year beyond the last year covered by the budget resolution. Last year's budget resolution covered 10 years. Therefore all revenue losses in that reconciliation bill had to sunset in 10 years. The administration wanted the benefits of reconciliation, but now they complain about the restrictions of that same process.

The Byrd Rule has been quite effective when it has been enforced. I daresay that the Byrd rule has prevented billions of dollars' worth of questionable spending. I know that the Byrd Rule has brought controversial measures out into the sunlight of public debate by preventing such measures from being wrapped in a reconciliation bill and hustled in protective armor through the Senate.

For instance, on October 13, 1989, I commended Senators Mitchell, the then Majority Leader, and Senator Sasser, the then Chairman of the Budget Committee, on their tough enforcement of the Byrd Rule in the Reconciliation process of that year, whereby some 300 provisions which violated the Byrd Rule were stricken from the bill. May I add that reconciliation abuses are not only abuses promulgated by members of Congress. The administration's fingerprints are often on Byrd Rule violations as well. I vividly recall when President Clinton wanted to insert his entire healthcare reform package into a reconciliation bill, costing billions, changing hundreds of laws, and shielding a very controversial proposal from the sunlight of debate. When I said that I would raise a Byrd Rule point of order, the idea was dropped. The Byrd Rule is totally nonpartisan. It has saved billions of tax dollars and prevented much legislative mischief by both parties. Although its author's name is ROBERT C. BYRD, the Byrd Rule has helped curtail federal spending enormously.

It is well to remember that it is rules and laws that keep the powerful in check and the people in control. Yet, this year's budget document, ordinarily a relatively straightforward presentation of an Administration's views on the budget, is rife with political commentary about congressional earmarks, and even a cartoon—as I have already pointed out—depicting Gulliver tied down by the Lilliputians along with accompanying text that reflects an attitude of arrogance and disdain for the role of the Congress. It is a far cry from President George W. Bush's stated intention to change the tone in Washington. Partisanship and distrust are all that is accomplished by such an approach, and there is certainly enough of both to go around already.

Members of Congress are often convenient targets for disdain by Administration officials who do not have to stand for election and who often have independent wealth or lucrative careers to return to after their stint in public service is over. Congressional earmarks are easy to malign, but earmarks, such as the one which first funded the human genome project, are rarely discussed. Congressional earmarks have done much good. Of course some have turned out to be poor investments, but they are not the horrific evil that many suggest, and in reality their impact on the budget is usually quite small. What those who serve

in Presidential Cabinets tend to forget is that the people did not elect them to anything. They are appointed, and they serve at the President's pleasure. And it is worthwhile here to note that even the President that these officials serve is not directly elected. Only members of Congress are directly elected by the people in federal elections, and it is to members of Congress that the people come for assistance or to express their heartfelt views. Not many ordinary citizens have the wealth or influence to call up a Cabinet secretary or get an appointment with the President. Members of Congress are the people's elected spokesmen and women, and when we are viewed as ''Lilliputians'' by members of a President's cabinet, I suspect that the good people who elected us to serve are viewed in much the same manner. Tolerance of the arrogance of people in high places has worn very thin in this country. The people have had enough of Enron egos, and all-knowing, all-powerful bureaucrats, and the people well understand the need for serious curbs on power. Some sage once observed that the difference between a lynching and a fair trial is procedure. How true that is.

Mr. President, those who dislike the rules and laws that reign them in make the best argument I can think of for the wisdom of the Framers in separating the powers of government. And while Swift's Gulliver's Travels, and his tale of Lilliput may be required reading for the Bush Cabinet, I think that they may have actually missed the point of that famous satire. The point is this. No matter how big you think you are, the little people in this country can call you to heel. Because of the unique system of government we are blessed with, the people, in the final analysis, wield the power. And it is up to the Congress—the people's branch—to continue to write the rules that help to keep Presidents, bureaucrats, and wayward corporate executives in check. So, for my part I say, long live the Lilliputians! May they ever reign.

## JUDICIAL NOMINATIONS

Mr. LEAHY. Mr. President, last night, the Senate voted to confirm three additional nominees to the Federal district courts: James Gritzner from Iowa, Richard Leon from Maryland, who will serve as a judge on the District Court for the District of Columbia, and David Bunning from Kentucky.

With these votes, the Senate will have confirmed nine judges since beginning the second session three weeks ago. With these confirmations, the Senate will have confirmed 37 judges since the change in majority last June. That number exceeds the number of judges confirmed in all 12 months of 1997 or 1999 and, of course, more than during the entire 1996 session.

I would, again, urge the White House to work with home-state Senators, to work with Democratic and as well as Republican Senators, and to send nominees like James Gritzner, who received bipartisan support from his home-state Senators.

With the confirmation of Judge Gritzner, the Senate has confirmed two Federal judges from Iowa this week, the other being Judge Michael Melloy for the United States Court of Appeals for the Eighth Circuit. The Judiciary Committee moved quickly on these nominations. Both Judge Gritzner and Judge Melloy participated in the first nominations hearing of this session, which was the first confirmation hearing held in January in more than half a decade. They were reported favorably by the Committee at the earliest possible Executive Business Meeting this year, on February 7, and they are now confirmed, just one week later.

Indeed, Judge Melloy's confirmation filled a judicial emergency vacancy. That seat on the Court of Appeals for the Eighth Circuit, which includes eight states, Iowa, Arkansas, Minnesota, Missouri, Nebraska, North Dakota and South Dakota, has been vacant since May 1, 1999.

I recall that it was not so long ago, in 2000, when the Senate was under Republican control, that another nominee to this very seat on the Eighth Circuit, Bonnie Campbell, did not receive the courtesy of a vote by the Committee following the hearing on her nomination. She did not receive a vote due to the previous policy of allowing anonymous holds to be placed on nominees, even though in her case, both of her home-state Senators, one a Democrat and the other a Republican, supported her nomination. Bonnie Campbell, the former Attorney General of Iowa, did not receive the courtesy of a vote, up or down, during the 382 days between her nomination by President Clinton and the time that the Bush Administration withdrew her name.

In contrast, we moved expeditiously to consider and confirm Judge Melloy's nomination to the Eighth Circuit. Judge Melloy's confirmation eliminated the judicial emergency vacancy in that Circuit caused, in part, by the Committee's failure to act on Bonnie Campbell's nomination when Republicans controlled the Senate and the confirmation process.

Judge Melloy was the seventh Court of Appeals nomination confirmed by the Senate in the last seven months. That is seven more Court of Appeals judges than a Republican majority confirmed in the 1996 session, and as many as were confirmed in all of 1997 and in all of 1999.

I think that the last District Court Judge confirmed in Iowa was Judge Robert Pratt in 1997. Nominated initially in early August 1996, Judge Pratt was not confirmed until late May the following year, more than nine months after his initial nomination. I am glad that the Committee and the Senate were able to act more quickly than that with respect to Judge Gritzner.

In connection with both Iowa nominees confirmed this year, I thank the Senators from Iowa for working with the Committee. I especially appreciate the kind words of the senior Senator, Senator GRASSLEY, both at the Committee consideration and in connection with these confirmation.

Last night, the Senate also confirmed Richard Leon to the United States District Court for the District of Columbia. This is the third confirmation to this District Court considered by the Senate since I became Chairman last summer. Indeed, nominees to the District of Columbia District Court were among those included in our unprecedented hearings during the August recess last year. I thank Representative ELEANOR HOLMES NORTON for working closely with the Committee to fill all three vacancies that had existed in this Federal court.

Richard Leon's nomination was fairly and expeditiously considered by the Judiciary Committee and the Senate. His nomination was received last September, the ABA peer reviews were completed favorably in November, the Judiciary Committee held a hearing on his nomination during the first week the Senate was in session in January, his nomination was promptly considered by the Committee and reported favorably to the Senate last week, and last night the Senate confirmed his nomination to fill the last current vacancy on the United States District Court for the District of Columbia. Richard Leon received a unanimous well-qualified rating from the ABA peer reviews and received high recommendations from members of the legal community in the District of Columbia.

Of course, during the years preceding the change in majority, two nominees to the District Court for the District of Columbia, James Klein and Rhonda Fields, never received a hearing before the Committee or votes on their nominations. In fact, James Klein's nomination was pending for almost four years without a hearing during both the 105th and 106th Congresses. Despite Representative NORTON's strong and consistent efforts during those years, we were unable to obtain any action in connection with the vacancies that we have now successfully filled. Judge Leon will join Judge Bates and Judge Walton.

Last night the Senate also confirmed the nomination of David Bunning to a vacancy in the Eastern District of Kentucky. Since the elections in November 2000, three vacancies have arisen on the Eastern District bench. With this confirmation, the Senate will have acted to fill all three.

I scheduled a hearing for Karen Caldwell just six days after her file was complete. Her nomination was reported by the Committee 16 days later, and only 25 days after her file was complete, Judge Karen Caldwell was confirmed by the Senate. Danny Reeves, another nominee for that same district, was able to have a hearing within