

Unfortunately, the Republican leadership has once again chosen to skip over the nomination of Margaret Morrow and that of Christina Snyder who have been nominated to be district court judges in the Central District of California. As I detailed again yesterday, Ms. Morrow has been the victim of a mysterious hold for months.

Marjorie Rendell has been a fine district court judge since 1994. President Clinton nominated her to a seat on the Court of Appeals for the Third Circuit on the first day of this session. At the time, I could not have imagined that it would take nine months for the Judiciary Committee to accord her a hearing and report her nomination to the Senate. Senator SPECTER and Senator BIDEN are both to be commended for pressing their efforts to have this nomination considered. Indeed, Senator SPECTER ultimately chaired her confirmation hearing.

Judge Rendell received the ABA's highest rating of well qualified for appointment to the third circuit. She has been active in the Visiting Nurse Association of Greater Philadelphia and the Philadelphia Bar Foundation and active in the community. Senator KENNEDY described her career as "one of great distinction and insight." Even Senator SESSIONS concurred that Judge Rendell "was a very impressive witness."

The good news is that her confirmation fills a vacancy on the third circuit, the bad news is that it creates a vacancy on the district court at a time when it is taking far too long to confirm good nominees.

I congratulate Judge Rendell and her family and look forward to her service on the third circuit.

I am delighted to see the Senate moving forward with the nomination of Richard Lazzara to be a Federal judge in the Middle District of Florida. The Senate first received this nomination in early May 1996, over 16 months ago. It should not have taken us this long to get to this point.

I know that the chief judge in that district, Elizabeth Kovachevich, has been speaking out about the workload, backlogs and vacancies in her court. Judge Kovachevich has noted that serious crimes are up 28 percent in her district and civil filings are up 25 percent for the second straight year leading to a growing backlog of over 3,200 cases. Both Senator GRAHAM and Senator MACK were strong supporters of this nominee at his hearing in early September. I was struck that Senator MACK called the situation one of "crisis proportions" and pointed out that the district is having to take unprecedented steps to deal with a backlog growing "at an alarming proportion."

I have introduced legislation recommended by the Judicial Conference of the United States to add three additional judges for that district, but their needs remain unaddressed because that bill has not received the attention that it deserves.

Filling this vacancy without further delay is a start. The people of Orlando, Jacksonville, and Tampa have had to wait a long time for judge Lazzara. This nominee received the highest rating possible from the American Bar Association. He is an experienced Judge, having served as a Florida County judge, a Florida circuit judge and a Florida appellate judge over the last 10 years.

I congratulate Judge Lazzara and his family and look forward to his service on the Federal Court.

With Senate confirmation of these two judges, the Senate continues to lag well behind the pace established by Majority Leader Dole and Chairman HATCH in the 104th Congress. By this time 2 years ago, the Senate had confirmed 36 Federal judges. With today's actions, the Senate will have confirmed one-half that number, only 18 judges. We still face almost 100 vacancies and have over 50 pending nominees to consider with more arriving each week.

For purposes of perspective, let us also recall that by the end of September 1992, during the last year of President Bush's term, a Democratic majority in the Senate had confirmed 59 of the 72 nominees sent to us by a Republican President. This Senate is on pace to confirm less than one-third of a comparable number of nominations.

We still have more than 47 nominees among the 69 nominations sent to the Senate by the President pending before the Judiciary Committee who have yet to be accorded even a hearing during this Congress. Many of these nominations have been pending since the very first day of this session, having been re-nominated by the President. Several of those pending before the committee had hearings or were reported favorably last Congress but have been passed over so far this year, while the vacancies for which they were nominated over 2 years ago persist. The Committee has 10 nominees who have been pending for more than a year, including 5 who have been pending since 1995.

While I am encouraged that the Senate is today proceeding with the confirmations of Judge Rendell and Mr. Lazzara, there remains no excuse for the Committee's delay in considering the nominations of such outstanding individuals as Prof. William A. Fletcher, Judge James A. Beaty, Jr., Judge Richard A. Paez, Ms. M. Margaret McKeown, Ms. Ann L. Aiken, and Ms. Susan Oki Mollway, to name just a few of the outstanding nominees who have all been pending all year without so much as a hearing. Professor Fletcher and Ms. Mollway had both been favorably reported last year. Judge Paez and Ms. Aiken had hearings last year but have been passed over so far this year. Nor is there any explanation or excuse for the Senate not immediately proceeding to consider the other five judicial nominations pending on the Senate calendar.

Those who delay or prevent the filling of these vacancies must understand that they are delaying or preventing the administration of justice. We can pass all the crime bills we want, but you cannot try the cases and incarcerate the guilty if you do not have judges. The mounting backlogs of civil and criminal cases in the dozens of emergency districts, in particular, are growing taller by the day. National Public Radio has been running a series of reports all this week on the judicial crises and quoted the chief judge and U.S. attorney from San Diego earlier this week to the effect that criminal matters are being affected.

I have spoken about the crisis being created by the vacancies that are being perpetuated on the Federal courts around the country. At the rate that we are going, we are not keeping up with attrition. When we adjourned last Congress there were 64 vacancies on the Federal bench. After the confirmation of 18 judges in 9 months, there has been a net increase of 30 vacancies, an increase of almost 50 percent in the number of Federal judicial vacancies.

The Chief Justice of the Supreme Court has called the rising number of vacancies "the most immediate problem we face in the federal judiciary." Senator HATCH has said that we can do better. I agree with them and add that we must do better. I have urged those who have been stalling the consideration of these fine women and men to reconsider their action and work with us to have the Senate fulfill its constitutional responsibility.

LEGISLATIVE SESSION

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

MORNING BUSINESS

(During today's session of the Senate, the following morning business was transacted.)

TRIBUTE TO THE LATE GEN. ROBERT E. HUYSER

Mr. THURMOND. Mr. President, in the year that the Nation celebrates the 50th anniversary of the founding of the U.S. Air Force, we must pause today to mourn the passing of an individual who was one of the key figures in the history of that service, Gen. Robert E. "Dutch" Huyser.

For almost 40 years, Dutch Huyser helped to protect America through airpower. Drafted into the Army during World War II, he became a B-29 pilot and flew numerous missions in the Pacific in support of Allied efforts to defeat Imperialism. Following the war, when the Air Force was established as a separate military service, he became a bright and promising young officer who would help to shape cold war policy and become known as the father of