his inaction on judges. We have done 10 judges so far this year. There are approximately 40 judges still pending in the U.S. Senate. Six are on the calendar. He knows very well that that was a vote on judges. It was a vote desired by several of our colleagues on my side of the aisle to express how frustrated they are that we are not getting the cooperation that we were promised about Federal judges, about moving through these judges. We get one, we get another, we get a third maybe now and then—just enough to keep everybody mollified. But the fact is, you have 40 judges that still have to be acted upon, most of which haven't even come out of committee yet.

He makes mention of the fact that he was ''forced'' to file cloture. He hasn't been forced to file cloture this year. He has chosen to file cloture, but he hasn't been forced to file cloture. No leader is forced to file cloture. He has filed cloture to prevent Democrats from offering amendments. So I suppose from that perspective, in order to preclude us from offering amendments, he is forced to do so, but he isn't forced, as leader, to prevent the Senate from having a good debate about these issues.

I defy my Republican colleagues to find a time when we were in the majority that we filed cloture to prevent an amendment. Now, we had amendments; amendments were offered; but we never filed cloture to prevent an amendment, and I defy my colleagues to find a time.

I would like to go to the point raised by the majority leader about how improper it is to offer amendments to a tax bill that are not directly related to education. Again, I go back to this time in 1992 when our Republican colleagues demanded they be able to offer 52 amendments. This particular bill, this Enterprise Zone Tax Incentives Act, was a tax vehicle very similar to the tax vehicle we have here on the education bill. This is an enterprise zone tax act.

Our colleague from Florida, Senator MACK, whom I admire immensely, demanded the opportunity to offer an amendment on, what? On tractors. That is right. Our colleague from Florida asked to be able to be recognized so that he could offer an amendment on tractors on an enterprise zone act.

And then my colleague, the distinguished majority leader, even though this was an Enterprise Zone Tax Incentive Act, said, ''You know, I know it is just on enterprise zones, but I want to talk about scholarships; I want to have an amendment on scholarships.'' And guess what? That is on the list, too.

And then our colleague from Washington, Senator GORTON, said, ''You know what, I know it is just a little old tax bill dealing with enterprise zones, but I have an amendment on dental schools, and I want to offer that.'' And guess what happened? The U.S. Senate had a debate, we agreed to debate all the amendments to be offered, we had a debate on them, we offered our amendments, we had our day, we finished the bill, and it went on.

But our Republican colleagues were not coming to the floor then saying, this is just an enterprise zone, so we don't think we ought to be able to offer nonenterprise zone amendments; we want to offer amendments on tractors; we want to offer amendments on dental schools; we even have a great scholarship amendment we think the Democrats ought to vote for.

What a difference some time makes. It is now 1998. We have a tax bill on the floor. Our Republican colleagues are saying, ''No, we don't want you to offer 52 amendments.'' Last week it was a half a dozen, then it was 9, now the leader is saying 15—but not 52 and not on anything but education; you have to stick to education, by golly.

This is an entitlement program. Let nobody misunderstand, this is an entitlement program we are talking about. If we pass this, we pass a new entitlement program. We pass a tax bill. So when you manage the Senate floor, you have to come to the realization that when you pass something with the consequences of a new entitlement and a new tax program, there may be a few amendments and they may not be just on the topic to which the bill is supposed to be directed.

So, Madam President, we can talk about cattle and welfare and education and all of these issues. The bottom line is, are we ever going to get to a point where we can move off this impasse? I again make the offer to make my best effort to do so. We will continue to try to do so. But I hope nobody here is swayed by these arguments that we can't come on to the Senate floor with a tax bill and not talk about taxes and not talk about entitlements, and if we are going to talk about farms, maybe we ought to remember that once, not long ago, we talked about tractors and that was OK.

I hope we can resolve this, but it is going to take some give on both sides, and we both have to realize that to move forward, it is going to require some cooperation here; we are not going to get it just the way we want it. We may not be able to offer 52 amendments, but we have some darn good amendments that ought to be considered here, and we are going to do all that we can to ensure that our rights are protected.

I yield the floor.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The Senate majority leader.

## JUDICIAL NOMINATIONS

Mr. LOTT. Madam President, I know we are faced with a time problem, but since a separate extraneous issue was raised, I must respond to this question of judicial nominations.

First of all, when I go to my State or around the country, the last thing I hear people clamoring for is more lifetime-tenured Federal judges. There is no clamor out there in the real world for more Federal judges.

But, so the record will be clear, the number of Clinton appointments to the Federal judiciary as of that date is 252. The total number of Clinton nominees confirmed by the 105th Congress—that is last year and the first 3 months of this year—48, 9 for the court of appeals, 37 for district courts, 2 for the USIT; 36 in the first session and 12 in the second session.

There are currently 81 vacancies in this very large Federal judiciary, and of that 81, 41 of them have not had nominees. It is pretty hard for us to consider nominees if we do not have them even presented to the Congress.

I have been hearing this now for months about, ''Oh, why don't you move more?'' Maybe the administration ought to consider moving a little faster. They can't send them up here and immediately start complaining that they are not considered in the next week or even the next month. But half of the vacancies do not have a nominee pending. Plus, there are only six pending on the calendar, and we will probably consider a couple of those this week. So there will only be four pending on the Senate Executive Calendar for judicial positions.

Then let me make one other point. Should we take our time and look at these people who are nominated to be Federal judges for life and hold sway over us in ways that exceed the imagination—and certainly I don't approve of—right down to trying to run our schools at the local level?

Should we take our time, look at them carefully when they are received in the committee, have hearings on them, ask them a lot of questions, then send them to the floor and have them checked once again?

Yes; and I will give you exhibit A of why we need to do that.

Just look at the one that was withdrawn last week—Frederica Massiah-Jackson, a nominee for the Eastern District of Pennsylvania, who used profanity from the bench, had identified undercover policemen so that they could be recognized by the criminal element, a whole raft of things that came out, and, by the way, much of it after she was nominated, after she was reported by the Judiciary Committee and had been pending in the Senate for months.

Finally, the local district attorney—I might say, a Democrat—and the Pennsylvania District Attorneys Association came out in opposition to this nomination, and, after it had been reported by the Judiciary Committee, held on the floors for weeks and months, the administration, realizing she was going to be defeated, withdrew her nomination. Should we take our time on these Federal judges? Yes. Do I have any apologies? Only one: I probably moved too many already.

I yield the floor.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.