are important issues. They are complicated and difficult to deal with substantively and politically. I think the Senate can feel good. I hope we can continue to work our way through important issues and that we will be able to do it as much as possible in a bipartisan way.

I yield further to the Senator from Oklahoma.

Mr. INHOFE. I thank the majority leader.

I hate to interrupt this love-in, but I want an opportunity to explain my actions. First of all, I want to say to the majority leader that I appreciate his acknowledgement of the accuracy of what happened on November 19. That is important to me. There have been some erroneous statements made in various newspapers reflecting the existence of other lists, and all that.

The bottom line is this: We made a request, the list came forward, and 10 minutes before we adjourned on November 19 we read from the list.

I believe there were strong reasons why the two particular nominees, Weisberg and Fox, would have been unacceptable. There are several Senators I have spoken with who would have found them unacceptable—frankly, I am one of them—and who would have been placed holds on those two individuals had they known that recess appointments were imminent. Some would have placed holds or at the very least insisted that hearings be held to explore the important policy matters surrounding these two appointments.

I think that is irrelevant. The fact is, the names were not on the Nov. 19 list. If the names had been on that list, that would have been totally different. Maybe some would have objected to them so they would not have been brought forward. The point is, appointments were made, and they violated the statements and the intent of the letter that we received from the White House vowing to honor their commitment.

I say to the majority leader, it is my intention, if we go forward at some point to vote on the two particular nominations to which you referred, that I will want to be heard and go back and maybe talk a little bit about what happened to bring us to the point where we are today.

I add that the President is not keeping his commitments. I think when I read his letter there is no question in my mind. I made it abundantly clear on the floor what the consequences would be.

I say, also, that I am in a position, I say to the majority leader, that while the President does not keep his commitments, I do keep my commitments. My commitments are to do what I can to try to block judicial nominations.

Mr. DURBIN. Will the Senator yield for a question?

Mr. INHOFE. No, not now.

I just say this. In following through with my commitment to try to block the confirmations, while it is not my intention—if the handwriting is on the wall—to just arbitrarily lay down blanket filibusters, I do intend to consult with my colleagues and reserve my rights under the rules to assess what actions, if any, can succeed in this effort.

I want to make one other comment about this, too; that is, you hear a lot of yelling and screaming about: Oh, what are we going to do without these appointments that we have to have? I remind you, back in 1993, at the end of the Bush administration—he was ready to go out of office—there were 109 vacancies in the Federal judiciary. In other words, the Democratic controlled Congress failed to fill these vacancies.

Right now, there are 74 vacancies in the Federal judiciary. If you determine where we would be if normal history takes its course through deaths or resignations, at the most there would be another 25 vacancies. That means, at the most, we would have about 100 vacancies at the end of President Clinton's term. Compare that to the 109 vacancies left after the Bush administration. I make that comment to offset the argument before it is made as to what type of judicial crisis will come about if we ended up without judicial nominees being confirmed.

Mr. LOTT. I thank the Senator for his comments.

We have Senators who I believe are about to leave the Chamber. Are we ready to put the question? And then we would go ahead with the debate on the judges.

The PRESIDING OFFICER. The question is on agreeing to the motion to proceed to executive session to consider Executive Calendar No. 408, the nomination of Thomas L. Ambro, of Delaware, to be United States Circuit Judge for the Third Circuit. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. MCCAIN) is necessarily absent.

Mr. REID. I announce that the Senator from Massachusetts (Mr. KENNEDY) is necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KENNEDY) would vote ''aye.''

The result was announced—yeas 79, nays 19, as follows:

[Rollcall Vote No. 9 Leg.]

YEAS—79

Abraham	Chafee, Lincoln	Frist
Akaka	Cleland	Gorton
Ashcroft	Cochran	Graham
Baucus	Collins	Hagel
Bayh	Conrad	Harkin
Bennett	Coverdell	Hatch
Biden	Daschle	Hollings
Bingaman	DeWine	Hutchinson
Bond	Dodd	Hutchison
Boxer	Dorgan	Inouye
Breaux	Durbin	Jeffords
Brownback	Edwards	Johnson
Bryan	Feingold	Kerrey
Byrd	Feinstein	Kerry
Campbell	Fitzgerald	Kohl
Kyl	Murray	Smith (OR)
Landrieu	Nickles	Snowe
Lautenberg	Reed	Specter
Leahy	Reid	Stevens
Levin	Robb	Thompson
Lieberman	Roberts	Torricelli
Lincoln	Rockefeller	Voinovich
Lott	Roth	Warner
Lugar	Santorum	Wellstone
Mack	Sarbanes	Wyden
Mikulski	Schumer	
Moynihan	Sessions	

NAYS—19

Allard	Gramm	Murkowski
Bunning	Grams	Shelby
Burns	Grassley	Smith (NH)
Craig	Gregg	Thomas
Crapo	Helms	Thurmond
Domenici	Inhofe	
Enzi	McConnell	

NOT VOTING—2

Kennedy	McCain

The motion was agreed to.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, the Senator from Florida has asked that he be recognized to make a unanimous consent request, and I yield to him for that purpose.

Mr. GRAHAM. Mr. President, I ask unanimous consent that upon the completion of the two votes which are currently scheduled to commence at 2 p.m. I be granted 20 minutes as in morning business for the purpose of a bill introduction.

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

The Senator from Oklahoma.

EXECUTIVE SESSION

NOMINATION OF THOMAS L. AMBRO, OF DELAWARE, TO BE UNITED STATES CIRCUIT JUDGE FOR THE THIRD CIRCUIT

Mr. INHOFE. Mr. President, I yield to the Senator from Georgia for a couple of unanimous-consent requests.

Mr. COVERDELL. I appreciate the courtesy of the Senator from Oklahoma.

Mr. President, I ask consent at 2 p.m. today the Senate proceed to a vote on the confirmation of Executive Calendar No. 408. I further ask consent that following that vote the Senate proceed to a vote on the confirmation of Executive Calendar No. 410. I finally ask consent following those votes the President immediately be notified of the Senate's action and the Senate then resume legislative session.

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

Mr. INHOFE. Mr. President, I would like to make a couple of statements about the vote that just took place, the reason for it, the history behind it, where we are today, and where we are going from here.

First of all, I suggest during the 5-day Memorial Day recess there was a pending nominee on whom there had been several holds. It is my understanding the appropriate committee had not received the financial information on that individual and there were

other problems that had been voiced that precipitated the holds. Consequently, during that 5-day Memorial Day recess, President Clinton went ahead and granted him a recess appointment.

I think the majority leader was correct when he said there have been Democrat Presidents as well as Republican Presidents who have made recess appointments. Frankly, I do not think the Republicans should have done it. I do not think the Democrats should have done it. If we go back and read the Constitution on what recess appointments are all about, we would see that back in the horse-and-buggy days when we would be in session for just a few weeks every other year, and if there were a death of a Secretary of State or something like that, it was necessary to put ourselves in a position where the President would be able to fill that vacancy. That was the whole intent of recess appointments.

In 1985, President Reagan was making recess appointments because at that time we had a conservative Republican President and we had a liberal Democrat-controlled Senate. Consequently, he wanted to get his conservatives passed, so he went ahead and made recess appointments. I do not believe he should have made those appointments. I think that contradicted the provisions in the Constitution. However, he did it anyway.

At that time, the minority leader, the distinguished senior Senator from West Virginia, Mr. BYRD, did what was perfectly appropriate, and that was to send a letter to the President to say: Before you violate the constitutional prerogative of the Senate in its advise and consent power on any future recess appointments, I request a letter from you at a time with sufficient notice before the recess goes into effect. I request that you notify the Senate of what recess appointments you are intending to make during that recess and why.

Sufficient notice was interpreted and vocalized several times by Senator BYRD to be adequate notice so we would know they were coming up, so we could go to Members and see if there were anyone who would want to put a hold on a judicial or any kind of nominee during the recess and have adequate time to act on it before recess. In the extreme case, I suppose we could have just gone into a pro forma session and not gone into recess. Nevertheless, that is what he requested from President Reagan. I might add, President Reagan did agree to that request. He sent a letter that was satisfactory to Senator BYRD, so that set the precedent.

Because of the recess appointments of this President, I merely did the same thing Senator BYRD did back in 1985. I sent a letter, a communication to the White House, and I said: Because of your appointments, I am going to make the same request Senator BYRD made of President Reagan, with which President Reagan complied, and that is that you notify us in advance of any appointments you plan to have. If not, we will put holds on all appointments at that time—all nonmilitary nominees.

We did not get the letter for awhile. A few trial letters came over, but they were not consistent with what President Reagan had agreed to. Finally, on June 15, 1999, President Clinton sent a letter that said:

> I share your opinion that the understanding reached in 1985 between President Reagan and Senator BYRD cited in your letter remains a fair and constructive framework, which my administration will follow.

He agreed to follow the same mandates President Reagan did. At that time, I wrote a letter back praising the President for agreeing to abide by the same agreement as the Byrd-Reagan agreement. However, on November 10, as we approached our recess, I anticipated the President might be tempted to make recess appointments that were not consistent with that agreement. So I sent a letter to him that says:

> If you do make recess appointments during the upcoming recess which violate the spirit of our agreement—

Then I went into the details as to what the spirit was; there had to be adequate notice on a list we could consider and pass around to our colleagues—

> then we will respond by placing holds on all judicial nominees. The result would be a complete breakdown in cooperation between our two branches of government on this issue which could prevent the confirmation of any such nominees next year. We do not want this to happen. We urge you to cooperate in good faith with the Majority Leader concerning all contemplated recess appointments.

That was signed by me and by 16 other Senators. Almost all, I believe—most of them, anyway—voted against the motion to proceed a few minutes ago.

On November 17—I remember that well; it was my 65th birthday—I made a speech on the floor, and in that speech, anticipating there could be a misunderstanding of what our intent was, I said, on November 17, on this floor, at this podium:

> I want to make sure there is no misunderstanding and that we don't go into a recess with the President not understanding that we are very serious. . . . It is not just me putting a hold on all judicial nominees for the remaining year of his term, but 16 other Senators have agreed to do that. . . . I want to make sure it is abundantly clear without any doubt in anyone's mind in the White House—I will refer back to this document I am talking about right now—that in the event the President makes recess appointments, we will put holds on all judicial nominations for the remainder of his term. It is very fair for me to stand here and eliminate any doubts in the President's mind of what we will do.

That is exactly what we said on the floor, and I am going back now and reminding this body of that statement.

On November 19—that was the day we were going out of session on recess, and it would be a lengthy recess going until January, the State of the Union time—the President notified the Senate of contemplated recess appointments. This was in compliance with the intent of the letter.

I hasten to say here it is not quite in compliance because this is on the day we are going into recess. But nonetheless, in the spirit of cooperation and fairness, we agreed to take this list and to read the list and to go to our colleagues and see what names were on this list of 13 nominees whom he desired to appoint during the recess, and we found there were 5 on the list who were unacceptable to some Members of the Senate. So we sent back to him that communication, that there are 8 of them, and if there were any appointments other than these 8, that would be in violation of the letter.

To reaffirm that, the majority leader was good enough to let me be the last speaker on this floor, where I stood here 10 minutes before we went into recess and I made a rather lengthy talk, of which I will just repeat a little bit right now. I said:

> If anyone other than these eight individuals is recess appointed, we will put a hold on every single judicial nominee of this President for the remainder of his term in office. . . . I reemphasize, if there is some other interpretation as to the meaning of the (Nov. 10) letter, it does not make any difference, we are still going to put holds on them. I want to make sure that there is a very clear understanding: If these nominees come in, if he does violate the intent (of the agreement) as we interpret it [by appointing anyone other than these eight], then we will have holds on [all judicial] nominees.

There was one individual about whom the majority leader came to me, right after that, after we went into recess. He said: You know, we made a mistake, there was one other individual. Let's increase that to nine people instead of eight.

I said: That's fine.

We sent a letter to the President dated November 23 that, in the spirit of cooperation, we are adding one name to the list:

> I hope this makes our position clear. Any recess appointments other than the nine listed above would constitute a violation of the spirit of our agreement and trigger multiple holds on all judicial nominees.

On December 7 we urged the White House not to violate the agreement. Yet, we found that by December 17 the White House did, and President Clinton did, in fact, violate the agreement directly and blatantly by appointing both Sarah Fox to the NLRB and Stuart Weisberg to the OSHA Review Commission.

It happens that both of these recess appointments that violated our agreement would have been objected to by a number of Senators, two of whom are in this Chamber right now. However, that is not significant. There are reasons we would have found that objectionable. But even if they had been acceptable, it still violated the very specific agreement we had.

On December 20, I stated:

I am announcing today that I will do exactly what I said I would do if the President deliberately violated our agreement.

And on January 25, 2000, I did just that. I placed a hold on all judicial nominees. On this Senate floor I said:

It was in anticipation of just such defiance—

I am talking about the President's defiance of the Senate's prerogative to advise and consent to nominees—

It was in anticipation of just such defiance that I and my colleagues warned the President on at least five separate occasions exactly what our response would be if he violated this agreement. We would put a hold on all judicial nominees. So today it will come as no surprise to the President that we are putting a hold on all judicial nominees. We are simply doing what we said we would do to uphold constitutional respect for the Senate's proper role in the confirmation process.

Today we have agreed—I did not agree, but we went ahead and agreed to bring up two nominees on which I did assert my prerogative and say we are going to have rollcall votes on every nominee that does come up, and those rollcall votes are going to be taking place in about 15 minutes.

I say for those individuals who hysterically talked about the chaos that would be created in the event we put holds on all nominees, and no nominees were, in fact, appointed by this President for the last year of his administration and confirmed by the Senate, if you go back and look at what happened in January of 1993—that was the last month President Bush was in office—there were 109 vacancies in the judiciary. In other words, 109 vacancies that the then-Democrat-controlled Senate failed to act upon.

Today, there are 74 vacancies in the judiciary. In the event normal history takes its course and the normal number of either deaths or resignations take place, it will be not more than 25 more. In other words, there will be approximately 100 vacancies at the end of President Clinton's term of office. That is still nine fewer than there were at the end of President Bush's administration.

This is sad. We are in the process of giving up an opportunity, by voting on some of these, for the first time in 7 years of this President's administration of holding him to his word. He has broken his word over and over. He has told lies to the American people over and over, and to this body he has broken his commitment. What we are giving up is our last and maybe only opportunity in 8 years to hold this President to his commitment. What is going on today is very sad. I deeply regret it.

Mr. President, 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. HATCH. 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. HATCH. Mr. President, I rise to commend the majority leader, Senator LOTT, for proceeding today with votes for these two judicial nominees. We will continue to process the confirmations of nominees who are qualified to be Federal judges. In that respect, the Senate Judiciary Committee will hold its first nominations hearing of this session on Tuesday, February 22, and I expect to see more judicial nominees moving through the process in the coming months. There is a perception held by some that the confirmation of judges stops in election years. That perception is inaccurate, and I intend to move qualified nominees through the process during this session of Congress.

That said, in moving forward with the confirmations of judicial nominees, we must be mindful of problems we have with certain courts, particularly the ninth circuit. In addition, the President must be mindful of the problems he creates when he nominates individuals who do not have the support of their home-State Senators. In this regard, I must say that it appears at times as if the President is seeking a confrontation with the Senate on this issue, instead of working with the Senate to see that his nominees are confirmed.

Last session, despite partisan rhetoric, the Judiciary Committee reported 42 judicial nominees, and the full Senate confirmed 34 of these—a number comparable to the average of 39 confirmations for the first sessions of the past five Congresses, when vacancy rates were generally much higher. In total, the Senate has confirmed 338 of President Clinton's judicial nominees since he took office in 1993.

I am disturbed by some of the allegations that have been made that the Senate's treatment of certain nominees differed based on their race or gender. Such allegations are entirely without merit. For noncontroversial nominees who were confirmed in 1997 and 1998, there was little, if any, difference between the timing of confirmation for minority nominees and non-minority nominees. Only when the President appoints a controversial female or minority nominee does a disparity arise. Moreover, last session, over 50 percent of the nominees that the Judiciary Committee reported to the full Senate were women and minorities. Even the Democratic former chairman of the Judiciary Committee, Senator JOE BIDEN, stated publicly that the process by which the Committee, under my chairmanship, examines and approves judicial nominees ''has not a single thing to do with gender or race.''

The Senate has conducted the confirmations process in a fair and principled manner, and the process has worked well and, in my opinion, will continue to work well. The Federal Judiciary is sufficiently staffed to perform its function under article 3 of the Constitution. Senator LOTT, and the Senate as a whole, are to be commended.

I want to make sure we make those points in the RECORD before we start voting on these judicial nominees. When the Judiciary Committee reports a nominee to the floor, it does not even consider telling Senators what the nominee's race or ethnicity or anything else is. The nominee's race or ethnicity or gender is irrelevant as far as we are concerned. We report judicial nominees because we believe them to be qualified. We report them because the President of the United States has the constitutional right to nominate judges. The Senate has right to confirm or not confirm them.

I have to say, the big battles are behind the scenes where we determine, in consultation with the White House, whether or not people should be nominated at all. That process is participated in by virtually every Senator in this body, and certainly by the leaders of the Judiciary Committee.

I wish to set the record straight because I see continual politicization of the judiciary by this administration whereby this administration tries to make appointments that literally do not deserve to be made.

Naturally, having said all this, during a Presidential election year the nomination process does slow down. It ultimately ends during that year, and historically has done so whether there has been Republican or Democrat control of the Senate, and whether there has been a Republican or Democrat in the White House.

Another point I believe must be emphasized: We in the Senate cannot take action on nominees we do not have.

Yesterday, at a Democratic National Committee event in Texas, President Clinton took the Senate to task for not acting swiftly enough on his judicial nominees. Given the fact that this is his last year in office, and that he was speaking at a DNC event, President Clinton is bound to say anything.

The nominees we will confirm today will bring the total number of Clinton judges confirmed by the Senate Republicans to 340. Approximately 40 percent of the total federal judiciary now are Clinton judges—judges confirmed by Republicans.

I note this: The President has made nominations for less then half of the vacancies that currently exist. For all the bad-mouthing this administration does from time to time regarding the confirmation of judges, it is important to note there are presently 79 vacancies, and to date we have received only 38 nominees—4 of which we received just today, so, in essence, just 34 nominees until today. There are 41 vacancies for which the President has not even made a nomination. That needs to be said.

I want to work with the President. I want to treat him fairly. I think we have been more than fair with him. I intend to be fair in the future as well,

but I would appreciate it if he would speak a little more fairly himself.

Mr. ROTH. Mr. President, it is the Senate's responsibility to assure that only our Nation's most exceptional legal minds dispense justice during lifetime appointments to the Federal bench. This definition precisely describes Delaware's Thomas Ambro, whom we have just confirmed to serve as a Federal judge on the Third Circuit Court of Appeals.

I have followed Tom's legal career from the time he served on my Washington staff while attending Georgetown University Law School. Following a clerkship with Delaware Supreme Court Justice Daniel Herrmann, Tom distinguished himself as a corporate law attorney with the law firm of Richards, Layton and Finger in Wilmington, Delaware.

I have no doubt that Thomas Ambro's national reputation as a corporate bankruptcy attorney will soon be supplanted by a reputation as one of our wisest Federal judges. Congratulations to Tom on this significant day.

The PRESIDING OFFICER (Mr. VOINOVICH). The question is, Will the Senate advise and consent to the nomination of Thomas L. Ambro, of Delaware, to be United States Circuit Judge for the Third Circuit?

Mr. HATCH. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second. The clerk will call the roll.

The senior assistant bill clerk called the roll.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. MCCAIN) is necessarily absent.

Mr. REID. I announce that the Senator from Massachusetts (Mr. KENNEDY) is necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KENNEDY) would vote ''aye.''

The result was announced—yeas 96, nays 2, as follows:

[Rollcall Vote No. 10 Ex.]

YEAS—96

Abraham	DeWine	Kerrey
Akaka	Dodd	Kerry
Allard	Domenici	Kohl
Ashcroft	Dorgan	Kyl
Baucus	Durbin	Landrieu
Bayh	Edwards	Lautenberg
Bennett	Enzi	Leahy
Biden	Feingold	Levin
Bingaman	Feinstein	Lieberman
Bond	Fitzgerald	Lincoln
Boxer	Frist	Lott
Breaux	Gorton	Lugar
Brownback	Graham	Mack
Bryan	Gramm	McConnell
Bunning	Grams	Mikulski
Burns	Grassley	Moynihan
Byrd	Gregg	Murkowski
Campbell	Hagel	Murray
Chafee, Lincoln	Harkin	Nickles
Cleland	Hatch	Reed
Cochran	Helms	Reid
Collins	Hollings	Robb
Conrad	Hutchinson	Roberts
Coverdell	Hutchison	Rockefeller
Craig	Inouye	Roth
Crapo	Jeffords	Santorum
Daschle	Johnson	Sarbanes
Schumer	Specter	Torricelli
Sessions	Stevens	Voinovich
Shelby	Thomas	Warner
Smith (OR)	Thompson	Wellstone
Snowe	Thurmond	Wyden

NAYS—2

Inhofe Smith (NH)

NOT VOTING—2

Kennedy McCain

The nomination was confirmed.

NOMINATION OF JOEL A. PISANO, OF NEW JERSEY, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF NEW JERSEY

The PRESIDING OFFICER. The nomination will be stated.

The legislative clerk read the nomination of Joel A. Pisano, of New Jersey, to be United States District Judge for the District of New Jersey.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Joel A. Pisano, of New Jersey, to be United States District Judge for the District of New Jersey?

Mr. BIDEN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. MCCAIN) and the Senator from Florida (Mr. MACK) are necessarily absent.

Mr. REID. I announce that the Senator from Massachusetts (Mr. KENNEDY) is necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KENNEDY) would vote ''aye.''

The result was announced—yeas 95, nays 2, as follows:

[Rollcall Vote No. 11 Ex.]

YEAS—95

Abraham	Edwards	Lott
Akaka	Enzi	Lugar
Allard	Feingold	McConnell
Ashcroft	Feinstein	Mikulski
Baucus	Fitzgerald	Moynihan
Bayh	Frist	Murkowski
Bennett	Gorton	Murray
Biden	Graham	Nickles
Bingaman	Gramm	Reed
Bond	Grams	Reid
Boxer	Grassley	Robb
Breaux	Gregg	Roberts
Brownback	Hagel	Rockefeller
Bryan	Harkin	Roth
Bunning	Hatch	Santorum
Burns	Helms	Sarbanes
Byrd	Hollings	Schumer
Campbell	Hutchinson	Sessions
Chafee, L.	Hutchison	Shelby
Cleland	Inouye	Smith (OR)
Cochran	Jeffords	Snowe
Collins	Johnson	Specter
Conrad	Kerrey	Stevens
Coverdell	Kerry	Thomas
Craig	Kohl	Thompson
Crapo	Kyl	Thurmond
Daschle	Landrieu	Torricelli
DeWine	Lautenberg	Voinovich
Dodd	Leahy	Warner
Domenici	Levin	Wellstone
Dorgan	Lieberman	Wyden
Durbin	Lincoln	

NAYS—2

Inhofe Smith (NH)

NOT VOTING—3

Kennedy Mack McCain

The nomination was confirmed.

Mr. LEAHY. Mr. President, I move to reconsider the vote.

Mr. GRAHAM. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEAHY. Mr. President, as I understand, under the previous order, the distinguished Senator from Florida is to be recognized next. Seeing him on the floor, I ask unanimous consent that I be allowed to continue, without him losing his place in the order, for up to 4 minutes in reference to the judicial nominations we just confirmed.

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

Mr. LEAHY. Mr. President, as we begin the 2d session of the 106th Congress, we should think about the challenge we face with respect to our constitutional responsibility to work with the President to provide the many Federal judges who are desperately needed around the country.

Today I thank our Democratic leader, but I also particularly thank the majority leader, both longtime friends. They moved forward Senate consideration of two of the seven judicial nominations that were favorably reported to the Senate by the Judiciary Committee last year.

I know that had the distinguished majority leader not taken the earlier parliamentary action he did today, this would not have happened. I thank him for doing that.

I note the heavy vote on both these nominees. One had a vote of 96 votes. The other had a vote of 95 votes. Perhaps more relevant, there were only two votes against them. I would love to win elections by those kinds of margins in my home State of Vermont.

The point is that these distinguished jurists have been held up for some time. Yet when they finally come to a vote, we find an overwhelming majority of Republicans and Democrats are for them.

I hope that we might proceed to prompt action on the remaining five judicial nominations on the Senate calendar, as well. Having confirmed Judge Ambro and Judge Pisano, I wish we were proceeding, as well, on the confirmations of Kermit Bye to the Eighth Circuit, Judge George Daniels to the District Court for the Southern District of New York, Tim Dyk to the Federal Circuit, and Marsha Berzon and Judge Richard Paez to the Ninth Circuit.

I hope that the distinguished majority leader, Senator LOTT, and the distinguished Democratic leader, Senator DASCHLE, the distinguished chairman of the Judiciary Committee, Senator HATCH, and I can find a way to consider each of the judicial nominations reported last year to the Senate by the Judiciary Committee.