

rating from the American Bar Association.

She was initially nominated in January 1998, almost 17 months ago. She participated in an extensive two-part confirmation hearing before the Committee back on July 30, 1998. Thereafter she received a number of sets of written questions from a number of Senators and responded in August. A second round of written questions was sent and she responded by the middle of September. Despite the efforts of Senator FEINSTEIN, Senator KENNEDY, Senator SPECTER and myself to have her considered by the Committee, she was not included on an agenda and not voted on during all of 1998. Her nomination was returned to the President without action by this Committee or the Senate in late October.

This year the President renominated Ms. Berzon in January. She participated in her second confirmation hearing two weeks ago, was sent additional sets of written questions, responded and got and answered another question. I do not know why these questions were not asked last year. I do hope that the Committee will vote to report her nomination to the Senate on Thursday and that the Senate will finally, at long last, take the opportunity to confirm her to the federal bench.

The saga of this brilliant lawyer and good person is a long one, but it is not an isolated story. Hers is not even the longest pending nomination. That distinction belongs to Judge Richard Paez who was initially nominated in January 1996—over three and one half years ago—favorably reported by this Committee last year but not voted upon by the Senate. He was renominated in January, as well. His nomination is in limbo before the Senate Judiciary Committee, more than three years after this fine Hispanic judge was first nominated by the President.

In addition, there is the nomination of Justice Ronnie L. White to the federal court in Missouri, a nomination I spoke to the Senate about earlier this week. This past weekend marked the 2-year anniversary of the nomination of this outstanding jurist to what is now a judicial emergency vacancy on the U.S. District Court in the Eastern District of Missouri. He is currently a member of the Missouri Supreme Court.

He was nominated by President Clinton in June of 1997, 2 years ago. It took 11 months before the Senate would even allow him to have a confirmation hearing. His nomination was then reported favorably on a 13 to 3 vote by the Senate Judiciary Committee on May 21, 1998. Senators HATCH, THURMOND, GRASSLEY, SPECTER, KYL, and DEWINE were the Republican members of the Committee who voted for him along with the Democratic members. Senators ASHCROFT, ABRAHAM and SESSIONS voted against him.

Even though he had been voted out overwhelmingly, he sat on the calendar, and the nomination was returned to the President after 16 months with no action.

The President has again renominated him. I have called again upon the Senate Judiciary Committee to act on this qualified nomination. Justice White deserves better than benign neglect. The people in Missouri deserve a fully qualified and fully staffed Federal bench.

Justice White has one of the finest records—and the experience and standing—of any lawyer that has come before the Judiciary Committee. He has served in the Missouri legislature, the office of the city counselor for the City of St. Louis, and he was a judge in the Missouri Court of Appeals for the Eastern District of Missouri before his current service as the first African American ever to serve on the Missouri Supreme Court.

Having been voted out of Committee by a 4-1 margin, having waited for 2 years, this distinguished African American at least deserves a vote, up or down. Senators can stand up and say they will vote for or against him, but let this man have his vote.

Twenty-four months after being nominated and after being renominated five months ago, the nomination remains pending without action before the Senate Judiciary Committee. People like Justice Ronnie L. White deserve to have their nominations treated with dignity and dispatch. Twenty-four months is far too long to have to wait for Senate action.

The Chief Justice of the United States Supreme Court wrote in his Year-End Report in 1997: "Some current nominees have been waiting a considerable time for a Senate Judiciary Committee vote or a final floor vote. The Senate confirmed only 17 judges in 1996 and 36 in 1997, well under the 101 judges it confirmed in 1994." He went on to note: "The Senate is surely under no obligation to confirm any particular nominee, but after the necessary time for inquiry it should vote him up or vote him down."

For the last several years I have been urging the Judiciary Committee and the Senate to proceed to consider and confirm judicial nominees more promptly and without the years of delay that now accompany so many nominations. I hope the Committee will not delay any longer in reporting the nomination of Justice Ronnie L. White to the United States District Court for the Eastern District of Missouri and that the Senate will finally act on the nomination of this fine African-American jurist.

In explaining why he chose to withdraw from consideration after waiting 15 months for Senate consideration, another minority nominee, Jorge Rangel, wrote to the President and explained:

"Our judicial system depends on men and women of good will who agree to serve when asked to do so. But public service asks too much when those of us who answer the call to service are subjected to a confirmation process dominated by interminable delays and inaction. Patience has its virtues, but it also has its limits".

Justice White has been exceedingly patient. He remains one of the 10 longest-pending judicial nominations before the Senate, along with Judge Richard Paez and Marsha Berzon.

Acting to fill judicial vacancies is a constitutional duty that the Senate—and all of its members—are obligated to fulfill. In its unprecedented slowdown in the handling of nominees since the 104th Congress, the Senate is shirking its duty. That is wrong and should end.

As the Senate recesses for the Independence Day holiday, I am glad to see that the Senate is taking a few small steps toward responsible action by confirming five qualified District Court nominees. I will continue to work to see that the scores of remaining nominees be treated fairly.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2000—Continued

Mr. MCCONNELL. Mr. President, for the information of all of our colleagues, Senator LEAHY and I have a couple of housekeeping measures to attend to, which we will do now. Then there will be a vote on the McConnell-Abraham second-degree amendment. If that amendment is successful, we will move to final passage. If that amendment is not successful, it is my understanding Senator SARBANES wishes to address the Senate further on the underlying Brownback amendment.

AMENDMENT NO. 1159, AS FURTHER MODIFIED

Mr. MCCONNELL. Mr. President, I send to the desk a modification of amendment No. 1159.

The PRESIDING OFFICER. Without objection, the amendment is so modified.

The amendment, as further modified, is as follows:

On page 21, line 22, before the period insert the following: "Provided further, That of the amount appropriated under this heading, not to exceed \$2,000,000 shall be available for grants to nongovernmental organizations that work with orphans who are transitioning out of institutions to teach life skills and job skills": *Provided further*, that of the amount available under the heading 'ASSISTANCE FOR EASTERN EUROPE AND THE BALTIC STATES' for Romania, \$4,400,000 shall