

been private lands. These are the things with which we deal.

Much of this supports grazing. Ranchers in Wyoming have permits. They pay so much per animal unit for grazing. We have a problem now because the Forest Service or the BLM has not done a NEPA study for permit renewal. Unfortunately, they have not been able to complete the NEPA studies. Now we are faced with the question: Does the grazing lease expire because there has not been a study?

There will be an amendment that says you can go ahead and extend the grazing lease and let the BLM go ahead and make the study; it doesn't preclude the study. The study will still be made, but it allows the grazing to continue because it is no fault of the grazer the study has not been made.

The Senator from Arizona talked about forests and forest management. Obviously, in many cases there is some kind of harvesting of mature timber. If it is not harvested and managed in the way you take it out, then it burns.

I just came back from spending several days in Yellowstone Park where we had a gigantic fire in the late eighties. It is discouraging to see how long it takes to reforest an area of that kind.

We are dealing again in this bill with financing what is called the clean water action plan which has to do with nonpoint source water controls. One hundred eleven ideas, put forth by EPA to do some things like that, frankly, are going to be extremely difficult and will have much to do with the utilization and multiple use of these lands because you have to have the water to do that.

We talk about droughts in the East. Frankly, this kind of area does not get as much rainfall in a normal year as we did in a drought. This is 14 inches per year. The water, the runoff, and the irrigation are a very real part of it.

We are going to move into this area this afternoon. I am very pleased with what has been done. The Senator from Washington has put together a bill which I think has great merit. We are trying to do some things that will make it more workable in terms of oil royalties, grazing fees, and some of the other things that do become controversial.

I urge people to take a look at the situation, even though they do not live here, and try to understand why some of these things need to be handled a little bit differently because of the situation we have in the West.

I thank the Chair for the opportunity to talk about this bill. I believe we have used our time, or very close to it. I yield back the time if we have not.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. I thank the Chair.

(The remarks of Mr. FEINGOLD and Mr. REED pertaining to the introduc-

tion of S. 1568 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

#### RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until the hour of 2:15 p.m.

There being no objection, the Senate, at 1:19 p.m. recessed until 2:16 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. ENZI).

#### EXECUTIVE SESSION

The PRESIDING OFFICER. Under the previous order, the hour of 2:15 p.m. having arrived, the Senate will now go into executive session to consider Executive Calendar orders numbered 173 and 175.

The nominations will be stated.

#### THE JUDICIARY

The legislative clerk read the nominations of Adalberto Jose Jordan, of Florida, to be United States District Judge for the Southern District of Florida, and Marsha J. Pechman, of Washington, to be United States District Judge for the Western District of Washington.

The Senate proceeded to consider the nominations.

The PRESIDING OFFICER. Under the previous order, there will be 5 minutes of debate equally divided.

Who seeks time?

The Chair recognizes the Senator from Washington.

Mr. GORTON. Mr. President, I would like to express my enthusiastic support for the nomination of Judge Marsha J. Pechman to serve on the United States District Court for the Western District of Washington.

Ms. Pechman was chosen by a selection committee jointly appointed by my colleague, Senator MURRAY, and myself, and was jointly recommended by the two Senators from the State of Washington to President Clinton. The President has therefore engaged fully in the normal advice and consent process for choosing Federal judges for this vitally important lifetime position.

Judge Pechman has significant judicial experience. She has served as a superior court judge in King County, Washington, for a period of 11 years, handling a wide range of cases, taking an active role in improving the administration of justice, and instructing and teaching other judges and lawyers. Before becoming a judge, Marsha Pechman worked as a deputy prosecuting attorney in King County and was later made a partner in a significant, major law firm in the city of Seattle.

I ask my colleagues to join with my colleague from the State of Washington and myself in approving a first-

rate nomination on the part of the President, Judge Marsha Pechman, to serve as United States District Court Judge for the Western District of Washington.

The PRESIDING OFFICER. The Chair recognizes the Senator from Vermont.

Mr. LEAHY. Mr. President, I thank the Republican leadership for allowing the Senate to consider and confirm two more outstanding judicial nominations today. Marsha Pechman and Adalberto Jose Jordan had confirmation hearings on July 13. They were favorably reported by the Judiciary Committee long before the August recess.

I regret that they were not confirmed at that time along with the other 11 judicial nominees on the Senate calendar who are still awaiting Senate action. With these confirmations today—and I predict they will be confirmed—the Senate will finally have confirmed more than a dozen judges this year. By comparison, last year at this time the Senate had confirmed 39 judges, not just 13; by this time in 1994, the Senate had confirmed 58 judges, not just 13.

In the past I have challenged the Senate to try to keep up with Sammy Sosa's home run pace. He has 58 home runs so far this year. We are behind not just his home run pace but the home run pace set by National League pitchers.

The Senate has ready for action the nominations of Marsha Berzon to the Ninth Circuit, Justice Ronnie White to the District Court in Missouri, and many other qualified nominees.

The current nomination delayed the longest is that of Judge Richard Paez. He has been held up for over 3½ years, yet can anybody on this floor state with confidence that if he were allowed to have a rollcall vote, he would not be confirmed. The Judiciary Committee twice reported the nomination favorably. If we were honest and decent enough in the Senate to allow this man to come to a vote after 3½ years, he would be confirmed. It is a scandal, a shame on the Senate that we do not confirm this nominee.

His treatment recalls the criticism the Chief Justice of the United States, William Rehnquist, has made of the Senate. He pointed out that after a period for review nominations should be voted up or voted down. He pointed out that too many nominations were being held up too long. The nomination of Judge Richard Paez is currently Exhibit A.

We are not doing our job. We are not being responsible. We are being dishonest, condescending, and arrogant toward the judiciary. It deserves better and the American people deserve better.

We have less than 8 weeks in which the Senate is scheduled to be in session the remainder of the year. We have our

work cut out for us if we are to consider the 49 judicial nominations pending at the start of this week and others who are being nominated over the next few weeks.

In spite of our efforts last year in the aftermath of strong criticism from the Chief Justice of the United States, the vacancies facing the Federal judiciary are, again, approximately 70 and the vacancies gap is not being closed. We have more Federal judicial vacancies extending longer and affecting more people. Judicial vacancies now stands at over 8 percent of the Federal judiciary. If one considers the additional judges recommended by the Judicial Conference, the vacancies rate would be over 15 percent.

Nominees deserve to be treated with dignity and dispatch—not delayed for two and three years. We are seeing outstanding nominees nitpicked and delayed to the point that good women and men are being deterred from seeking to serve as federal judges. Nominees practicing law see their work put on hold while they await the outcome of their nominations. Their families cannot plan.

The President spoke about the vacancies crisis again last month. Certainly no President has consulted more closely with Senators of the other party on judicial nominations. The Senate should get about the business of voting on the confirmation of the scores of judicial nominations that have been delayed without justification for too long. We must redouble our efforts to work with the President to end the longstanding vacancies that plague the federal courts and disadvantage all Americans. That is our constitutional responsibility.

The PRESIDING OFFICER. If all time is yielded back, the Senate will now proceed to vote. The question is, Will the Senate advise and consent to the nomination of Adalberto Jose Jordan, of Florida, to be a United States District Judge for the Southern District of Florida? The yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Utah (Mr. HATCH), the Senator from Arizona (Mr. MCCAIN), the Senator from Alaska (Mr. MURKOWSKI), and the Senator from Ohio (Mr. VOINOVICH) are necessarily absent.

I further announce that, if present and voting, the Senator from Utah (Mr. HATCH) would vote "yes."

Mr. REID. I announce that the Senator from Maryland (Mr. SARBANES) and the Senator from Maryland (Ms. MIKULSKI) are absent because of attending a funeral.

The result was announced—yeas 93, nays 1, as follows:

[Rollcall Vote No. 262 Ex.]

YEAS—93

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

NAYS—1

Smith (NH)

NOT VOTING—6

Hatch	Mikulski	Sarbanes
McCain	Murkowski	Voinovich

The nomination was confirmed.

The PRESIDING OFFICER. The motions to reconsider are laid on the table.

The Senate will now proceed to vote on Executive Calendar No. 175. The question is, Will the Senate advise and consent to the nomination of Marsha J. Pechman to be United States District Judge for the Western District of Washington? The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Utah (Mr. HATCH), the Senator from Arizona (Mr. MCCAIN), the Senator from Alaska (Mr. MURKOWSKI), and the Senator from Ohio (Mr. VOINOVICH) are necessarily absent.

I further announce that, if present and voting, the Senator from Utah (Mr. HATCH) would vote "yes."

Mr. REID. I announce that the Senator from Maryland (Mr. SARBANES) and the Senator from Maryland (Ms. MIKULSKI) are absent because of attending a funeral.

The PRESIDING OFFICER (Mr. CRAPO). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 93, nays 1, as follows:

[Rollcall Vote No. 263 Ex.]

YEAS—93

Abraham	Bingaman	Byrd
Akaka	Bond	Campbell
Allard	Boxer	Chafee
Ashcroft	Breaux	Cleland
Baucus	Brownback	Cochran
Bayh	Bryan	Collins
Bennett	Bunning	Conrad
Biden	Burns	Coverdell

Craig	Hollings	Murray
Crapo	Hutchinson	Nickles
Daschle	Hutchison	Reed
DeWine	Inhofe	Reid
Dodd	Inouye	Robb
Domenici	Jeffords	Roberts
Dorgan	Johnson	Rockefeller
Durbin	Kennedy	Roth
Edwards	Kerrey	Santorum
Enzi	Kerry	Schumer
Feingold	Kohl	Sessions
Feinstein	Kyl	Shelby
Fitzgerald	Landrieu	Smith (OR)
Frist	Lautenberg	Snowe
Gorton	Leahy	Specter
Graham	Levin	Stevens
Gramm	Lieberman	Thomas
Grams	Lincoln	Thompson
Grassley	Lott	Thurmond
Gregg	Lugar	Torricelli
Hagel	Mack	Warner
Harkin	McConnell	Wellstone
Helms	Moynihan	Wyden

NAYS—1

Smith (NH)

NOT VOTING—6

Hatch	Mikulski	Sarbanes
McCain	Murkowski	Voinovich

The nomination was confirmed.

The PRESIDING OFFICER. The motions to reconsider are laid upon the table, and the President will be immediately notified of the Senate's action.

#### LEGISLATIVE SESSION

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

The PRESIDING OFFICER. Under the previous order, the Senator from Wisconsin, Mr. FEINGOLD, is recognized to speak for up to 30 minutes as in morning business.

#### THE SENATE WILDERNESS AND PUBLIC LANDS CAUCUS

Mr. FEINGOLD. Mr. President, I rise to commemorate the 35th anniversary of the Wilderness Act of 1964, which was signed into law on September 3, 1964 by President Lyndon B. Johnson, and to announce the formation of a Senate Wilderness and Public Lands Caucus. The Wilderness Act became law seven years after the first wilderness bill was introduced by Senator Hubert H. Humphrey of Minnesota. The final bill, sponsored by Senator Clinton Anderson of New Mexico, passed the Senate by a vote of 73-12 on April 9, 1963, and passed the House of Representatives by a vote of 373-1 on July 30, 1964. The Wilderness Act of 1964 established a National Wilderness Preservation System "to secure for the American people of present and future generations the benefits of an enduring resource of wilderness."

The law reserves to Congress the authority to designate wilderness areas, and directs the federal land management agencies to review the lands under their responsibility for their wilderness potential.

The original Wilderness Act established 9.1 million acres of Forest Service land in 54 wilderness areas. Now, after passage of 102 pieces of legislation