

of Federal Regulations before November 2, 1999; or

(2) pursuant to an application that was pending before the Federal Aviation Administration for a determination under that part on November 1, 1999.

SEC. 6. EXTENSION OF WAR RISK INSURANCE PROGRAM.

Section 44310 of title 49, United States Code, is amended by striking "after" and all that follows and inserting "after March 31, 2000."

EXECUTIVE CALENDAR

EXECUTIVE SESSION

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Senate proceed immediately to the executive session to consider the following nominations on the Executive Calendar: No. 401, and nominations on the Secretary's desk in the Army, Marine Corps, and Navy.

I finally ask unanimous consent that the nominations be confirmed, the motion to reconsider be laid upon the table, any statements relating to the nominations be printed in the RECORD, that the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

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

The nominations considered and confirmed are as follows:

IN THE NAVY

The following named officer for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral

Rear Adm. (lh) Kevin P. Green, 6805

NOMINATIONS PLACED ON THE SECRETARY'S DESK

IN THE ARMY

Army nominations beginning Alan G. Lackey, and ending Rita A. Price, which nominations were received by the Senate and appeared in the Congressional Record of November 3, 1999.

Marine Corps nomination of Karl G. Hartenstine, which was received by the Senate and appeared in the Congressional Record of November 3, 1999.

Navy nominations beginning Lynne M. Hicks, and ending William D. Watson, which nominations were received by the Senate and appeared in the Congressional Record of November 3, 1999.

Navy nomination of John R. Daly, Jr., which was received by the Senate and appeared in the Congressional Record of November 3, 1999.

LEGISLATIVE SESSION

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

Mr. LEAHY. 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. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on today's Executive Calendar: Nos. 59, 98, 99, 133, 203, 204, 244, 245, 246, 253, 254, 255, 256, 270, 275, 276, 277, 278, 279, 238, 239, 281 through 290, 293, 321, 322 through 325, 328, 330, 335 through 342, 344 through 365, 367 through 376, 378, 379, 380, 381, 382, 393, 395, 396, 397, 398, 402, 403, and all nominations on the Secretary's desk in the Foreign Service.

In addition, I ask unanimous consent the nomination of Paul Fiddick be discharged from the Agriculture Committee and that the Senate proceed to that nomination, en bloc.

I further ask unanimous consent the nominations be confirmed, the motion to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Is there an objection?

Mr. TORRICELLI. Reserving the right to object, Mr. President, included in these nominations is the United States attorney for New Jersey, Faith Hochberg, of the Federal district court, who has been nominated by the President. Mrs. Hochberg's quest for the Federal district court began with my predecessor, Senator Bradley, who nominated her. I, indeed, succeeded in that quest and am very pleased tonight she will be confirmed to the Federal district court.

I thank Senator LEAHY for his efforts in the course of the last week to bring the nomination forward and, of course, Senator GRASSLEY for his efforts tonight. She succeeded in having been an extraordinarily successful United States attorney. We are very grateful for her service that now comes to an end and wish her well in the Federal district court.

I have no objection.

The PRESIDING OFFICER. The objection is withdrawn.

Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF LABOR

Kenneth M. Bresnahan, of Virginia, to be Chief Financial Officer, Department of Labor.

DEPARTMENT OF COMMERCE

Cheryl Shavers, of California, to be Under Secretary of Commerce for Technology.

Kelly H. Carnes, of the District of Columbia, to be Assistant Secretary of Commerce for Technology Policy.

INTER-AMERICAN DEVELOPMENT BANK

Lawrence Harrington, of Tennessee, to be United States Executive Director of the Inter-American Development Bank for a term of three years.

DEPARTMENT OF LABOR

Edward B. Montgomery, of Maryland, to be an Assistant Secretary of Labor.

Richard M. McGahey, of the District of Columbia, to be an Assistant Secretary of Labor.

EXPORT-IMPORT BANK OF THE UNITED STATES

Dorian Vanessa Weaver, of Arkansas, to be a Member of the Board of Directors of the Export-Import Bank of the United States for a term expiring January 20, 2003.

Dan Herman Renberg, of Maryland, to be a Member of the Board of Directors of the Export-Import Bank of the United States for a term expiring January 20, 2003.

MISSISSIPPI RIVER COMMISSION

Major General Phillip R. Anderson, United States Army, to be a Member and President of the Mississippi River Commission.

Sam Epstein Angel, of Arkansas, to be a Member of the Mississippi River Commission for a term of nine years.

Brigadier General Robert H. Griffin, United States Army, to be a Member of the Mississippi River Commission.

FEDERAL TRADE COMMISSION

Thomas B. Leary, of the District of Columbia, to be a Federal Trade Commissioner for the term of seven years from September 26, 1998.

DEPARTMENT OF TRANSPORTATION

Stephen D. Van Beek, of the District of Columbia, to be Associate Deputy Secretary of Transportation.

Michael J. Frazier, of Maryland, to be an Assistant Secretary of Transportation.

DEPARTMENT OF COMMERCE

Gregory Rohde, of North Dakota, to be Assistant Secretary of Commerce for Communications and Information.

THE JUDICIARY

Florence-Marie Cooper, of California, to be United States District Judge for the Central District of California.

William Joseph Haynes, Jr., of Tennessee, to be United States District Judge for the Middle District of Tennessee.

Ronald A. Guzman, of Illinois, to be United States District Judge for the Northern District of Illinois.

CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD

Gerald V. Poje, of Virginia, to be a Member of the Chemical Safety and Hazard Investigation Board for a term of five years.

TENNESSEE VALLEY AUTHORITY

Skila Harris, of Kentucky, to be a Member of the Board of Directors of the Tennessee Valley Authority for a term expiring May 18, 2008.

Glenn L. McCullough, Jr., of Mississippi, to be a Member of the Board of Directors of the Tennessee Valley Authority for the remainder of the term expiring May 18, 2005.

UNITED STATES SENTENCING COMMISSION

Michael O'Neill, of Maryland, to be a Member of the United States Sentencing Commission for a term expiring October 31, 2003.

Joe Kendall, of Texas, to be a Member of the United States Sentencing Commission for a term expiring October 31, 2001.

John R. Steer, of Virginia, to be a Member of the United States Sentencing Commission for the remainder of the term expiring October 31, 1999.

John R. Steer, of Virginia, to be a Member of the United States Sentencing Commission for a term expiring October 31, 2005.

Ruben Castillo, of Illinois, to be a Member of the United States Sentencing Commission for a term expiring October 31, 2003.

Diana E. Murphy, of Minnesota, to be a Member of the United States Sentencing Commission for the remainder of the term expiring October 31, 1999.

Diana E. Murphy, of Minnesota, to be a Member of the United States Sentencing Commission for a term expiring October 31, 2005.

Diana E. Murphy, of Minnesota, to be Chair of the United States Sentencing Commission.

Sterling R. Johnson, Jr., of New York, to be a Member of the United States Sentencing Commission for a term expiring October 31, 2001.

William Sessions, III, of Vermont, to be a Member of the United States Sentencing Commission for a term expiring October 31, 2003.

DEPARTMENT OF JUSTICE

Paul L. Seave, of California, to be United States Attorney for the eastern District of California for a term of four years.

John W. Marshall, of Virginia, to be Director of the United States Marshals Service.

Kathryn M. Turman, of Virginia, to be Director of the Office for Victims of Crime.

Melvin W. Kahle, of West Virginia, to be United States Attorney for the Northern District of West Virginia for a term of four years.

DEPARTMENT OF COMMERCE

Q. Todd Dickinson, of Pennsylvania, to be Commissioner of Patents and Trademarks.

Anne H. Chasser, of Ohio, to be an Assistant Commissioner of Patents and Trademarks.

FEDERAL MEDIATION AND CONCILIATION DIRECTOR

Charles Richard Barnes, of Georgia, to be Federal Mediation and Conciliation Director.

DEPARTMENT OF EDUCATION

A. Lee Fritschler, of Pennsylvania, to be Assistant Secretary for Postsecondary Education, Department of Education.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Linda Lee Aaker, of Texas, to be a Member of the National Council on the Humanities for a term expiring January 26, 2004.

Edward L. Ayers, of Virginia, to be a Member of the National Council on the Humanities for a term expiring January 26, 2004.

Pedro G. Castillo, of California, to be a Member of the National Council on the Humanities for a term expiring January 26, 2004.

Peggy Whitman Preshaw, of Louisiana, to be a Member of the National Council on the Humanities for a term expiring January 26, 2002.

Theodore William Striggles, of New York, to be a Member of the National Council on the Humanities for a term expiring January 26, 2004.

Ira Berlin of the District of Columbia, to be a Member of the National Council on the Humanities for a term expiring January 26, 2004.

Evelyn Edson, of Virginia, to be a Member of the National Council on the Humanities for a term expiring January 26, 2004.

DEPARTMENT OF EDUCATION

Michael Cohen, of Maryland, to be Assistant Secretary for Elementary and Secondary Education, Department of Education.

POSTAL SERVICE

John F. Walsh, of Connecticut, to be a Governor of the United States Postal Service for a term expiring December 8, 2006.

LeGree Sylvia Daniels, of Pennsylvania, to be a Governor of the United States Postal Service for a term expiring December 8, 2007.

EXECUTIVE OFFICE OF THE PRESIDENT

Joshua Gotbaum, of New York, to be Controller, Office of Federal Financial Management, Office of Management and Budget.

SOCIAL SECURITY ADMINISTRATION

James G. Huse, Jr., of Maryland, to be Inspector General, Social Security Administration.

DEPARTMENT OF STATE

David H. Kaeuper, of the District of Columbia, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Congo.

James B. Cunningham, of Pennsylvania, to be a Representative of the United States of America to the Sessions of the General Assembly of the United Nations during his tenure of service as Deputy Representative of the United States of America to the United Nations.

John E. Lang, of Wisconsin, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Botswana.

Delano Eugene Lewis, Sr., of New Mexico, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of South Africa.

Avis Thayer Bohlen, of the District of Columbia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be an Assistant Secretary of State (Arms Control).

Donald Stuart Hays, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Representative of the United States of America to the United Nations for U.N. Management and Reform, with rank of Ambassador.

Donald Stuart Hays, of Virginia, to be an Alternate Representative of the United States of America to the Sessions of the General Assembly of the United Nations during his tenure of service as Representative of the United States of America to the United Nations for UN Management and Reform.

Michael Edward Ranneberger, of Virginia, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Mali.

Harriet L. Elam, of Massachusetts, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Senegal.

Gregory Lee Johnson, of Washington, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of Swaziland.

Jimmy J. Kolker, of Missouri, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Burkina Faso.

Joseph W. Prueher, of Tennessee, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the People's Republic of China.

Mary Carlin Yates, of Washington, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Burundi.

Charles Taylor Manatt, of the District of Columbia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Dominican Republic.

Gary L. Ackerman, of New York, to be a Representative of the United States of America to Fifty-fourth Session of the General Assembly of the United Nations.

Martin S. Indyk, of the District of Columbia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Israel.

Anthony Stephen Harrington, of Maryland, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Federative Republic of Brazil.

Craig Gordon Dunkerley, of Massachusetts, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, for the Rank of Ambassador during his tenure of Service as Special Envoy for Conventional Forces in Europe.

Robert J. Einhorn, of the District of Columbia, to be an Assistant Secretary of State (Non-proliferation).

Lawrence H. Summers, of Maryland, to be United States Governor of the International Monetary Fund for a term of five years; United States Governor of the International Bank for Reconstruction and Development for a term of five years; United States Governor of the Inter-American Development Bank for a term of five years; United States Governor of the African Development Bank for a term of five years; United States Governor of the Asian Development Bank; United States Governor of the African Development Fund; United States Governor of the European Bank for Reconstruction and Development.

James B. Cunningham, of Pennsylvania, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Deputy Representative of the United States of America to the United Nations, with the rank and status of Ambassador Extraordinary and Plenipotentiary.

Norman A. Wulf, of Virginia, a Career Member of the Senior Executive Service, to be a Special Representative of the President, with the rank of Ambassador.

AFRICAN DEVELOPMENT BANK

Willene A. Johnson, of New York, to be United States Director of the African Development Bank for a term of five years.

DEPARTMENT OF STATE

Edward S. Walker, Jr., of Maryland, a Career Member of the Senior Foreign Service, Class of Career Minister, to be an Assistant Secretary of State (Near Eastern Affairs).

James D. Bindenagel, of California, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, for the rank of Ambassador during tenure of service as Special Envoy and Representative of the Secretary of State for Holocaust Issues.

William B. Bader, of Virginia, to be an Assistant Secretary of State (Educational and Cultural Affairs).

Peter T. King, of New York, to be a Representative of the United States of America to the Fifty-fourth Session of the General Assembly of the United Nations.

J. Stapleton Roy, of Pennsylvania, a Career Member of the Senior Foreign Service with the Personal Rank of Career Ambassador, to be an Assistant Secretary of State (Intelligence and Research).

THE JUDICIARY

Ann Claire Williams, of Illinois, to be United States Circuit Judge for the Seventh Circuit.

Virginia A. Phillips, of California, to be United States District Judge for the Central District of California.

Faith S. Hochberg, of New Jersey, to be United States District Judge for the District of New Jersey.

DEPARTMENT OF JUSTICE

Daniel J. French, of New York, to be United States Attorney for the Northern District of New York for the term of four years.

Donna A. Bucella, of Florida, to be United States Attorney for the Middle District of Florida for the term of four years.

SOCIAL SECURITY ADMINISTRATION

William A. Halter, of Arkansas, to be Deputy Commissioner of Social Security for the term expiring January 19, 2001. (New Position)

DEPARTMENT OF THE TREASURY

Gregory A. Baer, of Virginia, to be an Assistant Secretary of the Treasury.

INTER-AMERICAN FOUNDATION

Kay Kelley Arnold, of Arkansas, to be a Member of the Board of Directors of the Inter-American Foundation for a term expiring October 6, 2004.

DEPARTMENT OF STATE

Irwin Belk, of North Carolina, to be an Alternate Representative of the United States of America to the Fifty-fourth Session of the General Assembly of the United Nations.

Revius O. Ortique, Jr., of Louisiana, to be an Alternate Representative of the United States of America to the Fifty-fourth Session of the General Assembly of the United Nations.

FEDERAL MARITIME COMMISSION

Joseph E. Brennan, of Maine, to be a Federal Maritime Commissioner for the term expiring June 30, 2003.

Antony M. Merck, of South Carolina, to be a Federal Maritime Commissioner for the term expiring June 30, 2001.

FOREIGN SERVICE

Nominations beginning Samuel Anthony Rubino, and ending Christopher Lee Stillman, which nominations were received by the Senate and appeared in the Congressional Record of February 23, 1999.

Nominations beginning George Carner, and ending Steven G. Wisecarver, which nominations were received by the Senate and appeared in the Congressional Record of September 8, 1999.

Nominations beginning Johnnie Carson, and ending Susan H. Swart, which nominations were received by the Senate and appeared in the Congressional Record of September 8, 1999.

Nominations beginning Rueben Michael Rafferty, and ending Stephen R. Kelly, which nominations were received by the Senate and appeared in the Congressional Record of September 8, 1999.

Nominations beginning C. Miller Crouch, and ending Gary B. Pergl, which nominations were received by the Senate and appeared in the Congressional Record of September 9, 1999.

Nominations beginning Rita D. Jennings, and ending Carol Lynn Dorsey, which nominations were received by the Senate and appeared in the Congressional Record of November 3, 1999.

DEPARTMENT OF AGRICULTURE

Paul W. Fiddick, of Texas, to be an Assistant Secretary of Agriculture.

Mr. LAUTENBERG. Mr. President, I am pleased that the Senate has confirmed Faith Hochberg for a seat on the U.S. District Court for New Jersey. I want to thank Senators HATCH and LEAHY for moving ahead with this nomination at a time when New Jersey's Federal bench is struggling with heavy caseloads and a shortage of judges. Today's action will help New Jersey's Federal courthouses be more fair and more efficient.

Ms. Hochberg has served with distinction as the U.S. Attorney for New Jersey since 1994 and she couldn't be more qualified for a Federal judgeship.

President Clinton nominated Ms. Hochberg for the District Court on April 22. As the first female U.S. Attorney in New Jersey's history, Ms. Hochberg spearheaded corruption probes that led to the conviction of numerous Newark officials.

She also participated in the prosecution of Unabomber Theodore Kaczynski, and she unraveled widespread police corruption in several North Jersey communities.

Her office also has a record of aggressively pursuing child pornography cases. From 1994 through 1998, Ms. Hochberg's attorneys handled 67 of those cases, which was the second-highest number among U.S. Attorneys offices across the country.

Since 1997, Ms. Hochberg has been a member of the Attorney General's Advisory Committee, which advises Attorney General Janet Reno on issues affecting the U.S. Attorney's Office. Ms. Hochberg, in fact, chairs the White Collar Crime Subcommittee and has focused the committee's attention on cyber-crime issues, which of course will be an increasing concern in the next century.

This is particularly true in New Jersey, which has a concentration of high-tech industries and serves as a computer nerve center for large New York-based corporations and the Federal Reserve Bank of New York.

Prior to her service as U.S. Attorney, Ms. Hochberg served as Deputy Assistant Secretary of the Treasury for law enforcement as well as Senior Deputy Chief Counsel for the Treasury's Office of Thrift Supervision.

She also has experience in the private sector, having worked as a partner in a prominent New Jersey law firm.

Ms. Hochberg also has outstanding academic credentials. She graduated magna cum laude in 1975 from Harvard Law School, where she edited the Law Review. In 1972, she graduated summa cum laude from Tufts University.

Mr. President, Ms. Hochberg has also been a pioneer in her efforts to keep guns out of the hands of criminals. She and a former New Jersey Attorney General organized a project that alerts law enforcement each time a gun is recovered during a criminal incident. That allows those guns to be traced to their sources.

Mr. President, this confirmation could not come at a better time. New Jersey's Federal courthouses are stressed to the limit and delays are becoming more and more common.

Again, I thank Senator HATCH and Senator LEAHY for their efforts to confirm Faith Hochberg. I know she will be an outstanding judge.

Mr. MOYNIHAN. Mr. President, the Senate has just confirmed Daniel French as the new United States Attorney for the Northern District of New York and may I say I could not be more pleased.

Dan French is a native of the District having been born and brought up in Jefferson County, graduated cum laude from the University of the State of New York College at Oswego and is a cum laude graduate of the Syracuse University Law School where he served as an editor of the Law Review. Following law school Mr. French clerked for Judge Rosemary Pooler. Judge Pooler was then a United States District Court Judge and not sits on the Second Circuit Court of Appeals. Mr. French then joined the U.S. Attorney's office where he served until being named interim United States Attorney by Attorney General Janet Reno.

Like all of the District Court and U.S. Attorney Candidates I have recommended to the President, Mr. French was sent to me by my Screening Panel after he and other candidates were seen and their credentials reviewed.

But I must say I was particularly pleased to send Dan's name to the President. And pleased that the President, after reviewing his record, agreed that he should be nominated. For Dan French was with me for several years as a professional staff member on the Environment and Public Works Committee, the Committee on Finance and on my personal staff. I know him well. And I know that he has the kind of intelligence, learning, judgment and integrity that will make him an outstanding U.S. Attorney.

Mr. President, the Northern District of New York, in which our family home at Pindars Corners is located is vast. It services 3.5 million citizens and encompasses 32 of New York's 62 counties, covering 60% of the State's geographical area. By comparison, the district is larger than the combined land areas of Vermont, Massachusetts, Connecticut and Rhode Island. This large area with a diverse population is fortunate to have a native son, who understands its ways, enforcing the laws of the United States.

Years ago, another upstater, Supreme Court Justice Robert H. Jackson wrote that "the citizen's safety lies in the prosecutor who tempers zeal with human kindness, who seeks truth and not victims, who serves the law and not factional purposes, and who approaches his task with humility." I

know that Dan French will be guided by Justice Jackson's words.

Dan French will be a splendid U.S. Attorney and I congratulate him on his confirmation and salute his wife, television broadcaster Kelly French and their two children Margaret Anne and Gavin Mitchell.

Mr. LEAHY. Mr. President, I am pleased that the Senate has voted today on the confirmation of Judge Florence-Marie Cooper to be a United States District Court Judge for the Central District of California.

Florence-Marie Cooper is a distinguished Californian. She has distinguished herself with a long career of service in the California state court system. She was a Deputy City Attorney for the City of Los Angeles in 1977. From 1978 to 1983, she was a Senior Research Attorney for the California Court of Appeal Second Appellate District. Then, from 1983-1990 she was a Court Commissioner for the Los Angeles Superior Court. From 1990-1991 she was a Judge in the Los Angeles Municipal Court. Since 1991 she has been a Judge in the Los Angeles Superior Court.

Judge Cooper received her undergraduate degree in 1971 from the City College of San Francisco, and her law degree from Whittier College School of Law in 1975. Following law school, she clerked for the Honorable Arthur Alarcon on the Los Angeles Superior Court Appellate Department.

The Senate could help Judge Florence-Marie Cooper's future workload if it would likewise take up and consider the nominations of the other nominees to her District Court: Judge Virginia Phillips, Dolly Gee and Frederic Woocher. Virginia Phillips was first nominated back in May 1998 and is still awaiting a hearing in order to fill a judicial emergency vacancy on that Court. The Judiciary Committee recently received a letter from Chief Judge Hatter of that Court in which he implored the Senate to act promptly on the nomination of Judge Virginia Phillips. Judge Hatter notes that the Eastern Division of the Central District is one of the fastest growing areas in the nation and has only one judge with a "staggering caseload." He explains that the reassignment of cases to Los Angeles from San Bernadino "results in a large number of litigants, witnesses, lawyers, and law enforcement officers having to travel to Los Angeles, some sixty (60) miles away, by way of the most traffic congested roads in the United States." I thank Chief Judge Hatter for his letter and want him to know that I, for one, understand. Those who say there is no judicial vacancies problem ought to consider Chief Judge Hatter's perspective and the problems created for thousands of people each year in his District.

The Senate also has before it ready for a final confirmation vote the nomi-

nations of Judge Richard Paez, Marshal Berzon and Ronald Gould, to the Ninth Circuit. The nomination that has been longer before the Senate is that of Judge Richard Paez, 44 months. The nomination that has been longest on the Senate Executive Calendar is that of Marshal Berzon, whose nomination was reported on July 1, before the 4th of July recess, before the extended August recess and before the Columbus Day recess.

The Senate could and should be voting up or down on the Paez and Berzon nominations. The Senate needs to fulfill its duty to each of these outstanding nominees and to the tens of millions of people served by the Ninth Circuit. A few anonymous Republican Senators are holding up action on these important nominations. Two weeks ago, the Majority Leader came to the floor and said that he would try to find a way to have these two nominations considered by the Senate. The way is to call them to a fair up-or-down vote. I want to help the Republican leader and help the Senate find its way clear to do that without additional delay and obstruction.

Despite the policy announced at the beginning of this year doing away with "secret holds," that is what Judge Paez and Marsha Berzon still confront as their nominations continuing to be obstructed under a cloak of anonymity after 44 months and 20 months, respectively. That is wrong and unfair. This continuing delay demeans the Senate, itself.

I have great respect for this institution and its traditions. Still, I must say that this use of secret holds for extended periods that doom a nomination from ever being considered by the United States Senate is wrong and unfair and beneath us. Who is it that is afraid to vote on these nominations? Who is it that must hiding their to these nominees? After almost 4 years with respect to Judge Paez and almost 2 years with respect to Marsha Berzon, it is time for the Senate to vote up-or-down on these nominations.

The Chief Justice of the United States Supreme Court wrote in January last year:

Some current nominees have been waiting a considerable time for a Senate Judiciary Committee vote or a final floor vote. * * * 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.

At the time the Chief Justice issued this challenge, Judge Paez' nomination had already been pending for 24 months. The Senate received the Berzon nomination within days of the Chief Justice's report. That was almost 2 years ago and still the Senate stalls and refuses to vote. Let us follow the advice of the Chief Justice. Let the Republican leadership schedule fair up or down votes on the nominations of

Judge Paez and Marsha Berzon so that the Senate can finally act on them. Let us be fair to all.

The debate on judicial nominations over the last couple of weeks has focused the Senate and the public on the unconscionable treatment by the Senate majority of selected nominees. The most prominent current examples of that treatment are Judge Paez and Marsha Berzon. With respect to these nominations, the Senate is refusing to do its constitutional duty and vote. I challenged the Senate last Friday, in the aftermath of the rejection of the nomination of Justice Ronnie White by the Republican caucus, to vote on the nominations of Judge Paez, Marshal Berzon, Judge Julio Fuentes, Judge Ann Williams, Judge James Wynn, Kathleen McGee Lewis and Enrique Moreno.

Nominees deserve to be treated with dignity and dispatch—not delayed for 2 and 3 and 4 years. I continue to urge the Republican Senate leadership to proceed to vote on the nominations of Judge Richard Paez and Marsha Berzon. There was never a justification for the Republican majority to deny these judicial nominees a fair up or down vote. There is no excuse for their continuing failure to do so.

I know the Senate has done the right thing and confirmed Judge Florence-Marie Cooper to the Central District of California and that she will be an outstanding judge. I will continue my efforts to bring to a vote the nominations of Judge Richard Paez and Marsha Berzon.

LEGISLATIVE SESSION

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

RECOGNIZING MEMBERS OF THE ARMED FORCES AND CIVILIAN EMPLOYEES WHO PARTICIPATED IN KOSOVO AND THE BALKANS

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 224 and the Senate proceed to its immediate consideration.

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

The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 224) expressing the sense of the Senate to designate November 11, 1999, as a special day for recognizing the members of the Armed Forces and the civilian employees of the United States who participated in the recent conflict in Kosovo and the Balkans.

There being no objection, the Senate proceeded to consider the resolution.

Mr. CLELAND. Mr. President, I am reminded of incredibly sacred places