

Democrats to help craft a compromise that was reported out of the committee by a 19-1 vote.

On other occasions, such as product liability or international trade we have been unable to reach bipartisan consensus and have been forced to hash out our differences on the Senate floor. In those instances, I have been blessed to have Ivan's energy, quick thinking, political intuition and wise counsel during the debate.

As, I mentioned earlier, I first met Ivan when he was in his early twenties. Both Peatsy and I have seen him grow from a college student to a dedicated and accomplished public servant. We rejoiced when he met and married his lovely wife, Martha Verrill. We celebrated when they had a baby boy, Ethan, and then a second, William. We grieved with him when his father passed away last year. And today we wish him well as he moves onto his next step in joining the internationally recognized law firm of Skadden, Arps.

Ivan, thank you for all that you have done for Peatsy and me, the Commerce Committee, and for our country. We will miss you.

#### JUDICIAL NOMINATIONS IN THE FIRST SESSION OF THE 106TH CONGRESS

Mr. LEAHY. Mr. President, as the Senate concludes this first session of the 106th Congress, I want to take a moment to thank Senator LOTT, the Majority Leader, and Senator HATCH, the Chairman of the Senate Judiciary Committee, for working with us to confirm some of the judges desperately needed around the country.

Senator HATCH has pressed forward with three confirmation hearings since October 5, in the last five weeks of this session, to bring the total number of hearings allowed for 12 additional judicial nominees to be reported to the Senate calendar and another two being ready for action by the Committee. Senator HATCH supported all but one of the nominees voted upon by the Senate this year and worked hard to clear judicial nominees reported by the Committee for action by the Senate.

I thank the Majority Leader for working with me and Senator DASCHLE, our Democratic leader, to find a way to consider each of the judicial nominations reported to the Senate by the Judiciary Committee. In early October he committed to working with us, and this month he announced that he would press forward for votes on the nominations of Judge Richard Paez and Marsha Berzon by March 15 and on the other nominations left pending on the Senate Executive Calendar, as well. With his assurance, Senator BOXER was willing to proceed immediately to consider a nomination important to the Senator from Mississippi.

I want to commend Senator BOXER and Senator FEINSTEIN for their efforts on behalf of both Judge Paez and Ms. Berzon. With their support these nominees are each now headed toward final confirmation votes.

For the year, the Senate confirmed 34 federal judges to the District Courts and Courts of Appeals around the country and to the Court of International Trade. The Senate has voted to fill only 34 of the 100 vacancies that exist this year. There remain 35 judicial nominees still pending before the Senate. Most regrettably, the Senate rejected the nomination of Justice Ronnie White on an unprecedented part-line vote. Senator HATCH is fond of saying that the Senate could do better. I agree with him and hope that we will continue to do much better next year.

I began this year challenging the Senate to maintain that pace it established last year when the Senate confirmed 65 judges. I urged the Senate to move away from "the destructive politics of [1996 and 1997] in which the Republican Senate confirmed only 17 and 36 judges." We did not achieve much movement in the first nine months of this year. It is my hope that developments over the last few week signal that the Senate is finally moving toward recognition of our constitutional duty regarding judicial nominations and that we will consider them more promptly and fairly in the coming months.

I note that during the last two years of the Bush Administration, a Democratic Senate confirmed 106 federal judges. To reach that total this Congress, the Senate next year will need to confirm 72 additional judges—more than in any year since the Republican Majority took control. That will take commitment and work, but we can achieve it. In 1994, with a Democratic majority in the Senate, we confirmed 101 judges, and in 1992, the last year of the Bush Administration, a Democratic Senate confirmed 64 federal judges.

Meanwhile we end this year with more judicial vacancies than existed when we adjourned at the end of last year. We have again lost ground in our efforts to fill longstanding judicial vacancies that are plaguing the federal courts. In 1983s vacancies numbered only 16. Even after the creation of 85 new judgeships in 1984, the number of vacancies had been reduced to only 33 by the end of the 99th Congress in 1986. At the end of the 100th Congress in 1988, which had a Democratic majority and a Republican President, judicial vacancies numbered only 23. In 1999 the Republican Senate adjourns leaving 65 vacancies with 10 on the horizon.

Moreover, the Republican Congress has refused to consider the authorization of the additional judges needed by the federal judiciary to deal with their ever increasing workload. In 1984 and in 1990, Congress did respond to re-

quests for needed judicial resources by the Judicial Conference. Indeed, in 1990, a Democratic majority in the Congress created judgeships during a Republican presidential administration. Two years ago the Judicial Conference of the United States requested that an additional 53 judgeships be authorized around the country. This year the Judicial Conference renewed its request but increased it to 72 judgeships needing to be authorized around the country. If Congress had passed the Federal Judgeship Act of 1999, S. 1145, as it should have, the federal judiciary would have 128 vacancies today. That is the more accurate measure of the needs of the federal judiciary that have been ignored by the Congress over the past several years.

More and more of the vacancies are judicial emergencies that have been left vacant for longer periods of time. The President has sent the Senate qualified nominees for 15 of the current judicial emergency vacancies, which nominations remain pending as the Senate adjourns for the year.

Most troubling is the circuit emergency that had to be declared three months ago by the Chief Judge of the Court of Appeals for the Fifth Circuit. That is a situation that we should have confronted by expediting consideration of the nominations of Alston Johnson and Enrique Moreno this year. I hope that the Senate will consider them both promptly in the early part of next year. In the meantime, I regret that the Senate is adjourning and leaving the Fifth Circuit to deal with the crisis in the federal administration of justice in Texas, Louisiana and Mississippi as best it can but without the resources that it desperately needs. I look forward to our resolving this difficult situation at the beginning of the coming year.

#### COMPREHENSIVE TEST BAN TREATY

Mr. DODD. Mr. President, due to the illness of a family member, I was unable to participate in much of the debate on the Comprehensive Test Ban Treaty. I voted in favor of ratification of the treaty, and, now that there is ample time, I want to express my views on the treaty and the debate prior to the Senate's vote against ratification.

In my view, that vote was a sad day for the United States Senate, for our nation and for the world. During the debate, my colleague, Senator CLELAND spoke eloquently of the pride he felt as a young man sitting in this chamber 36 years ago when the Senate voted to ratify the first nuclear test ban treaty which prohibited atmospheric nuclear tests. I doubt that many people can express a similar sense of pride over the outcome of the Senate's consideration of the Test Ban Treaty earlier this fall.

My disappointment rests, firstly, with the manner in which this treaty