

hard work on this nomination. I also commend our Democratic Leader for getting Judge Rawlinson and the other nominations reported yesterday confirmed by unanimous consent today. No one has worked harder than Senator DASCHLE to try to get the Senate to act on President Clinton's judicial nominees and I thank him for his dedicated efforts.

On July 13, 2000, President Clinton spoke before the NAACP Convention in Baltimore and lamented the fact that the Senate has been slow to act on his judicial nominees who are women and minorities. He said: "The quality of justice suffers when highly-qualified women and minority candidates, fully vetted, fully supported by the American Bar Association, are denied the opportunity to serve for partisan political reasons." He went on to say: "The face of injustice is not compassion; it is indifference, or worse. For the integrity of the courts and the strength of our Constitution, I ask the Republicans to give these people a vote. Vote them down if you don't want them on." I wholeheartedly agree with the President.

I was encouraged to hear Senator LOTT recently and repeatedly say that he continues to urge the Judiciary Committee to make progress on judicial nominations. The Majority Leader said: "There are a number of nominations that have had hearings, nominations that are ready for a vote and other nominations that have been pending for quite some time and that should be considered." He went on to note that the groups of judges he expects us to report to the Senate will include "not only district judges but circuit judges."

The United States Senate is the scene where some 50 years ago, in October 1949, the Senate confirmed President Truman's nomination of William Henry Hastie to the Court of Appeals for the Third Circuit, the first Senate confirmation of an African American to our federal district courts and courts of appeal. This Senate is also where some 30 years ago the Senate confirmed President Johnson's nomination of Thurgood Marshall to the United States Supreme Court.

And this is where last October, the Senate wrongfully rejected President Clinton's nomination of Justice Ronnie White. That vote made me doubt seriously whether this Senate, serving at the end of a half century of progress, would have voted to confirm Judge Hastie or Justice Marshall.

On October 5, 1999, the Senate Republicans voted in lockstep to reject the nomination of Justice Ronnie White to the federal court in Missouri—a nomination that had been waiting 27 months for a vote. For the first time in almost 50 years a nominee to a federal district court was defeated by the United States Senate. There was no Senate de-

bate that day on the nomination. There was no open discussion—just that which took place behind the closed doors of the Republican caucus lunch that led to the party-line vote.

It is unfortunate that the Republican Senate has on a number of occasions delayed consideration of too many women and minority nominees. The treatment of Judge Richard Paez and Marsha Berzon are examples from earlier this year. Both of these nominees were eventually confirmed this past March by wide margins.

I have been calling for the Senate to work to ensure that all nominees are given fair treatment, including a fair vote for the many minority and women candidates who remain pending.

The bipartisan Task Force on Judicial Selection of Citizens for Independent Courts has recommended that the Senate complete its consideration of judicial nominations within 60 days.

Governor Bush of Texas recently also proposed that presidential nominations be acted upon by the Senate within 60 days.

Of the 34 judicial nominations currently pending, 26 have already been pending for more than 60 days without Senate action. Already this Congress 83 nominees, including 56 eventually confirmed, have had to wait longer than 60 days for Senate action. I urge the Senate to do better.

The Senate should be moving forward to consider the nominations of Judge James Wynn, Jr. and Roger Gregory to the Fourth Circuit. When confirmed, Judge Wynn and Mr. Gregory will be the first African-Americans to serve on the Fourth Circuit and will each fill a judicial emergency vacancy. Fifty years has passed since the confirmation of Judge Hastie to the Third Circuit and still there has never been an African-American on the Fourth Circuit. The nomination of Judge James A. Beaty, Jr., was previously sent to us by President Clinton in 1995. That nomination was never considered by the Senate Judiciary Committee or the Senate and was returned to President Clinton without action at the end of 1998. It is time for the Senate to act on a qualified African-American nominee to the Fourth Circuit. President Clinton spoke powerfully about these matters last week. We should respond not be misunderstanding or mischaracterizing what he said, but by taking action on this well-qualified nominees.

In addition, the Senate should act favorably on the nominations of Judge Helene White and Kathleen McCree Lewis to the Sixth Circuit, Bonnie Campbell to the Eighth Circuit, and Enrique Moreno to the Fifth Circuit. Mr. Moreno succeeded to the nomination of Jorge Rangel on which the Senate refused to act last Congress. These are well-qualified nominees who will add to the capabilities and diversity of those courts. In fact, the Chief Judge of

the Fifth Circuit declared that a judicial emergency exists on that court, caused by the number of judicial vacancies, the lack of Senate action on pending nominations, and the overwhelming workload.

I am sorely disappointed that the Committee has not reported the nomination of Bonnie Campbell to the Eighth Circuit. She completed the nomination and hearing process two months ago and is strongly supported by Senator GRASSLEY and Senator HARKIN from her home state. She will make an outstanding judge.

Filling these vacancies with qualified nominees is the concern of all Americans. The Senate should treat minority and women and all nominees fairly and proceed to consider them.

To reiterate, I commend and congratulate Judge Johnnie Rawlinson from Nevada who was confirmed to the Ninth Circuit Court of Appeals. She is going to do an outstanding job on that circuit. Senator Harry REID of Nevada, who worked so hard, deserves special mention as, of course, does Senator Dick BRYAN for joining in support of her nomination.

I hope this is a mark that maybe we will do better in the Senate and start moving judges, similar to what a Democratic-controlled Senate did in the last year of President George Bush's term in office when we moved judicial nominations right through to practically the last day we were in session.

There has been a lot of talk about what should be done or should not be done, what is being held up or should not be held up. Whether it is an accident or otherwise, it is a fact that women and minorities take a disproportionate amount of time to go through the system. That does not look well for the Senate.

If I could make a recommendation, I would join an unusual ally in that. Gov. George W. Bush of Texas Presidential nominations should be acted upon by the Senate within 60 days. He said:

The Constitution empowers the President to nominate officers of the United States, with the advice and consent of the Senate. That is clear-cut, straightforward language. It does not empower anyone to turn the process into a protracted ordeal of unreasonable delay and unrelenting investigation. Yet somewhere along the way, that is what Senate confirmations became—lengthy, partisan, and unpleasant. It has done enough harm, injured too many good people, and it must not happen again.

Governor Bush is right. President Clinton has said virtually the same thing. I have said the same thing. The fact is, if you do not want somebody to be a judge, then vote them down, but do not do this limbo thing where sometimes they wait for years and years. Marsha Berzon waited 2½ years just to get a vote. They were not going to vote on this woman. When she finally came

to a vote, she was confirmed overwhelmingly.

Richard Paez is a distinguished jurist, an outstanding Hispanic American. He waited not 1 year, not 2 years, not 3 years, but he waited 4 years for a vote, and then when his nomination was voted on, it was overwhelming.

Let us do better. Let's move on some of the names that are here, such as Kathleen McCree Lewis, Helene White, Bonnie Campbell, Enrique Moreno, and others who have been held up so long. Let's move on them. It can be done.

Mr. President, I thank my good friend from Kansas for his forbearance. He has now done enough penance for 1 day.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

AGRICULTURE, RURAL DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS

Mr. BYRD. Mr. President, last evening, the Senate completed action on the Fiscal Year 2001 appropriations bill for Agriculture, Rural Development, and Related Agencies. The bill was passed by a vote of 79 to 13. I commend Senator COCHRAN, Chairman of the Subcommittee, and Senator KOHL, the Ranking Member, for crafting this very important legislation.

This bill includes many ongoing programs that are vital to the American people. It also includes a number of items to deal directly with problems that our farmers and rural residents are facing this year as they struggle to recover from natural disasters last year, and are now faced with the reality of continuing drought.

Overall, in Division A, the bill provides a total of \$75.6 billion in non-emergency spending for fiscal year 2001. Of that amount, a little more than \$60 billion is for mandatory programs, such as Food Stamps and reimbursements to the Commodity Credit Corporation which funds a wide array of commodity, conservation, and international trade programs. The balance of the non-emergency appropriations in this bill, \$14.8 billion, is directed toward discretionary programs and represents an increase of nearly \$900 million above last year's level. In addition to the \$75.6 billion in Division A of the bill, Division B, as passed by the Senate, contains approximately \$2.2 billion in emergency agricultural disaster assistance for the nation's farmers and rural communities. I will discuss these vital programs in more detail later in these remarks.

America's farmers have made this nation the breadbasket of the world. Our ability to produce plentiful safe, wholesome, and nutritious food is one of the basic foundations of economic and national security. The term "food security" may be little more than a vague concept to most, unfortunately not all, Americans; but in much of the world, it is an everyday reminder of the struggle to survive. The prosperity and the fate of nations throughout the history of the world are closely tied to their agricultural production capabilities. When the fields of Carthage were sown with salt by the legions of Rome, that once-great nation of northern Africa soon disappeared into the sands of the Sahara.

This appropriations bill includes many of the tools American farmers need to sustain their historically high levels of production. Research, conservation, credit, and many more items important to agriculture receive much-needed funding in this bill. Programs to promote exports of U.S. agricultural products throughout the world are included in this bill. American producers, and consumers alike, benefit from the work of the Agriculture Appropriations Subcommittee, and we should all join in supporting their efforts.

Agriculture exists in every part of the nation, and every Senator knows the important contributions farmers make to his or her state. When one thinks of farming, instant images of broad, flat fields of wheat or corn, spreading from horizon to horizon, easily come to mind. Visions of combines combing the Great Plains and of massive grain elevators reaching to Midwestern skies are a solid part of our national consciousness. But farming does not only exist in the flat plains of Kansas or the rolling hills of Iowa or in many of the other states most familiar to Americans as "Farm Country." Agriculture exists in the tropics of Hawaii and the bogs of Maine. Agriculture exists in the orchards of the Pacific Northwest and in the groves of Florida. Agriculture even extends to the vegetable fields and reindeer herds of my Chairman's state, Alaska.

West Virginia is not famous as an agricultural state, but West Virginia agriculture is changing to meet the new demands of consumers. The future of agriculture includes diversification to meet the changing demands of consumers at home and abroad. Farmers in West Virginia, through the help of the Appalachian Farming Systems Research Center at Beaver, West Virginia, and the National Center for Cool and Cold Water Aquaculture at Leetown, West Virginia, are but two examples of the diversification of agriculture in my state and I am glad this bill provides increased funding for these two facilities.

In addition to the regular programs funded in this bill, I would also like to

mention a few of the items included to address special problems farmers and rural residents have to face this year. Last year, Congress provided more than \$8 billion in emergency funding to help farmers and rural areas respond to adverse weather and depressed commodity prices. This year, all indicators point to continuing drought conditions and prices for some commodities have fallen more than ever in history.

While it is important for Congress to respond to emergencies, it is equally, or perhaps more, important to prepare for them. Last year, many livestock producers in West Virginia suffered horrible losses from drought and, in many cases, had to liquidate their herds at depressed prices. Congress finally provided assistance to cover the costs of feed, but in many cases the assistance was too little and, more tragically, too late.

Accordingly, I met with USDA Secretary Dan Glickman this spring and outlined for him my plan to put in place a program that will help prevent a repeat of some of the losses suffered by West Virginia farmers and farmers all across America last year. The Secretary agreed that action now is proper to provide him the tools necessary to mitigate losses that are likely to occur this summer. While it is beyond the power of the Congress to overcome the awesome powers of nature, it is within our power, and our responsibility, to provide assistance to the American people in the most effective manner possible. Where the likelihood of drought is certain, where acts of prevention are possible, there lies our responsibility and I want to thank my colleagues for supporting an amendment I offered to put these preventive tools in place.

Pursuant to my amendment, this bill provides \$450 million for livestock assistance this year in the event drought conditions continue to worsen. These funds will only be available in counties which receive an emergency designation by the President or the Secretary. In the event no emergencies are designated, none of these funds will be spent. On the other hand, the ounce of prevention we provide in this bill may easily outweigh the costs producers, and possibly taxpayers, will later realize unless we act now to help mitigate losses that are likely to occur.

Drought conditions not only affect production agriculture, they drain water resources necessary for basic community services in rural areas. Currently, drought conditions in part of the nation are so severe that rural water systems are at risk from depleted supplies, wells will not function, and the increased demand for water have compounded this problem to the point of crisis. I am pleased that my amendment also provides \$50 million for rural communities that are at-risk due to natural emergencies or due to