

background and qualifications for this position.

They have reviewed stacks of information she provided to the committee, a full FBI background investigation, and her testimony before the committee. No objections were raised by committee members, and she was reported out of Committee only two days after her nominations hearing.

To provide some historical context, in 1992, every one of the 66 nominees approved by the Senate Judiciary Committee were approved by the full Senate. Every single nominee, Mr. President—and that was when we had a Republican administration and a Democratically controlled Senate. Included in those 66 judges were 11 court of appeals nominees. In 1992, the Democratic Senate confirmed the highest number of judges of any year of President Bush's term. And the confirmations did not slow as the election approached. During the four-month period between June and September, the Senate Judiciary Committee favorably reported 32 nominees, including 7 appeals court nominees.

In contrast, the Senate Judiciary Committee held only six hearings between January and September of this year. The Senate has so far confirmed a total of only 17 district court nominees, with little indication or commitment from the Republican leadership that we will move any more.

Mr. President, this Senate has failed to confirm a single appeals court judge this year. Not one, Mr. President. No Congress in at least 40 years has failed to confirm a single court of appeals judge. Is this the kind of precedent this Senate wants to establish?

In fact, even if all of the nominees pending before the Judiciary Committee are confirmed, the total number of judges confirmed this year will be one of the lowest election year total in over 20 years. In 1988, the Senate confirmed 42 judges, including 7 court of appeals nominees. In 1984, the Senate confirmed 43 judges including 10 court of appeals nominees. In 1980, 64 judges were confirmed, including 9 court of appeals nominees. In 1976, 32 judges were confirmed, including 5 court of appeals nominees.

Since every candidate has bipartisan support, the Senate should at the very least, grant a vote on Ms. Morrow's nomination if unanimous consent is not possible.

In sum, Mr. President, I am fully confident that the Members of the Senate will agree with me that Margaret Morrow's qualifications are outstanding and she is deserving of expeditious Senate confirmation. Her exceptional experience as an attorney, her professional service, and her deep commitment to justice qualify her to serve our Nation and the people of California with great distinction. And as evidenced by the letters I have read from, she has strong bipartisan support from some of the most prominent and conservative Republicans in my State.

I urge the distinguished Majority Leader to work with the Minority Leader to move for her immediate confirmation through unanimous consent or to schedule a rollcall vote.

So I just want to make one more plea to the majority leader. This is a nominee who was on the original list of 23 judges. There are only two left, one from California, one from Hawaii, and I do not think it does this Republican Congress any good at all as they go home to campaign when the people realize that they have approved the fewest judgeships in recent memory. We should not be playing politics with the courts.

We also had an excellent candidate in Richard Paez for the circuit court, and again action stalled on a nominee who actually got approved by this Congress for a district court judgeship. Why on Earth would we not move him up, boost him up?

Mr. President, I see that the majority leader is in the Chamber, and I will wrap up my comments in 1 minute. I appreciate him yielding to me.

I am pleased that we see no action on the Ward Valley land transfer, which would put a low-level nuclear dump in my State. We have fought that and we have stopped that from coming up.

I am very excited that it looks as if the Cruise Ship Revitalization Act will become the law of the land, thereby bringing hundreds of millions of dollars and revenues to California.

I am disappointed that we still do not have the Presidio legislation enacted. We are still working on that. I compliment my colleague, Senator FEINSTEIN, for working so hard to put together a negotiated settlement on part of the Headwaters Forest. She worked very long and hard on that.

I will have further to say on an issue very dear to the hearts of the people of my State, and frankly most of the schoolchildren in this country, and that is dolphin protection. Because I think we were able to ward off a real frontal attack on safety of dolphins, and I will speak more about that later.

So, thank you very much, Mr. President. I am pleased the administration got more money for education and the environment. These things are very, very important to this country.

I yield whatever time I have remaining.

Mr. LOTT. I thank the Senator from California for allowing us this opportunity to do some unanimous consent requests. I know the Senator from Kentucky is here for that purpose.

UNANIMOUS CONSENT REQUEST— H.R. 3539

Mr. LOTT. Mr. President, I ask unanimous consent the Senate now turn to the consideration of the conference report to accompany the FAA reauthorization bill and the report be considered as having been read.

The PRESIDING OFFICER. Is there objection?

Mr. SIMON. Mr. President, reserving the right to object, I shall object.

There was what is not a technical correction put on in conference, a provision that affects one corporation, benefits one corporation, and a provision that was defeated in the Appropriations Committee just 2 weeks ago when there was an attempt to put it on. I do not think this is the way we ought to be legislating. If that provision is taken off, I will be happy to support it. But I do object.

The PRESIDING OFFICER. Objection is heard.

Mr. LOTT. Mr. President, if I could be heard just briefly further with regard to that? I just came from the Democratic leader's office in which we were discussing this matter. We are still very hopeful something can be worked out. I know an effort is underway there.

Had the Senate been able to proceed to this very vital conference report, it was my intention to file a cloture motion, which would call for the cloture vote on Monday. Since our colleagues have chosen to object to the conference report, I cannot file that cloture motion. Consequently, the FAA conference report containing funds for the airport trust fund, essential air service, and addressing safety matters at our Nation's airports, is therefore in dire straits now. We are not sure exactly how we are going to be able to proceed, but I know a good-faith effort is underway, and I am hoping in the next few minutes something can be worked out that is fair.

Otherwise, we are either going to see the FAA reauthorization not be completed, which causes major problems with our airline industry, or we may be forced to ask our Senators to be prepared to vote on Sunday afternoon. That is an option we are reviewing. That also could entail having to have votes on Tuesday, inconveniencing everybody concerned. But maybe we can find a way to get to a conclusion without having to do it that way.

Does the Senator from Kentucky have a comment on that?

Mr. FORD. Mr. President, I agree with the majority leader. I would prefer we not be in this position. It was inadvertently left out of the law, and now they have seized on it and it has become a fight. I understand that very well.

But it was defeated. The Senator from Illinois did not say it was 11 to 11. It was not a huge defeat; it was a tie. So 11 people in the committee voted for it. So there was some support at that time, and I do not think much work had been done. If some work had been done, it probably would have been taken care of there and we would not be fooling with it on this bill.

I am not a lawyer, I am just on the jury. I am trying to listen to all these lawyers running around town trying to tell me what is and what is not. The jury tells me that we need to do something for the country as it relates to

aviation. My record with labor is just as good as the next fellow's, and I will put mine, my percentage, up with that of the Senator from Illinois as to my support for labor.

But this is one time I want the aviation industry of this country to continue to be the best in the world. If they are going to take this stance and say we are going to bring the FAA bill down—that is what the Senator from Illinois is doing—then we will be here next week, in my opinion. We will probably vote on Monday to proceed. We then lay a cloture motion down and they will be around here a lot longer than they had expected.

If that is the procedure, if you want to get the fur up, that is fine. It suits me fine. I understand it, not to say that I like it. I understand the procedure and I understand the rules. I understand the rules pretty well.

So, I hope we can work something out, I say to the majority leader. I am prepared to offer some objections myself here.

Mr. SIMON. If the majority leader will yield for 1 minute?

Mr. LOTT. I will be glad to.

Mr. SIMON. I am all for the FAA bill. What was put on was neither in the House nor in the Senate on this bill. That can be put on—if you drop this provision, it can be put on the continuing resolution. There are a variety of ways of handling this.

I hope we can get it worked out.

Mr. FORD. I say to my friend, you can put this bill into the continuing resolution now.

Mr. SIMON. What we should not do is tack on a major labor-management provision on this thing—without hearings on what is a very controversial provision, I might add.

UNANIMOUS-CONSENT REQUEST— H.R. 1617

Mr. LOTT. Mr. President, I ask unanimous consent the Senate now turn to the consideration of the conference report to accompany H.R. 1617, the work force development bill; the reading be considered waived, all points of order be waived, the conference report be considered as agreed to, with a motion to reconsider laid upon the table.

The PRESIDING OFFICER. Is there objection?

Mr. SIMON. Mr. President, reserving the right to object, and I shall object on behalf of the ranking member, Senator KENNEDY and myself. I do object. There are a lot of good things in this. There are a lot of things we have been working on a long time. I regret that it is necessary, but I do object.

The PRESIDING OFFICER. Objection is heard.

UNANIMOUS-CONSENT REQUEST— S. 1237

Mr. LOTT. Mr. President, I ask unanimous consent the Senate now proceed to the consideration of Calendar No.

545, S. 1237, a bill to amend certain provisions of law relating to child pornography; further, that a substitute amendment which is at the desk, offered by Senators HATCH, BIDEN, and others, be considered and agreed to, the bill be deemed read a third time and passed as amended, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Is there objection?

Mr. SIMON. Mr. President, I am reserving the right to object. I have always opposed mandatory minimums. They are great politics. They are bad justice.

The Chief Justice of the U.S. Supreme Court, William Rehnquist, has admonished Congress not to put these mandatory minimums on. There are some particularly harsh ones here.

There is much in this bill to be commended. But if we can take the mandatory minimums off, I will remove any objection right away. Clearly we want to do everything we can to stop child pornography. But to say, for example, to an 18-year-old who is guilty of pornography with a 16-year-old, for two offenses you get life in prison, which is what this bill mandates—I am not sure that serves the cause of justice. I think we ought to leave that up to the judges, as Chief Justice Rehnquist has suggested. So I do object.

The PRESIDING OFFICER. Objection is heard.

UNANIMOUS-CONSENT REQUEST— H.R. 2823

Mr. LOTT. Mr. President, I ask unanimous consent that H.R. 2823, the International Dolphin Conservation Program Act, which has been laboriously negotiated and supported by, for instance, a call I received from the Ambassador to Mexico, former Congressman Jim Jones, and supported by the administration actively, I believe, by Vice President AL GORE.

I, therefore, ask unanimous consent that it be discharged from the Commerce Committee; that the Senate proceed to its immediate consideration; that the bill be read a third time and passed; and that the motion to reconsider be laid upon the table.

Mrs. BOXER. Mr. President, reserving the right to object, I do plan to object to this, and I would like to take some time to explain it.

Mr. President, today, the Majority Leader asked unanimous consent to take up a bill—the Stevens/Breaux/Gilchrest bill—that would significantly weaken protections for dolphins in the eastern tropical Pacific Ocean by rewriting—gutting—the “dolphin safe” tuna labeling law that Senator BIDEN and I wrote and pushed into law in 1990.

Today, the \$1 billion U.S. canned tuna market is a “dolphin safe” market. Consumers know that the “dolphin safe” label means that dolphins were not harassed or killed.

Our definition of dolphin safe became law for all the right reasons. Those reasons are still valid today:

First, for the consumers, who were opposed to the encirclement of dolphins with purse seine nets and wanted guarantees that the tuna they consume did not result in harassment, capture and killing of dolphins;

Second, for the U.S. tuna companies, who wanted a uniform definition that would not undercut their voluntary efforts to remain dolphin safe;

Third, for the dolphins, to avoid harassment, injury and deaths by encirclement; and

Fourth, for truth in labelling.

Our law has been a huge success. Annual dolphin deaths have declined from 60,000 in 1990 to under 3,000 in 1995. Why mess with success?

The Stevens/Breaux/Gilchrest bill would permit more dolphins to be killed than are killed now.

The bill promotes the chasing and encirclement of dolphins, a tuna fishing practice that is very dangerous to dolphins. It does so by gutting the meaning of “dolphin safe”, the label which must appear on all tuna sold in the United States. The “dolphin safe” label has worked: it doesn't need to be “updated”, as the bill's sponsors claim.

A number of arguments have been made in support of the Stevens/Breaux/Gilchrest bill which I would like to refute at this time.

Bill supporters claim that it is supported by the environmental community. In fact, only a few environmental groups support the Stevens/Breaux/Gilchrest bill, while over 85 environmental, consumer, animal protection, labor and trade groups oppose the Stevens/Breaux/Gilchrest bill. I ask unanimous consent that a list of these groups be printed in the RECORD at this point. The fact is that the vast majority of environmental organizations in this country and around the world oppose the Stevens/Breaux bill.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

Action for Animals, California
Americans for Democratic Action
American Society for the Prevention of Cruelty to animals
American Oceans Campaign
American Humane Association
Americans for Democratic Action
Animal Protection Institute
Ark Trust
Australians for Animals
Bellerive Foundation, Italy & Switzerland
Born Free Foundation
Brigantine New Jersey Marine Mammal Stranding Center
Cetacea Defence
Chicago Animal Rights Coalition
Clean Water Action
Coalition for No Whales in Captivity
Coalition Against the United States Exporting Dolphins, Fl.
Coalition for Humane Legislation
Colorado Plateau Ecology Alliance
Committee for Humane Legislation
Community Nutrition Institute
Defenders of Wildlife
Dolphin Project Interlock International
Dolphin Connection, California
Dolphin Freedom Foundation
Dolphin Defenders, Florida
Dolphin Data Base