

the ultimate sacrifice by giving their lives for the United States of America.

As the saying goes, "If you love your freedom, thank a vet." I urge our Nation to reach out and shake the hand of a veteran today and say "thank you" for a job well done.●

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on the Executive Calendar: Nos. 269, 270, 287, 308, 309, 310, 314, 317, 321, 322, 325, and 330. I further ask unanimous consent that the nominations be confirmed, the motions to reconsider be laid upon the table, and any statements relating to the nominations appear at this point in the RECORD, the President be immediately notified of the Senate's action, and the Senate immediately return to legislative session.

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

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF STATE

Brian Dean Curran, of Florida, 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 Mozambique.

Timberlake Foster, of California, 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 Islamic Republic of Mauritania.

Thomas M. Foglietta, of Pennsylvania, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Italy.

SECURITIES AND EXCHANGE COMMISSION

Paul R. Carey, of New York, to be a Member of the Securities and Exchange Commission for the term expiring June 5, 2002.

Laura S. Unger, of New York, to be a Member of the Securities and Exchange Commission for the term expiring June 5, 2001.

NATIONAL TRANSPORTATION SAFETY BOARD

George W. Black Jr., of Georgia, to be a Member of the National Transportation Safety Board for a term expiring December 31, 2001. (Reappointment)

NATIONAL TRANSPORTATION SAFETY BOARD

John Arthur Hammerschmidt, of Arkansas, to be a Member of the National Transportation Safety Board for a term expiring December 31, 2000.

NATIONAL TRANSPORTATION SAFETY BOARD

James E. Hall, of Tennessee, to be a Member of the National Transportation Safety Board for a term expiring December 31, 2002.

DEPARTMENT OF STATE

Alphonse F. La Porta, of New York, 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 Mongolia.

Stephen W. Bosworth, of Connecticut, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Korea.

THE JUDICIARY

Richard Conway Casey, of New York, to be United States District Judge for the South-

ern District of New York vice Charles S. Haight, Jr., retired.

THE JUDICIARY

Dale A. Kimball, of Utah, to be United States District Judge for the District of Utah vice David K. Winder, retired.

STATEMENT ON NOMINATIONS OF DALE A. KIMBALL TO BE U.S. DISTRICT JUDGE FOR THE DISTRICT OF UTAH AND RICHARD C. CASEY TO BE U.S. DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF NEW YORK

Mr. LEAHY. Mr. President, I am delighted that the Senate majority leader has decided to take up the nomination of Dale A. Kimball to be a U.S. district judge for the District of Utah. Mr. Kimball has been engaged in the private practice of law for 30 years and is currently the senior partner in the Salt Lake City law firm, Kimball, Parr, Waddoups, Brown & Gee. The ABA unanimously found him to be well-qualified for this appointment.

We received Mr. Kimball's nomination on September 5, 1997. He participated in a confirmation hearing on September 30 and was unanimously reported by the committee on October 9. Now, less than 7 weeks after receiving his nomination, the Senate has confirmed this nominee. Had the Senate not taken a recess last week, I suspect this nominee would have been confirmed in less than 6 weeks. Nonetheless, 7 weeks is a good benchmark against which to consider our progress on other judicial nominations.

I congratulate Mr. Kimball and his family and look forward to his service on the U.S. district court.

I also congratulate Richard C. Casey on his confirmation as a district judge for the Southern District of New York. Mr. Casey is both an accomplished legal practitioner and a true inspiration. He has been associated with, and a partner of the law firm of Brown & Wood in New York City since 1964. Remarkably, he has been practicing law without his eyesight since the early 1980's—a congenital disease stripped him of his ability to see. Dedicated to serving the blind community of New York City, Mr. Casey is a member of the board of directors for organizations such as Guiding Eyes for the Blind, Catholic Guild for the Blind, and Ski for Light.

I congratulate Mr. Casey and his family and anticipate his outstanding service on the U.S. Federal Court.

We have experienced 115 judicial vacancies over the course of this year. These are only the 20th and 21st nominees that the Senate has confirmed. More than 50 additional nominees remain pending in committee and before the Senate. The Senate is not even keeping pace with attrition for since the adjournment of Congress last year, judicial vacancies have increased by almost 50 percent.

Another of the well-qualified nominees who has been delayed far too long is Margaret Morrow. Her nomination has been pending before the Senate for over 16 months. Last year this nomination was unanimously reported by the

Judiciary Committee and was left to wither without action for over 3 months. This year, the committee again reported the nomination favorably and it has been pending for another 4 months. There has been no explanation for this delay and no justification. This good woman does not deserve this shameful treatment.

Senator HATCH noted in his recent statement on September 29 that he will continue to support the nomination of Margaret Morrow and that he will vote for her. He said: "I have found her to be qualified and I will support her. Undoubtedly, there will be some who will not, but she deserved to have her vote on the floor. I have been assured by the majority leader that she will have her vote on the floor. I intend to argue for and on her behalf."

I have looked forward to that debate since June 12 when she was favorably reported to the Senate for a second time. This is a nomination that has been pending for far too long and that has been stalled here on the floor twice over 2 years without justification.

Meanwhile, the people served by the district court for the Central District of California continue to suffer the effects of this persistent vacancy—cases are not heard, criminal cases are not being tried. This is one of the many vacancies that have persisted for so long that they are classified as judicial emergency vacancies by the Administrative Office of the United States Courts. There are four vacancies in the court for Los Angeles and the Central District of California. Nominees have been favorably reported by the Judiciary Committee for both of the judicial emergency vacancies in this district but both Margaret Morrow and Christina Snyder have been stalled on the Senate calendar.

This is a district court with over 300 cases that have been pending for longer than 3 years and in which the time for disposing of criminal felony cases and the number of cases filed increased over the last year. Judges in this district handle approximately 400 cases a year, including somewhere between 40 and 50 criminal felony cases. Still these judicial vacancies are being perpetuated without basis or cause by a Republican leadership that refuses to vote on these well-qualified nominees.

I am told that last week a Republican Senator announced at a speech before a policy institute that he has a hold on the Morrow nomination. The Senator's press release stated that he had placed a hold on Margaret Morrow's nomination because he wants to "be able to debate the nomination and seek a recorded vote." I too want to debate the nomination of Margaret Morrow and have been seeking Senate consideration of this outstanding nominee for many months. After being on the Senate calendar for a total of 7 months, this nomination has been delayed too long.

I believe all would agree that it is time for the full Senate to debate this

nomination and vote on it. I have inquired about a time agreement but gotten no response. Now that an opponent has finally come forward to identify himself, I look forward to a prompt debate and a vote on this nomination in accordance with the apparent commitment of the majority leader. I look forward to that debate. I ask again, as I have done repeatedly over the last several months, why not now, why not today, why not this week?

I again urge the majority leader to call up the nomination of Margaret Morrow for a vote. She has suffered enough. The people of the Central District of California have been denied this outstanding jurist for long enough. The chairman of the Judiciary Committee said last month that he had the assurance of the majority leader that she will be called up for a vote but neither has said when that will be. I hope that the majority leader will proceed to the consideration of this nomination and that he will support Margaret Morrow to be a district court judge for the Central District of California.

STATEMENT ON THE NOMINATION OF PAUL R. CAREY TO BE A COMMISSIONER OF THE SECURITIES AND EXCHANGE COMMISSION

Mr. MOYNIHAN. Mr. President, I rise in emphatic support of the nomination of Paul R. Carey of New York to be a commissioner of the Securities and Exchange Commission. Mr. Carey, who has served since 1993 as special assistant to President Clinton, is an inspired public servant who is exceptionally well qualified for this position.

I have known Paul Carey, boy and man. He was born in Brooklyn, the borough of churches. And indeed it was in a sort of church that we first met. It was in the summer of 1977. I was a newly serving Senator and Paul's father was New York's Governor. It was through Hugh Carey's heroic efforts that New York City was saved from bankruptcy. As I have often said elsewhere, Hugh Carey was New York's greatest Governor since Al Smith. Paul's father and I had gathered, along with several hundred others at Siena College, to be present at the induction of Howard Hubbard to serve as the bishop of the Diocese of Albany. Paul accompanied his father that day. He was still in grade school but he was attentive throughout and his firm handshake alone identified him as his father's son. We became friends and I shared his family's pride as he progressed through high school, graduated from Colgate University, and entered the world of business and finance.

But I think he was always interested in public service. In 1991 he chanced upon my wife Liz in the Albany train station and said as much. He joined the Clinton administration at the first. And he has just shone. Paul has exemplified what Alexander Hamilton called Energy in the Executive. No bill has been too complex to yield to his explanation. Few Senators are able to withstand his persuasive powers. He has seen the President's program through.

Paul has proved his worth and his talents have not escaped the President's notice.

If I may say Mr. President, Paul's time in the White House will serve him well at the SEC. For despite being an independent agency, the Commission is withal a part of the national government. As such, it is useful to have a Commissioner who knows intimately the workings of the legislative and executive branches. Government has been called the art of the possible. Paul has over these last years learned what is possible and what is not. As the Commission confronts a world made more complex by technology and the globalization of finance, proposals will be made for regulations and laws of great sweep and broad scope. Having a Commissioner who knows what can be done as well as what should be done will allow the Commission to better serve us all.

Mr. President, I do not believe there is any representative of the administration who enjoys a higher degree of respect on Capitol Hill than Paul Carey, as was demonstrated by the unanimous vote in favor of Paul's nomination by the Senate Banking Committee, and by the enthusiastic support of its chairman. Senator D'AMATO.

Mr. President, I urge the Senate to follow suit and confirm the nomination of Paul Carey by a unanimous vote.

LEGISLATIVE SESSION

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

AUTHORIZING TESTIMONY, PRODUCTION OF DOCUMENTS, AND SENATE LEGAL COUNSEL REPRESENTATION

Mr. LOTT. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of Senate Resolution 137 submitted earlier today by Senators LOTT and DASCHLE.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows.

A resolution (S. Res. 137) to authorize testimony, production of documents and representation of employees of the Senate in the cases of *United States versus Tara LaJuan Edwards* and *United States versus Robbin Tiffani Stoney*.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

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

Mr. LOTT. Mr. President, *United States versus Tara LaJuan Edwards* and *United States versus Robbin Tiffani Stoney* are two criminal cases set for trial in the Superior Court of the District of Columbia, charging the defendants, two former Senate employees, with financial misconduct during their former Senate employment.

Three employees of the Secretary of the Senate not implicated in the al-

leged wrongdoing have been subpoenaed by the Government to testify at these trials. This resolution would authorize these Senate employees to testify, and would also authorize representation of these Senate witnesses by the legal counsel. The resolution also would authorize the Secretary to release Senate records and documents relevant to these cases.

I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution appear at this point in the RECORD.

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

The resolution was agreed to.

The preamble was agreed to.

The resolution (S. Res. 137) and its preamble read as follows:

S. RES. 137

Whereas, in the case of *United States v. Tara LaJuan Edwards*, Case No. M12677-97, pending in the Superior Court of the District of Columbia, subpoenas have been issued for testimony by James E. LePire, Billy R. Smith, and Kristine D. Brown, employees of the Secretary of the Senate;

Whereas, in the case of *United States v. Robbin Tiffani Stoney*, Case No. M12598-97, pending in the Superior Court of the District of Columbia, subpoenas have been issued for testimony by James E. LePire and Billy R. Smith, employees of the Secretary of the Senate;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(2), the Senate may direct its counsel to represent Members and employees of the Senate with respect to any subpoena, order, or request for testimony relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistently with the privileges of the Senate: Now, therefore, be it

Resolved, That James E. LePire, Billy R. Smith, and Kristine D. Brown, and any other Senate employee from whom testimony may be required, are authorized to testify in the cases of *United States v. Tara LaJuan Edwards* and *United States v. Robbin Tiffani Stoney*, except concerning matters for which a privilege should be asserted.

SEC. 2. That the Secretary of the Senate is authorized to release Senate records and documents relevant to these cases.

SEC. 3. That the Senate Legal Counsel is authorized to represent James E. LePire, Billy R. Smith, and Kristine D. Brown, and any other Senate employee from whom testimony may be required, in connection with *United States v. Tara LaJuan Edwards* and *United States v. Robbin Tiffani Stoney*.

ORDERS FOR WEDNESDAY, OCTOBER 22, 1997

Mr. LOTT. Mr. President, I ask unanimous consent that when the Senate