DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 1998

The Senate continued with the consideration of the bill.

Mr. GRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM. Mr. President, I send an amendment to the desk——

Mr. COATS. Mr. President, parliamentary inquiry. What is the regular order?

The PRESIDING OFFICER. Does the Senator from Florida yield for a parliamentary inquiry?

Mr. GRAHAM. I yield for a parliamentary inquiry but retaining the floor.

Mr. COATS. Mr. President, it was my understanding that we would immediately return, after these votes, under the previous unanimous-consent request, to consideration of the pending amendment and that there was a little bit of time remaining. I only say that, not because I want to use the time—I know Members want to speak on a number of subjects—but because Senator BROWNBACK had been on the list to speak. He was precluded by the clock when we shifted over under the order. I am just inquiring as to whether or not that is the case.

The PRESIDING OFFICER. The Senator is correct. There is a pending amendment, and the Senator controls 29 minutes. It would take unanimous consent to set it aside.

The Senator from Florida was the first Senator to seek recognition when we returned to the amendment.

Mr. COATS. Mr. President, I want to, first of all, inform my colleagues that I have no intention of using the 29 minutes.

I do, also, though, want to say that I had promised the Senator from Kansas he would be first up. He has commitments. I have commitments. He was in line, and the clock precluded him from getting his statement in. I would be willing to forgo all but about 1 minute of my remarks if we could go forward with this, and we will get to the other Senators as quickly as possible. A lot of people have been waiting all afternoon to speak, but they were not allowed to speak because of the unanimous consent agreement. We had promised them, if they were here right after the votes, they would be first up.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida has the floor, having been recognized. The Senator from Florida, having heard the explanation, is in position to control the time.

Has unanimous consent been requested?

Mr. COATS. Mr. President, parliamentary inquiry. I do not mean to drag this out here. I don't understand the procedure. I thought anything other than the pending amendment was out of order without unanimous consent, that recognition had nothing to do with it.

The PRESIDING OFFICER. The Senator from Florida achieved recognition. If he wishes to set aside the pending amendment and proceed with an amendment of his own, it would require unanimous consent.

Mr. COATS. On the part of the Senator from Florida.

The PRESIDING OFFICER. On the part of the Senator from Florida.

The Senator from Florida.

Mr. GRAHAM. Mr. President, my purpose, with my colleague, is solely to introduce an amendment which we will then ask to be set aside for consideration on Tuesday. We will be, I think, less than 90 seconds in completing this task. So I ask unanimous consent to set aside the pending amendment for the purpose of offering this amendment in hopes that we complete this task, and then we will relinquish the floor.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. The Senator from Florida.

AMENDMENT NO. 1252

(Purpose: To provide relief to certain aliens who would otherwise be subject to removal from the United States)

Mr. GRAHAM. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Florida [Mr. GRAHAM], for himself, Mr. MACK, and Mr. KENNEDY, proposes an amendment numbered 1252.

Mr. GRAHAM. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

At the appropriate place, insert the following new section:

"SEC.—. IMMIGRATION REFORM TRANSITION ACT OF 1997.

(a) IN GENERAL.—Section 240A, subsection (e), of the Immigration and Nationality Act is amended—

(1) in the first sentence, by striking ''this section'' and inserting in lieu thereof'' section 240A(b)(l)'';

(2) by striking '', nor suspend the deportation and adjust the status under section 244(a) (as in effect before the enactment of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996),''; and

(3) by striking the last sentence in the subsection and inserting in lieu thereof: ''The previous sentence shall apply only to removal cases commenced on or after April 1, 1997, including cases where the Attorney General exercises authority pursuant to paragraphs (2) or (3) of section 309(c) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (P.L. 104–208, Division C, 110 Stat. 3009).''.

(b) REPEALERS.—Section 309, subsection (c), of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (P.L. 104–208, Division C, 110 Stat. 3009) is amended by striking paragraphs (5) and (7).

(c) SPECIAL RULE.—Section 240A of the Immigration and Nationality Act is amended—

(1) In subsection (b), paragraph (3), by striking ''(1) or (2)'' in the first and third sentences of that paragraph and inserting in lieu thereof ''(1), (2), or (3)'', and by striking the second sentence of that paragraph;

(2) In subsection (b), by redesignating paragraph (3) as paragraph (4);

(3) In subsection (d), paragraph (1), by striking ''this section.'' and inserting in lieu thereof'' subsections (a), (b)(1), and (b)(2).'';

(4) in subsection (b), by adding after paragraph (2) the following new paragraph—

''(3) SPECIAL RULE FOR CERTAIN ALIENS COVERED BY THE SETTLEMENT AGREEMENT IN *American Baptist Churches et al. v. Thornburgh* (ABC), 760 F. Supp. 796 (N.D. Cal. 1991)—

''(A) The Attorney General may, in his or her discretion, cancel removal and adjust the status from such cancellation in the case of an alien who is removable from the United States if the alien demonstrates that—

(i) the alien has not been convicted at any time of an aggravated felony and

''(I) was not apprehended after December 19, 1990, at the time of entry, and is either

''(aa) a Salvadoran national who first entered the United States on or before September 19, 1990, and who registered for benefits pursuant to the ABC settlement agreement on or before October 31, 1991, or applied for Temporary Protected Status on or before October 31, 1991; or

''(bb) a Guatemalan national who first entered the United States on or before October 1, 1990, and who registered for benefits pursuant to the ABC settlement agreement by December 31, 1991; or

''(cc) the spouse or unmarried son or daughter of an alien described in (aa) of this subclause, provided that the spouse, son or daughter entered the United States on or before September 19, 1990, or the spouse or unmarried son or daughter of an alien described in (bb) of this subclause, provided that the spouse, son or daughter entered the United States on or before October 1, 1990; or

''(II) is an alien who

(aa) is a Nicaraguan, Guatemalan, or Salvadoran who filed an application for asylum with the Immigration and Naturalization Service before April 1, 1990, and the Immigration and Naturalization Service had not granted, denied, or referred that application as of April 1, 1997; or

(bb) is the spouse or unmarried son or daughter of an alien described in (aa) of this subclause, provided that the spouse, son or daughter entered the United States on or before April 1, 1990; and

''(ii) the alien is not described in paragraph (4) of section 237(a) or paragraph (3) of section 212(a) of the Act; and

''(iii) the alien

''(I) is removable under any law of the United States except the provisions specified in subclause (II) of this clause, has been physically present in the United States for a continuous period of not less than seven years immediately preceding the date of such application, and proves that during all of such period he was and is a person of good moral character, and is a person whose removal would, in the opinion of the Attorney General, result in extreme hardship to the alien or to his spouse, parent, or child, who is a citizen of the United States or an alien lawfully admitted for permanent residence; or

''(II) is removable under paragraph (2) (other than section 237(a)(2)(A)(iii)) of section 237(a), paragraph (3) of section 237(a), or paragraph (2) of section 212(a), has been physically present in the United States for a continuous period of not less than 10 years immediately following the commission of an act, or the assumption of a status, constituting a ground for deportation, and proves that during all of such period he has been and is a person of good moral character, and is a person whose removal would, in the opinion of the Attorney General, result in exceptional and extremely unusual hardship to the alien or to his spouse, parent or child, who is a citizen of the United States, or an alien lawfully admitted for permanent residence.

''(B) Subsection (d) of this section shall not apply to determinations under this paragraph, and an alien shall not be considered

to have failed to maintain continuous physical presence in the United States under clause (A)(iii) of this paragraph if the alien demonstrates that the absence from the United States was brief, casual, and innocent, and did not meaningfully interrupt the continuous physical presence.

''(C) The determination by the Attorney General whether an alien meets the requirements of subparagraph (A) or (B) of this paragraph is final and shall not be subject to review by any court. Nothing in the preceding sentence shall be construed as limiting the application of subparagraph (B) of section 242(a)(2) to other eligibility determinations pertaining to discretionary relief under this Act.''

(d) EFFECTIVE DATE OF SUBTITLE (C).—The amendments made by subtitle (c) shall be effective as if included in Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (P.L. 104–208, Division C, 110 Stat. 3009).

(e) APPEAL PROCESS.—Any alien who has become eligible for suspension of deportation or cancellation of removal as a result of the amendments made by subsection (b) and (c) may, notwithstanding any other limitations on motions to reopen imposed by the Immigration and Nationality Act or by regulation file one motion to reopen to apply for suspension of deportation or cancellation of removal. The Attorney General shall designate a specific time period in which all such motions to reopen must be filed. The period must begin no later than 120 days after the date of enactment of this Act and shall extend for a period of 180 days.

Mr. GRAHAM. Mr. President, I ask for the yeas and nays on this amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. MACK addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida.

AMENDMENT NO. 1253 TO AMENDMENT NO. 1252

(Purpose: To provide relief to certain aliens who would otherwise be subject to removal from the United States)

Mr. MACK. Mr. President, I send a second-degree amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Florida [Mr. MACK] for himself, Mr. GRAHAM, and Mr. KENNEDY proposes an amendment numbered 1253 to amendment No. 1252.

Mr. MACK. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

Strike all after the word ''**SEC. .** and insert the following:

IMMIGRATION REFORM TRANSITION ACT OF 1997.

(A) IN GENERAL.—Section 240A, subsection (e), of the Immigration and Nationality Act is amended—

(1) in the first sentence, by striking ''this section'' and inserting in lieu thereof ''section 240A(b)(1)'';

(2) by striking '', nor suspend the deportation and adjust the status under section 244(a) (as in effect before the enactment of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996),''; and

(3) by striking the last sentence in the subsection and inserting in lieu thereof: ''The previous sentence shall apply only to removal cases commenced on or after April 1, 1997, including cases where the Attorney General exercises authority pursuant to paragraphs (2) or (3) of section 309(c) of the illegal Immigration Reform and Immigrant Responsibility Act of 1996 (P.L. 104–208, Division C, 110 Stat. 3009).''.

(b) REPEALERS.—Section 309, subsection (c), of the illegal Immigration Reform and Immigrant Responsibility Act of 1996 (P.L. 104–208, Division C, 110 Stat. 3009) is amended by striking paragraphs (5) and (7).

(c) Special Rule.—Section 240A of the Immigration and Nationality Act is amended—

(1) In subsection (b), paragraph (3), by striking ''(1) or (2)'' in the first and third sentences of that paragraph and inserting in lieu thereof ''(1), (2), or (3)'', and by striking the second sentence of that paragraph;

(2) In subsection (b), by redesignating paragraph (3) as paragraph (4);

(3) In subsection (d), paragraph (1), by striking ''this section.'' and inserting in lieu there of ''subsections (a), (b)(1), and (b)(2).'';

(4) in subsection (b), by adding after paragraph (2) the following new paragraph—

''(3) SPECIAL RULE FOR CERTAIN ALIENS COVERED BY THE SETTLEMENT AGREEMENT IN AMERICAN BAPTIST CHURCHES ET AL. V. THORNBURGH (ABC), 760 F. SUPP. 796 (N.D. CAL. 1991).—

''(A) The Attorney General may, in his or her discretion, cancel removal and adjust the status from such cancellation in the case of an alien who is removable from the United States if the alien demonstrates that—

''(i) the alien has not been convicted at any time of an aggravated felony and—

''(I) was not apprehended after December 19, 1990, at the time of entry, and is either—

''(aa) a Salvadoran national who first entered the United States on or before September 19, 1990, and who registered for benefits pursuant to the ABC settlement agreement on or before October 31, 1991, or applied for Temporary Protected Status on or before October 31, 1991; or

''(bb) a Guatemalan national who first entered the United States on or before October 1, 1990, and who registered for benefits pursuant to the ABC settlement agreement by December 31, 1991; or

''(cc) the spouse or unmarried son or daughter of an alien described in (aa) of this subclause, provided that the spouse, son or daughter entered the United States on or before September 19, 1990, or the spouse or unmarried son or daughter of an alien described in (bb) of this subclause, provided that the spouse, son or daughter entered the United States on or before October 1, 1990; or

''(II) is an alien who—

(aa) is a Nicaraguan, Guatemalan, or Salvadoran who filed an application for asylum with the Immigration and Naturalization Service before April 1, 1990, and the Immigration and Naturalization Service had not granted, denied, or referred that application as of April 1, 1997; or

(bb) is the spouse or unmarried son or daughter of an alien described in (aa) of this subclause, provided that the spouse, son or daughter entered the United States on or before April 1, 1990; and—

''(ii) the alien is not described in paragraph (4) of section 237(a) or paragraph (3) of section 212(a) of the Act; and—

''(iii) the alien—

''(I) is removable under any law of the United States except the provisions specified in subclause (II) of this clause, has been physically present in the United States for a continuous period of not less than seven years immediately preceding the date of such application, and proves that during all of such period he was and is a person of good moral character, and is a person whose removal would, in the opinion of the Attorney General, result in extreme hardship to the alien or to his spouse, parent, or child, who is a citizen of the United States or an alien lawfully admitted for permanent residence; or—

''(II) is removable under paragraph (2) (other than section 237(a)(2)(A)(iii)) of section 237(a), paragraph (3) of section 237(a), or paragraph (2) of section 212(a), has been physically present in the United States for a continuous period of not less than 10 years immediately following the commission of an act, or the assumption of a status, constituting a ground for deportation, and proves that during all of such period he has been and is a person of good moral character, and is a person whose removal would, in the opinion of the Attorney General, result in exceptional and extremely unusual hardship to the alien or to his spouse, parent or child, who is a citizen of the United States, or an alien lawfully admitted for permanent residence.

''(B) Subsection (d) of this section shall not apply to determinations under this paragraph, and an alien shall not be considered to have failed to maintain continuous physical presence in the United States under clause (A)(iii) of this paragraph if the alien demonstrates that the absence from the United States was brief, casual, and innocent, and did not meaningfully interrupt the continuous physical presence.

''(C) The determination by the Attorney General whether an alien meets the requirements of subparagraph (A) or (B) of this paragraph is final and shall not be subject to review by any court. Nothing in the preceding sentence shall be construed as limiting the application of subparagraph (B) of section 242(a)(2) to other eligibility determinations pertaining to discretionary relief under this Act.''.

(d) EFFECTIVE DATE OF SUBTITLE (C).—The amendments made by subtitle (c) shall be effective as if included in Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (P.L. 104–208, Division C, 110 Stat. 3009).

(e) APPEAL PROCESS.—Any alien who has become eligible for suspension of deportation or cancellation of removal as a result of the amendments made by subsection (b) and (c) may, notwithstanding any other limitations on motions to reopen imposed by the Immigration and Nationality Act or by regulation file one motion to reopen to apply for suspension of deportation or cancellation of removal. The Attorney General shall designate a specific time period in which all such motions to reopen must be filed. The period must begin no later than 120 days after the date of enactment of this Act and shall extend for a period of 180 days.

(f) EFFECTIVE DATE OF SECTION.—This section shall take effect one day after enactment of this Act.

Mr. MACK. Mr. President, I ask unanimous consent that both the first- and second-degree amendments be temporarily set aside.

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

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The underlying business is the amendment of the Senator from Indiana.

AMENDMENT NO. 1249

Mr. COATS. Mr. President, I thank the Chair. I again inform my colleagues that we will be brief. I am just trying to fill some commitments we made earlier. I will dispense with my ringing, articulate, persuasive rebuttals to the opponents of this

amendment that I have ready to go here, to Senator BOXER and Senator KENNEDY and others who spoke against the amendment, and save those until Tuesday. Even though I have the attention of my colleagues who are in the Chamber that I might not have on Tuesday, I will have to trust that yielding the time is probably more persuasive in getting support for my amendment than giving those arguments at this particular point. So, I will defer that. However, I have made a commitment to the Senator from Kansas. I think he is going to be relatively brief. I yield to him such time as he may consume. Then, if no one else wants to speak on this particular amendment, I will be happy to yield back.

Mr. LAUTENBERG. Mr. President, I have a question to the Senator from Indiana. Is there currently a time agreement?

Mr. COATS. Yes.

The PRESIDING OFFICER (Mr. SESSIONS). There is.

Mr. LAUTENBERG. May I ask further how much time is left?

The PRESIDING OFFICER. There remain 25 minutes for the Senator from Indiana.

Mr. COATS. We have no intention, I tell the Senator, of using that much time. I think the Senator from Kansas has less than 10 minutes and I will defer my time until tomorrow.

Mr. LAUTENBERG. I can hardly wait, and I thank the Senator.

The PRESIDING OFFICER. The Senator from Kansas. Mr. BROWNBACK. Mr. President, I thank my colleague from Indiana for yielding this time and bringing forward this amendment. I think it is a very important, excellent amendment and I rise in support of it. I chair the Senate subcommittee that has oversight over the District of Columbia. I, and Senator LIEBERMAN who is the ranking Democrat on that committee, are both cosponsors of the Coats amendment.

I would just like to inform the Members of this body and others that we have had extensive hearings on the D.C. Public School System. We have been out and looked at the schools. We have been in the public schools. We have been in the charter schools. We have looked at the D.C. Public School System. My conclusion of the D.C. School System is the same as the D.C. Control Board's conclusion, that is that this system has failed the students.

The D.C. Control Board, in their own statements regarding the D.C. Public School System, said this: They said that the longer students stay in the District of Columbia public schools, the worse they do. That is the Control Board's own assessment of what has happened to the D.C. public schools. I think that is a crime to the students, to the children of the District of Columbia who are in these schools. We should not be putting them in a situation where the school system has failed them. That is wrong. That is wrong of us to allow it to take place.

We have also had hearings with General Becton, who has been put in charge of the District of Columbia public schools. He is an admirable man. He is a good man who believes he is on the toughest assignment he has ever had. He has been a general in the military and he's a quality individual. The general says to us: Give me 3 years to fix this system up. Give me 3 years to be able to get the system back correct. I know it is a failed system. I know it's not working for the children in the District. I know we have failures in it, that the test scores are not what they should be, that the schools have not performed, that they are not as safe as they should be, that we are having repair problems to the point that we can't get students in for 3 weeks—but give me 3 years to be able to fix this system up.

I sit out, as a parent who has three children, and ask myself, does my child get a second shot at the first grade during those 3 years? Or the second? Or the third grade? Those are formative, key years for students, for pupils. They don't get 3 years to wait.

I am saying, and I said this to the general, in hearings, I said: General, is it right for us to condemn that student to this system that you admit and state has failed these students? Is that fair to the student? You are saying give us 3 years to improve the school system, and I know he is going to try to do everything he can. But is it fair to this poor child? You have to stare in the face of that child and say, ''I am sorry, you are not going to be able to get the quality of education that you need to have because it is going to take us some time to fix these schools or this school system.'' I don't think that is fair to these students. It is not fair to these pupils.

I think, frankly, if most of us in this body had children and we were living in the District of Columbia, we would not think it would be fair to our kids either to put them into the public school system in this particular situation where we have—and listen to these statistics. They are really frightful.

Let me say as well, this is about improving public education. We have to have better education in this country. We have to have better education for our children. That is what we are after. What I am after, chairing this subcommittee, is to make the District of Columbia a shining example around the world for everything, and in particular, as well, in education. But we are not there now.

Look at some of these statistics. We have fourth graders in the D.C. public school system—78 percent of fourth graders are not at basic reading levels, 78 percent. We have violence problems in the D.C. public schools. We have 26 percent of the teachers surveyed in 1995 say that they were threatened, injured, or attacked in the past year—26 percent. The national average is too high, it's at 14 percent; but 26 percent, 1 of 4 of the teachers. Of the students, 11 percent of the students were threatened or injured with a weapon during the past year—11 percent of the students. And 11 percent were avoiding school for safety reasons during the past 30 days.

Then you have the horrendous incidents that happen when you had students having sexual activity in grade school during the school day. That happened in the District of Columbia. That just touched all of us, saying this cannot be allowed to continue to take place.

This amendment is a simple amendment to try to provide a choice, an opportunity to some students who do not have it and are not able, financially. Their parents are not in a position to be able to do what most Members of Congress do. I say that on a basis of surveys that have been done of Members of Congress. Of those Members of Congress who have responded to a survey, 77 percent of Senators responded and 50 percent had sent or are sending their children to a private school. They had that option because financially we are in a position to be able to do it. And unfortunately, too many of our D.C. children are not in a financial position to be able to do this.

We need to look in their eyes and provide them a choice and provide them this option. This amendment is a simple one, to try to do that. I think it also will help us make better public schools in the District of Columbia by providing some incentive and some competition into the school system in the District of Columbia.

Mr. President, I have other points I may be making next week on this. But I simply say we cannot wait and imprison a student in a system that is a failed system. The people looking over it have already stated this is a failed system. It is not fair to the kids.

Let's say who we are protecting here. We ought to be looking exactly in that child's eye when we vote on this amendment, and say let's give this child a choice and give this child a chance and not put him in a system which, according its own people, is a failed system.

There are some good public schools in the District of Columbia but overall this system has failed. That is why I plead with my colleagues to look at this amendment and give these kids a chance. With that, I yield the floor.

Mr. STEVENS addressed the Chair.

THE PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. STEVENS. I thank the Chair.

(The remarks of Mr. STEVENS and Mr. MURKOWSKI pertaining to the introduction of legislation are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Mr. President, I ask unanimous consent the pending amendment be temporarily laid aside in order for me to proceed for 1 minute.

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

DEPARTMENT OF DEFENSE APPROPRIATIONS CONFERENCE REPORT

Mr. BUMPERS. Mr. President, there were five votes against the conference report on Defense appropriations. I was one of those five. I do not presume to speak for any of the others. I speak only for myself, and I will speak at length on my reasons next week.

But I just want to say tonight that by adopting that conference report we are embarking on the building of a fighter plane called the F–22, which is going to be twice as expensive as any fighter plane ever built. My guess is that it will cost somewhere between $70 and $100 billion when it is finished, for 339. We are embarking on a $4 billion cost of retrofitting the Pacific fleet with D–5 missiles on ships which are already equipped with C–4's, and the C–4's will outlive the ships they are on. And for a lesser reason, of course, the $331 million in the bill on the B–2 bomber.

Mr. President, if you want to spend this for new bombers, be my guest. If you don't, put it in spare parts. If they need spare parts for B–2's, let's appropriate the money to do it. But let's not use that kind of shenanigan to get $331 million in here and hope we can crank up the B–2 program again. We are talking about ringing up new expenditures of close to $100 billion in this. I will elaborate more extensively next week.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent the pending amendment be set aside so I can make some brief remarks about the judge that we just confirmed here in the Senate.

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

CONGRATULATIONS TO KATHARINE SWEENEY HAYDEN

MR. LAUTENBERG. Mr. President, I am very pleased that the Senate has so promptly taken up the nomination of Katharine Sweeney Hayden to serve as a Federal district court judge for the District of New Jersey.

I had the high honor and privilege of recommending Judge Hayden to President Clinton this past February. After review, the President nominated her for this position on June 5, 1997. Judge Hayden's nomination was approved by the Senate Judiciary Committee just weeks later, on July 10, and now we have her nomination before the full Senate. Judge Hayden's nomination has moved this quickly, I believe, because she is a superb candidate who will make an outstanding judge.

Mr. President, recommending candidates to the President for the Federal judiciary is one of the most important aspects of my job as a U.S. Senator. In making these recommendations, I know that I am helping to place someone on the Federal bench who will hold the law and the lives of thousands of Americans in her hands. This is an awesome responsibility and the bedrock on which our Government is founded—a system of justice based on the law. It is incumbent upon us in confirming a judge to know that she has a deep love, respect, and knowledge of the law, an intellect equal to the task, the temperament to preside fairly in the courtroom and treat all with the respect they deserve, and the skill to manage her cases and dispense justice with deliberation but also expedition. Judge Hayden meets all these tests and more.

Mr. President, the respect and admiration for Judge Hayden among those who know her in New Jersey is unanimous. She possesses all of the skills and attributes needed to successfully shoulder the responsibilities of a Federal judge. Her experience in the U.S. attorney's office in New Jersey, in private legal practice, and as a State court judge provide a solid foundation for her upcoming Federal service.

Mr. President, I can also tell the Senate that Judge Hayden possesses a sharp intellect and a keen analytic ability, exceptional courtroom demeanor, and a strong work ethic. She is held in high regard by all segments of the New Jersey legal community, and is strongly supported by her peers on the State and Federal bench. This high evaluation is shared by the litigants and lawyers whom she has represented, worked with, or have appeared before her.

Katharine Sweeney Hayden will bring a breadth of experience—from the courtroom and elsewhere—to the Federal bench. She is currently a judge of the Superior Court of New Jersey—Criminal Division, sitting in Essex County.

Judge Hayden received her undergraduate degree from Marymount College in 1963, and attended graduate school at Bowling Green State University and Seton Hall University, where she earned a master's degree in English literature in 1972 and served as adjunct professor of English.

She received her law degree from Seton Hall University School of Law cum laude in 1975. Upon graduation, she clerked for the Justice Robert Clifford of the New Jersey Supreme Court.

Upon completing her clerkship, Judge Hayden worked in the U.S. attorney's office in New Jersey, before establishing a private practice, which she pursued for 13 years. In recognition of her contribution to the legal profession and the esteem in which she is held by her colleagues, Katharine was elected as the first woman president of the Morris County Bar Association. She was appointed to the New Jersey bench in 1991.

Mr. President, I am pleased to report that Judge Hayden has received a ''well qualified'' rating from the American Bar Association. This is the highest rating for a judicial nominee.

In recognition of her talent, organizational skills, and knowledge of the law, Judge Hayden has been selected to undertake special assignments by the judiciary and State Bar Association of New Jersey. These assignments include service on professional committees on ethics as well as judicial committees on administrative, professional, and substantive matters. Most recently, she was chosen to develop and preside as the first judge of a drug court soon to be established in Essex County, NJ.

Mr. President, I would also like to report to the Senate that Judge Hayden has stressed to me her view that a judge has a responsibility to be fair, to cherish the law and our Constitution, and to treat every lawyer and litigant before her with respect. She has also expressed to me her honor at being nominated for this appointment, and her deep commitment to serving the public and to administering justice fairly for all who appear before her.

Mr. President, Katharine Sweeney Hayden has all of the personal attributes and professional qualifications one could wish for in a judge. And then some.

So, Mr. President, I commend Katharine Hayden to the Senate and, anticipating her confirmation, congratulate her on her appointment, and wish her all the best in her new position. I am very proud to have recommended her to President Clinton. I hope she will serve on our district court for many years. I know she will serve with distinction, dispensing justice to each person who appears before her with compassion, fairness, and wisdom.

Mr. President, I close by saying the country will be well served by the services of Katherine Sweeney Hayden on the bench. We look forward to having her on the court in New Jersey, and I am sure we will continue to hear only the finest about the work she has done and the character that she has brought to her decisions as part of the court.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that I might be permitted to speak as in morning business.

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

THE IMPORTATION OF SEMIAUTOMATIC ASSAULT RIFLES

Mrs. FEINSTEIN. Mr. President, about 2 weeks ago it came to my attention that several countries may be exporting semiautomatic assault weapons into this country despite the 1968 Gun Control Act, which limits the importation of these weapons.

When I asked the ATF to explain why these weapons were granted import permits, I learned that ATF, in the last few years, has not applied—or at least