

of justice. Last year, in 1998, the Senate broke the record, again. The average time from nomination to confirmation for the 65 judges confirmed in 1998 was over 230 days. At each step of the process, judicial nominations are being delayed. Prime examples are Judge Richard Paez, Justice Ronnie L. White, and Marsha Berzon, who have each had to be renominated again this year.

I again urge the Senate to take seriously its responsibilities and help the President fill the longstanding vacancies in the Federal courts around the country. Today the score is running against the prompt and fair administration of justice—vacancies 67, nominations 33, confirmations zero.

In conclusion, last year I talked about judicial nominations and Mark McGwire. I talked about how well Mark McGwire had been doing. I compared his home run numbers, and that he was going along a lot faster than our judicial nominations. And I may do a little bit of that this year, as well.

But I put a little magnifying glass up here to the chart. Here are the number of vacancies of Federal judges. Of course, a person can become a Federal judge only after a nomination and confirmation by the Senate.

Here are the vacancies—67. I put a magnifying glass on the chart so everybody can see how many we have confirmed. Zero. Diddle squat. That is all we have done—no confirmations whatsoever. In fact, I don't think we have even had a hearing. We are now in the fourth month of the year and about to go into the fifth month. I don't think in my 25 years here we have ever gone this long, especially in the middle of a President's term, without even having any hearings.

Mark McGwire is ahead of us in home runs, both on confirmations and on nomination hearings. Last year we got a little bit ahead of him, at least until the baseball season began. We had confirmed by the time of the All-Star break in July something like 33 judges. It took Mark McGwire almost 10 weeks to catch up and pass us last year. This time he passed us on the very first day he goes out to bat. The very first day that he is playing he beats us.

I have heard it said that we can't confirm nominees that we don't have. We have 33 nominees up here right now. They are here sitting before the Senate. Some have already had hearings last year, and they just sit there and sit there, and we don't vote on them. We don't confirm them.

Look at how we have done in the past. Let's go a little backward. In 1994, we confirmed 101. In 1999, we only confirmed 65. Mark McGwire hit 70 home runs.

I think we will talk a little more about this as we go along. We have also had a problem with the time between nomination and confirmation. Again, it doesn't answer the question to say we can't confirm people if they are not nominated. In fact, they are nominated, and they still don't get con-

firmed and those that do are taking longer every year. In 1993, it took the average time of 59 days to get them confirmed. Now it takes 232 days. I know of people who have declined appointments to the Federal bench. Why? Because they can't get confirmed at all or confirmed in a reasonable time.

So the bottom line, Mr. President, is here we are with 67 vacancies and zero confirmations. And I am willing to bet that, at the rate we are going, Mark McGwire is going to be way ahead of us all year long.

Mr. President, I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. ALBARD). Without objection, it is so ordered.

Mr. KERRY. Mr. President, I understand we are in morning business; is that correct?

The PRESIDING OFFICER. We are. We are in morning business until 1 p.m.

Mr. KERRY. May I inquire, what is the order at 1 p.m.?

The PRESIDING OFFICER. There is no specific business pending.

Mr. KERRY. Mr. President, I ask unanimous consent that I be permitted to proceed in morning business until I complete my statement.

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

Mr. KERRY. I thank the Chair.

(The remarks of Mr. KERRY, Mr. LEVIN and Mr. KENNEDY pertaining to the introduction of S. 791 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. KERRY. I thank the Chair and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

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

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

UNANIMOUS CONSENT REQUEST— S. 767

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 90, S. 767, under the following limitations: 1 hour of debate on the bill, equally divided in the usual form; the only amendment in order to be a substitute amendment to be offered by myself and others; no other amendments or motions in order to the bill; and at the conclusion of the time and the disposition of the amendment, the bill be read a third time and the Senate proceed to a vote on the bill with no other intervening action or debate.

I further ask consent that when the Senate receives from the House the companion measure and it is the exact text of the Senate-passed measure, then the House bill be considered read a third time and passed.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. COVERDELL. Mr. President, I am disappointed that we would have an objection to a measure that has already, in a sense, been initiated by the President and deals with amelioration and comfort to the troops—our sons and daughters that are in harm's way today, as we have all been highly focused on Kosovo. This sends a very positive message—and it has been broadly agreed to—to their families and to the fighting men and women, and it is a shame that we have to get balled up at a time like this when we are under such duress.

Mr. REID. Mr. President, I say to my friend from Georgia that this is important legislation. It has bipartisan support and we should move forward with the legislation. There is nothing that indicates that anybody is going to prolong this debate unnecessarily. We simply think it is appropriate that this legislation be handled in the manner that legislation has been handled in this body for many years—in fact, a couple centuries.

We understand that we are going to help the fighting men and women of our country, and it is certainly appropriate to do it around tax time because that is what this matter relates to, the tax burdens that face some of our people. There will be a delay, for example, as to when they have to file their returns. We are willing to do that, but we are not willing to enter into a restrictive agreement that just allows the manager to submit an amendment and no one else. We are ready to move forward on this legislation. We should be debating it now. We could go forward with the legislation this very minute and have this wrapped up in a matter of a few hours.

Mr. COVERDELL. Mr. President, I thank my good colleague from Nevada. I want to elaborate.

The reason is not to facilitate my own amendments. It is to facilitate the issue for which, as he has acknowledged, there is broad agreement. I think that the thinking here was that this very simple proposal which would help our fighting men and women, for which there is broad agreement, could be handled and moved forward. It is very clear that a Member on your side of the aisle, who is purporting to want to amend it, is talking about something that would be very controversial and would entangle the simple proposal that could be an immediate gesture to our fighting men and women, to which the whole Congress has agreed. The

House passed it unanimously yesterday. I just reiterate that this is a needless delay on something that is designed for our fighting men and women, no matter how you look at it.

Mr. REID. Mr. President, the needless delay is taking time here and being enmeshed in procedural matters that need not be enmeshed. I was asked to listen to a unanimous consent proposal that was advocated and propounded by my friend from Georgia. It is something that we believe is inappropriate. This legislation is going to pass and it is going to pass quickly. I think it will pass with relatively no opposition. The sooner we get to the merits of this legislation, the better off we will be.

I think it would not be untoward to allow a Member on that side or this side to offer an amendment. If the amendment is no good, and understanding the underlying importance of this legislation, it will either be defeated or the person will withdraw it. But there may be ways of improving this bill, ways that we can help the fighting men and women of our country in a manner different than is set forth in this legislation. I say to my friend, let's move forward with the legislation. It is now 1:25. I think this legislation could be passed by 4 o'clock with no trouble at all. So I hope we can move just as quickly as possible. This is important legislation for the people that are over in harm's way. We want to assist them in any way that we can.

Mr. COVERDELL. Mr. President, let me simply say, I think my friend is correct. I think we can pass this in 5 minutes. But it isn't going to be passed because of the proposal that is being propounded. It has been vetted on both sides. As he said, there is broad agreement on this. Anything that would improve it would have been accepted. You are talking about another debate completely out of context with the benefits proposed in here. Those proposals are highly controversial. So these soldiers and sailors are being held hostage for that view. I think that is inappropriate.

I yield the floor.

Mr. REID. Mr. President, the underlying bill is a pretty good bill, but it is not perfect. I think we should have the opportunity to take a look at it. Too often around here there is a group of people that get together and they agree on a piece of legislation which they think is miraculous and will solve all the problems of a certain issue. There are 100 Members of the Senate, and five or six people get together and bring it to the floor, and the procedure we follow too often is if anybody wants to debate it, they are considered obstructionists, people who don't believe in the underlying issue.

Let me repeat, Mr. President, that we on this side of the aisle believe in the underlying issue here. We want to provide tax relief for our fighting men and women, the soldiers, sailors and airmen who have given so much to this

country in the last month. We also think that the legislation should be seen in the light of day. There are 95 other Members in the Senate that should have the opportunity to review this legislation. We are saying on this side, let's give them an opportunity; let's let those people who haven't been in on this so-called deal to bring this legislation up. Let them also take a look at this legislation. There may or may not be amendments offered, but there is going to be nothing done. We will prevent this bill from passing.

Mr. COVERDELL. Mr. President, I yield the floor.

Mr. BRYAN. Mr. President, I ask unanimous consent that I be permitted to speak as in morning business for a period of 12 minutes.

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

NUCLEAR WASTE

Mr. BRYAN. Mr. President, in the House Commerce Committee today, the Subcommittee on Energy and Power took the first step in what is fast becoming a futile ritual here in Congress.

The subcommittee reported to the full committee a revised version of H.R. 45—the latest in a long string of legislative efforts to single the State of Nevada out as the dumping ground for the nuclear power industry's toxic high-level waste.

The bill approved by the subcommittee today consists of a now familiar assault on the environment and the health and safety of millions of Americans, both in Nevada and along transportation routes throughout the Nation.

It requires the expenditure of billions of taxpayer dollars on a completely unnecessary and misguided "interim storage" facility in Nevada.

It makes a mockery of the National Environmental Policy Act process, and preempts every local, State, and Federal statute or regulation that interferes with the nuclear power industry's crusade to move high-level waste to Nevada, no matter what the costs or consequences may be.

The bill is an unprecedented power grab by the nuclear power industry, trampling on the most fundamental states' rights.

The bill overrides years of work by the Environmental Protection Agency in establishing a science based radiation standard, and substitutes by legislative fiat a standard more than six times less protective than generally accepted for citizens anywhere else in the United States.

By shipping waste to Nevada in advance of determining the suitability or licensibility of the Yucca Mountain site, the bill also irreversibly prejudices the scientific work at the site.

Any hope for an objective evaluation of Yucca Mountain will be lost.

The bill approved by the subcommittee today is an environmental and public health travesty.

Fortunately, as in the past two Congresses, the bill stands no chance of enactment into law.

President Clinton continues to oppose the nuclear power industry's special interest legislation, and will veto the bill should it ever reach him.

Even the industry knows there is absolutely no doubt of the firmness of the President's veto threat.

Congress will vote to sustain the President's veto, and we will have once again wasted years of time and effort on a useless battle of wills, when we could have been working together towards an equitable, reasonable, and safe resolution of any legitimate grievances the nuclear power industry has with the federal high-level nuclear waste program.

The nuclear power industry's obsession with moving its waste to off-site, no matter what the consequences, defies all logic.

The Nuclear Regulatory Commission, the Nuclear Waste Technical Review Board, and the industry itself agree that the waste can be stored safely on site for the foreseeable future.

Somehow, though, moving waste off-site has become the "holy grail" of the industry.

Taking the liability for the industry's environmental travesty has been their only rallying cry.

Unfortunately for the industry, commercial nuclear power's problems cannot be solved by waste legislation, or anything else we may do here in Congress.

Nuclear power is a declining industry, unable to compete in an increasingly competitive electricity marketplace.

An industry once touted as a technological marvel—one which we were told could produce power "too cheap to meter" at thousands of reactor sites—has turned into an aged collection of "white elephants," struggling to keep operating.

As the electricity marketplace moves away from the regulated environment, an environment which virtually guaranteed full cost recovery for utilities huge investments in nuclear plants, the cost of nuclear power continues to rise, due to increasingly expensive maintenance and retrofit costs to keep the plants in operation.

While the industry likes to portray what they describe as "radical environmentalists" for its inability to compete, the true cause for nuclear power's demise is simple economics.

The value of nuclear power plants in today's electricity marketplace has plummeted.

Nuclear plants that do sell barely fetch any price in today's markets, and 21 reactors have simply been allowed to shut down.

As the thoughtful newspaper article that I will insert in the RECORD makes pretty clear, nuclear power is an industry with no future.

Unfortunately, the industry's last gasp, its last in a long series of strategic miscalculations, appears to be to