

this session of the Congress; that we could have the Senate Judiciary Committee approve the nominations, and send them to the floor for consideration. It was still laid over over the August recess. Notwithstanding all of that, we were able to get it done.

But in the case of Bonnie Campbell, she is a circuit court nominee. I know Senator GRASSLEY and Senator HARKIN have an agreement that they will support each other's nominees when the other party is in power. In this case, the Democratic President makes a nominee, and Senator HARKIN is supportive and Senator GRASSLEY is also supportive. He certainly has been supportive.

I want the Record to be clear—I am sure Senator HARKIN would concur in this—that Senator GRASSLEY has been a very strong advocate for Bonnie Campbell.

I think the circumstances that permitted us to confirm these other four nominees—one from Illinois and three from Arizona—didn't have anything to do with the seniority on the committee or it wouldn't have been possible for the Arizona judges to have been confirmed by the Senate.

I thank the Chair.

Mr. HARKIN. Mr. President, I respond by saying I was not trying to imply one way or the other that seniority had something to do with who gets out of the Judiciary Committee. My main point was that three of the four nominees we voted on today have been pending a very short time. They were nominated in July, their hearing was in July, and they were reported out of Committee in July—all in the same week. And they were brought to the floor today. Bonnie Campbell has been sitting there for 215 days. She had her hearing in May. Yet they won't report her out of the Judiciary Committee.

This is unfair. It is unfair to her. It is unfair to the women of this country. It is unfair to the court which needs to fill this position. We recognize in Bonnie Campbell a champion, a champion of women, someone who has done an outstanding job in administering the office of violence against women. She is the only one who has held that office since the legislation was passed. The House last week voted 415-3 to re-authorize it. Now we will try to do something in the Senate. I think the women of this country understand the Republican-controlled Judiciary Committee and the Republican-controlled Senate are stopping the Senate from having a vote on Bonnie Campbell for pure political reasons.

I think it is wrong the way they are treating Bonnie Campbell in this nomination process. I will continue to point that out every day that we remain in session. It is unfair to her. It is unfair to the women of this country to have someone so qualified, someone who has done so much to reduce and prevent violence against women, to have the Senate Judiciary Committee bottle up her name and not even permit it to come on the floor for a vote.

I am still hopeful perhaps they will see the light and permit that to happen, although time is running out. I will take every day we are here to talk about it.

I yield the floor.

The PRESIDING OFFICER (Mr. GRAMS). The Senator from South Carolina.

Mr. THURMOND. Mr. President, we have heard much debate today about Federal judges. One would think that President Clinton has fared very poorly in the judicial confirmation process, but this is simply not true. He has done quite well with the cooperation of the Republican-controlled Senate.

During the President's first term, the Senate confirmed nearly one-quarter of the entire Federal Judiciary. After today, the Senate will have confirmed 44 percent or 377 Clinton judges.

It is no secret that while I served as Chairman of the Judiciary Committee during the first six years of the Reagan Administration, I made the confirmation of judges a top priority of the Committee. I am proud of our accomplishments during those years.

Yet, with Republican control of the Congress, President Clinton's success rate is really no different. After today, the Senate will have confirmed only five more Article III judges for President Reagan than it has thus far for President Clinton.

Today, the vacancy rate is 7.9 percent, and the Clinton Administration has recognized a 7 percent vacancy rate as virtual full employment for the Judiciary. The vacancy rate at the end of the Bush Administration was 11.5 percent, but there was no talk then about a vacancy crisis. At the end of the Bush Administraton, the Congress adjourned without acting on 53 Bush nominations. Today, there are only 38 Clinton nominees pending in Committee.

The Fourth Circuit is a good example of the healthy status of the Judiciary. The court is operating very well and does not need more judges. In fact, today, it is the most efficient circuit. The Fourth Circuit takes less time than any other to decide a case on appeal. The truth is that, due to a lack of cases needing oral argument, the Fourth Circuit has cancelled at least one term of court for each of the past four years, and two terms of court for the past two years.

The Chief Judge of the Fourth Circuit has made clear that additional judges are not needed, and he should know better than us the needs of his court. There is no good reason to add judges to the most efficient circuit in the nation. Given that a circuit judgeship costs about one million dollars per year for the life of the judge, it would be a waste of taxpayer money to do so.

We also should not be misled by the fact that some vacancies are defined as a "judicial emergency." The term is defined so broadly that, with one exception, all current circuit court judgeships that have been vacant for 18 months are considered "emergencies."

The issue of judgeships in the Federal courts is not just about numbers and statistics. Much more is at stake. Each judgeship is a life-time appointment that yields great power but is basically accountable to no one.

The Senate has a Constitutional duty to review each nominee carefully and deliberately. We take this responsibility very seriously in the Judiciary Committee, as we must. We cannot be a rubber stamp for any Administration. The entire Nation loses when we allow judicial activists or judges who are soft on crime to be confirmed to these life-time positions.

Under Senator HATCH's leadership, the Judiciary Committee has taken a fair and reasoned approach to the confirmation process. As a result, the Clinton Administration has done quite well regarding judicial confirmations.

#### — LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will return to Legislative Session.

#### — MORNING BUSINESS

Mr. LOTT. Mr. President, we intended to proceed to an agreement to take up the Interior appropriations conference report, but it looks as if it will be a few minutes before we can work through an agreement that will allow that.

In the meantime, after Senator HARKIN completes his remarks, I will enter into consent for a period for morning business so Senators can speak on issues they desire, but within an hour we hope to get an agreement on how to proceed to the Interior appropriations bill conference report. We need to do that.

In view of the present situation, we will not have any more recorded votes tonight. We will try to get an agreement to kick in the Interior appropriations bill, and that would be considered tomorrow.

I ask unanimous consent the Senate be in a period for morning business, with Senators permitted to speak for up to 10 minutes each.

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

The Senator from Ohio.

#### — MICROENTERPRISE FOR SELF-RELIANCE AND INTERNATIONAL ANTI-CORRUPTION ACT OF 2000

Mr. DEWINE. Mr. President, I ask unanimous consent the Foreign Relations Committee be discharged from further consideration of H.R. 1143, and the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 1143) to establish a program to provide assistance for programs of credit and other financial services for microenterprises

in developing countries, and for other purposes.

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

AMENDMENT NO. 4287

Mr. DEWINE. Mr. President, Senator HELMS has an amendment at the desk, and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Ohio [Mr. DEWINE], for Mr. HELMS, proposes an amendment numbered 4287.

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

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

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. DEWINE. Mr. President, I am pleased the Senate is considering the "Microenterprise for Self-Reliance Act"—legislation that would ensure the continuation of international microenterprise grant and loan programs that are administered worldwide by the U.S. Agency for International Development (USAID). This is legislation that I introduced last year, along with Senators BINGAMAN, CHAFEE, DURBIN, KENNEDY, SCHUMER, TORRICELLI, BOXER, COLLINS, FEINSTEIN, MIKULSKI, and SNOWE. Representatives BEN GILMAN of New York and SAM GEJDENSON of Connecticut introduced a similar measure, which the House approved last year.

I thank the chairman of the Foreign Affairs Committee, Senator HELMS, and ranking member of the committee, Senator BIDEN, and the committee staff for their cooperation and insistence on this legislation. My staff and I have been working closely with these offices since last fall as well as with the administration and the Microenterprise Coalition. I thank Chairman GILMAN and the House International Relations Committee staff for their ongoing cooperation and support of this initiative.

We believe the investment in microenterprise programs that we are now investing will reduce the need for foreign assistance in the future. By passing the Microenterprise Self-Reliance Act, the Senate has a chance to ensure the future of these very successful programs and help provide a sense of hope and a future of possibilities for the poor in developing countries.

I thank my colleagues for their support of this legislation and I look forward to the continued success of the microenterprise programs.

I ask unanimous consent that the substitute amendment be agreed to, the bill be read the third time and passed, as amended, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

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

The amendment (No. 4287) was agreed to.

The bill (H.R. 1143), as amended, was read the third time and passed.

Mr. GORTON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum has been suggested. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

#### NOMINATIONS

Mr. DEWINE. Mr. President, I rise this afternoon to talk about comments that have been made, both on the floor and off the floor, with regard to the job that the distinguished Senator from Utah, the chairman of the Judiciary Committee, Mr. HATCH, has been doing in regard to judicial nominations. I rise today to commend my colleague for the outstanding work he has done in regard to these nominations.

Make no mistake about it, this is tough work. No one who has not had the opportunity to watch this from a close point of view, to see it up close and personal, really has any idea what kind of effort Senator HATCH has made to make sure nominees who come to this floor have been examined very closely and very carefully. It is proper; it is correct that this be done. No one can do a better job at this than Senator ORRIN HATCH. I have watched him, day after day, in his examination and his staff's examination and work on people who have been nominated to the judicial bench. I must say he does a tremendous job.

Senate consideration of judicial nominations is always difficult. It is always contentious. That is just the nature of the business. Yet in this Congress, under the guidance of Chairman HATCH, the Senate has confirmed 69 Federal judicial nominations—69, for those who offer criticism. Mr. President, 35 of these nominees have been confirmed earlier this year, and we have just confirmed 4 more. Yet not only has the chairman been criticized for nominees who are still pending in the Judiciary Committee, he has even been criticized for nominees who have already been confirmed; that is, nominees who are now serving, today, this very day, as Federal judges. Chairman HATCH has been criticized for not moving those nominees fast enough. I strongly disagree. I believe the chairman has done an outstanding job, a fine job. I wanted to come to the floor this afternoon to say that.

I would like to talk about the confirmation process for a moment because, again, I think many times people really don't understand what this process entails—or at least what it entails when the chairman is doing a good job. I think an explanation of the process may help those who are listening to the debate today understand

why some of the delays in confirmation of judicial nominees occur.

The President has very broad discretion, as we know, to nominate whom ever he chooses for Federal judicial vacancies. The Senate, in its role, has a constitutional duty to offer its "advice and consent" on judicial nominations. Each Senator, of course, has his or her own criteria for offering this advice and this consent on these lifetime appointments.

The Judiciary Committee, though, is where many of the initial concerns about nominees are raised and arise. Often these concerns arise before a hearing is even scheduled. Judicial nominees are required to respond to a very lengthy and a very detailed questionnaire from the Judiciary Committee. They must submit copies of every document they have ever published, any writing they have ever published, and provide copies of every speech they have ever given. If they have previously served as a judge, they must provide information regarding opinions they authored.

There are various background checks conducted on each nominee. Sometimes outside individuals or organizations provide the committee with information about a nominee. Sometimes that information from outside groups comes very early in the process. But sometimes, quite candidly, it comes later on. Each time it comes in, the committee, committee staff, and ultimately the chairman must review that information.

All of this information is, of course, available to every member of the Judiciary Committee and must be thoroughly reviewed before the nominee is granted a hearing by the committee. If questions about a nominee's background or qualifications arise, further inquiry may be necessary. The chairman will schedule a hearing for a nominee only after thorough review of a nominee's preliminary information. At the hearing, a nominee has an opportunity to respond to any remaining concerns about his or her record. But even after a hearing, sometimes followup questions are necessary to properly examine issues regarding the nominee's qualifications. Obviously, this is a long process, as it should be—as it must be. After all, these are lifetime appointments. These judges will have a tremendous impact on how our laws are interpreted and enforced.

Some nominees, of course, have clear records of achievement and superb qualifications. These nominees often move through the committee and to the Senate floor very quickly. Other nominees have records that are really not quite so clear. These nominees take more time for additional investigation and careful consideration. If a nominee is nominated late in a Congress, and that nominee has questions raised about his or her background or qualifications, it is more likely that his nomination will not be considered by the Senate.