

are told today may be the day we will begin considering the bill. It is not available. I have not seen a bill. I have asked for it. It is not available. So a piece of legislation that will be probably 2,000 pages long, if it includes everything—the House version is 1,500 pages long but does not include the three major areas, that is text to be added later, I understand.

Mr. BYRD. The Senator is correct.

Mr. DORGAN. So we are talking about a proposal that will have some of the most profound changes we have seen in 30, 40, 50 years coming to the floor of the Senate later today, and it is now 20 minutes to 1 and it is not yet available, not yet written, not yet provided to Members of the Senate. Fifty hours is not enough. I support the Senator's amendment.

I have heard in the past people say, "Well, how can we legislate if we don't have access to what is being done here?"

The Senator from West Virginia comes from a rural State, as do I. This will contain, when it gets here, essentially, a new farm bill. We are required to write a farm bill every 5 years. This is a year to write a farm bill. It is now late October. We do not yet have a farm bill.

This will contain the structure of the new farm bill. It should not be here. That is a slap in the face at rural States. It is in there. Yet, like everything else, it will have a profound impact on a rural State and almost no opportunity will exist to get at it, to amend it, and to have a thoughtful, responsible debate about what farm policy will be in our country.

This will have a substantial impact on men and women all over this country who are trying to run a family-sized farm.

Does the Senator from West Virginia have a copy of the reconciliation bill yet, or has the Senator from West Virginia sought to get a bill?

Mr. BYRD. I have sought to get a copy and a copy is not available. I have in my hands a copy of the House reconciliation bill covering 1,563 pages. As the distinguished Senator from North Dakota has pointed out, there are three titles which are yet to be supplied.

I do not know what the size of the Senate reconciliation will be. It may be longer or shorter. I think the Senator is well within reason to expect at least 1,200 to 1,500 pages.

These will be changes of great magnitude—complex—in Medicare, Medicaid, and as the Senator has already said, farm legislation. Various and sundry laws will be repealed and amended which otherwise would perhaps require hours and hours or days, even, for debate on the Senate floor.

I will certainly be pleased to add the Senator's name to my amendment. I hope that Republicans will join in supporting this amendment because they, too, should be concerned about what we are doing here—enacting legislation

of this enormity without knowing what is in the legislation, without having an opportunity to adequately study it or amend it.

I thank the Senator for his willingness to join in the presentation.

I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate will now stand in recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 12:42 p.m., recessed until 2:15 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. GREGG].

TEMPORARY FEDERAL JUDGESHIPS COMMENCEMENT DATES AMENDMENT

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to consideration of S. 1328, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 1328) to amend the commencement dates of certain temporary Federal judgeships.

The Senate proceeded to consider the bill.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I am pleased that the Senate is taking up S. 1328, a bill that amends the commencement dates of certain temporary judgeships that were created under section 203(c) of the Judicial Improvements Act of 1990 [Public Law 101-650, 104 Stat. 5101].

The minor adjustment embodied in this bill should improve the efficiency of the courts involved. This is not a controversial change, but it is a necessary one.

I am pleased to have Senators BIDEN, GRASSLEY, HEFLIN, SPECTER, SIMON, DEWINE, FEINSTEIN, and ABRAHAM as original cosponsors of this bill.

I also want to thank the Administrative Office of the U.S. Courts and the fine Federal judges, particularly Chief Judge Gilbert of the southern district of Illinois, who called to my attention the need for this legislative fix—and the need for it to be passed before December 1, 1995.

The Judicial Improvements Act of 1990 created the temporary judgeships at issue in two steps.

First, the 1990 act provided that a new district judge would be appointed to each of 13 specified districts.

Second, the act then provided that the first vacancy in the office of a district judge that occurred in those districts after December 1, 1995 would not be filled.

That two-step arrangement, which is typical in temporary judgeship bills, is required in order to ensure that the judge filling a temporary judgeship is still a full-fledged, permanent, article

III judge in accordance with the Constitution.

Thus, although a new judgeship in a given district has only a temporary effect, the individual judge appointed serves on a permanent basis in the same manner as any other article III judge.

It is the time between the appointment of a judge to a temporary judgeship and the point at which a vacant permanent judgeship is left unfilled that is key. That overlap is what effectively adds another judge to the district for a temporary period of time.

The 1990 act created the temporary judgeships in the following 13 districts: the northern district of Alabama, the eastern district of California, the district of Hawaii, the central district of Illinois, the southern district of Illinois, the district of Kansas, the western district of Michigan, the eastern district of Missouri, the district of Nebraska, the northern district of New York, the northern district of Ohio, the eastern district of Pennsylvania, and the eastern district of Virginia.

However, due to delays in the nomination and confirmation of many of the judges filling those temporary judgeships, many districts have had only a relatively brief period of time in which to take advantage of their temporary judgeship.

In the district of Hawaii and the southern district of Illinois, for example, new judges were not confirmed until October 1994. Other districts have faced similar delays.

Those delays mean that many of the temporary judgeships will be unable to fulfill congressional intent to alleviate the backlog of cases in those districts.

Many of the districts faced a particularly heavy load of drug enforcement and related matters. Those cases will not be absorbed adequately if the first judicial vacancy that occurs in those districts after December 1, 1995 must go unfilled.

This bill solves the problem by changing the second part of the temporary judgeship calculus.

The bill provides that the first district judge vacancy occurring 5 years or more after the confirmation date of the judge appointed to fill the temporary judgeship would not be filled.

In that way, each district would benefit from an extra active judge for at least 5 years, regardless of how long the appointment process took.

This will help alleviate the extra burden faced in those districts. The only district excluded from this treatment is the western district of Michigan. That district requested to be excluded because its needs will be met under the current scheme.

I also note that the judges from the affected districts have requested that this bill be enacted before December 1, 1995. After that date, some vacant judgeships will be unable to be filled under current law.

That is why this bill has some urgency. And that explains why the bill