In addition, Mr. President, Senator LAUTENBERG suggested by the use of term ''simple'' that the Administration should report on how ''simple'' the conversion of M–1 carbine is from semiautomatic to an illegal fully automatic gun. That is not what the report language calls for—it calls for an explanation of the facts. Converting the M–1 Carbine requires an M2 parts conversion kit; however, that is not readily or easily accomplished, since it is strictly controlled under the National Firearms Act of 1934.

In summary, this amendment is needed, and I regret we could not achieve it this year. With the additional information from the Administration, and an early start on the matter, I believe we will be able to right what has been a wrong to the gun collecting and importing community for many years.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. HATCH. I thank the Chair.

(The remarks of Mr. HATCH pertaining to the introduction of S. 1530 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

JUDICIAL CONFIRMATION PROCESS

Mr. HATCH. Mr. President, as we complete the 1st session of the 105th Congress, I would like to update my colleagues on how we have advanced the judicial confirmation process. Let me say from the outset that I believe one of the Senate's most important functions is its constitutional authority, and responsibility, to render advice and consent to the President in his nomination of Federal judges.

Unique in our system of Government, Federal judges serve for life, and are entirely unaccountable to the electorate. When a single Federal judge is confirmed by the U.S. Senate, he or she will exercise enormous power over our people, our States, and our public and private institutions, for years and years to come. As the scope of Federal law—both statutory and constitutional—has exploded to cover virtually all areas of our lives and culture, and as our society has become more litigious, Federal judges have come to wield vast power over countless aspects of our everyday lives. Moreover, the troubling trend toward increased judicial activism has only enhanced the power that judges exercise in our society.

As a result, I have dedicated considerable time and energy to thoroughly review each nominee in an effort to ensure that only individuals of the highest caliber are permitted to serve on the Federal bench. At the same time, of course, I am cognizant that as President, Mr. Clinton is entitled to some deference in his choice of Federal judges, and I have sought to respect the President's decisions.

To date, the Senate has confirmed 239 Clinton judges, of which 35 were confirmed this year alone. Those 239 judges represent nearly one-third of the entire Federal bench. We currently have nine judges pending on the Senate floor. If those judges are confirmed, as I hope they will be, the Senate will have confirmed 44 Federal judges during this session.

I believe that the Judiciary Committee has been proceeding fairly and at reasonable pace. Indeed, I strongly believe that we must do our best to reduce the approximately 80 vacancies that currently exist in the Federal courts. There are, however, limits to what the Judiciary Committee can do. We cannot, no matter how hard we may try, confirm judges who have yet to be nominated. Of the 43 nominees currently pending, 9 were received in the last month.

And 13 of those pending nominees are individuals simply renominated from last Congress. So, of those 80 vacancies, 45 are, in effect, a result of the administration's inaction. Forty-three total pending − 8 incomplete paperwork = 35 real nominees; 80 vacancies − 35 real nominees = 45 White House inaction.

Moreover, of the 79 total judicial nominees sent forward to the committee this year, 47 have now had hearings. Of the 47 nominees that have had hearings, 41 have been reported out of committee. Of those 41 nominees reported out of committee, 35 have been confirmed, and 9 are pending on the Senate floor.

The committee has moved noncontroversial nominees at a relatively speedy pace. In fact, I pledge that when the administration sends us qualified, noncontroversial, nominees, they will be processed fairly and promptly. Indeed, in the last few months, the administration has finally begun sending us nominees that I have for the most part found to be quite acceptable. Take Ms. Frank Hull, for example. She was nominated for a very important seat on the Eleventh Circuit. Ms. Hull was nominated June 18, had her hearing July 22, and was confirmed on September 4. This is a remarkably fast turnaround.

Or consider Mr. Alan Gold from Florida. He was nominated in February. We completed his paperwork and our review in March and April, he had a hearing shortly thereafter in May, and he was reported out of committee and confirmed before the July 4 recess.

Two other good examples are Ms. Janet Hall from Connecticut and Mr. Barry Silverman, of Arizona. Ms. Hall was nominated to the U.S. District Court June 5, 1997, the committee had a hearing on July 22, and she was confirmed September 11. Mr. Silverman may have even set the record: The committee received his nomination on November 8, held his hearing on November 12, and reported him out of committee today.

Clearly, when it comes to new, noncontroversial nominees, we are, in fact, proceeding with extraordinary speed and diligence.

More controversial nominees, however, take more time. Indeed, many of the individuals renominated from the 104th Congress have proven difficult to move for a variety of reasons. Unfortunately, of the 79 individuals nominated this Congress, only 56 have been new; the other 23 are individuals who were previously nominated, but have been controversial and proven difficult to move through the committee—much less to confirm. When the administration simply sends back nominees who had problems last Congress, it takes much more time, and is much more difficult, to process them. It is worth pointing out that there was, in virtually every instance, a reason why the Senate confirmed 239 other Clinton nominees but not those 23. And, if all we are left with are judges whom we are not ready to move, I will not compromise our advice and consent function simply because the White House has not sent us qualified nominees. As I said at the outset, the Senate's advice and consent function should not be reduced to a mere numbers game. The confirmation of an individual to serve for life as a Federal judge is a serious matter, and should be treated as such. In fact, we have sat down with the White House and Justice Department and explained the problems with each nominee, and they understand perfectly well why those nominees have not moved.

Many inaccurate accounts have been written charging that this body has unreasonably held up judicial nominations. That claim is simply not true. As of today, we have processed 47 nominees—35 confirmed, 9 on the floor, 2 are pending in committee and 1 withdrawn. Now, not all of these judges have yet been confirmed, but I expect that they will be confirmed fairly promptly. Assuming most of these nominees are confirmed, I think you will see that our efforts compare quite favorably to prior Congresses, in terms of the number of judges confirmed at this point in the 1st session of a Congress. As of today, we have confirmed 35 judges. If we confirm the 9 judges pending on the Senate floor, we will have confirmed 44 Federal judges this year.

Republicans confirmed 55 judges as of the end of the 1st session in the 104th Congress. Indeed, the Democrats confirmed only 28 judges for President Clinton at the end of the 1st session back in the 103d Congress. Although the Democrats confirmed 57 judges as of the end of the first session back in 1991, for a Republican President, they confirmed only 15 judges in 1989 and 42 judges in 1987, both for Republican Presidents. So the plain fact is that we are right on track with, if not ahead of, previous Congresses. And this is particularly significant given the fact that we have more authorized judgeships today than under Presidents Bush or Reagan. In fact, there are more sitting judges today than there were throughout virtually all of the Reagan and

Bush administrations. As of today, there are 763 active Federal judges. At this point in the 101st and 102d Congresses, by contrast, when a Democrat-controlled Senate was processing President Bush's nominees, there were only 711 and 716 active judges, respectively.

The Democrat Senate actually left a higher vacancy rate under President Bush: Just compare today's 80 vacancies to the vacancies under a Democratic Senate during President Bush's Presidency. In May 1991 there were 148 vacancies, and in May 1992 there were 117 vacancies. I find it interesting that, at that time, I don't recall a single news article or floor speech on judicial vacancies. So, in short, I think it is quite unfair, and frankly inaccurate, to report that the Republican Congress has created a vacancy crisis in our courts.

It is plain then, that current vacancies not result of Republican stall. First, even the Administrative Office of the Courts has concluded that most of the blame for the current vacancies falls on the White House, not the Senate. It has taken President Clinton an average of 534 days to name nominees currently pending, for a vacancy—well over the time it has historically taken the White House. It has taken the Senate an average of only 97 days to confirm a judge once the President finally nominates him or her, and in recent months we've been moving non-controversial nominees at a remarkably fast pace. As a result, with the exception of nominees whose completed paperwork we have not yet received, the White House has only sent up 43 nominees for these 80 vacant seats—of which 13 were received just prior to the Senate going into recess. Forty-five of those seats are, in effect vacant because of White House inaction.

Second, those vacancies were caused by a record level of resignations after the elections. During President Clinton's first 4 years, we confirmed 204 judges—a near record high, and nearly one quarter of the entire Federal bench. By the close of last Congress, there were only 65 vacancies. This is virtually identical to the number of vacancies under Senator BIDEN in the previous Congress. The Department of Justice itself stated that this level of vacancies represents virtual full employment in the Federal courts. So last Congress we were more than fair to President Clinton and his judicial nominees. We reduced the vacancy level to a level which the Justice Department itself considers virtual full employment. But after the election last fall, 37 judges either resigned or took senior status—a dramatic number in such a short period. This is what has led to the current level of 80 vacancies.

Many Judicial ''Emergencies'' are far from that: I would also like to clarify a term that is now bandied about with little understanding of what it really means a judicial ''emergency'' is simply a seat that has been unfilled for a certain period of time. In reality, though, many of those seats are far from emergencies. Indeed, of the 29 judicial emergencies, the administration has not even put up a nominee for 7 of those seats. As for the others, I think you will find that a number of the relevant districts do not in fact have an overly burdensome caseload.

And, keep in mind that the Clinton administration is on record as having stated that 63 vacancies—a vacancy rate of just over 7 percent—is considered virtual full employment of the Federal judiciary. The current vacancy rate is only 9 percent. How can a 2 percent rise in the vacancy rate—from 7 to 9 percent—convert full employment into a crisis?

It can't. The reality is that the Senate has moved carefully and deliberately to discharge its constitutional obligation to render advice and consent to the President as he makes his appointments. I am satisfied by the committee's work this session, and look forward to working with the administration in the coming months to identify qualified candidates to elevate to the Federal bench.

I yield the floor I thank the Chair.

Mr. ROBB addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

TRIBUTE TO SENATOR WILLIAM B. SPONG, JR., OF VIRGINIA

Mr. ROBB. Mr. President, I rise today to reflect on the life and service of William B. Spong, Jr., a distinguished statesman, a former U.S. Senator from the Commonwealth of Virginia, and a mentor to many of us who entered politics inspired by his extraordinary conviction.

Bill Spong died in Portsmouth, VA, on October 8, 1997, at the age of 77. He left behind a son, a daughter, five grandchildren, and a legacy of public service to the people of Virginia unmatched in his lifetime. As his childhood friend, Dick Davis, said so eloquently, ''the state has lost a leader that may never be replaced.''

Bill Spong epitomized the professional commitment and personal integrity that was his hallmark. He was a quiet giant.

The product of two outstanding Virginia universities—Hampden Sydney College and the University of Virginia School of Law—Bill Spong could have gone anywhere and made money. But he went home to Portsmouth, set up a law practice with his friend, Dick Davis, and successfully ran for the Virginia House of Delegates and then the State senate.

A philosopher once said, while ''every man is a creature of the age in which he lives, very few are able to raise themselves above the ideas of the time.'' We, in Virginia, will be forever grateful that Bill Spong was one of those rare individuals who thought—and acted—ahead of his time. While in the House of Delegates, he joined a moderate group of ''Young Turks'' to pressure the legendary Byrd Machine into investing more money into education. And as a member of the State senate in 1958, he exhibited what would become a lifetime understanding of the value of learning by chairing a statewide Commission on Public Education.

Then, in 1966, Bill Spong made history. In a Democratic primary, he challenged U.S. Senator A. Willis Robertson, a 20 year Byrd machine-backed incumbent, and won by 611 votes. ''We called him Landslide Spong,'' remembered his friend and campaign manager William C. Battle.

As a member of this body, Mr. President, Bill Spong focused not on politics, but on policy and principle. ''He agonized over legislation in his quest to do what he believed to be right,'' his former Press Secretary, Pete Glazer, said recently.

''Bill Spong was the kind of public servant we all try to emulate,'' said Congressman ROBERT C. SCOTT, ''a man of integrity who courageously stood by his convictions and his principles, even when it might not be the immediately popular thing to do.'' As Alson H. Smith, Jr., reflected: ''If Bill Spong thought it was right, he did it.''

Mr. President, Bill Spong was a statesman.

But 1972 taught us that Senators with great courage can be demagogued and out spent, and Bill Spong lost his Senate seat amidst George McGovern's landslide defeat to Richard Nixon. ''In the Watergate year of 1971,'' remembered his college friend, and former U.S. attorney, Tom Mason, ''Bill Spong became an early victim of the 11th hour 30-second television spots that continue to plague our political system.'' ''In my judgement,'' Mason said, ''Bill Spong's defeat in 1972 was one of the worst developments in Virginia's political history.''

The Senate's great loss, however, was the Commonwealth's great gain, as Bill Spong left this institution to continue his extraordinary service to Virginia. He became dean of William and Mary's Marshall-Wythe School of Law in 1976 and his stewardship brought our Nation's oldest law school from near ruin to national prominence. In 1989, he became the interim president of Old Dominion University in Norfolk.

''He had a real intellectual bent,'' remembered Bill Battle. ''He was probably more comfortable as Dean of the Law School at William and Mary than at any other time of his life.''

''His sense of humor was unbelievable,'' Battle continued. ''When we were in law school together after World War II, he was always where the trouble was but never in it. It's hard to believe he's no longer around.''

Mr. President, we may mourn Bill Spong's death. We may remember his life. But we may never know the breadth of his legacy, or the inspiration he lent along the way. No political leader in the Commonwealth was more responsible for my own entry into Virginia politics than Bill Spong. Dick