

Chair be authorized to appoint the following conferees, which I send to the desk.

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

Under the order of March 12, 1998, all after the enacting clause of H.R. 2400 is stricken, and the text of S. 1173, as amended, is inserted in lieu thereof. The bill is read a third time and passed, the Senate insists on its amendment, and requests a conference with the House.

The Presiding Officer (Mr. HUTCHINSON) appointed from the Committee on Environment and Public Works, Mr. CHAFEE, Mr. WARNER, Mr. SMITH of New Hampshire, Mr. KEMPTHORNE, Mr. INHOFE, Mr. THOMAS, Mr. BOND, Mr. HUTCHINSON, Mr. ALLARD, Mr. SESSIONS, Mr. BAUCUS, Mr. MOYNIHAN, Mr. LAUTENBERG, Mr. REID, Mr. GRAHAM, Mr. LIEBERMAN, Mrs. BOXER and Mr. WYDEN; from the Committee of Finance, Mr. ROTH, Mr. GRASSLEY, Mr. HATCH, Mr. BREAUX, and Mr. CONRAD; from the Committee on Banking, Housing and Urban Affairs, Mr. D'AMATO, Mr. GRAMM, Mr. SHELBY, Mr. SARBANES, and Mr. DODD; from the Committee on Commerce, Science and Transportation, Mr. MCCAIN, Mr. STEVENS and Mr. HOLLINGS; from the Committee on the Budget, Mr. DOMENICI, Mr. NICKLES, and Mrs. MURRAY conferees on the part of the Senate.

The PRESIDING OFFICER. S. 1173 is indefinitely postponed.

#### AUTHORIZING APPOINTMENTS DURING ADJOURNMENT

Ms. COLLINS. Mr. President, I ask unanimous consent that not withstanding the adjournment of the Senate, the President of the Senate, the President of the Senate pro tempore, and the majority and minority leaders be authorized to make appointments to commissions, committees, boards, conferences, or interparliamentary conferences authorized by law, by concurrent action of the two Houses, or by order of the Senate.

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

#### EXECUTIVE SESSION

#### EXECUTIVE CALENDAR

Ms. COLLINS. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on the Executive Calendar: Nos. 526, 535, 536, 537, 555, 556, 557, 563, 564, and 565.

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

I ask unanimous consent that the nominations be confirmed en bloc, that the motion to reconsider be laid upon the table, and any statements relating to these nominations appear at this point in the RECORD, and that the President be immediately notified of

the Senate's action, and that the Senate then return to legislative session.

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

The nominations considered and confirmed en bloc are as follows:

#### EXECUTIVE OFFICE OF THE PRESIDENT

Thomas J. Umberg, of California, to be Deputy Director of Supply Reduction, Office of National Drug Control Policy.

#### DEPARTMENT OF LABOR

Richard M. McGahey, of New York, to be an Assistant Secretary of Labor.

#### DEPARTMENT OF COMMERCE

Robert J. Shapiro, of the District of Columbia, to be Under Secretary of Commerce for Economic Affairs.

#### DEPARTMENT OF TRANSPORTATION

John Charles Horsley, of Washington, to be Associate Deputy Secretary of Transportation.

#### THE JUDICIARY

Kermit Lipez, of Maine, to be United States Circuit Judge for the First Circuit.

Robert T. Dawson, of Arkansas, to be United States District Judge for the Western District of Arkansas.

Johnnie B. Rawlinson, of Nevada, to be United States Judge for the District of Nevada.

#### OFFICE OF SPECIAL COUNSEL

Elaine D. Kaplan, of the District of Columbia, to be Special Counsel, Office of Special Counsel, for the term of five years.

#### THE JUDICIARY

Melvin R. Wright, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.

Ruth Y. Goldway, of California, to be a Commissioner of the Postal Rate Commission for a term expiring November 22, 2002.

#### NOMINATION OF JUDGE KERMIT V. LIPEZ TO THE FIRST CIRCUIT COURT OF APPEALS

Ms. COLLINS. I rise in support of No. 555 on the Executive Calendar, the nomination of Kermit Lipez, of Maine, to the first circuit.

Mr. President, it is an honor and a pleasure to rise to speak in support of the nomination of Justice Kermit Lipez to serve on the First Circuit Court of Appeals.

Having spent the past 12 years as a member of the Maine judiciary, Justice Lipez is a highly respected jurist. With experience at both the trial and appellate court levels, it is fair to say that he has been tested for the position for which he has now been nominated and that he has passed that test with flying colors.

Justice Lipez is universally praised in Maine for his judicial temperament, his sense of fairness, and his intellectual capabilities. His demeanor is consistently that of a gentleman, treating witnesses, jurors, attorneys, and spectators with great respect, and ensuring that others follow his example. He makes the courtroom a far less intimidating place for the average person.

Justice Lipez's reputation for impartiality is reflected in the high regard in which he is held by all segments of the bar. Indeed, people who agree on little else agree on his sense of fairness. He was appointed to the Maine Superior Court by a Democratic Governor, he

was appointed to the Maine Supreme Court by a Republican Governor, and he was recently praised by an Independent Governor. If public trust in our court system hinges on the belief that the courtroom is a place where everyone can expect equal treatment, no one in Maine has done more to promote that perception than Justice Lipez.

The nominee is also a man who combines great intellectual acumen with considerable common sense. He has that rare ability to deal with the most cerebral of issues while keeping his feet planted firmly on the ground. Despite the talent he possesses and the respect he commands, he is a person of humility, an essential trait for someone empowered to sit in judgment of others.

Mr. President, Kermit Lipez's dedication to his profession is beyond question. As a judge's son, he came to the bench with considerable knowledge of the judicial function. Yet, shortly after his appointment to the State Superior Court, he took the unusual step of obtaining a master's degree in judicial process from the University of Virginia School of Law.

Justice Lipez understands not only the powers of a judge but also the limits on those powers. To use his own words, courts exist to resolve "particularized disputes. They do not decide the wisdom of laws. . . . [They] squander their resources and their authority when they try to manage problems or impose solutions beyond their competence and their proper role."

Mr. President, Justice Lipez has excelled in everything he has undertaken—whether as a legislative aide to former Senator Muskie, a private practitioner, a trial judge, or a Justice on Maine's Supreme Judicial Court—and I am confident that he will excel as a member of the First Circuit Court of Appeals.

Senator SNOWE has been a very strong advocate for Justice Kermit Lipez. It was, in fact, Senator SNOWE's husband who appointed Justice Lipez to the court in Maine. I am delighted to be here tonight to speak on behalf of this nomination.

#### IN SUPPORT OF JUSTICE KERMIT LIPEZ

Ms. SNOWE. Mr. President, I rise today to express my strong support of Justice Kermit Lipez's nomination to become a judge on the First Circuit of the U.S. Court of Appeals.

Justice Lipez has many qualifications to recommend him and I want to take a few minutes to touch on them. But before I begin, I want to take this opportunity to thank the Chairman of the Judiciary Committee, Senator HATCH, for all that he has done in getting the Committee to promptly consider Justice Lipez's nomination and bringing us to this vote today. Throughout this process, Senator HATCH has been consistently thoughtful and cooperative, and I want him to know how much I appreciate his invaluable contributions and assistance.

The Senate's action today will be the culmination of an exemplary career on

the state bench—a career that has earned Justice Lipez universal respect in Maine's legal community, regardless of political affiliation. This is a man who was appointed to the state bench by a Democratic Governor, was promoted to the Maine Supreme Court by a Republican Governor—my husband, John McKernan, Jr.—and whose nomination to the First Circuit was enthusiastically supported by Maine's current Independent Governor.

Likewise, it was no coincidence that Maine's entire Congressional Delegation—representing both parties—stood proudly with Justice Lipez and testified on his behalf at his nomination hearing. All of this points to one irrefutable fact: by all accounts and by any measure, Kermit Lipez is an exceptional judge. And he will make us proud.

At Justice Lipez's hearing before the Judiciary Committee, my friend from Delaware, Senator BIDEN, noted the high regard in which the First Circuit is held. He wanted to impress upon Justice Lipez that, if confirmed, he would join a very impressive and effective court. I trust and share my friend from Delaware's assessment of the First Circuit—and I want to assure him and all of my colleagues that in this regard, Justice Lipez and the First Circuit are an ideal match.

That is not a statement I make lightly. The facts reveal a judge that for thirteen years on the state bench has been a judge personally and professionally dedicated to excellence.

But you don't have to take my word for it. Since the President nominated Justice Lipez for this post, I have been privileged to read numerous letters in support of his nomination.

Justice Lipez's has been called a "... truly outstanding nomination," by a senior member of the First Circuit, Judge Frank Coffin. He has been characterized as "... at the top of Maine's jurists" by the Dean of the University of Maine's Law School, Donald Zillman. And his present colleagues on Maine's Supreme Court have commented that he works as hard on their cases as he does on his own, and for that, they will miss him.

It's not just Justice Lipez's colleagues or his congressional delegation who support him, but just about anybody who has taken the time to review his record. An editorial that ran in Maine's largest newspaper, the Portland Press Herald, put it this way: "... (he) has proven to be a fair and thoughtful judge during his 12 years on the state Superior and Supreme Courts. ... Lipez's resume and record ... transcend politics."

Maine's second largest newspaper, the Bangor Daily News, echoed this sentiment, commenting that Justice Lipez was "remarkably talented" and that "... the state should feel nothing but honor that Kermit Lipez will represent Maine on the second-highest court in the nation." Mr. President, I couldn't agree more.

I believe we should expect any federal judge to demonstrate a personal dedication to his or her work, a thorough understanding of the law, and a balanced approach to jurisprudence. Justice Lipez has demonstrated all of these attributes with admirable regularity.

What makes me so proud to support his nomination, however, is the fact that he will bring so much more than just the prerequisites to the federal bench.

For with Justice Lipez also comes a deep respect for the law—and a judge's role in its administration. With him comes an outstanding legal mind that is not only able, but willing to make the right decision even when it's not the easy or expeditious one. And with the nomination of Justice Lipez, the federal bench will welcome a man of the utmost personal integrity—a man well represented by his work ethic, his tremendous talent, and his irreproachable personal character.

Mr. President, I am proud that Justice Lipez will represent Maine on the First Circuit. He has precisely the kind of experience and disposition that we should expect from all our nominees. He is well-tested, remarkably talented, and perfectly suited for the demanding work of the federal bench. The President and the Judiciary Committee have acted wisely in forwarding Justice Lipez's nomination, and it is time for the Senate to do likewise by confirming him. I hope all of my colleagues will join me in supporting this outstanding nominee.

#### STATEMENT ON THE NOMINATION OF JOHNNIE B. RAWLINSON

Mr. REID. Mr. President, Johnnie B. Rawlinson was born in Concord, North Carolina on December 16, 1952. The fourth of seven children, Johnnie grew up in Kannapolis, North Carolina where she attended public school and was a member of the first integrated class at A.L. Brown High School in Kannapolis. Upon graduation, Johnnie received a full scholarship to attend North Carolina A&T University in Greensboro, North Carolina. She majored in psychology and graduated Summa Cum Laude with a Bachelor's of Science degree in 1974.

Johnnie met Dwight Rawlinson, her husband of 21 years, while they were both juniors at A&T. They married in 1976 and moved to California where Dwight, an officer in the Air Force, had been transferred. Johnnie enrolled at the University of the Pacific's McGeorge School of Law where she had been granted a full academic scholarship. In November of 1977, at the beginning of her second year of law school, Dwight was transferred to Nellis Air Force Base. Pregnant with their first child, Johnnie stayed in California to finish up her schooling. In 1978, Dwight joined her for spring break and together they celebrated the birth of their daughter Monica. Since Nevada has no law school, Dwight and Johnnie decided that Johnnie and Monica would

return to California for her third and final year of law school. Monica attended classes with her mother and they both returned to Nellis for long weekends and summers. In 1979, Johnnie B. Rawlinson graduated in the top ten percent of her law school class, the first attorney in her family.

Johnnie was admitted to the California Bar in 1979 and the Nevada Bar in 1980. While she was waiting to find out her Bar results, she worked as a law clerk for John O'Reilly, former Chair of the Nevada Gaming Commission. In June of 1980, she went to work as a staff attorney for Nevada Legal Services, where she worked on landlord-tenant disputes and unemployment compensation. After four months of work for Legal Services, in October of 1980, she was hired as Deputy District Attorney by Nevada Governor Bob Miller, who was then serving as Clark County DA.

For the past 17 years, Rawlinson has moved steadily up the ladder at the District Attorney's office. She served for nine years as a Deputy District Attorney, developing expertise in the areas of Arbitration, Collection Law, Hospital Law, Local Government Purchasing, Employment Law, Labor Law, Civil Litigation and Workers Compensation. In September 1989, she was promoted to Chief Deputy District Attorney and in January of 1995, Clark County DA Stewart Bell promoted her to Assistant District Attorney. In her current position, she supervises the Civil, Family Support, and Administration Divisions of the office. She presents evidence at Coroner's Inquests and is the Chair of the Professional Hiring Committee.

In the mid 1980s, Governor Richard Bryan appointed Rawlinson to the Welfare Board where she served until 1991. In 1991, she made it to the final round of the interview process for an open position as U.S. Magistrate in Nevada District Court. When another Magistrate position opened up in Northern Nevada, she was named to the Magistrate Judge Selection Committee.

A past member of the State of Nevada Board of Governors and a past board member of the Clark County Bar Association, the Southern Nevada Association of Women Attorneys, and the Las Vegas Chapter of the National Bar Association, Rawlinson plays an active role in Nevada legal affairs. She currently serves on the State Bar of Nevada Board of Bar Examiners and is Chair of the Lawyer Referral Services Committee. She has also served as a lawyer representative to the Ninth Circuit Judicial Conference and currently serves as a member of Judge Phillip Pro's Civil Justice Reform Act Advisory Group. A frequent lecturer to the Lorman Business Institute, Rawlinson has also served as an Adjunct Professor of Hospital Law at the College of St. Francis and as an adjunct Professor of Employment Law at the Community College of Southern Nevada.

Today, Johnnie and Dwight Rawlinson are the proud parents of

three children: Monica, a graduate of Western High, received her own full academic scholarship to South Carolina State University where she is in her sophomore year studying pre-med; Traci is entering the ninth grade at Western High and David is a second grader at Howard Wasdenn Elementary School.

Residents of Clark County for close to twenty years, the Rawlinsons enjoy spending time with their family and friends from church. An active member of the Church of Christ in North Las Vegas, Johnnie served as Secretary of the Church for 10 years and taught Sunday school as well.

In late August 1997, I sent Rawlinson's name to the President as my nominee for Federal District Court Judge for the District of Nevada. On January 27, 1998, President Clinton formally nominated her for a seat on the federal bench. She was unanimously reported out of the Senate Judiciary Committee on March 26, 1998. Tonight she was confirmed by the Senate. Johnnie B. Rawlinson will be the first African American and the first woman to serve as a Nevada Federal District Court Judge.

#### JUDICIAL CONFIRMATIONS

Mr. LEAHY. Mr. President, I thank the Majority Leader for calling up the nominations of Justice Kermit Lipetz to the First Circuit Court of Appeals, Mrs. Johnnie Rawlinson to the District Court for the District of Nevada and Mr. Robert T. Dawson to the District Court for the Western District of Arkansas.

Before adjourning for a two-week recess, it is important for the Senate to clear its calendar of nominations to the maximum extent possible. Certainly the confirmation of these outstanding nominee, which the President sent to us back in October and November last year and earlier this year, are a step in the right direction. I have been urging the Majority Leader to move judicial nominations through the Senate and I thank him for doing so with respect to these nominees.

As the Senate prepares to recess, eight judicial nominations still remain on the calendar awaiting Senate action. With these three additional confirmations, the Senate will still have confirmed less than 20 judges for the year. This, at a time when we have already witnessed 100 vacancies so far this year and we see another 10 on the horizon. So, while I thank the Senate for its actions today, I must note that we have not closed the vacancies gap or ended the crisis of which the Chief Justice of the United States Supreme Court warned in his most recent year end report.

Most troubling to me are the continuing vacancies on the Second Circuit. I deeply regret the Senate's unwillingness to date to vote upon the nomination of Judge Sonia Sotomayor to the Second Circuit or to provide hearings for Judge Rosemary Pooler, Robert Sack and Chester Straub. I will

redouble my efforts to end the emergency that currently exists in the Second Circuit due to the five vacancies on that 13-member court.

I look forward to prompt action on all of the 36 judicial nominees still pending before the Senate. In addition, I urge the President to make good use of the next several days and to continue to send to the Senate qualified nominees for each of the judicial vacancies.

#### LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

#### CHILD SUPPORT PERFORMANCE AND INCENTIVE ACT OF 1998

Ms. COLLINS. I ask unanimous consent that the Finance Committee be discharged from further consideration of H.R. 3130, and, further, that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 3130) to provide for an alternative penalty procedure for States that fail to meet Federal child support data processing requirements, to reform Federal incentive payments for effective child support performance, to provide for a more flexible penalty procedure for States that violate interjurisdictional adoption requirements, to amend the Immigration and Nationality Act to make certain aliens determined to be delinquent in the payment of child support inadmissible and ineligible for naturalization, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

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

#### AMENDMENT NO. 2286

Ms. COLLINS. Senator Roth has a substitute amendment at desk and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Maine [Ms. COLLINS], for Mr. ROTH, proposes an amendment numbered 2286.

Ms. COLLINS. I ask unanimous consent that the 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.")

Ms. COLLINS. I ask unanimous consent that the amendment be agreed to.

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

The amendment (No. 2286) was agreed to.

Mr. ROTH. Mr. President, on behalf of the Finance Committee, I am joining with Senator MOYNIHAN and others

today to bring H.R. 3130, the Child Support Performance and Incentive Act of 1998, before the Senate. This important bill passed the House of Representatives earlier this month by a vote of 414 to 1.

When a bill passes the House by that wide of a margin, it is either non-controversial, of limited national significance, or an extremely important piece of legislation with broad and deep support. H.R. 3130 clearly falls within this last category.

The work on this legislation began shortly after the "Personal Responsibility and Work Opportunity Reconciliation Act of 1996" was signed into law. The 1996 welfare reform act required the Secretary of Health and Human Services to recommend to Congress a new, budget-neutral performance-based incentive system for the child support enforcement program. H.R. 3130 incorporates those recommendations which were developed in consultation with 26 representatives of state and local child support enforcement systems. The new incentive program is the centerpiece of this bill.

Under current law, the Federal Government returns more than \$400 million per year in child support collections to the states as incentive payments. But this incentive structure has been criticized for years as weak and inadequate. All States, regardless of actual performance, receive some incentive payments. But for more than a decade, performance has not been tied to the national goals of the program.

H.R. 3130 breaks with the past and creates five categories in which state performance will be evaluated and rewarded.

The States will be measured according to their performance in paternity establishment, establishment of court orders, collections of current child support payments, collections on past due payments, and cost effectiveness.

The legislation also requires the Secretary of Health and Human Services to make a future recommendation on adding another performance measure on medical support orders. Let me particularly thank Senator ROCKEFELLER for his work in designing a strategy to overcome the inherent barriers to medical support orders.

The new incentive structure is an important development not only for the child support enforcement system but also as a model for improving accountability and performance in government.

The second important feature of this bill is to provide for an alternative penalty procedure for those states that have failed to meet federal child support data processing requirements. Less than half of the States have been certified as in compliance. Without this change, states face not only the loss of their entire child support grant, but all of their funds in the Temporary Assistance for Needy Families program as well.