

educated enough to know about less expensive, or maybe even safer, alternatives. Certainly, the advertising costs are passed along to the consumer.

Is the information value worth the yearly increases in drug costs that advertising inevitably causes? Are patients getting the best individualized choices of medicines or the just best advertised ones? Are generic drugs, often an excellent cost-effective alternative, getting equal consideration?

Frankly, I have my concerns about this practice. Many professional organizations have gone on record as opposing the kinds of direct-to-consumer advertising that goes on today. I believe it bears very close watching and we all need to closely scrutinize its value and its place within the health care system.

NEW JERSEY STORMWATER MANAGEMENT PROJECT

Mr. TORRICELLI. Mr. President, I rise today regarding a matter of great importance to the entire State of New Jersey. My home state is confronted with an array of complex challenges related to the environment and economic development. However, one issue in particular, the over development of land and stormwater management, has become especially concerning because of the impact it is having on our watersheds and floodplains.

As you may know, this past August vast parts of northern New Jersey were devastated by flooding caused by severe rainfall. The resulting natural disaster threatened countless homes, bridges and roads, not to mention the health, safety and welfare of area residents. The total figure for damages in Sussex and Morris Counties alone has been estimated at over \$50 million, and area residents are still fighting to restore some degree of normalcy to their lives. According to the Federal Emergency Management Agency, in just those two counties, 34 dams were damaged, 6 bridges were damaged and 4 were destroyed, and 10 municipal buildings were damaged.

While the threat of future floods continues to plague the region, one New Jersey institution is taking concrete steps to prevent another flooding catastrophe. The New Jersey Institute of Technology, NJIT, has been studying the challenges posed by flooding and stormwater flows for some time, and is ready to create a multi-agency federal partnership to continue this important research.

NJIT is one of New Jersey's premier research institutions and is uniquely equipped to carry out this critical stormwater research. The university has a long and distinguished tradition of responding to difficult public-policy challenges such as environmental emissions standards, aircraft noise, traffic congestion and alternative energy. More broadly, NJIT has demonstrated an institutional ability to direct its intellectual resources to the

examination of problems beyond academia, and its commitment to research allows it to serve as a resource for unbiased technological information and analysis. Indeed, I originally requested that NJIT be given the funds to take on this Stormwater flood control and management project.

Despite that, the 2000 Water Resources Development Act, WRDA, still presents an excellent opportunity for NJIT to partner with the federal government and solve the difficult problem of flood control. At my request, and in close coordination with my House colleagues from the state delegation, the final version of this important legislation includes a provision directing the U.S. Army Corps of Engineers to develop and implement a stormwater flood control project in New Jersey and report back to Congress within three years on its progress. While the Corps of Engineers is familiar with this problem at the national level, it does not have the firsthand knowledge and experience in New Jersey that NJIT has accrued in its 119 years of service to New Jersey. Including NJIT's expertise and experience in this research effort is a logical step and would greatly benefit the Army Corps, as well as significantly improve the project's chances of success.

Therefore, I urge the New York District of the Corps of Engineers to work closely with my office and NJIT to ensure the universities full participation in this study. By working together, we can create a nexus between the considerable flood control expertise of the Army Corps and NJIT, and finally solve this difficult problem for the people of New Jersey. I hope my colleagues will support my efforts in this regard.

SENATE'S FAILURE ON JUDICIAL NOMINATIONS IN 106TH CONGRESS

• Mr. LEAHY. Mr. President, of the 105 judicial vacancies that have occurred so far this year, the Senate has acted to fill only 39. The last year of the Bush Administration, a presidential year in which we had the reverse situation with a Republican President and a Democratic Senate, the Senate confirmed 66 judges—70 percent more than the number confirmed this year. Over the 2-year span of this Congress, the Senate will have confirmed only 73 judges. By contrast, the Democratic Senate in the last two years of President Bush's Administration confirmed 124 judges—70 percent more judges than the number confirmed by this Congress. Indeed, in the last eleven weeks of Congress in 1992, a Democratic Senate held four judicial nominations hearings and confirmed 29 judges. In the last eleven weeks of this Congress, Republicans will have managed to hold no hearings and confirm no judges.

President Clinton has tried to make progress on bringing greater diversity to our federal courts. He has been successful to some extent. With our help, he could have done so much more. We

will end this Congress without having acted on any of the African American nominees sent to us to fill vacancies on the Fourth Circuit and finally integrate the Circuit with the highest percentage of African American population in the country, but the one Circuit that has never had an African American judge. We could have acted on the nomination of Kathleen McCree Lewis and confirmed her to the Sixth Circuit to be the first African American woman to sit on that Court. Instead, we will end the year without having acted on any of the outstanding nominees to the Sixth Circuit pending before us.

This Judiciary Committee reported only three nominees to the Courts of Appeals all year. We held hearings without even including a nominee to the Courts of Appeals and denied a Committee vote to two outstanding nominees who succeeded in getting hearings. I certainly understand the frustration of those Senators who know that Roger Gregory, Judge James Wynn, Kathleen McCree Lewis, as well as Judge Helene White, Bonnie Campbell and others should have been considered by this Committee and voted on by the Senate this year.

There continue to be multiple vacancies on the Third, Fourth, Fifth, Sixth, Ninth, Tenth and District of Columbia Circuits. With 24 current vacancies, our appellate courts have nearly half of the total judicial emergency vacancies in the federal court system. I note that the vacancy rate for our Courts of Appeals is more than 12 percent nationwide. If we were to take into account the additional appellate judgeships included in the Hatch-Leahy Federal Judgeship Act of 2000, S. 3071, a bill that was requested by the Judicial Conference to handle current workloads, the vacancy rate on our federal courts of appeals would be more than 17 percent.

The Chairman declares that "there is and has been no judicial vacancy crisis" and that he calculates vacancies at "less than zero." The extraordinary service that has been provided by our corps of senior judges does not mean there are no vacancies. In the federal courts around the country there remain 66 current vacancies and 12 more on the horizon. With the judgeships included in the Hatch-Leahy Federal Judgeship Act of 2000, there would be over 135 vacancies across the country. That is the truer measure of vacancies, many of which have been long-standing judicial emergency vacancies in our southwest border states. The Chief Judges of both the Fifth and Sixth Circuits have had to declare their entire courts in emergencies since there are too many vacancies and too few Circuit judges to handle their workload.

After creating 85 additional judgeships in 1990, Congress reduced the vacancies from 131 in 1991, to 103 in 1992, to 112 in 1993, to 63 in 1994. Vacancies were going down and we were acting with Republican and Democratic Presidents to fill the 85 judgeships created