

need to explore how the tax incentives can be restructured to make ETBE more price-competitive with MTBE, so that ethanol can play a greater role in the reformulated gasoline market.

Finally, Congress should be willing to provide sufficient encouragement to the rest of the ethanol industry to allow it to continue converting corn and other grains into high grade liquid fuel and proteins, generating much needed rural employment and investment, and improving air quality. This can be done while still limiting our tax expenditures and contributing to a balanced Federal budget.

Since its inception in the late 1970's, the domestic ethanol industry has helped reduce our dependence on foreign oil, create rural jobs and greater farm income, and provide consumers with a choice of oxygenated fuels. That is a track record that makes sense for America, and that should neither be discounted nor abandoned. It is my hope that in the near future a constructive dialog can begin in Congress on how to extend the tax incentives in a fiscally prudent and economically effective manner beyond the year 2000. I am committed to that goal.

#### DISTRICT COURT BACKLOG AND JUDICIAL VACANCIES

Mr. LEAHY. Mr. President, for the past several months I have spoken about the crisis being created by the almost 100 vacancies that are being perpetuated on the Federal courts around the country and the failure of the Senate to carry out its constitutional responsibilities to advise and consent to judicial confirmations.

Today, the Washington Post, in an excellent article written by Sue Anne Pressley, focused on the consequences of this judicial crisis in one district court in Texas, the southern district of Texas. The article reports on the growing drug and immigration cases that are inundating this district court and the lack of Federal judges needed to administer justice in these cases.

This district has two vacancies, one open since December 1, 1990, and the President has nominated Hilda Tagle to fill this judicial emergency vacancy. Ms. Tagle's nomination was first received by the Senate Judiciary Committee on August 10, 1995, but she has yet to have a hearing before the committee.

This district in Texas is only one example of crisis that affects the entire country. We could find similar backlog problems in district courts in California, Florida, and other States that are swamped with rising cases and unfilled judicial vacancies. Yesterday, I met with members of the Federal Judges Association who are very concerned about the growing backlogs and rising caseloads in Federal courts across the Nation.

I want to commend Senators BOXER, SARBANES, and KENNEDY for joining me yesterday on the Senate floor to speak

out against the Senate's current stall on confirming Federal judges. I also want to commend Senator KOHL for his similar remarks today.

Mr. President, confirming Federal judges should not be a partisan issue. The administration of justice is not a political issue. Working together, the Senate should do our constitutionally mandated job and proceed to confirm the judges we need for the Federal system.

I ask unanimous consent that today's Washington Post article titled "Cases Pile Up As Judgeships Remain Vacant" be printed in the RECORD immediately after my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, May 15, 1997]

#### CASES PILE UP AS JUDGESHIPS REMAIN VACANT

(By Sue Anne Pressley)

LAREDO, Tex.—The drug and illegal immigrant cases keep coming. No sooner does Chief U.S. District Judge George Kazen clear one case than a stack of new cases piles up. He takes work home at night, on weekends.

"It's like a tidal wave," Kazen said recently. "As soon as I finish 25 cases per month, the next 25 are on top of me and then you've got the sentence reports you did 2 months before. There is no stop, no break at all, year in and year out, here they come."

"We've already got more than we can say grace over down here," he said.

This is what happens to a federal judge on the southern border of the United States when Washington cracks down on illegal immigration and drug smuggling. It is a situation much aggravated by the fact that the Senate in Washington has left another federal judgeship in this district vacant for 2 years, one of 72 vacancies on federal district courts around the country.

As Border Patrol officers and other federal agents swarm, this southernmost region of Texas along the Mexican border in ever-increasing numbers, Judge Kazen's docket has grown and grown. He has suggested, so far unsuccessfully, that a judgeship in Houston be re-assigned to the Rio Grande Valley to help cope.

In Washington, where the laws and policies were adopted that has made Kazen's life so difficult, the Senate has made confirmation of federal judges a tedious process, often fraught with partisan politics. In addition to the 72 federal district court vacancies (the trial level), there are 25 circuit court vacancies (the appellate level) and two vacant international trade court judgeships across the country, leaving unfilled 99 positions, or 11 percent of the federal judiciary. Twenty-six nominations from President Clinton are pending, according to Jeanne Lopatto, spokeswoman for the Senate Judiciary Committee, which considers nominations for recommendation to the full Senate for confirmation.

#### ON TEXAS BORDER, CASES WON'T WAIT FOR WRANGLING ON JUDICIAL VACANCIES

Of those 99 vacancies, 24 qualify as judicial emergencies, meaning the positions have been vacant more than 18 months, according to David Sellers of the administrative Office of the U.S. Courts. Two of the emergencies exist in Texas, including the one in Kazen's southern district.

Lopatto said the thorough investigation of each nominee is a time-consuming process. But political observers say Republicans, who run the Senate, are in no hurry to approve

candidates submitted by a Democratic president. The pinch is particularly painful here in border towns. The nominee for Brownsville, in Kazen's district, has been awaiting approval since 1995. Here in Laredo, Kazen's criminal docket has increased more than 20 percent over last year.

"We have a docket," he said, "that can be tripled probably at the drop of a hat. . . . The Border Patrol people, the Customs people at the [international] bridges will tell you, they don't catch a tenth of who is going through. The more checkpoints you man, the more troops you have at the bridges, will necessarily mean more stops and more busts."

And many more arrests are expected, the result of an unprecedented focus on policing the U.S.-Mexican border. Earlier this year, Clinton unveiled a \$367 million program for the Southwest for fiscal 1998, beginning Oct. 1, that includes hiring 500 new Border Patrol agents, 277 inspectors for the Immigration and Naturalization Service, 96 Drug Enforcement Administration agents and 70 FBI agents.

In Kazen's territory, the number of Border Patrol agents already has swollen dramatically, from 347 officers assigned to the Laredo area in fiscal 1993 to 411 officers in fiscal 1996. More tellingly, in 1993, agents in the Laredo sector arrested more than 82,000 people on cocaine, marijuana and illegal immigration charges. By 1996, arrests had soared to nearly 132,000, according to data supplied by the INS.

All of which is keeping Kazen and the other judges here hopping. "I don't know what the answer is," said U.S. District Judge John Rainey, who has been acting as "a circuit rider" as he tries to help Kazen out in Laredo from his post in Victoria, Tex. "I certainly don't see it easing up anytime soon. There still seems to be such a demand for drugs in this country, and that's what causes people to bring them in. Until society changes, we won't see any changes down here."

In a letter to Rep. Henry B. Gonzalez (D-Tex.) in February, Kazen outlined the need for a new judge in the Laredo or McAllen division, rather than in Houston, where a vacancy was recently created when then-Chief Judge Norman Black assumed senior status. "The 'border' divisions of our court—Brownsville, McAllen and Laredo—have long borne the burden of one of the heaviest criminal dockets in the country, and the processing of criminal cases involves special pressures, including those generated by the Speedy Trial Act," he wrote.

On a recent typical day, Kazen said, he sentenced six people on drug charges and listened to an immigration case. His cases tend to involve marijuana more often than cocaine, he said.

"The border is a transshipment area," he said. "The fact is, a huge amount of contraband somehow crosses the Texas-Mexican border, people walking through where the river is low, and there are hundreds and hundreds of miles of unpatrolled ranchland."

"In some cases," Kazen continued, "we're seeing a difference in the kind of defendant. We're almost never seeing the big shots—we're seeing the soldiers. Once in a while, we'll see a little bigger fish, but we're dealing with very, very smart people. We see some mom-and-pop stuff, too. There was a guy who came before me who had been in the Army umpteen years, and he needed the money, he was going bankrupt, so he did this 600-pound marijuana deal. He said he stood to pick up \$50,000, and now he's facing five to 40 years."

"We see kids 18 and 19 years old," Kazen said. "We see pregnant women. We see disabled people in wheelchairs. This is very, very tempting stuff."

In Washington, the argument over court vacancies continues. On April 30, Attorney General Janet Reno told the Judiciary Committee, "Chief judges are calling my staff to report the prospect of canceling court sittings and suspending civil calendars for lack of judges, and to ask when they can expect help. This committee must act now to send this desperately needed help."

In remarks yesterday to the Federal Judges Association meeting in Washington, Reno warned that "the number [of vacancies] is growing."

"As you are no doubt aware," Reno told the judges, "the level of contentiousness on the issue of filling judicial vacancies has unfortunately increased in recent times."

#### FIELD HEARING ON INTRASTATE AIR SERVICE IN COLORADO

Mr. CAMPBELL. Mr. President, today I want to call my colleagues' attention to an important issue facing the Western Slope of my home State of Colorado; namely, the lack of quality and reliable air service.

I have long been concerned about this problem facing the residents and the business community in western Colorado. I have received hundreds of complaints from constituents up and down the Western Slope and have experienced many of these problems myself. For example, on numerous occasions I have found myself waiting for a delayed flight for several hours only to find out later on that the flight had been canceled. On one occasion, the pilot showed up only to announce that he was not certified to fly the plane.

To address this issue, I held a field hearing on Wednesday, April 2, in Grand Junction, CO, to hear testimony firsthand from citizens and representatives of the business community. Witnesses at the hearing included representatives from the airlines industry, consumers as well as the business community.

The testimony presented reflected the deep concern among business leaders and consumers in western Colorado about the lack of adequate air service. Many of the witnesses testified to the lack of competition in air service in western Colorado after deregulation. They further stressed that their concerns center around late arrivals, canceled flights, discontinuation of service, over booked flights, inadequate aircraft that cannot handle passenger baggage, inadequate safety procedures, inconvenient schedules and costs and high turnover of pilots.

Because of the importance of this testimony, I wrote to the acting administrator of the Federal Aviation Administration, Mr. Barry Valentine, on April 18, requesting the FAA's review of this material and requested a report from the FAA on ways in which air service can be improved on the Western Slope and how the witnesses' concerns can be addressed. I also provided a complete set of this testimony to the Senate Aviation Subcommittee, so it can be used in future subcommittee work on commuter air service.

For the benefit of my colleagues, I ask unanimous consent that a copy of

the witness list be printed in the RECORD following my remarks.

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

(See exhibit 1.)

Mr. CAMPBELL. I am more concerned now than ever about the quality of air service in Colorado, and I look forward to working with my colleagues on improving air service in this important region of our country.

#### EXHIBIT 1

##### LIST OF WITNESSES PRESENT AT THE HEARING

Mr. Greg Walcher, President of Club 20.  
Mr. Benard Buescher, Colorado Transportation Commissioner.  
Mr. John Frew, President and CEO of Colorado Ski Country U.S.A.  
Mr. Jamie Hamilton, Vice President of the Grand Junction Chamber of Commerce.  
Mr. J.J. Johnston, Executive Director of the Mesa County Economic Development Council.  
Ms. Debbie Kovalik, Executive Director of the Grand Junction Visitor Bureau.  
Mr. Mark Berumen, Governmental Affairs Coordinator for Frontier Airlines.  
Mr. Cody Ddiekroger, Founder and President of Maverick Airlines.  
Mr. Don Schreiber, Vice President of Governmental Relations for Mesa Air Group.  
Mr. Dave Logan, Partner, Park Avenue Travel Agency.  
Ms. Jo Saul, Owner, Jo's Travel Source in Durango.  
Ms. Cindy Stanfield, Owner, the Travel Connection Agency in Grand Junction.

#### THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Wednesday, May 14, 1997, the Federal debt stood at \$5,339,781,396,107.91. (Five trillion, three hundred thirty-nine billion, seven hundred eighty-one million, three hundred ninety-six thousand, one hundred seven dollars and ninety-one cents)

One year ago, May 14, 1996, the Federal debt stood at \$5,096,217,000,000. (Five trillion, ninety-six billion, two hundred seventeen million)

Five years ago, May 14, 1992, the Federal debt stood at \$3,893,082,000,000. (Three trillion, eight hundred ninety-three billion, eighty-two million)

Ten years ago, May 14, 1987, the Federal debt stood at \$2,272,137,000,000. (Two trillion, two hundred seventy-two billion, one hundred thirty-seven million)

Fifteen years ago, May 14, 1982, the Federal debt stood at \$1,062,129,000,000 (One trillion, sixty-two billion, one hundred twenty-nine million) which reflects a debt increase of more than \$4 trillion—\$4,277,652,396,107.91 (Four trillion, two hundred seventy-seven billion, six hundred fifty-two million, three hundred ninety-six thousand, one hundred seven dollars and ninety-one cents) during the past 15 years.

#### NORMAL TRADE RELATIONS

Mr. MACK. Mr. President, I rise today because a bill is being introduced by Senators ROTH, MOYNIHAN, and members of the Finance Committee which seeks to amend trade laws and provisions referring to "Most Favored

Nation" [MFN] trading status. They seek to rename MFN, "Normal Trade Relations."

I am not joining my Finance Committee colleagues on this bill today. But I would gladly support this initiative once the United States has an effective China policy.

Mr. President, the reason we annually consider China's trade, human rights, and national security behavior during the MFN renewal debate is because we do not have an acceptable alternative. The goal, therefore, of this year's debate should not be to simply extend or revoke MFN for the PRC. I suggest, instead, that we endeavor to address the shortcomings of our China policy so that we do not need the annual MFN issue to debate China.

Mr. President, we need a real China policy to replace the MFN revocation threat, not a name change. If the issue were just about the name, Americans would not voice such strong opposition to trading with China as if it were a normal country. The fact is, Mr. President, China is not like other trading nations. It is perhaps the worst violator of human rights and weapons non-proliferation standards in the world. The PRC trades unfairly, persecutes people of faith, imprisons and tortures democrats, proliferates weapons technology, sells arms to street gangs in the United States, and disbands democratic institutions in Hong Kong. The PRC does this while receiving international aid, American technology—much with military applications, and free access to the American market. This so-called engagement policy seems hollow and dangerous. Merely changing the name of MFN will not change this reality.

Mr. President, I traveled to Hong Kong and China in late March this year with my colleague and fellow co-chair of the Senate's Hong Kong caucus, Senator LIEBERMAN of Connecticut.

I returned from this mission more concerned about Hong Kong than when I departed. The Chinese leadership tried to put to rest my concerns for Hong Kong by reassuring me that democracy would be returned to Hong Kong once the people received proper civic education. This distrust of people is apparent in China's actions toward Hong Kong's civil and political freedoms.

It also caused me to renew my concern for our China policy. My position on this bill, and on the MFN debate in general, arises from my desire for good relations with China. I know this is in the best interest of America, China, and the world.

There are a tremendous number of issues which Americans wish to raise with China. In 1997, these include Hong Kong reversion, weapons proliferation, religious persecution, PRC-Taiwan relations, human rights, involvement in U.S. elections, and our unequal trade relationship.