

the home run pace of such players as Mark McGwire, Sammy Sosa, and Ken Griffey, Jr. Over the past couple of years when I have used this example of how much better they do hitting home runs than we do at confirming judges, my friend from Utah and I have gone back and forth with regard to this kind of comparison. He has said I should not be comparing the Senate to some of the greatest home run hitters of all time. I understand his reluctance since this Senate certainly has not been a home run hitter as far as confirming judges.

But when I looked at the sports pages today I was struck by how poorly we are doing. Keep in mind, that the Senate has been in session a couple of months longer than the baseball season, that we had a 2-month head start. Nonetheless, as of today, there are 27 baseball players who have hit more home runs than the Senate has confirmed judges. These are not just the stars. The Senate does not fail in comparison to just McGwire and Sosa, but in comparison to—I know these are names you will not all recognize and I see the pages coming to attention and see how many they know—the White Sox' Paul Konerko; the Cubs' Shane Andrews; the Rockies' Todd Helton; the Brewers' Geoff Jenkins; the Angels' Troy Glaus; the Royals' Mike Sweeney. Not legends yet, but fine people and players who have all hit more home runs than the Senate—even with a 2-month head start.

In fact, I may be doing a disservice to these major-leaguers by comparing them to the Senate. Why? Because these ballplayers are acting professionally and doing what they are paid to do. We are not acting professionally. We are not fulfilling our constitutional responsibilities. We are not doing what we are paid to do. We are refusing to vote yes or no on these judges.

The vacancies on the courts of appeals around the country are particularly acute. Vacancies on the courts of appeals are continuing to rob these courts of approximately 12.3 percent of their authorized active strength, as they have for the last several years. The Ninth Circuit continues to be plagued by multiple vacancies. We should be making progress on the nominations of Barry Goode, Judge Johnnie B. Rawlinson and James E. Duffy, Jr., as well as that of Richard Tallman.

I am acutely aware that there is no one on the Ninth Circuit from the State of Hawaii. I know that federal law requires that "there be at least one circuit judge in regular active service appointed from the residents of each state in that circuit," 28 U.S.C. 44(c), and I would like to see us proceed to comply with the law and confirm Mr. Duffy, as well as the other well-qualified nominees to that Court of Appeals without further delay.

The Fifth Circuit continues to labor under a circuit emergency declared last year by its Chief Judge Carolyn Dineen King. We should be moving the

nominations of Alston Johnson and Enrique Moreno to that Circuit to help it meet its responsibilities.

Earlier this year I received a copy of a letter from Judge Gilbert Merritt, formerly Chief Judge of the Sixth Circuit, concerning the multiple vacancies plaguing that Circuit. Judge Merritt was disturbed by a report that the Judiciary Committee would not be moving any nominees for the Sixth Circuit this year. We should be moving on the nominations of Kathleen McCree Lewis, Kent Markus, and Helene White. Judge Merritt wrote to us two months ago, stating:

The Sixth Circuit Court of Appeals now has four vacancies. Twenty-five per cent of the seats on the Sixth Circuit are vacant. The Court is hurting badly and will not be able to keep up with its work load due to the fact that the Senate Judiciary Committee has acted on none of the nominations to our Court. One of the vacancies is five years old and no vote has ever been taken. One is two years old. We have lost many years of judge time because of the vacancies.

By the time the next President is inaugurated, there will be six vacancies on the Court of Appeals. Almost half of the Court will be vacant and will remain so for most of 2001 due to the exigencies of the nomination process. Although the President has nominated candidates, the Senate has refused to take a vote on any of them.

Our Court should not be treated in this fashion. The public's business should not be treated this way. The litigants in the federal courts should not be treated this way. The remaining judges on a court should not be treated this way. The situation in our Court is rapidly deteriorating due to the fact that 25% of the judgeships are vacant. Each active judge of our Court is now participating in deciding more than 550 cases a year—a case load that is excessive by any standard.

In addition, we have almost 200 death penalty cases that will be facing us before the end of next year. I presently have six pending before me right now and many more in the pipeline. Although the death cases are very time consuming (the records often run to 5000 pages), we are under very short deadlines imposed by Congress for acting on these cases. Under present circumstances, we will be unable to meet these deadlines. Unlike the Supreme Court, we have no discretionary jurisdiction and must hear every case.

The Founding Fathers certainly intended that the Senate "advise" as to judicial nomination, i.e., consider, debate and vote up or down. They surely did not intend that the Senate, for partisan or factional reasons, would remain silent and simply refuse to give any advice or consider and vote at all, thereby leaving the courts in limbo, understaffed and unable properly to carry out their responsibilities for years.

Likewise, the Fourth Circuit, the Tenth Circuit and the District of Columbia Circuit continue to have multiple vacancies. Shame on the Senate for perpetuating these crises in so many Courts of Appeals around the country.

By this time in 1992, the Senate had confirmed 25 judges and the Committee had held 6 confirmation hearings for judicial nominees. By this date in 1988, the Senate had confirmed 21 judges and the Committee had held 7 hearings. By this time in 1998, the Senate had con-

firmed 17 judges and the Committee had held 5 hearings. This year we remain leagues behind any responsible pace.

Unfortunately, the Senate has not built upon the progress we had made filling judicial vacancies following Chief Justice Rehnquist's remarks in his 1997 report on the state of the federal judiciary. Last year, faced with 100 federal judicial vacancies, the Senate confirmed only 34 new judges. This year we will again be facing 100 vacancies. Already we have seen 87 vacancies and have so far responded with the confirmation of only 7 judges.

I have challenged the Judiciary Committee and the full Senate to return to the pace it met in 1998 when we held 13 confirmation hearings and confirmed 65 judges. That approximates the pace in 1992, when a Democratic majority in the Senate acted to confirm 66 judges during President Bush's final year in office.

There is a myth that judges are not traditionally confirmed in Presidential election years. That is not true. Recall that 64 judges were confirmed in 1980, 44 in 1984, 42 in 1988 when a Democratic majority in the Senate confirmed Reagan nominees and, as I have noted, 66 in 1992 when a Democratic majority in the Senate confirmed 66 Bush nominees.

Our federal judiciary cannot afford another unproductive election-year session like 1996 when a Republican majority in the Senate confirmed only 17 judges. These 17 confirmations in 1996 were an anomaly that should not be repeated. Since then we have had years of slower and lower confirmations and heavy backlogs in many federal courts.

Working together the Senate can join with the President to confirm well-qualified, diverse and fair-minded judges to fulfill the needs of the federal courts across the country. I urge the Republican leadership to join us in making the federal administration of justice a top priority for the Senate for the rest of the year.

#### NATIONAL DAY OF PRAYER

Mr. GRAMS. Mr. President, I rise today in recognition of the National Day of Prayer, Thursday, May 4. Today is a special and exceptional opportunity for all citizens of our country to join together in prayer.

Days of prayer have been a fundamental part of our American heritage since 1775, when the Continental Congress, recognizing the need for guidance as it undertook the enormous challenge of forming a new Nation, designated a time for prayer. President Abraham Lincoln continued this tradition. In 1863, in the midst of the Civil War, he proclaimed a day of "humiliation, fasting, and prayer."

The National Day of Prayer has been celebrated formally since its enactment by Congress in 1952. In 1988, President Reagan signed a bill setting the

National Day of Prayer on the first Thursday of every May. Now, each year, the President signs a proclamation encouraging all Americans to pray on this day.

The theme for this year's National Day of Prayer is "PRAY2K: America's Hope for the New Millennium." During the times of both triumph and adversity that surely lie ahead, I know prayer will help America's leaders and citizens to direct our country on the right path for the new millennium.

In the 1st Century A.D., the apostle Paul wrote to the Philippians, telling them, "Be anxious for nothing, but in everything by prayer and supplication with thanksgiving let your requests be made known to God."

It is my hope the citizens of my home state of Minnesota, and people across this Nation, will take that advice and present the concerns of the country in prayer not only on May 4, but every day of the year. I know many thousands of students will gather today at the State Capitol in Minnesota, to pray for their leaders and their peers in an event entitled "Share the Light 2000." I applaud their efforts and commend them in their commitment to this important day.

I thank everyone involved in making this day possible year after year and all those who will take part in the National Day of Prayer. May the spirit that fills our hearts this day remain strong always.

Mr. SANTORUM. Mr. President, today we celebrate the National Day of Prayer, set aside as a day to humbly come before God, seeking His guidance for our leaders and His grace upon us as a people. I would like to take this occasion to implore my fellow Americans to remember why it is that prayer is so important for our nation.

Since the earliest days of America's heritage, we have been richly blessed by God. We have been granted liberty, prosperity, and a measure of peace unknown to most nations throughout history. Even during periods of hardship, God has given us strength to endure, and has used our tribulations to mold us into a better nation.

While we daily enjoy God's bountiful provisions, we need only look at our nation's history to realize that His blessing has not been granted to us by accident. America has been blessed as a result of our historic reliance upon Him. From the moment that Christopher Columbus first set foot in the New World until today, Americans have trusted God and sought to follow His direction. Columbus prayed to God for strength and guidance to help his companions endure the difficult voyage to the New World. Our founding fathers looked to God in prayer for wisdom to create a government that would ensure freedom and liberty. Through war and depression, America called out to God for strength and courage. In times of prosperity, we praised God for his many blessings.

God's blessing does not come without expectations, however. God commands

us to obey Him and follow His laws. When calling for a day of national humiliation, fasting and prayer in 1863, President Abraham Lincoln admonished our nation in the following statement:

We have been the recipients of the choicest bounties of Heaven. We have been preserved these many years in peace and prosperity. We have grown in numbers, wealth and power as no other nation has ever grown.

But we have forgotten God. We have forgotten the gracious Hand which preserved us in peace, and multiplied and enriched and strengthened us; and we have vainly imagined, in the deceitfulness of our hearts, that all these blessings were produced by some superior wisdom and virtue of our own.

Intoxicated with unbroken success, we have become too self-sufficient to feel the necessity of redeeming and preserving grace, too proud to pray to the God that made us!

It behooves us then to humble ourselves before the offended Power, to confess our national sins and to pray for clemency and forgiveness.

Those words are as true today as they were when spoken by Abraham Lincoln many years ago. God has given us commands to follow so that we might be able to fully enjoy His creation and receive the benefit of His blessing. When our nation has turned our back on God's commands, we have been plagued by such tragedies as slavery, crime, drug abuse, and abortion. If our nation is to continue to be blessed by God, we must renew our commitment to God daily through prayer.

President Ronald Reagan designated the first Thursday in May to celebrate the National Day of Prayer. My challenge is to make every day a day of prayer, so that we might follow God's will and continue to receive His blessing into the 21st century and beyond.

#### SAFE SCHOOLS AND SENSIBLE GUN LAWS

Mr. LEVIN. Mr. President, the year that has passed since the tragic events at Columbine High School has been a time of soul searching for many Americans. We have had to ask ourselves some troubling questions. How did we let this happen? Why have we failed to pass sensible gun safety measures? Why doesn't the safety of our children count as much in Congress as the lobbying muscle of the National Rifle Association, NRA? Why did it take 15 deaths at Columbine to get us to take notice? Why wasn't a single death of a school child enough to make us realize the danger to which we have exposed our children in schools across the land?

Speeches alone will not turn the tide in the battle over sensible gun laws. But those of us who believe we must do more to close the loopholes in the law which give minors access to guns have to match the single-mindedness of a single issue group like the NRA with our own focused determination.

Just a few weeks ago, knowing that Congress was about to recess after again failing to take action on gun safety legislation, I offered these words:

For the students of Columbine, every day is a struggle, every day takes another act of courage. There is nothing we can do in Congress to change that, but there is something we can do to protect other students from the nightmares, the anger, and the pain, as told by these students. Congress owes it to Columbine and to the American people to try to end school shootings and reduce access to guns among young people. As of the one-year anniversary, Congress has failed to do so.

Over the last year, many Americans have decided to speak out on this issue. They are fed up with the intolerable level of gun violence in this country. They are outraged by the sight of a chain of preschoolers fleeing hand-in-hand from a deranged gunman. And, they are disheartened by the thought of a first grader shooting another first grader.

On Mothers' Day, May 14, they will bring a powerful message to Washington and to 30 communities across the Nation, including Lansing: it is time for Congress to pass commonsense gun legislation. What began 9 months ago, with two mothers and unparalleled dedication, has become the Million Mom March, the first-ever national march for gun safety. As a Dad who supports this march, I plan to walk along side Michigan mothers, future mothers, and all those willing to be "honorary mothers" calling for sensible gun laws and safe kids.

In a few weeks, another school year will come to an end, but the push to enact sensible gun legislation will continue during this Congress, and every one thereafter, until we get it done. And, because of the efforts of the Million Mom Marchers and other Americans who are speaking out on this issue, I believe we will prevail.

#### INCREASING FEDERAL INVESTMENTS IN RESEARCH AND TECHNOLOGY

Mr. LIEBERMAN. Mr. President, I wanted to bring to the attention of my colleagues an important letter dated March 22, 2000 sent to our Senate leadership by forty-seven leaders of our high technology companies, universities and labor organizations who are members of the highly-respected Council on Competitiveness. The letter argues for a significant increase in federal Research and Development funding as key to our economic future. It also points out that much of the current technology talent shortage Congress has been spending so much time on could be alleviated through increased R&D support, since that funding supports our technology education and training system. It is frankly unique in my Senate experience to see a letter signed by such a significant segment of our nation's technology leaders and I hope the Senate will heed its counsel.

This letter comes to us in the context of the recently passed Budget Resolution which calls for a small increase in federal investments in science and technology over last year's levels. I believe that a strong bipartisan majority