

The point is this: The majority party has a choice to decide which of these issues and how many of them they want this Congress to adopt. I hope it will decide very soon that it chooses to join us and say these are the issues that matter to the American people, and these are the issues the 106th Congress shall embrace in the final weeks of this Congress.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HATCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

JUDICIAL NOMINATIONS

Mr. HATCH. Mr. President, for the last several weeks, I have listened as some of my colleagues have, with escalating invective, expressed repeatedly their dismay about the manner in which Senate Republicans have processed President Clinton's judicial nominees. That some would accuse the Senate majority of failing to act in good faith strikes me as ironic, given the recent reckless statements made by President Clinton and members of the all-Democratic Congressional Black Caucus. I already have made my views on their reckless statements known and will not repeat them again here.

Some of my colleagues like to talk about proceeding in good faith, but they ignore the fact that there is much legislation with broad, bi-partisan support that is at a standstill because they refuse to let this institution work its will. From bankruptcy reform to H-1B legislation to juvenile justice reform to religious liberty protection legislation, there are several legislative items where the blessings of good faith cooperation have not been bestowed. Consider, for example, the fact that a handful of members on the other side of the aisle have kept us from simply proceeding to a formal conference on the bankruptcy bill. Having poisoned the water themselves, they have no ground for complaining that the water is now poisoned.

The more substantive complaints lodged by some of our colleagues have taken various forms. Some complain that there is a vacancy crisis in the federal courts; that the Senate has not confirmed enough of President Clinton's judicial nominees; and that the confirmation record of the Republican Senate compares unfavorably to the Democrats' record when they controlled this body.

The claim that there is a vacancy crisis in the federal courts is simply wrong. Using the Clinton Administration's own standard, the federal judiciary currently is at virtual full employment. Presently there are 60 vacancies

in the 852-member federal judiciary, yielding a vacancy rate of just seven percent. Of these 60 vacancies, the President has failed to make a nomination for 27 of them.

Think about that. Some of my colleagues are complaining about a so-called vacancy crisis when almost half of the current vacancies don't even have a nominee. It is too late to really send additional nominations up here because we are in the final few months of the Congress and there is no way to get through them with the work we have to do in processing judges.

In 1994, at the end of the Democrat-controlled 103d Congress, there were 63 judicial vacancies. That is when the Democrats controlled the Senate and President Clinton was President. There were 63 judicial vacancies, yielding a vacancy rate of 7.4 percent. At that time, on October 12, 1994, the Clinton administration argued in a Department of Justice press release that "[t]his is equivalent to 'full employment' in the 837-member Federal judiciary." If the Federal judiciary was fully employed in 1994, when there were 63 vacancies and a 7.4 percent vacancy rate, then it certainly is fully employed now when there are only 60 vacancies and a 7 percent vacancy rate, even though we have a significantly larger judiciary.

Democrats further complain that the Republican Senate has not confirmed enough of President Clinton's judicial nominees. So far this year, the Judiciary Committee has held seven hearings for 30 judicial nominees. In addition, the Committee is holding a hearing today for four additional nominees. This year the Senate has confirmed 35 nominees, including eight nominees for the U.S. Courts of Appeals.

With eight court of appeals nominees already confirmed this year, it is clear that the Senate and the Judiciary Committee have acted fairly with regard to appeals court nominees. In presidential election years, the confirmation of appellate court nominees historically has slowed. In 1988, the Democrat-controlled Senate confirmed only seven of President Reagan's appellate court nominees; in 1992, the Democrat-controlled Senate confirmed eleven of President Bush's appellate court nominees. This year, the Senate already has confirmed eight circuit court nominees—evidence that we are right on track with regard to circuit court nominees.

While some may complain that the Republican Senate has not confirmed enough of President Clinton's judicial nominees, conservatives criticize us for confirming too many. An editorial in today's Washington Times argues that the Republican Senate has confirmed far too many federal judges since gaining control of the Senate in 1995. This view is typical many reactionary conservatives who, like their counterparts on the extreme left, serve in some respects as a check on our political system. I plan to respond to this particular editorial in a more formal man-

ner, but let me just say this—the notion that our Leader is not doing what he believes is best for our country's future is absurd.

The fact that the criticism comes from both sides leads me to believe that we probably are carrying out our advice and consent duties as most Americans would have us.

There are some on the political right who complain that we are not confirming conservative judges. They forget that we are in the midst of a liberal Presidency and that the President's power of nomination is more powerful than the Senate's power of advice and consent. I urge them to get on the ball and help elect a Republican President who will nominate judges that share our conservative judicial philosophy.

Finally, Democrats contend that things were much better when they controlled the Senate. Much better for them perhaps—it certainly was not better for many of the nominees of Presidents Reagan and Bush. At the end of the Bush administration, for example, the vacancy rate stood at nearly 12 percent. By contrast, as the Clinton administration draws to a close, the vacancy rate stands at just seven percent. The disparity between the vacancy rate at the end of the Bush Administration, as compared to the vacancy rate now, illustrates that the Republican Senate has, in fact, acted in good faith when it comes to President Clinton's nominees.

The Senate has carried out its advice and consent duties appropriately, in a manner that has been fair to all—to the President's nominees, to the federal judiciary, and to the American people. I stand ready to help Senators LOTT and DASCHLE undertake and complete work on the appropriations bills that are before us and on other legislation, much of which enjoys broad, bi-partisan support and should be acted on this year.

I am getting sick and tired of my colleagues on the other side just stopping everything—even bills that they agree with—to try and make the Senate look bad for their own political gain, so that they can take control of the Senate after the next election. If I were in their shoes, I would want to take control of the Senate honorably, rather than dishonorably.

I repeat, I stand ready to help Senators LOTT and DASCHLE undertake and complete work on the appropriations bills before the Senate and on other legislation which enjoys broad bipartisan support and should be acted on this year.

It is my hope that the important legislative work of the Senate will not be impeded by political gamesmanship over judicial confirmations. I particularly resent people indicating that the Senate is not doing its duty on judicial confirmations, or that there is some ulterior purpose behind what goes on, or that this President isn't being treated fairly, because he has been treated fairly. I am getting sick and tired of it and will not put up with it anymore.

I yield the floor.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CRAPO). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

EXTENSION OF MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that morning business be extended to the hour of 4 p.m. with the time equally divided between the majority and minority.

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

BETTING ON COLLEGE GAMES

Mr. REID. Mr. President, my good friend from the State of Kansas, Senator BROWNBACK, has come to the floor a number of times in recent weeks to talk about some legislation that he favors. He favors a ban on legal betting on college games in Nevada.

This legislation has received the following comments from respected publications from around the country. George F. Will:

Congress now is contemplating a measure that sets some sort of indoor record for missing the point.

Sports Illustrated columnist Rick Reilly:

In fact, passing the bill would be like trying to stop a statewide flood in Oklahoma by fixing a leaking faucet in Enid. Nevada handles only 1 percent of the action on college sports. Not that bookies and the mob wouldn't very much like to get their hands on that 1 percent.

A Chicago Sun Times editorial:

A Nevada ban is more likely to push wagers underground or on to the Internet. A ban would do little to stop betting on college games.

Sporting News, a columnist by the name of Mike DeCourcy:

The NCAA has put no thought whatsoever into this push. This is strictly a public relations move that offers no tangible benefit.

Business Week:

Now the NCAA is looking to fix its image with a bill only a bookie would love.

USA Today, founder Al Neuharth:

University and college presidents and coaches properly are concerned about the integrity of campus sports, but the solution to the problem is getting their own houses in order.

I understand the NCAA is based in Kansas City and they have some jobs there. I am sure this move ingratiates the NCAA to my friend from Kansas. The fact is, this issue does not come close to doing anything to solve the problem. No, Mr. President, I do not gamble. I live in the State of Nevada. I have been chairman of the Nevada Gaming Commission, the top regulator

of gaming. I do not gamble. I do not gamble on games or anything else, but I know a little bit about gambling, having been the chief regulator in the State of Nevada for 4 years.

While my friend says this legislation has widespread support, I have only read a few of the editorial comments. This legislation is held up to ridicule. Of course, we get college coaches coming in saying they do not want their kids playing and having people bet on them.

The NCAA makes billions—I am not misspeaking—not millions but billions of dollars from NCAA football and basketball. If they are so sincere in stopping betting on these games, why don't they not allow these games to be telecast? Just do not have any college games on television—no football games, no NCAA Final Four, no Rose Bowl, just outlaw them.

The NCAA is all powerful. They could do that, they think. They have been such a dismal, total failure regulating amateur athletics that they think now they have something they can finally win. What they are going to do is outlaw college betting in Nevada, the only place in the country where you can do it legally, and as has been said, less than 2 percent of the betting on college games takes place in Nevada. Over 98 percent of gambling on college games takes place in Washington, DC, in the State of Idaho—all over the country. It is done illegally. If the NCAA is so concerned about betting on college games, let's do something about the illegal betting that takes place; let's not go after the legal betting.

Lindsey Graham, on Hardball, a few weeks ago said:

You're not going to stop illegal betting by passing the bill.

Of course not. Originally, the NCAA, in all its wisdom, said if we take away the 1.5 percent of the legal betting and leave 98.5 percent and they do not allow the State of Nevada to post odds, it will stop all over the country. Everybody will stop running the lines on these games.

Again, of course, the NCAA, for lack of a better description, simply does not know what they are talking about. John Sturm, the president of the Newspaper Association of America said:

If Congress prohibits gambling on college sports, the association believes newspapers will continue to have an interest in publishing point spreads on college games, since point spreads appear to be useful, if not valuable, to newspaper readers who have no intention of betting on games.

I already established I do not bet on games, but I love to know what the point spread is on a game. It makes it more interesting. If UV is going to play in the Final Four and play Michigan State, Duke, or a team such as that, I want to know the point spread to see who is favored. That does not mean I am going to run down to the corner bookie and bet on the game or, if I am in Las Vegas, I will not go to the Hilton race book, MGM, or one of those places.

I would not know how to place a bet if you asked me to, but I do know the way they do it in Nevada is better than the way they do it in the service stations, bowling alleys, and bars because the illegal bookies base their game on credit, usually a week at a time. People place bets with their illegal bookie during the week. On Monday or Tuesday, they come around to collect that money. That is where the real trouble starts.

In Nevada, you could be Kirk Kirkorian, one of the richest men in the world—he owns the MGM and a number of other things around the world. As rich as he is, if he walked into his own race book, the rules are that he can get no credit. It has to be all cash. If he wants to bet on a ball game, he has to put up cash. There is no credit.

It goes without saying which is the better system. The better system is, in Nevada you can only bet what money you have in your pocket. No credit is allowed. For the illegal bookies around the country, credit is the name of the game. They do not break as many knuckles as they used to, but they sure put their loans out to people who ask to borrow the money. They pay exorbitant interest rates, and that is when people lose their homes, cars, and property.

When this bill comes up—and it will come up—this is not going to be a laydown. The merits are on the side of what is going on legally in the State of Nevada.

This issue is a sham, it is a farce, it is a diversion designed to deflect attention from an organization that while swimming in money itself, earned from the sweat of the college kids, is incapable, it seems, of doing anything positive.

My favorite—and it happened recently—is St. John's University. Their coach, who was almost hired by the local professional basketball team, is Mike Jarvis. He has a kid who had a used car. The kid trades in the used car for another used car. They suspended him from playing for three games.

That really helps the game a lot. A kid has a used car and trades it in on another used car, and they suspend him from playing. What the NCAA does is harass and intimidate people. We have an example in the State of Nevada, Jerry Tarkanian, one of the most successful coaches in the history of America. They eventually ran him out in the State of Nevada. He is now coaching at Fresno State. They harassed, did everything they could to embarrass him. He sued them. It took 8 or 9 years, but he won the lawsuit. They had to pay him money for what they did to him. By then he had already been run out of the State.

The NCAA recently signed a multi-billion dollar broadcasting contract. That is not a bad deal for a nonprofit organization. Players, coaches, athletes recognize the unaccountable and often unquestionable power of this organization. They have been sued lately.