

imprimatur to Mr. Speight's objectives, as have sections of the armed forces.

The country's interim prime minister, appointed by the army chief while Mr. Chaudhry was hostage, last week unveiled a "Blueprint" for the "protection" of indigenous Fijians. The document comprises an ill-judged plan for commercial affirmative action, designed to "advance the interests of" the country's ethnic majority. Indians are to be excluded in areas where they are "over-represented," and ethnic Fijians are to get preferential royalties, subsidies, tax breaks, rents and licenses.

The problem with this ethnic gravy train, of course, is that Fiji will soon run out of gravy. The sugar industry, manned by Indians, is in disarray. Tourism, which contributes \$235 million per annum to the economy—and which is second only to sugar in Fiji's economic schema—has ground to a jarring halt. After the recent invasions of luxury resorts by knife-wielding "traditional landowners," it's hard to see those Aussies, Kiwis and Midwestern honeymooners coming back. A flight of disenfranchised Indo-Fijians to Australia and New Zealand is under way. This will drain Fiji of its best technical and entrepreneurial stock.

Mr. Speight and his cohorts will learn swiftly that running an economy is a lot harder than storming a parliament. There is no more than a blueprint for economic suicide.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. ASHCROFT. Mr. President, I thank my colleague, the Senator from Arizona, for his remarks in regard to this challenge, especially as it relates to the South Pacific.

Today, we have received very troublesome information about parts of Indonesia where there is this kind of tension which is threatening the peace, well-being, and the capacity of individuals to exercise their own religious beliefs in ways they see fit. This troublesome disorder is to be noted and understood, and we should speak out on it. I thank the Senator from Arizona for his remarks.

THE MISSOURI RIVER SYSTEM

Mr. ASHCROFT. Mr. President, I rise today to talk about something closer to home for me. Perhaps one of the most important things that has ever been known or understood in the economy of Missouri is the Missouri River. It is part of the lifeblood of our State. It transports commerce from one part of the State to another and from our State down through the Mississippi to the Gulf of Mexico and around the world.

There are some troublesome issues regarding the flows in the Missouri River. They relate to the energy and water appropriations bill which includes specific measures relating to language in this year's bill that is identical to language found in previous bills.

Under normal Senate procedure once a committee acts and reports out a bill, the bill comes to the floor, and if a Senator does not like a certain provision in the bill, then that Senator has the right to move to strike that position. That is a guaranteed right.

However, it appears that one of the provisions, which is totally consistent with language that has been in previous bills regarding flows in the Missouri River system, is not to the liking of some individual Senators. In particular, the minority leader has indicated his opposition to Section 103. Senator DASCHLE has done what he could to prevent debate on this section, and has worked to make sure the bill does not come to the floor at all.

That is a harsh and inappropriate way for us to act. If any Senator does not like a provision, then that Senator can move to strike the provision, and the Senate can vote on such a motion. Unfortunately, this election to stall; to interrupt the progress and business of the Senate; to say we do not want to allow a bill to come to the floor as it was reported by the committee and as it has come year after year is a way to interrupt the business of the Senate, is inappropriate.

I was pleased that earlier this afternoon the majority leader filed a cloture motion on the energy and water appropriations measure, but it is unfortunate that he had to do so. I regret the majority leader had to take such action, but because the Democrats insisted on stalling the normal legislative process, such action was necessary.

The Missouri River and the Mississippi River are the two most valued treasures of Missouri citizens. They are essential for not only transportation in our State but about 40 percent of all the people in our State get their drinking water out of those rivers. They are important for irrigation and for cost-efficient transportation.

I have had the privilege through the decades of fighting to protect that resource, not only for human consumption but for transportation as well. As attorney general, I was involved in litigation that went all the way to the Supreme Court. I was pleased to be part of that, to be a moving factor in that litigation which protected our waterflows at that time in the river.

I watched as the Missouri River, when it had inadequate flows, paralyzed a community. I remember years ago when I was Governor, an ice bridge developed. This was a natural impairment of the flow north of Missouri in the river and north of the city of St. Joseph. Instead of the water flowing down, the ice jam backed up the water.

The river levels fell and a great city such as St. Joseph, MO, was without water. When I went to look at the water intake facility for St. Joseph, I noticed the water was a foot or two below the intake. We worked night and day to get a new pump and a new system of drawing water out of the river. Proper river flows are essential to the well-being of our State.

In the committee report of the energy and water appropriations bill, Section 103 prohibits the expenditure of resources to diminish the flow or to otherwise tamper with the flow of the

river because the river flows are so essential to the well-being of our State. The Corps' plan for rewriting the way the river will be managed is known as the Missouri River Master Manual. It would send additional surges of water down in the spring, which would cause flooding, and withhold additional water in the fall, which would cause low levels in the river.

If you make the level of the river low in the fall, the crop which has been grown can't be shipped as efficiently when there is inadequate river flow for transportation. Of course, you may not have a crop to ship if in the spring you release so much water that you cause widespread flooding. This flooding potential concerns many of our communities. I have worked closely with the rest of the Missouri delegation in the Congress, the Missouri Farm Bureau, and the Mid-America Regional Council 2000. We uniformly oppose management of the river in a way that would cause flooding in the Spring, and then a restriction of the flow of the river in the fall which would make impossible the kind of transportation upon which our farm, agricultural, and other industries must rely.

The U.S. Fish and Wildlife Service has recently recommended to the Army Corps of Engineers a spring pulse or spring rise on the Missouri River. This recommendation is irresponsible and dangerous. The U.S. Fish and Wildlife Service wants to do this because it is interested in improving environmental conditions for certain species of fish and birds. We all are concerned about fish and birds, the shorebirds, the piping plover, and the shark-like pallid sturgeon fish. But this protection should not come at the expense of the lives of thousands of people living downstream.

Section 103 to H.R. 4733, forbids any funding in the bill from being used to revise the Missouri River Master Water Control Manual to allow for an increase in the springtime water release program during the spring heavy rainfall and snowmelt period in the States. This spring release, or spring rise, or spring pulse would be dangerous for all citizens living and working downstream from Gavins Point, located on the border of Nebraska and South Dakota.

It normally takes about 12 days for water to travel from Gavins Point to St. Louis. During the spring, weather in the Midwest is especially unpredictable. It is usually said if you don't like the weather, just wait a bit. If it is that unpredictable, especially in the spring, it is very difficult to correctly predict the weather for a 12-day period. And if you are going to send a big pulse of water down the river and then, as you are in the process of doing so, there is a substantial rainstorm or series of storms that develop, the very purpose of restricting flooding and providing a basis for reasonable flow in the river is defeated. If you are already sending a charge of water down the

river that is closer to the capacity of the river, any additional rain from nature would create widespread flooding in the downstream communities.

The combination of a spring rise and a heavy rain during the 12-day period would increase greatly the chances for downstream flooding. The spring rise would come at a time of the year when downstream citizens are the most vulnerable to flooding. The Corps' plan provides less flood control and less navigability than the current plan, thus it should not be imposed.

I oppose the Corps' plan for rewriting the Missouri River Master Manual, and I call on the Corps to adopt a plan that better suits a balance among water uses. If the President decides, after we have passed the bill with this same provision in it that we have had in it for the last several years, to veto it, it is his prerogative. But what that tells the citizens of the lower Missouri basin is that the Clinton-Gore administration is willing to flood downstream midwestern communities. It is that simple. Section 103 provides the necessary protection for all citizens downstream from the Gavins Point Dam who live and work along the banks of the Missouri River.

In closing, each Senator is entitled to his or her opinion on any piece of legislation, but the Senator should understand that that opinion should be reflected in the legislative process with opportunities to strike. That opinion should not be expressed by keeping legislation reported by committees from coming to the floor. We simply want to debate section 103 and any motion with regard to this commonsense provision. We are willing to live by the will of the Senate in determining what should be the outcome. We believe the availability of this legislation should not be curtailed, especially since it includes identical language found in the last several years of this same energy and water appropriations. As a matter of fact, it is the will of the committee which has sent it to the floor.

With that in mind, I look forward to working to protect the interests of Missouri citizens, to protect them against flooding in the spring and to protect the output and available water resources for a flow which will support navigation in the fall.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

JUDICIAL NOMINEES

Mr. LEAHY. Mr. President, I am sorry I was not on the Senate floor to hear Chairman HATCH earlier this afternoon. I was attending an important confirmation hearing and chairing a meeting of the bipartisan Internet Caucus. I spoke to the issue of judicial nominations last Friday and say, again, with 60 current and long-standing vacancies within the federal judiciary, and seven more on the horizon, we cannot afford to stop or slow

down the little progress we are making.

Our hearing today included three nominees moved forward to fill positions on the District Court of Arizona that have all been declared judicial emergencies. Each of the nominees was nominated last Friday. They are now having their hearing, they look forward to being voted out of committee on Thursday and approved by the Senate before the week is out—within one week of nomination. This demonstrates what we can do when we want to take action. All the talk about needing six months or more to process and review nominees is just that—talk. If all goes according to schedule, these nominees will be in and out of the Senate in less than one week.

We could do that with a number of nominees. Instead, this is a Senate that has kept highly-qualified nominees, such as Richard Paez and Marsha Berzon, waiting for years before they get a vote. There is just no reason to have a qualified nominee like Judge Helene White of Michigan held hostage for over 42 months without a hearing.

I am disappointed to have seen another hearing come and go without even one nominee to fill one of the many vacancies to the Courts of Appeals around the country. I was encouraged to hear Senator LOTT recently say that he continues to urge the Judiciary Committee to make progress on judicial nominations. The Majority Leader said: "There are a number of nominations that have had hearings, nominations that are ready for a vote and other nominations that have been pending for quite some time and that should be considered." He went on to note that the groups of judges he expects us to report to the Senate will include "not only district judges but circuit judges." Unfortunately, the Committee has not honored the Majority Leader's representations and was only willing to consider a few District Court nominees at today's hearing. Pending before the Committee are a dozen nominees to the Federal Courts of Appeals who are awaiting a hearing—12 nominees, not one of which the Republican Majority saw fit to include in this hearing. Left off the agenda are Judge Helene White of Michigan, who is now the longest pending judicial nomination at over 42 months without even a hearing; Barry Goode, whose nomination to the Ninth Circuit was the subject of Senator FEINSTEIN's statements at our Committee meeting last Thursday and who has been pending for over two years; as well as a number of qualified minority nominees whom I have been speaking about throughout the year, including Kathleen McCree Lewis of Michigan, Enrique Moreno of Texas and Roger Gregory of Virginia.

I noted for the Senate last Friday that there continue to be multiple vacancies on the Fourth, Fifth, Sixth, Ninth, Tenth and District of Columbia Circuits. With 20 vacancies, our appellate courts have nearly half of the

total judicial emergency vacancies in the federal court system. I know how fond our Chairman is of percentages, so I note that the vacancy rate for our Courts of Appeals is more than 11 percent nationwide. Of course that vacancy rate does not begin to take into account the additional judgeships requested by the Judicial Conference to handle their increased workloads. If we added the 11 additional appellate judges being requested, the vacancy rate would be 16 percent. By comparison, the vacancy rate at the end of the Bush Administration, even after a Democratic Majority had acted in 1990 to add 11 new judgeships for the Courts of Appeals, was only 11 percent. Even though the Congress has not approved a single new Circuit Court position within the federal judiciary since 1990, the Republican Senate has by design lost ground in filling vacancies on our appellate courts.

At our first Judiciary Committee meeting of the year, I noted the opportunity we had to make bipartisan strides toward easing the vacancy crisis in our nation's federal courts. I believed that a confirmation total of 65 by the end of the year was achievable if we made the effort, exhibited the commitment, and did the work that was needed to be done. I urged that we proceed promptly with confirmations of a number of outstanding nominations to the Court of Appeals, including qualified minority and women candidates.

Yet only five nominees to the appellate courts around the country have had nomination hearings this year and only three of those five have been reported by the Committee to the Senate and confirmed—only three all year. The Committee included no Court of Appeals nominees at the hearings on April 27 and July 12, and there are no Court of Appeals nominee at the hearing today. The Committee has yet to report the nomination of Allen Snyder to the District of Columbia Circuit, although his hearing was 11 weeks ago, or the nomination of Bonnie Campbell to the Eighth Circuit, although her hearing was eight weeks ago. The Republican candidate for President talks about final Senate action on nominations within 60 days and we cannot get the Committee to report some nominations within 60 days of their hearing.

There is no good reason to have a qualified nominee such as Judge Helene White of Michigan held hostage for over 42 months without a hearing—42 months, and she has not even gotten a hearing. We had two men who were nominated last Friday, and they had a hearing today. They will probably be confirmed this week. Helene White has been held hostage for over 42 months without a hearing. She is the record holder for judicial nominees who have had to wait for a hearing—and her wait continues. It is insulting to the people of Michigan, insulting to the court, and insulting to her. The people of Michigan deserve a vote up or down on this outstanding lawyer and Judge from Michigan.