

become a fully supported and independent commission with an independent corruption prevention advisory board. He has also undertaken action intended to triple the number of anticorruption officers, and to establish a parliamentary committee on corruption prevention that would review annual reports by the ACA.

Mr. Badawi's reform proposals also include greater support and protections for freedom of the press, including issuing one-time—rather than annual—licenses for media organizations and approving a permit for the party of main opposition leader Anwar Ibrahim's People's Justice Party to publish its own newspaper.

Malaysia's pursuit of democracy and its struggle against Islamic extremism are critical for establishing lasting peace, prosperity, and security both for the Malaysian people and for the entire Southeast Asian region. The future direction of countries such as Malaysia is of significant importance to the United States as we work with others to fight extremists.

The relationship between these types of reforms and security in Malaysia and the surrounding region is the subject of a recent op-ed in the *Providence Journal* by Stuart Eizenstat, who served as Undersecretary of State and Deputy Treasury Secretary in the Clinton administration. This editorial, which I am submitting for the *RECORD*, also notes Mr. Badawi's initiative to have Muslim states which are members of the Organization of Petroleum Exporting Countries, OPEC, commit themselves to a joint plan to eradicate poverty, illiteracy and unemployment in the Islamic world. Attention to that kind of investment in basic social needs in the Islamic world is an essential element of combating extremism. Human security requires protection not only of law and freedom, but of economic security, and I commend Mr. Eizenstat's article for its recognition of how these issues intersect in the current reform efforts being undertaken in Malaysia.

I ask unanimous consent that the editorial to which I referred be printed in the *RECORD*.

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

[From the *Providence Journal*, May 29, 2008]

**MALAYSIAN DEMOCRACY'S ROLE IN TERROR FIGHT**

(By Stuart E. Eizenstat)

There is a titanic conflict within the Muslim world pitting modernity against reactionary radicalism.

Muslim leaders who promote modernization and integration with the world economy will only succeed if their policies will lead to a better way of life for their people.

The next U.S. president must determine how best to support the reformers, which will require new approaches, a combination of both hard and soft U.S. power, and most importantly, strong, reliable allies.

That's why it is so important for the U.S. to pay attention to the transformation now occurring in Malaysia, a Muslim nation of

some 27 million people whose prime minister, Abdullah Badawi, has responded to electoral calls for change by introducing sweeping reforms designed to maintain a democratic open society for the long term.

On March 8, Malaysian voters sent a strong message to the government by giving opposition parties solid gains in parliament—even as Badawi's party continued to hold more than 60 percent of the seats.

Instead of heeding the calls of his adversaries to resign, Prime Minister Badawi embraced the call of voters who demanded reform. The results: Badawi's avalanche of proposals has begun positioning him as the 68-year-old "comeback kid" of Malaysia politics.

The reforms have addressed three central foundations for freedom too often not seen in developing nations—and especially those in the Islamic world.

First, Badawi has moved to strengthen the independence of Malaysia's judiciary, by creating a process to create merit-based lists of judicial candidates, similar to the kinds of vetting systems used in the U.S. to rate potential new federal judges.

Second, Badawi is building on strategies adopted in Hong Kong and Singapore to create independent bodies to combat corruption.

Finally, Badawi is opening up historically strict licensing processes to promote freedom of the press, making it possible for the newly empowered political opposition to publish its own newspaper.

These new reforms would fundamentally change the way business—and politics—are carried out in a nation whose political leadership had historically emphasized economic development rather than political freedom. By making the country's institutions more transparent and independent, the Badawi government is promoting a system that is also more likely to be resilient in turbulent economic times.

The stability of this majority Muslim nation through political and economic change has significant implications for the U.S., for whom Malaysia is the 10th largest trading partner.

Malaysia is an important producer for the U.S. of components for high-tech business and consumer goods, like computers and cell phones. It also has provided a steady example of a Muslim government that has been serious about combating terrorism at home. And it has burnished Badawi's reputation as a leader of Islamic moderates against the life-support systems that sustain the dark forces of Al Qaeda, Hamas, Hezbollah and the terror network that stretches from Northern Africa across the Middle East into Southeast Asia.

Other Muslim leaders, including those of some of the opposition parties in Malaysia, have a different vision, one that would reverse Badawi's goal of converting Malaysia into a multi-cultural Islamic-oriented state that is helping to modernize Islam in ways that are compatible with the globalizing challenges of the 21st Century.

For example, Malaysia's Parti Islam se Malaysia (PAS) has called for the imposition of a criminal code of Islamic law, or Shariah, including such cruel punishments as amputation and death by stoning, reversing hard-won women's rights and an end to race-oriented affirmative-action programs aimed at helping improve the lives of Malaysia's minorities.

Malaysia and Badawi have sought to lead by example in the region. During his recently concluded chairmanship of the Organization of the Islamic Conference—an international organization of 57 Muslim states from the Middle East to Indonesia—he led efforts to address the twin challenges of pov-

erty and illiteracy that fuel the spread of Islamic extremism in the Muslim world.

Badawi has challenged his fellow Muslim states, including those which are members of the Organization of Petroleum Exporting Countries (OPEC), to commit themselves to a joint plan to eradicate poverty, illiteracy and unemployment in the Islamic world.

His persistence in helping to establish a new economic agenda for the Muslim world represents a critical initiative in the long-term struggle to transform impoverished Muslim states into nations that find their place in a progressive, globalizing world.

In the end, whether Badawi's dexterity will keep him in power to serve a full term is yet to be determined, but what he has set in motion deserves the support of the United States, since his reforms will place Malaysia firmly on the path to modernizing its Islamic society.

Stuart E. Eizenstat was chief domestic-policy adviser to President Jimmy Carter, and held several senior positions in the Clinton administration.

### CHALLENGES FACING WYOMING'S FARMERS AND RANCHERS

Mr. BARRASSO. Mr. President, I believe our Nation's farmers and ranchers—free of government interference and redtape—are the best stewards of the land.

Unfortunately in Washington, there are people who don't understand Wyoming. We do not need the Federal Government to regulate mud puddles and wetlands. We know how to manage our lands. We do not take kindly to the "Washington knows best" philosophy. We are westerners. We have been living out here for a long time without the helpful hand of the Federal Government.

A recent editorial printed in the *Wyoming Livestock Roundup* on April 5 really hit home. I recommend to my colleagues the editorial by Jim Magagna as reflecting the feelings of Wyoming farmers and ranchers. I ask unanimous consent that it be printed in the *RECORD*.

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

#### THE SOCIETY WE LIVE IN

I am admittedly old-fashioned. I still relish the 60's when resource conflicts were most often resolved by just getting out and kicking a little dirt. I had my share of "cussin' and discussin'" with BLM, USFS and WG&F personnel. I respected their professional expertise and they respected my practical experience. Most often this combination produced a result that was a little uncomfortable for both of us, but right for the resource. Neither of us was particularly concerned that our decisions would be challenged by anyone else.

Fast-forward to the 21st century: Resource managers are no longer respected for their professional judgment, which they can exercise only at peril of the agency being sued. The demands placed upon them to create paper trails leave little time for kicking the dirt. The U.S. Fish and Wildlife Service (FWS), has been added to the list of federal agencies known to strike fear into the hearts of ranchers. Resource decisions are driven primarily by often uninformed public opinion and agency efforts to avoid litigation. Many of the threats which once plagued only

public land ranchers have migrated to private lands, infringing on our property rights. Many of today's decisions are simply not "right for the resource".

These 21st century resource management challenges have also forced ranchers and the organizations that represent them into the litigation arena to an unprecedented extent. Certain environmental organizations have perfected the litigation process as a tool to make government dysfunctional. Their formula is simple: Challenge every unfavorable decision on simple procedural grounds, utilizing the National Environmental Policy Act (NEPA) or the Endangered Species Act (ESA), as a tool. Make massive, costly and time-consuming demands on the agencies for documents under the Freedom of Information Act (FOIA), thereby preventing agency personnel from performing normal duties. Identify "friendly" courts that will assure a favorable decision on the weakest of evidence. Assume that the environmental organization's legal fees are paid by the taxpayer and that the FOIA fees are waived "in the public interest". This is the shameful but successful strategy of Western Watersheds Project, Center for Biological Diversity, Forest Guardians and a host of similarly aligned conspirators.

Meanwhile, back at the ranch, individual families are forced to scrape together thousands of dollars of their own funds to defend property rights and federal grazing permits. Financial and human resources that would otherwise be directed toward resource management and improvements are diverted to legal fees and endless meeting participation, thereby strengthening the claims of the environmental plaintiffs that the resource is not being properly managed. The rancher is placed in a vicious circle from which there is no ready escape.

Agricultural organizations at the state, national and local levels have stepped up to the plate in recent years in order to address these threats in a collective manner and relieve some of the burden placed on individual ranchers. In Wyoming, state government has been a partner in this effort, in particular regarding endangered species.

In 1999 the Wyoming Stock Growers Association (WSGA), for the first time in its then over 125 year history, deemed it necessary to establish a permanent Litigation Fund to support challenges by the radical environmental community. Since that time the generosity of our members and supporters has allowed us to participate in or financially support over ten (10) defenses of the property rights and interests of the ranching community. In addition to these direct expenditures, an increasing portion of staff time is dedicated to reviewing litigation and determining the appropriate level of involvement for the organization.

Currently, WSGA is involved as an intervenor in litigation seeking the listing of the sage grouse and in challenges to the state's elk feedgrounds. We have filed a motion to intervene in recent litigation seeking to force listing of the mountain plover. WSGA, joined by WWGA, has recently moved to file an amicus brief in litigation challenging the delisting of the grizzly bear. We were in the process of filing in the black-tailed prairie dog litigation when a settlement was reached. In addition, WSGA is a leader in an effort by the National Public Lands Council challenging the overturning of the revised BLM grazing regulations. The announcement last week by WildEarth Guardians of a lawsuit challenging the Secretary of Interior for failure to act on listing petitions for 681 species will undoubtedly present new "opportunities" for our involvement.

The ESA and NEPA are laws whose original intent remains valid. However, they have

been co-opted by environmental litigants as procedural hurdles to serve their ultimate goal of land use control. Congress has demonstrated its inability to act in restoring integrity to these laws. There will continue to be a handful of federal judges who are willing to aid and abet in their abuse.

WSGA and others will continue to defend the property rights and grazing permits of ranchers in environmental litigation. This alone will not be enough. The time has arrived when we must develop a multi-faceted strategy to end this abuse of our rights and our legal system. We have begun the proactive step of building public support for our stewardship and forming alliances with other groups who support our role in resource management. Future steps should include an expose of the motives and tactics of select radical environmental groups and direct legal challenges to certain of their practices. This strategy will demand even greater short-term sacrifices by ranchers and a strong coordinated commitment by those who represent them. Success will assure a sustainable resource and a more secure future for our industry.

#### JUDICIAL NOMINATIONS

Mr. LEAHY. Mr. President, before the last recess, the Senate confirmed Judge G. Steven Agee of Virginia to the United States Court of Appeals for the Fourth Circuit. His confirmation lowered the remaining vacancies on that circuit to less than there were at the end of the Clinton administration, when a Republican-controlled Senate had refused to consider any nominees to the Fourth Circuit during the last 2 years of the Clinton Presidency. The Republican Senate majority used the Clinton years to more than double circuit court vacancies around the country. By contrast, we have already reduced circuit court vacancies by almost two-thirds, in the process reducing them to zero or only a single vacancy in nearly every circuit. We have already reduced vacancies among the 13 Federal circuit courts throughout the country from 32—which is what it was when I became chairman of the Judiciary Committee in the summer of 2001—to 11, the lowest number of vacancies in more than a decade.

When Republican Senators are ready to allow us to consider and confirm the President's nominations to fill the last two remaining vacancies on the Sixth Circuit, yet another circuit will be without any vacancies. We will reduce the total number of circuit court vacancies to single digits for the first time in decades. Lost in all the agitating from the other side of the aisle is the fact that we have succeeded in reducing circuit court vacancies to historically low levels.

In addition, this work period we have the opportunity to complete Senate consideration of five additional nominees for lifetime appointment to Federal courts, which are pending on the Senate's Executive Calendar. The Judiciary Committee has favorably reported the nominations of Mark Davis of Virginia to fill a vacancy in the Eastern District of Virginia, David Kays of Missouri to fill a vacancy in

the Western District of Missouri, Stephen Limbaugh of Missouri to fill a vacancy in the Eastern District of Missouri, William Lawrence of Indiana to fill a vacancy in the Southern District of Indiana and Murray Snow of Arizona to fill a vacancy there. In addition, when the Judiciary Committee considers the nominations of Judge Helene White and Ray Kethledge to the Sixth Circuit, we will also consider the nomination of Stephen Murphy to the Eastern District of Michigan. Thus, with cooperation from across the aisle, the Senate should be in position to have confirmed four circuit court judges and 11 district court judges before the Fourth of July recess, for a total of 15 additional Federal judges.

By comparison, during the 1996 session when a Republican Senate majority was considering the judicial nominees of a Democratic President in a Presidential election year, not a single judge was confirmed before the Fourth of July recess—not even one. That was the same session in which they failed to confirm a single circuit court nominee.

Another stark comparison is that on June 1, 2000, when a Republican Senate majority was considering the judicial nominees of a Democratic President in a Presidential election year, there were 66 judicial vacancies. Twenty were circuit court vacancies, and 46 were district court vacancies. Those vacancies were the result of years of Republican pocket filibusters of judicial nominations. This year, by comparison there are just 47 total vacancies with only 11 circuit vacancies and 36 district court vacancies. If we can continue to make progress this month, the current vacancies could be reduced to fewer than 40, with only 9 circuit court vacancies and 30 district court vacancies.

The history is clear. When Republicans were busy pocket filibustering Clinton nominees, Federal judicial vacancies grew to more than 100, and circuit vacancies to more than 30.

When I became chairman for the first time in the summer of 2001, we quickly—and dramatically—lowered vacancies. The 100 nominations we confirmed in only 17 months, while working with a most uncooperative White House, reduced vacancies by 45 percent.

After the 4 intervening years of a Republican Senate majority, vacancies remained about level.

It is the Democratic Senate majority that has again worked hard to lower them in this Congress. We have gone from more than 110 vacancies to less than 50. With respect to Federal circuit court vacancies, we have reversed course from the days during which the Republican Senate majority more than doubled circuit vacancies. Circuit vacancies have been reduced by almost two-thirds and have not been this low since 1996, when the Republican tactics of slowing judicial confirmations began in earnest.

Consider for a moment the numbers: After another productive month, just 9