

“(A) by striking out ‘\$327’ and inserting in lieu thereof ‘\$392’;

“(B) by striking out ‘\$245’ and inserting in lieu thereof ‘\$294’; and

“(C) by striking out ‘\$163’ and inserting in lieu thereof ‘\$196’.

“(b) CORRESPONDENCE COURSE.—Section 3534(b) of such title is amended by striking out ‘\$404’ and inserting in lieu thereof ‘\$485’.

“(c) SPECIAL RESTORATIVE TRAINING.—Section 3542(a) of such title is amended—

“(1) by striking out ‘\$404’ and inserting in lieu thereof ‘\$485’;

“(2) by striking out ‘\$127’ each place it appears and inserting in lieu thereof ‘\$152’; and

“(3) by striking out ‘\$13.46’ and inserting in lieu thereof ‘\$16.16’.

“(d) APPRENTICESHIP TRAINING.—Section 3687(b)(2) of such title is amended—

“(1) by striking out ‘\$294’ and inserting in lieu thereof ‘\$353’;

“(2) by striking out ‘\$220’ and inserting in lieu thereof ‘\$264’;

“(3) by striking out ‘\$146’ and inserting in lieu thereof ‘\$175’; and

“(4) by striking out ‘\$73’ and inserting in lieu thereof ‘\$88’.

“(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 1998, and shall apply with respect to educational assistance allowances paid for months after September 1998.”.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

#### MORNING BUSINESS

Mr. McCAIN. Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business, with Senators permitted to speak for up to 10 minutes each.

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

#### CONFIRMATION OF ROSEMARY S. POOLER TO BE UNITED STATES CIRCUIT JUDGE FOR THE SECOND CIRCUIT

Mr. LEAHY. Mr. President, I congratulate Judge Rosemary Pooler on her confirmation as a member of the Second Circuit. She has been providing a great service as a United States District Court Judge in the Northern District of New York. President Clinton nominated her last November to fill a vacancy on the Second Circuit. I worked very hard to have her included in a prompt confirmation hearing, was finally able to get her included in a hearing on May 14 and, with the cooperation of Chairman HATCH, have her reported by the Judiciary Committee on May 21. With her confirmation, Judge Pooler becomes the second woman to serve as a member of the United States Court of Appeals for the Second Circuit.

Ironically, her confirmation also brings into sharp relief the harm that

is being perpetuated in the Northern District of New York by the Senate's refusal to consider Clarence Sundrum, another nominee for a longstanding vacancy on an overburdened court. Mr. Sundrum was first nominated in September 1995, over two and one-half years ago. The vacancy has long been considered a judicial emergency. This judicial nomination is the oldest pending judicial nomination before the Senate. After two hearings and almost three years, Mr. Sundrum has still not been considered by the Judiciary Committee or the Senate.

I was very disappointed that Judge Pooler was not confirmed before the Senate left for its Memorial Day recess. Along with the confirmations of Judge Sonia Sotomayor, Robert Sack and Chester Straub, her confirmation will help end the continuing emergency caused by the vacancy crisis on the Second Circuit. I want to thank the Majority Leader for calling up the nomination of Judge Rosemary Pooler today and Chester Straub yesterday.

As I noted most recently on May 21 and May 22, the Second Circuit is suffering from an unprecedented emergency caused by the vacancies crisis on that court. We have had four nominees before the Senate for many months who together could help end this crisis.

On March 25, the five continuing vacancies on the 13-member court caused Chief Judge Ralph Winter to certify a circuit emergency, to begin canceling hearings and to take the unprecedented step of having 3-judge panels convened that include only one Second Circuit judge. On April 23, Chief Judge Winter was forced to issue additional emergency orders.

The people of the Second Circuit need additional federal judges confirmed by the Senate. Indeed, the Judicial Conference of the United States recommends that in addition to the current vacancies, the Second Circuit be allocated an additional two judgeships to handle its workload. The Second Circuit is suffering harm from the vacancy crisis and Senate inaction.

This past weekend the Second Circuit held its annual circuit conference. I was pleased that this year's meetings could be held in Manchester, Vermont, and congratulate Chief Judge Murtha of the District Court of Vermont on the success of those meetings.

In connection with the annual conference, the Chief Judge of the Second Circuit issued his annual report. Chief Judge Winter concentrates on “the problem, now chronic as well as aggravated, of obtaining resources equal to the jurisdictional responsibilities entrusted to the Court.” In particular, he notes that the filings with the Court of Appeals rose 20 percent over the last two years while its active judges went down by 33 percent, from 12 to eight.

After thanking the senior judges, district judges and visiting judges from other circuits, without whom the Second Circuit “would have been engulfed by a backlog that would not be ame-

nable to future reduction,” he went on to note:

The semblance of normalcy, however, is still just a semblance. Ten panel days in April and June had to be canceled outright. Seven panels were able to hear cases only after I certified that a judicial emergency existed so that the panel could proceed with only one member of the court and two visiting judges. The number of pending cases is increasing at an alarming rate, and the Court has the largest backlog in its history.

The Chief Judge had some blunt talk for congressional critics.

He concludes:

The political branches have steadily increased our federal question jurisdiction, have maintained an unnecessarily broad definition of diversity jurisdiction, and then have denied us resources minimally proportionate to that jurisdiction. That is the problem. The result is that a court with proud traditions of craft in decision-making and currency in its docket is now in danger of losing both.

I conclude by noting my regret that the Senate is not proceeding to consider the longstanding nomination of Judge Sonia Sotomayor. I will continue to press for her confirmation and that of Robert Sack to the Second Circuit. I have been urging favorable Senate action on the nomination of Judge Sonia Sotomayor to the Second Circuit for many months.

Judge Sonia Sotomayor is a qualified nominee who was confirmed to the United States District Court for the Southern District of New York in 1992 after being nominated by President Bush. She attended Princeton University and Yale Law School. She worked for over four years in the New York District Attorney's Office as an Assistant District Attorney and was in private practice with Pavia & Harcourt in New York. She is strongly supported by Senator MOYNIHAN and Senator D'AMATO. She is a source of pride to Puerto Rican and other Hispanic supporters and to women. When confirmed she will be only the second judge of Puerto Rican descent to serve on the Second Circuit.

By a vote of 16 to 2, the Judiciary Committee reported the nomination of Judge Sonia Sotomayor to the Senate. That was on March 5, 1998, almost three months ago. No action has been taken or scheduled on that nomination and no explanation for the delay has been forthcoming. This is the oldest judicial nomination pending on the Senate Executive Calendar. In spite of a bipartisan April 9 letter to the Senate Republican Leader signed by all six Senators from the three States forming the Second Circuit urging prompt action, this nomination continues to be stalled by anonymous objections. Our bipartisan letter to the Majority Leader asked that he call up for prompt consideration by the Senate the nomination of Judge Sonia Sotomayor. That was almost three months ago.

I do not know why this distinguished jurist, who was nominated by President Bush to the District Court and by President Clinton to the Court of Appeals, is being denied consideration by