administration force park users out of their parks, steal land from our States and counties, impose costly new regulations on farmers and businesses without scientific justification, and force Congress to become a spectator on many of the most controversial and important issues before the American people.

It is getting to the point where I am not sure what to tell my constituents. I have been on the phone with snowmobilers in Minnesota and they ask what can be done. I start to explain that because of the filibuster in the Senate and the President's ability to veto, it will be difficult for Congress to take any action. I have found myself saying that a lot lately. Whether it is regulations on Total Maximum Daily Loads, efforts to put 50 million acres of forests in wilderness, or new rules to regulate a worker's house should they choose to work at home, this aAdministration just doesn't respect the legislative process or the role of Congress. Nor does this administration respect the jobs, traditions, cultures, of lifestyles of millions of Americans. If you are an American who has yet to be negatively impacted by the actions of this administration, just wait your turn because you were evidently at the end of the list. Sooner or later, if they get their way in the next few months, they're going to kill your job, render your private property unusable, and ban you from accessing public lands that have been accessible for generations.Regrettably, many of us in Congress are now left with the proposition of telling our constituents that we must wait for a new administration. I have to tell them that this administration is on its way out the door and they're employing a scorched earth exit strategy. And I have to warn them that the situation could get worse if a certain Vice President finds himself residing at 1600 Pennsylvania Avenue next year.

I have to admit, there is nothing pleasurable about telling your constituents to wait until next year. I think it is important to remember that, as Senators, we are the representatives of every one of our constituents. When I have to tell a constituent that Congress has lost its power to act on this matter, I am actually telling that constituent that he or she has lost their power on this matter. When I have to tell a snowmobiler that the administration doesn't care what Congress has to say about snowmobile in national parks, I am really telling him or her that the administration doesn't care what the American people have to say about snowmobiling in national parks. Well, I doubt any of us could've said that any better than Donald J. Barry said it himself.

When forging public policy, those of us in Congress often have to consider the opinions of the state and local officials who are most impacted. If I'm going to support an action on public land, I usually contact the state and local officials who represent the area to see what they have to say. I know that if I don't get their perspective, I might miss a detail that could improve my efforts. I also know that the local officials can tell me if my efforts are necessary or if they're misplaced. They can alert me to areas where I need to forge a broader consensus and of ways in which my efforts might actually hurt the people I represent. I think that is a prudent way to forge public policy and a fair way to deal with state and local officials.

I know, however, that no one from the Park Service ever contacted me to see how I felt about banning snowmobiling in Park Service units in Minnesota. I was never consulted on snowmobiling usage in Minnesota or on any complaints that I might have received from my constituents. While I've not checked with every local official in Minnesota, not one local official has called me to say that the Park Service contacted them. In fact, while I knew the Park Service was considering taking action to curb snowmobile usage in some Parks, I had no idea the Park Service was considering an action so broad, and so extreme, nor did I think they would issue it this quickly.

This quick, overreaching action by the Park Service, I believe, was unwarranted. It did not allow time for federal, state, or local officials to work together on the issue. It didn't bring snowmobile users to the table to discuss the impact of the decision. It didn't allow time for Congress and the Administration to look at all of the available options or to differentiate between parks with heavy snowmobile usage and those with occasional usage. This decision stands as a dramatic example of how not to conduct policy formulation and is an affront to the consideration American citizens deserve from their elected officials.

I hope we take a hard look at this decision and call the administration before Senate Committees for hearings. I have long believed that we can have an impact on these matters by holding strong oversight hearings and by forcing the Administration to account for its actions. We cannot, however, simply stand by and watch as the Administration continues its quest for even greater power at the expense of the deliberative legislative processes envisioned by the founders of our country. Secretary Babbit, Administrator Browner, and Donald J. Barry may believe they're above working with Congress, but only we can make sure they're reminded, in the strongest possible terms, that when they neglect Congress they're neglecting the American people.

I thank the Chair.

CONTINUING SENATE STALL ON JUDICIAL NOMINATIONS

Mr. LEAHY. Mr. President, I, again, urge the Senate to take the responsible action necessary to fill the 80 judicial vacancies around the country. The Senate has confirmed only seven judges all year. We are in our fifth month and have only confirmed seven judges. We have 80 vacancies. There are six nominations on the Senate Executive Calendar, including Tim Dyk, who has twice been reported by the Judiciary Committee. Mr. Dyk's nomination has been pending over 2 years. Does this all sound familiar? It is because the Senate continues to fail in its responsibility to the American people and the Federal courts to take action on judicial nominations.

The stall has been going on since 1996, with a few brief burst of activity when the editorial writers and public attention has focused attention of these shortcomings. When there is scrutiny, then the majority puts through a few more.

The Judiciary Committee is not doing any better. It has held the equivalent of two hearings all year. In 5 months, it has held the equivalent of just two hearings on judicial nominations. We heard from only two nominees to the courts of appeal and only nine to the district courts. The committee has reported only six nominees all year, just six.

I know the Senate has built in to the schedule a lot of vacation and a number of recesses. Maybe we ought to take a day or two out of one of those vacations and have some hearings and some votes on the confirmations of the scores of judges that are needed.

We have seen the majority announce with great fanfare that the Senate would have more hearings in the Judiciary Committee on Elian Gonzalez this year. The American public responded so loudly and correctly to that proposal for senatorial child abuse that the majority quickly backed off, trying to find some face-saving way to cancel the hearings. Well, without those hearings we had a whole day this week available. Instead of senatorial child abuse, why not have hearings on judges? We could have done that.

The committee markup scheduled for this morning was canceled. We could have used that time for a Judiciary hearing or proceeded and reported a few judicial nominees.

Most afternoons are free around here this year. We could have hearings a few afternoons a week and start to catch up on our responsibilities.

Over the last weekend, the President again called upon us to do our job and complete consideration of these nominations without additional delay. The Chief Justice of the Supreme Court, a Republican, has scolded the Senate in this regard.

I have urged the Senate time and time again to fulfill our responsibilities. I wish we would do this, take a couple days less vacation time, work a few afternoons, and confirm the judges that we need around the country.

A couple of years ago, I compared the Senate pace of confirming judges with

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.
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> 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.
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> 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.
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> 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.
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> 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 confirmed 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