

In contrast, under the Leahy-led Judiciary Committee, President Bush's nominees to the Fifth Circuit: Edith Brown Clement and Judge Pickering, were treated fairly. Both received hearings less than 6 months after their nominations. In fact, Judge Clement was the first Fifth Circuit nominee to receive a hearing since Judge James Dennis had a hearing when Senator BIDEN chaired the Judiciary Committee in 1994. She is the first person confirmed to that circuit since Judge Dennis's confirmation almost 7 years ago.

Those who assert that the Democrats have caused a vacancy crisis in the Federal courts are, regrettably, ignoring recent history. At the end of the 106th Congress, December 15, 2000, there were 76 vacancies on the Federal courts. There were 80 when President Bush took office. There were an unusual number of retirements taken by Federal judges during the first 6 months of this Republican President. By the time the Senate was permitted to reorganize after change in minority, the number reached 111. Since then, 41 judicial nominees have been confirmed, and another one was confirmed this morning. There will be another one on Monday. There are currently nine vacancies due to retirements and deaths, but our rate of confirmation is greater than the rate of attrition. We have made more progress than was made in 4 of 6 years of Republican leadership.

On January 3 of last year, there were 26 vacancies on the Federal appellate courts, some of these seats had been vacant for years, since 1994, 1995, 1996, 1997, 1998, 1999, and 2000. Because of these long standing vacancies, President Clinton renominated nine court of appeals nominees who had either not been given a hearing or a vote by the Senate Judiciary Committee under Republican leadership. None of those nominees received hearings or votes last spring before the change in majority, and in fact no nominees were confirmed by the time the Democrats became the majority.

By the time the Senate was permitted to reorganize last summer there were 32 vacancies on the circuit courts. Since that time, an additional six vacancies have arisen on the circuit courts. In spite of the extraordinary rate of attrition since the presidential election, combined with the number of long-standing vacancies that were not acted upon during years of Republican control, we have kept up with the rate of attrition and exceeded it. We are doing what the Republican majority did not do: keep up with the rate of attrition and move in the right direction. While there are now 31 seats open on the appellate courts—most of which were left vacant by Republican tactics in the previous six years—seven nominees to the court of appeals have already been confirmed, and next week we will have a hearing on another circuit nominee who I hope will turn out to be uncontroversial and well regarded

by people from both sides of the aisle. Our task is made easier when the President works with members of both parties to nominate consensus nominees who are not outside of the mainstream and whose record demonstrates that they will follow precedent—not try to find a way around it.

The one thing I have not mentioned, Mr. President, is not only have we had a change in leadership, but keep in mind what happened since the change in leadership: September 11. We didn't have places to hold hearings. I attended a hearing down here in the Capitol. People were jammed into this room. I don't think most people would have had the hearing. Senator LEAHY decided to have the hearing. If that wasn't enough, we had an anthrax scare that closed down our building, and 50 Senators in the Hart Building were told they couldn't come in and their staffs couldn't come in. That anthrax threat was directed toward Senator DASCHLE. Then we had one directed toward Senator LEAHY.

As I said as I began my remarks today, there should be accolades given to the chairman of the Judiciary Committee for what he has done to allow the process to proceed as fast as it has. Our friends on the other side of the aisle didn't even have excuses for holding up action. This Judiciary Committee has had lots of reasons for holding it up, but they pushed it ahead anyway. September 11, anthrax—they go ahead anyway.

Through the efforts of the Democratic Senators on the Senate Judiciary Committee 14 hearings have been held on judicial nominees. In only nine months of Democratic leadership, seven circuit court nominees have been confirmed. Only seven circuit court nominees were confirmed on average in each year of Republican leadership. During the Republican majority in the past six years, there was even one year in which no, zero, court of appeals nominees were voted out of Committee.

At the beginning of the year, Senate Judiciary Committee Chairman LEAHY outlined his plan to reform the process and practices used in the past, under Republican leadership, to deny Committee consideration of judicial nominees. Almost 60 judicial nominees never received a hearing by the Senate Judiciary Committee or received a hearing but were never voted on by the Committee. We are holding more hearings for more nominees than in the recent past. We have moved away from the anonymous holds that so dominated the process from 1996 through 2000. We have made home State Senators' blue slips public for the first time.

Mr. President, I repeat, as a Senator, there is no more difficult committee on which to serve than the Judiciary Committee. The issues are complex, difficult, hard. But this Judiciary Committee is one that has done extremely well. And if there were a Super Bowl,

this committee would be placed in it. If there were a coach of the year, it would be the chairman of the Committee, Senator PAT LEAHY.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. SMITH of Oregon. I thank the Chair.

(The remarks of Mr. SMITH are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. SMITH of Oregon. I thank the Chair, and I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The 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.

STATES WITH MORE GUNS HAVE MORE GUN DEATHS AMONG CHILDREN

Mr. LEVIN. Mr. President, a few weeks ago the Harvard School of Public Health released a study that shows children are dying from gun violence at higher rates in States with higher levels of gun ownership. The study, "Firearm Availability and Unintentional Firearm Deaths, Suicide, and Homicide among 5 to 14 Year Olds," appears in the February 2002 issue of *The Journal of Trauma*.

According to Center for Disease Control and Prevention statistics cited in the study, only motor vehicles and cancer claim more lives than do firearms among children 5 to 14 years old. The Harvard study presents evidence of a correlation between the level of gun ownership in a State and the number of gun related deaths on the State level. The study asserts that children living in the five States with the highest levels of gun ownership were more than 16 times more likely to die from unintentional firearm injury, almost seven times more likely to die from firearm suicide and more than three times more likely to die from firearm homicide than children in the five States with the lowest levels of gun ownership.

Most fatal firearm accidents and suicides occur when children and teens discover firearms at home that have been left loaded or unsecured. The Child Access Prevention Act is a common sense approach that attempts to address one part of this problem. This legislation would hold adults who fail to lock up a loaded firearm or an unloaded firearm with ammunition accountable. Adults who fail to lock up their firearm and ammunition would be held liable if the weapon was taken by a child and used to kill or injure another person or him or herself. The bill would also increase the penalties for selling a gun to a juvenile and create a gun safety education program that includes parent-teacher organizations

and local law enforcement. The legislation is similar to a State law which President Bush signed into law during his tenure as the Governor of Texas. The Harvard study only reinforces my support for this legislation.

SETTLING THE SOFTWOOD LUMBER DISPUTE: POSSIBILITIES AND PROBLEMS

Mr. KYL. Mr. President, the Bush administration is currently involved in negotiations to settle a dispute regarding the importation of Canadian softwood lumber.

Softwood lumber is essential for building quality, affordable homes in the United States.

Its price and availability have a major impact on the U.S. economy, workers and consumers. The U.S. homebuilding industry employs 6.5 million people. The Census Bureau estimates a price increase of \$1,500 for the average new home—expected if an export tax or duty is imposed on Canadian softwood lumber coming into the U.S.—which would prevent approximately 450,000 families from qualifying for a home mortgage. These families are likely to be less advantaged groups in the population.

Quite simply, Canadian softwood lumber is needed here. It has different qualities than the lumber produced in the U.S. and is used for different purposes. The southern yellow pine produced in the U.S. cannot replace Canadian spruce-pine-fir, which is used by American home builders for interior walls. These homebuilders use U.S. southern yellow pine for decks and flooring because of its strength and ability to accept hard treatment. But if southern yellow pine were used in interior walls, unlike Canadian spruce-pine-fir, it could twist, warp and shrink causing nails to “pop.” Obviously, this would result in problems for home builders and consumers.

There are a number of proposed settlements that raise legal and practical concerns. These proposed settlements range from the imposition by the Canadian government of an “export tax” on the sale of Canadian lumber to U.S. companies, to mandated minimum prices established by both governments. Such settlements will cause volatility in lumber markets without adequately considering the disadvantages for U.S. consumers.

I urge the administration to base its decision on existing U.S. and international trade law, and I implore the administration to exclude from any settlement provisions that would impose a de facto, foreign country-imposed sales tax on U.S. homebuyers.

90TH ANNIVERSARY OF THE GIRL SCOUTS

Mr. ROBERTS. Mr. President, today I would like to recognize the Girl Scouts of America who are celebrating their 90th anniversary. As the largest

organization for girls in the world, the Girl Scouts promote self confidence, values, integrity, and leadership. Through this worthwhile organization, girls are able to build character, skills for success, and have fun while doing it.

For a moment, I would like to brag about the Girl Scouts of Kansas. With over 40,000 girls and over 10,000 adult members in Kansas, the Girl Scouts are an active and necessary presence in my home State.

Throughout Kansas, the Girl Scouts are involved in various volunteer and community activities. Some programs include: Promoting anti-violence education; helping children of parents who are going through divorce; reaching out to immigrant children; organizing activities between girls and their incarcerated mothers; partnering with the Boys and Girls Club of America on various projects.

I am proud of all our Girl Scouts, most especially the ones in Kansas. Through the promotion of science, technology, health, fitness, and friendship, these girls will grow up to be outstanding young women. I commend all the Girl Scouts on their success and their commitment to this organization.

Ms. SNOWE. Mr. President, I rise today to recognize the 90th anniversary of the founding of the Girl Scouts, and congratulate the organization for its outstanding and unflagging efforts to make a positive impact on America's girls and young women for the past 90 years.

While the Girl Scouts Organization has successfully adapted to the changing times since its founding in 1912, thankfully its core values have remained the same, to teach young girls about their physical health and well-being, provide a place for them to acquire self-confidence and expertise, help them achieve their full potential, encourage them to act with integrity and character, and instill in them the importance of contributing to society and their community.

The Girl Scouts of Maine exemplify these values. In addition to fostering the programs that are at the core of girl scouting, the Girl Scouts of Maine have been visionary in creating an initiative to provide young girls, ages 9–12, education on bone health awareness. Considering that the National Osteoporosis Foundation recently found that 30 million women over the age of 50 have some form of osteoporosis, it is critical that girls learn to foster these healthy habits during their formative years.

In another example of the innovative work of the Girl Scouts of Maine, the Kennebec Council has launched the Women Investing In Girl Scouts, or WINGS, program. This effort strives to link Maine's vulnerable young girls with successful working women to provide these young girls with guidance and mentoring through their most pivotal and difficult years, in the hopes of decreasing the numbers of Maine girls

who fall victim to eating disorders, drug and alcohol abuse, and illegal activity and providing a positive influence at a crucial time.

I was heartened to recently learn that one in every seven girls in the State of Maine participates in the Girl Scouts. That's over 12,000 girls, a remarkable level of participation in a State of just one-and-a-quarter million people. Worldwide, the Girl Scouts boast a thriving membership of 3.8 million strong, and this membership continues to grow and prosper.

I again want to congratulate the Girl Scouts for 90 years of success, and wish the organization all the best as it embarks on its next 90 years.

Mr. KOHL. Mr. President, I rise today to enthusiastically commend the good work of the Girl Scouts of the USA, on this week of their 90th Anniversary. For nine decades, this organization has been instrumental in the nurturing and development of millions of American youth in all communities, reaching beyond racial, ethnic, and socioeconomic barriers. Today, Girl Scouting has a membership of 3.8 million, making it the largest organization for girls in the world. In my home State of Wisconsin, there are 77,000 girls, one in five, who currently participate in Scouts.

One cannot quantify the positive impact the Girl Scouts have had on this country and our youth. Countless girls have emerged from this wonderful organization with the qualities and values we hope our children will embody. Countless girls have left Scouts strong and confident; thoughtful and creative; dedicated and involved; responsible and trustworthy. Countless girls have used their experiences in Scouts to develop a deep sense of justice, honor and integrity. Countless girls have matured into role models, leaders and public servants in their communities. I have had the pleasure of talking with numerous Girl Scouts and Girl Scouts alumni who have described the positive role Scouts has played in their lives. There are so many more stories that have, and can, be told about the extraordinary impact this organization has had.

I believe the best example of what the Girl Scouts represent is the Girl Scout Gold Award Young Women of Distinction. Each year, 10 young women receive this achievement, the organization's highest, for their exemplary sense of community service. I am proud to recognize one of those women: Elsa, a 17-year-old, who hails from Shorewood, WI. Elsa established the Avenue Store, a clothing ministry for low-income individuals in the Milwaukee area. As chairman of the board of the store, Elsa worked with a board of adults, established guidelines for the store, and designed and implemented a voucher system for obtaining clothes. She also worked with more than 60 schools and agencies in her community and trained over 50 volunteers. In the project's first year, the Avenue Store