trial and appellate courts to which we confirm judges apply our Federal laws. Without a steady supply of judges, these courts cannot enforce our laws.

Right now, 12 of the Nation's 94 Federal judicial districts and 5 of the 12 circuit courts have judicial emergency vacancies—that's what the Judicial Conference of the United States calls vacancies that have existed for 18 months or more.

These emergency districts had an average of 635 criminal case filings in 1995—almost twice the national average of 355 filings. There average backlog of 4,153 cases exceeds the national average of 2,853 cases by 46 percent—1,300 cases.

The President has nominated judges for 15 of the 17 emergency courts. Three have received hearings and await a committee vote, three more are bottled up on the floor.

This is not the way we should be doing business here—and this is most certainly not business as usual as far as I'm concerned.

We should put a stop to the politics, and confirm these judges today.

MINING PATENT MORATORIUM

Mr. CRAIG. Mr. President, I would like to engage in a colloquy with the distinguished Chairman of the Energy and Natural Resources Committee concerning a report on mining patents that was recently completed by the Department of the Interior.

Mr. MURKOWSKI. Mr. President, I would gladly engage in such a colloquy with my distinguished colleague, the Chairman of the Forests and Public Land Management Subcommittee of the Energy and Natural Resources Committee. The senior Senator from Idaho has worked on mining law reform legislation for several Congresses and is a recognized expert in the area of mining and natural resources. I am pleased to discuss the mining issue with him.

Mr. CRAIG. I thank the Chairman for his kind words. In July, the Energy and Natural Resources Committee received a copy of a report from the Interior Department, entitled ''Five Year Plan for Making Final Determination on Ninety Percent of Grandfathered Patent Applications Pursuant to Public Law 104–134.'' My subcommittee has not yet fully analyzed the report that addresses the mineral patent moratorium which was enacted originally on September 30, 1994, for fiscal year 1995, and extended through fiscal year 1996 on April 25, 1996. I believe the Appropriations Committee received the report as well.

Mr. MURKOWSKI. The Energy and Natural Resources Committee received the report. I am concerned that the report appears to provide a partisan justification for Secretary Babbitt's various actions and inactions regarding the mineral patenting process since 1993.

Mr. CRAIG. I share your concern, and I note that the report provides a plan to process 90 percent of the mineral patent backlog in five years, which may or may not be effective. The Conference Report on H.R. 3610, Department of Defense Appropriations Act, extended the patent moratorium for fiscal year 1997. In your view has the Congress endorsed Secretary Babbitt's actions and his plan?

Mr. MURKOWSKI. Certainly not in my view. We will review the adequacy of the Secretary's plan at the appropriate time.

Mr. CRAIG. I agree, and I note further that the Congress is clearly not in a position to ratify or reject the Department's determinations regarding individual patent applications which are pending and are identified in the Secretary's report as ''grandfathered,'' or impliedly identified as not ''grandfathered'' by their absence on the list.

Mr. MURKOWSKI. I completely agree. The legality of the Secretary's actions, inactions and determinations affecting individual patent applicants will be reviewed, as needed, by the federal courts in accordance with due process law.

Mr. CRAIG. One final concern which I have is that the Interior Department may be construing the ''five-year'' schedule to clear the patent backlog as somehow shielding the Department from claims of unreasonable delay by individual patent applicants in the interim. Such a construction would be clearly contrary to our intent, which was to keep the patent application processing moving forward.

Mr. MURKOWSKI. I share your concern. Such a construction would thwart our purpose entirely.

Mr. CRAIG. I thank the distinguished Chairman for this colloquy.

BURMA SANCTIONS

Mr. McCONNELL. Mr. President, over the weekend, more than 500 Burmese citizens were arrested—more than double the number picked up in an outrageous sweep back in May.

And, their crime, Mr. President? Their crime was an effort to participate in a conference on the future of democracy called by Daw Aung San Suu Kyi, Burma's legitimately elected leader.

Just as discouraging as the arrests is the action taken against Daw Aung San Suu Kyi. The street to her home has been cut off by armed guards, and I understand over 100 troops have been deployed in and around her compound.

Her weekly addresses to supporters have been cut off.

Her movements are completely restricted.

In fact, when I asked if anyone from our embassy had direct contact with her, I was told the phone lines have been cut along with access to her home.

So, at this moment, as I speak, there is no certainty as to her physical well-being—we have no idea what condition Daw Aung San Suu Kyi is in—we have no idea what SLORC goons may be doing within her home, now, a prison.

But, I want to remind my colleagues of something terribly important that this courageous woman has repeatedly emphasized—she is not the issue—she is only a symbol, a champion for her nation's freedom.

Her cause, her call to us is to restore democracy to her beleaguered homeland, Burma.

Mr. President, I have come to the floor today, once again, to call upon the administration to take decisive action to assist Aung San Suu Kyi and her supporters.

This time, the circumstances are different.

On Monday, when the President signed the omnibus appropriations bill, the foreign operations section included provisions setting a new policy course for Burma.

Although many of my colleagues agreed with language I had included in the bill which imposed immediate sanctions, the Senate and the foreign operations conferees agreed to a weaker position offered by my colleague from Maine and endorsed by the adminstration.

This language, which the administration supported, required a ban on new investment under specific conditions.

The administration agreed to move forward ''if the Burmese government has physically harmed, rearrested for political acts or exiled Aung San Suu Kyi or has committed large-scale repression of or violence against the Democratic opposition.''

That's exactly what the law requires.

Ironically, in the case of defining repression, every official I spoke with suggested sanction would be invoked if SLORC took action similar to the May offensive—I might add, no one actually believed SLORC would be so ruthless to repeat so sweeping and offensive an attack on peaceful democratic activists.

Mr. President, in the past this administration has issued ultimatums to SLORC.

In 1994, Tom Hubbard, then Deputy Assistant Secretary of State for Asian Affairs traveled to Rangoon and warned SLORC that if we did not see improvements in human rights, democracy, and drug trafficking, the United States would take appropriate punitive action.

SLORC immediately challenged the demarche and launched a massive military attack against ethnic groups generating more than 80,000 refugees. Attacks in the countryside were matched by rounding up democracy advocates in Rangoon.

America's response? The administration looked the other way.

The next year, Ambassador Albright traveled to Rangoon and repeated the message and saw virtually the same results—massive detentions, torture, and arrests—a complete rejection of our concerns and interests.

Now, we are faced with the worst deterioration of the internal situation since the stolen elections in 1990.