



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 107th CONGRESS, FIRST SESSION

Vol. 147

WASHINGTON, TUESDAY, OCTOBER 23, 2001

No. 142

Senate

The Senate met at 9:30 a.m. and was called to order by the President pro tempore (Mr. BYRD).

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Trust in the Lord with all your heart, and lean not on your own understanding; in all your ways acknowledge Him, and He shall direct your paths.—Proverbs 3:5-6.

Let us pray:

Gracious God, You only ask from us what You generally and generously offer to give to us. You initiate this conversation we call prayer because You want to bless us with exactly what we will need to live faithful, confident, productive, joyous lives today. You are for us and not against us. Help us to live the hours of today knowing You are beside, are on our side, and offer us unlimited strength and courage besides. You will provide us insight and inspiration to confront and solve the problems we face. You will give us peace when our hearts are distressed by the turbulence of our times. You will comfort us when we are afraid and need Your peace. You will make us overcomers when we feel overwhelmed. In response we relinquish our imagined control over people and circumstances. We thank You for the power of faith that we feel surging into our minds and hearts. We trust in You, dear God, for You are our Lord and Saviour. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2002—MOTION TO PROCEED

The PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of the motion to proceed to H.R. 2506, which the clerk will report.

The legislative clerk read as follows:

A motion to proceed to the bill (H.R. 2506) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2002, and for other purposes.

The PRESIDENT pro tempore. The Senator from Nevada.

MEASURE PLACED ON THE CALENDAR—S. 1564

Mr. REID. I understand S. 1564 is at the desk and is due for its second reading.

The PRESIDENT pro tempore. The clerk will read the bill for the second time.

The legislative clerk read as follows:

A bill (S. 1564) to convey lands to the University of Nevada at Las Vegas Research Foundation for a research park and technology center.

Mr. REID. Mr. President, I object to further proceedings. I understand it has been read a second time.

The PRESIDENT pro tempore. Objection to further proceedings having been made, the bill will go on the calendar of general orders.

SCHEDULE

Mr. REID. Mr. President, we are going to vote at 10 o'clock this morning on cloture on the motion to proceed to foreign operations appropriations. The Senate will recess from 12:30 to 2:15 today for the weekly party conferences.

Because of Senators not being able to come to their offices today, I want to make an announcement that tomorrow morning we are going to have our weekly prayer breakfast in S-115. The breakfast will be led by Imam Yusuf Saleem, who is the resident Imam of Mas Jid Muhammad and the National

Education Director for the Muslim American Society. Also, he is going to offer the prayer here tomorrow morning to open our Senate.

Mr. President, as I indicated, we are going to vote at 10 o'clock on a motion to proceed to this most important piece of legislation. This is now the third week the legislation has been held up. The filibusters for this bill alone have been more than 2 weeks. It is very important legislation dealing with issues about which the country must be concerned, especially with all that is going on in the world.

I say to my friends on the other side of the aisle who think they will get some advantage as a result of this filibuster in relation to judges, we are going to go ahead and process these. Senator LEAHY is fully aware of the need to approve judges. For example, at 2:15 today, if the minority has no objection, we will vote on four district court judges, Federal district court judges.

We are moving along as quickly as possible. I don't think it takes a rocket scientist, for lack of a better description, to understand that Senator LEAHY and the Judiciary Committee have been working under some tremendous constraints. First of all, after September 11 several weeks were spent coming up with legislation dealing with antiterrorism. It goes without saying that last week, in spite of all the difficulties involved, Senator LEAHY held, back here, an emergency markup in the President's Room. Then later in the day he held a meeting to have a hearing on various judges. It was held in S-128.

If Senator LEAHY were in some way trying to avoid having judges approved and holding hearings, he has every excuse in the world, I think. But instead of doing that, he prevailed upon the chairman of the Appropriations Committee, the Presiding Officer today, to use the appropriations room to do these hearings.

- This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



Printed on recycled paper.

So I think there may be more to this—this is my personal belief—than simply judges. It seems to me perhaps there is some effort to not have any more appropriations bills; that there may be some effort to have a big bill, an omnibus bill that the President would try to work on with the leadership—whatever that means—on occasion.

I hope the Presiding Officer—I know I will—will keep a close eye on this. We should be very careful. We have had experiences in the past where these large bills were not good for the country. They are not good for my State. They are not good for the country.

As I say, I think there may be more to this than simply judges because Senator LEAHY is moving judges as quickly as we can, more quickly than the times really allow. So I hope the people on the other side allow us to go forward on this bill. We have other important appropriations bills we should be doing—Agriculture, to mention just one.

Is there going to be an effort by the minority to hold up the Defense appropriations bill, or do they want a big lump of appropriations matters sent to the President in one form?

I hope we will be allowed to take up this bill. This is an extremely important measure to assist our war-related efforts. The President just returned from China where he met with leaders of 21 different nations where he talked to them about things that are needed to help them.

I traveled with Senator Simon and others to Uzbekistan a number of years ago. We were taken to the Aral Sea—a sea that dried up as a result of very bad practices by the former Soviet Union. It is the fourth largest sea in the world. The shoreline is now 80 miles from where it used to be. Weather patterns have changed in that part of the world.

On the second page of the Post: One of the islands in that great sea was used for development of biological weapons.

We are going to help Uzbekistan rid that island of anthrax. That is going to take money. That money is in this bill. I do not know how they proposed to do that without the specific appropriations to allow it to happen.

The full Senate, with the permission of the minority, is going to vote on four judicial nominations this afternoon. I hope everyone will understand there is a time and place for everything. This certainly does not appear to be the time to continue a filibuster on this most important legislation.

The PRESIDENT pro tempore. Under the previous order, there will now be 30 minutes for debate equally divided between the chairman and ranking member, or their designees.

Mr. REID. Mr. President, I ask unanimous consent that the time I used be counted as time against the majority's time on the 30 minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Wyoming.

Mr. THOMAS. Mr. President, before I yield to my friend from Kentucky, I wanted to say that I think all of us join with the Senator from Nevada in suggesting that we need to move forward. The fact is, we have a reason for not moving. We need a commitment to move more quickly. In spite of all the excuses and all the reasons, we haven't moved quickly. We are very much behind. We have a good many vacancies that need to be filled. I just have to say that there is a way to solve it—by committing ourselves to doing this very quickly.

I yield the floor.

The PRESIDENT pro tempore. The Senator from Kentucky is recognized.

Mr. McCONNELL. Mr. President, I am pleased to hear the Senator from Nevada indicate that we might be able to confirm four district judges this afternoon. I can't speak for the minority leader, but I assume he would think that would be a wonderful idea and would be a step in the right direction.

I am in a curious position of being the ranking member on the Subcommittee on Foreign Operations supporting the underlying bill and thinking it is necessary that it be passed sometime soon. At the same time, as a member of the Judiciary Committee, I am terribly concerned about the slow pace of the confirmation of judges. This is a serious situation.

Just last week we lost another judge. Charles Wolle of the Southern District of Iowa announced he was taking a senior status. The vacancy situation has now risen to 109, which is 13 percent of the Federal bench. That means more than 1 of every 10 seats is unfilled.

As we all know, justice delayed is justice denied. If there isn't a judge on the bench, there isn't a way to get justice. Unfortunately, we still don't have any specific commitments from our friends on the other side of the aisle to move ahead. As of this moment, only eight judges have been confirmed this entire year. Therefore, I urge my colleagues on this side of the aisle to vote exactly as they did 1 week and 1 day ago on this issue until we can get some resolution of where we are headed to deal with the issue of justice being denied by substantial vacancies in the Federal judiciary.

There have been a number of different fallacies that have been put forward by my friends on the other side of the aisle related to this whole situation.

Fallacy No. 1: That we shouldn't oppose cloture because this bill contains money for embassy security.

There is no embassy security money in this bill. That is in the Commerce-Justice-State appropriations bill.

Fallacy No. 2: That somehow it is actually President Bush's fault that there are not more than eight judges confirmed.

That is not only incorrect but it is decidedly unfair. President Bush submitted to the Senate more nominees at

a faster pace than any President in recent memory. He submitted his first batch of nominees in May—3 months earlier than President Clinton. By the August recess, the President had submitted 44 judicial nominees, which is a historic high—more nominees before August than any President ever. Fallacy No. 3 is another attempt to shift blame to the President.

Our friends on the other side of the aisle assert that the paperwork on the President's nominees isn't complete. That is also incorrect.

As of last week, the paperwork was done on at least 14 circuit court nominees and on at least 15 district court nominees. That is 29 nominees who are right now ready to go.

Fallacy No. 4: That our lack of progress on judges is due to the change in control of the Senate and the time it took to get a new organizing resolution.

That, too, is false. After the change of Senate control and before the organizing resolution was finally adopted, nine different Senate committees held 16 different nomination hearings for 44 different nominees before reorganization was completed. And one of those committees even held a markup during the reorganization period.

By contrast, during the same period, the Judiciary Committee did not hold a single confirmation hearing for any of the 39 judicial and executive branch nominees who were then pending.

Let's go over that one more time.

During the period of reorganization, nine different Senate committees held 16 different nomination hearings for 44 different nominees before the reorganization was completed. One of those committees even held a markup during the reorganization period.

By contrast, during the same period, the Judiciary Committee did not hold a single confirmation hearing for any of the 39 judicial and executive branch nominees who were then pending.

My colleagues, it is clear that none of these reasons that have been put forth have any merit. We have to look elsewhere. I submit that one reason we haven't made better progress is inefficiency. As I have said, while we have had some hearings, we have not come close to getting the most out of the hearings. In fact, it seems as if we have gotten the least out of the most.

From 1999 to 2000, the Judiciary Committee averaged 4.2 judicial nominees per hearing. This year, by contrast, we were averaging only 1.4 judicial nominees per hearing.

We had a hearing but we didn't have people there to testify. That is a pace that is three times as slow as in the past.

I was glad to hear that the chairman put four judges in last week's confirmation hearings. I am pleased to hear the assistant majority leader say that we will confirm four of those nominees today. I hope we will do that. But that sort of effort which we have made to date leaves us way behind.

I think it is clear that we can do a lot better on judges. It is not too late for us to act on the remaining 36 pre-August nominees.

In the last three administrations in the first year all but one of the nominees submitted prior to the August recess were confirmed before the end of the year. In the last three administrations, looking at the first year, all of the nominees submitted before the August recess but one were confirmed before the end of the year. Admittedly, many of those nominees were confirmed in the latter part of the year.

It is not too late for us to achieve the same standard that was achieved in each of the last three Presidential administrations.

I see my friend from Arizona is here who has really been our leader in an effort to get judges confirmed. I want to make sure he has adequate time.

Mr. President, how much time do I have remaining?

The PRESIDENT pro tempore. Four minutes twenty-two seconds.

Mr. MCCONNELL. I yield the remainder of my time to the Senator from Arizona.

The PRESIDENT pro tempore. The Senator from Arizona is recognized for 4 minutes 22 seconds.

Mr. KYL. Thank you, Mr. President. I will not take the entire time.

I marvel at how directly the rule of law in the United States is connected to this attack on the United States and how the judges play a crucial role in that, which simply brings home to me again the urgency of getting these judicial nominations confirmed so these judges can take their place on the bench.

I just finished a meeting with a group of victims' advocates who are preparing to deal with the problems that have resulted or will result from the terrible tragedy of September 11 and its aftermath. There will undoubtedly be a lot of trials. There will undoubtedly be a lot of people prosecuted, even if the primary perpetrators are not brought to justice in American courts but brought to justice in other ways. But there are cases pending right now all over this country against people who peripherally were involved, and questions about who the victims are and how those victims will be treated in court by judges are now beginning to bubble up, as they did at the time of the Oklahoma City bombing case and other tragedies.

It reminds me again of what distinguishes the United States from these other people. In the West generally, and in the United States specifically, the rule of law is everything to us. Ultimately, the judges are the arbiters of that law. We have an obligation, as the Senate, to act upon these nominations of the President, either to confirm them or to reject them, but to give the President our advice and consent. That is our constitutional responsibility. We abdicate that responsibility if we put it off either because we are too busy

doing other things or because, for political reasons, we do not want to confirm more of Bush's nominees than were confirmed in the Clinton administration, or some similar kind of political consideration. That would be wrong.

I hope my colleagues will help us bring these nominees to the floor and get them confirmed. At the conclusion of today, if I understand the comments of my colleague correctly, we will have reached a sum total of 12 confirmations for the entire year. That is woefully inadequate. There are 36 nominees pending whose nominations were made prior to the August recess. Surely we can act upon all of them.

The final point I will make is there has been some suggestion that in some cases paperwork is not done. Do not be deceived by this, my colleagues. We have a moving goalpost problem here. After all of the paperwork has been completed for weeks, new questions are submitted by colleagues, thereby creating the situation in which they can say: Well, not all the paperwork is in. There has to be an end to that at some point. The new questions have to be terminated, and it is time to have a vote.

So I urge my colleagues to help us get these nominations to the floor, find a time to vote on them, and get the votes done so we can fill the vacant court positions with these important judges.

Remember, there are 42 judges identified as emergency nominations. They have been emergencies from the beginning of the year. So we have to fulfill our responsibilities as the Senate and take action on these nominations. Until we are able to do that, it is our view that we should call a timeout on other certain portions of the Senate business so we have the ability to take up those nominations and bring them to the floor.

I hope my colleagues will permit us to take up those nominations and will defeat the motion to proceed on the appropriations bill. The ranking member of that committee, Senator MCCONNELL, has made the point that we can afford, at this point, to lay that aside temporarily to take up these judges and then return to that business.

I thank the Chair.

The PRESIDENT pro tempore. The Senator from Nevada, Mr. REID.

Mr. REID. Mr. President, last Thursday I went into some detail outlining what has happened since we have taken control of the Senate. We have moved judges expeditiously. The average time for an appellate judge during the short time we have been in control of the Senate has been 100 days. Theirs was 345 days. It seems to me the questions they have raised are fallacy one, two, and, three, things they are making up.

The fact is, some Republicans seem to be in utter fear that Democrats will treat Republican nominees as unfairly as they treated Democratic nominees. The fact is, since July, when the Sen-

ate control shifted, the Democratic Senate has treated and will treat Republican nominees fairly. It is not pay-back time.

Democrats have no intention of perpetuating the shameful ways the Republican Senate treated President Clinton's nominees. We will consider nominations thoroughly and in a timely way. Maybe some Republican Senators believe the public will not know or care that they have taken the bill to fund U.S. foreign interests as their hostage.

The American people deserve to know what is at stake when the Senate is kept from acting on a foreign operations appropriations bill, especially when it is clearer than ever that our security is linked to events outside our borders.

This bill contains \$5 billion in aid to Israel, Egypt, and Jordan, allies that are crucial to short-term and long-term stability in the Middle East. There is \$175 million in this bill to strengthen surveillance and response to outbreaks of infectious disease overseas. These are the same programs that help give us early warning of some of the world's deadliest infections, now just an air flight or postal stamp away, including anthrax and other agents using bioterrorism. It is foolish and absurd to hold these funds hostage.

There is \$327 million in this bill for nonproliferation and antiterrorism efforts to help other nations strengthen the security of their borders and their nuclear, biological, and chemical weapons facilities, as well as programs to get rid of landmines, a serious problem, for example, in Afghanistan where there are believed to be as many as 100 million landmines. There is \$450 million for steps to combat HIV/AIDS, the worst global health crisis in half a millennium. Each day this bill is being held up, another 17,000 people are infected with AIDS.

There is \$3.9 billion in this bill for military assistance aid to NATO allies and to countries of eastern Europe and central Asia. We are asking these nations for overflight and refueling rights for aircraft and other support for Air Force personnel who are risking their lives in the war on terrorism.

There are hundreds of millions of dollars to be used to help fight poverty, help provide basic education, health care, jobs, sanitation, housing, and other efforts in the poorest countries, steps that help eradicate the breeding grounds for terrorists.

For them to tell us we can do it later is pure poppycock. I think it is very clear that the whole effort is to make sure we have no further appropriations bills. I think the judges thing is only a diversion. Other things in the bill include \$856 million in export assistance to help U.S. firms claim markets for products abroad. Certainly that is needed now.

We need to move this legislation. I think it is as clear as the light of day what is happening here; that is, there

is an effort, using judges as an excuse, not to move forward on appropriations bills. I think it is bad. It is bad policy. It is bad for the country, and I think it is shameful.

Mr. President, I end by saying global leadership means acting as a leader. We have tried to support the President's priorities in every facet of his campaign against terrorism. We have maintained a steady schedule of hearings and have confirmed twice as many judges as in the same period of time during the previous two administrations, even though we have been in control only 4 months.

Alongside the added imperative of passing the antiterrorism bill, we have continued to hold hearings on judicial nominations and bring them to the Senate floor. At a time when we have tried to support the President's priorities in every way, it is unfortunate that so soon after September 11 the Republican leadership seems to care more, in this case, about its partisan political priorities.

That is what is happening, plain and simple. Of all times to be holding up the business of the Senate and this country, when our office buildings are closed because of anthrax and the U.S. military is fighting half a world away, it is more obvious than ever that the U.S. influence is needed around the world. It is petty, shortsighted, and dangerous. We can have the best foreign policies, but without the funds to implement them, what good are they?

I hope my friends on the other side of the aisle will take a different approach today. It appears, though, they are not going to vote to proceed to this bill.

The PRESIDING OFFICER (Mr. CARMER). Who seeks time?

The Senator from Kentucky.

Mr. McCONNELL. Mr. President, is there time remaining on this side?

The PRESIDING OFFICER. All time has expired on your side. There is 1 minute 15 seconds on the Democratic side, the majority side.

Mr. REID. Mr. President, I yield back that time and ask that the vote proceed.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the motion to proceed to H.R. 2506, the Foreign Operations Appropriations bill:

Pat Leahy, Harry Reid, Tom Daschle, Ben Nelson of Nebraska, Kent Conrad, Zell Miller, Byron L. Dorgan, Russell D. Feingold, Paul Wellstone, Joseph Lieberman, Debbie Stabenow, Bill Nelson of Florida, Max Cleland, Patty Murray, Mark Dayton, Jack Reed, Barbara Mikulski, Herb Kohl.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call under the rule is waived.

The question is, Is it the sense of the Senate that debate on the motion to proceed to H.R. 2506, an act making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2002, and for other purposes, shall be brought to a close?

The yeas and nays are required under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. STEVENS (when his name was called). Present.

Mr. NICKLES. I announce that the Senator from Oklahoma (Mr. INHOFE) and the Senator from Ohio (Mr. VOINOVICH) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 50, nays 47, as follows:

1[Rollcall Vote No. 306 Leg.]

YEAS—50

Akaka	Dorgan	Lieberman
Baucus	Durbin	Lincoln
Bayh	Edwards	Mikulski
Biden	Feingold	Miller
Bingaman	Feinstein	Murray
Boxer	Graham	Nelson (FL)
Breaux	Harkin	Nelson (NE)
Byrd	Hollings	Reed
Cantwell	Inouye	Reid
Carnahan	Jeffords	Rockefeller
Carper	Johnson	Sarbanes
Cleland	Kennedy	Schumer
Clinton	Kerry	Stabenow
Conrad	Kohl	Torricelli
Corzine	Landrieu	Wellstone
Dayton	Leahy	Wyden
Dodd	Levin	

NAYS—47

Allard	Ensign	McConnell
Allen	Enzi	Murkowski
Bennett	Fitzgerald	Nickles
Bond	Frist	Roberts
Brownback	Gramm	Santorum
Bunning	Grassley	Sessions
Burns	Gregg	Shelby
Campbell	Hagel	Smith (NH)
Chafee	Hatch	Smith (OR)
Cochran	Helms	Snowe
Collins	Hutchinson	Specter
Craig	Hutchison	Thomas
Crapo	Kyl	Thompson
Daschle	Lott	Thurmond
DeWine	Lugar	Warner
Domenici	McCain	

ANSWERED “PRESENT”—1

Stevens

NOT VOTING—2

Inhofe Voinovich

The PRESIDING OFFICER. On this vote, the yeas are 50, the nays are 47, and 1 Senator responded “present.” Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The majority leader.

Mr. DASCHLE. Mr. President, I enter a motion to reconsider the vote by which cloture was not invoked on the motion to proceed to H.R. 2506, the foreign operations appropriations bill.

The PRESIDING OFFICER. The motion is entered.

Mr. DASCHLE. I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I am increasingly concerned about the situation. We have sent two appropriations

bills to the President for his signature, which leaves us with 11 appropriations bills to go. Several of these appropriations bills are in conference between the two Houses. Of course, the situation affecting the conferences is one that is well known, but I would hope that we could find a way to break this logjam in the Senate and get these appropriations bills moving.

We are well into our third CR. It is now October 23. Thanksgiving is fast approaching, and what do the American people see in this Senate? We appear to be dallying. We have work to do. We have a very emergent situation in this country. People look to us for leadership.

Why can we not get on with our Appropriations Committee work? I would like for someone to tell me. I am waiting for an answer. We have appropriations bills that are ready to go, and I beg my colleagues to let us get on with the appropriations bills. If we cannot move forward on the foreign ops bill, let us try to move forward on some other appropriations bill. There are others awaiting action.

Mr. STEVENS. Mr. President, will the Senator yield?

Mr. BYRD. I yield.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I voted “present” because, as a partner of my good friend from West Virginia in Appropriations, we do not have time for any further delay. The Agriculture bill would be acceptable, as far as I am concerned. I have not checked with our leader, but I do think the Senate should move forward on another bill as soon as possible. We are very constrained because of the loss of our physical facilities in Dirksen. There are some bills that could move forward in the interim.

I have said before that in my judgment we have to get these bills to the President by November 6 if we are going to be able to leave by November 16 for Thanksgiving because the President must have his 10 days to review the bill. Hopefully, there will not be any vetoes, but it is possible.

I join the Senator from West Virginia in urging the joint leadership to find a way to allow us to take up another bill. I do believe the Agriculture bill is ready, and it is possible we could move on it very rapidly. I am hopeful we will find a spirit of comity and find a way to limit amendments on these bills and let us catch up.

The problem with the conferences is the House facilities are still tied up by the investigations concerning anthrax, but I hope we can find some way to handle that, too.

I do not believe these are crime scene investigations that are necessary to determine whether anthrax is present and might threaten our people, which is one thing, but to deter us from going about our business because someone might call our facilities crime scenes, I think is wrong. I thank the President of the Senate for yielding to me.

Mr. LEAHY. Mr. President, will the Senator from West Virginia yield?

Mr. BYRD. Yes, I yield.

Mr. LEAHY. Mr. President, first, I thank the Senator from West Virginia. Last week, when it seemed as if everybody, except the Senator from West Virginia, the Senator from South Dakota, the Senator from Mississippi, and the Senator from Alaska were bailing out of this place, the Senator from West Virginia was very kind to let me use his office for a hearing. I say this for the benefit of the Senator from Alaska, who is present, that we can find space for these things. We had, I believe, five judges for whom we held hearings. While everybody else was leaving, the Senator from West Virginia made his office available so we could hold those hearings.

I do want to thank the one Republican who came for part of those hearings to help us out with the hearings. Of course, I thank the distinguished Senators from New York and Massachusetts and others on the Democratic side who stayed during the hearings.

As the Senator from West Virginia knows—and he knows these appropriations bills better than anybody else, but for those who might not know—this foreign operations bill has, of course, \$5 million for our Middle East Camp David partners: Israel, Egypt, and Jordan. It also has one item that people may not be aware of: \$175 million to strengthen surveillance and response to outbreaks of infectious diseases overseas, a very interesting part because the Ebola plague or anything else is only an airplane flight away from our shores, and we have this money to alert us about anything that is coming from overseas, including anthrax and other matters that might be an airplane ride or a postage stamp away from our shores. We have \$175 million that we put in before these attacks, but we cannot get it to the President for signature.

We also have \$327 million for antiterrorism efforts helping other nations strengthen the security of their borders and their nuclear and biological and chemical weapons programs. I know the President has been telling these other nations we will get the money to them, but it is stuck in this bill. And the \$450 million for steps to combat HIV and AIDS—each day this bill is being held up, another 17,000 people are infected with AIDS.

We have \$3.9 billion in military assistance included for a number of those countries in eastern Europe and central Asia that we are asking to help us in overflight and refueling. We have a whole lot of money saying the check is in the mail but, of course, we cannot send it. We have a billion dollars in refugee and disaster aid to deal with the humanitarian crisis around the world from Afghanistan to Sudan, also money the President wants to use but we cannot move forward with it.

We have hundreds of millions of dollars to reduce poverty and disease in

countries where the Osama bin Ladens of the world tried to foment resentment against the United States. We have money to help those countries but, of course, it is held up.

I mention that not because the Senator from West Virginia does not know. I daresay there is nobody in the administration, the Congress, or anywhere else who knows every jot and tittle of these bills the way the Senator from West Virginia does, but I thought I would let some of the other Members know and the White House know all the various things the President has promised and we are holding up by not going forward with this bill.

I thank the distinguished Senator from West Virginia for his help because he has been like the granite quarries of Vermont. He stands rock solid, as he always has.

Ms. LANDRIEU. Mr. President, will the Senator from West Virginia yield?

Mr. BYRD. I will be happy to yield.

Ms. LANDRIEU. I wish to congratulate our leaders, both our majority leader and minority leader, for the excellent way they have handled the quite difficult situation we are in. As a Chair of a committee that has a finished bill which has passed in committee and is ready for floor action, I thank the Senator from West Virginia for urging us to move our bills.

I also assure him that the District of Columbia appropriations bill is ready to come to the floor, and I would be willing to work with him and with the leader to limit amendments so we could have votes on some of the items where there is disagreement, but there are not many items, and to remind everyone that Senator DEWINE and I have worked very closely, particularly on a provision to reform and strengthen the court system in D.C. to protect children who are in foster care, to strengthen the District's school system which is so important.

Most importantly, today there is money in this bill for security measures for the District of Columbia. That is very important as we work on our emergency plans regionally as well as coordinate what is happening in the postal situation today, and the Capitol complex.

I thank the Senator from West Virginia for bringing this to our attention and, as one of the Chairs on our side, I am most certainly willing to work with him as to any suggestions he might have to move our bill, have limited debate, limited time and move this support bill through the process in an expedited fashion.

Mr. BYRD. I thank the distinguished Senator from Louisiana for her comments.

Mr. President, I have been increasingly concerned we are moving toward an omnibus appropriations bill. I am afraid if we continue on this path we are going to end up with an omnibus CR in which a good many or most of the agencies of this Government will be operating probably on the same level of

appropriations they received for fiscal year 2001.

Mr. STEVENS. Mr. President, in time of war to have the administration be tied to a CR, to have interpretations by lawyers throughout the Government as to what they can and cannot do, I think is putting the country in a straitjacket. I happened to have been chief counsel of a department in the Eisenhower days, and it is impossible for administrators to proceed during a period of emergency under what we call a continuing resolution. We must have individual bills and we must have them cleared, particularly in the areas where there is great concern in the country.

I think agriculture is one, defense is another, but clearly we should not be operating under a CR, in my judgment. It is impossible to proceed under the concept of having to have every single dollar checked against a question of whether it was involved in the last year. A CR is really continuing the problems of the past fiscal year into the next fiscal year. At a time of war we should not have that happen.

So I urge we move separately on the bills and get them done as quickly as possible, I say to the Senator. I think we should get our caucuses today at noon to make a pledge to the leader that we are ready to proceed as rapidly as we can to get these bills done.

Mr. BYRD. I thank my friend on the Appropriations Committee.

Mr. President, I do not intend to hold the floor much longer. But I appeal to all Senators to work together to get these appropriations bills up before the Senate, and let's act upon them. We should not go home with an omnibus bill, an omnibus CR.

I don't know what the problem is, but I do know we need to get on with the appropriations bills. I don't see why appropriations should be held up because of nominations. I don't have any dog in that fight. I am ready to vote for nominations. I am ready to go on to the appropriations. But we simply can't hold up the appropriations bills like we are doing. It would seem to me Senators ought to get together on both sides of the aisle and work out this problem. For those who are concerned about nominations, I don't think appropriations should be held up because of nominations. What does the one have to do with the other? Many of these appropriations bills have been on the calendar now for more than 3 months, and they are just sitting there.

So I appeal to our Members on both sides of the aisle to try to work together and let's get on with the appropriations bills. We are just marking time. We are not doing any good. The people out there, they are not concerned about our little problems—nominations versus appropriations. What does the one have to do with the other?

We are going to be held responsible for the fact that we are not working; we are not acting; we are not getting things done. What about our Rangers

who are facing great odds and great problems in Afghanistan; what would they think of the way we are operating and acting?

What do the people back home expect us to do? They expect us to get things done. These agencies are operating without any knowledge of whether or not they are going to have funding above this year's level. They don't know. They can't plan for programs and projects that are very important to the American people, very important to this cause in which we find ourselves engaged.

Mr. DASCHLE. Will the Senator from West Virginia be so kind as to yield for a unanimous consent request?

Mr. BYRD. Yes, I yield the floor.

Mr. DASCHLE. I thank the Senator from West Virginia. Again, as Senator LEAHY and others have done, I applaud him and thank him for the admonition he has shared with all of us this morning. The importance of getting these bills cannot be overemphasized. The importance of recognizing this particular bill could not be overemphasized.

We are fighting a war. This is helping fund that war. The longer we delay the funding of that war, the more complicated our circumstances and, frankly, the more problematic, it would seem to me, the message to those on the front lines.

So I applaud the Senator from West Virginia and the Senator from Alaska. I hope we can clarify this matter. I, frankly, do not see the linkage either, and I am not going to be susceptible to that linkage.

The administration has to make its decision about whether it wants these bills completed or not. If they are not prepared to weigh in, there is only so much I can do as well.

We will do the best we can. I thank the chairman of the Judiciary Committee for his work on nominations. He had hearings last week. We are going to have four Judiciary Committee votes on nominations on judges this afternoon—I was prepared to have them this morning—and that would not have happened were it not for the leadership of the Senator from Vermont, who has worked on these matters and I thank him for that.

It is in that regard that I want to propound a unanimous consent request. He is in the Chamber, but I will make sure our colleagues are aware the Republican leader and I have discussed this matter. I would make the request at this time.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. DASCHLE. Mr. President, as in executive session, I ask unanimous consent that at 2:15 today the Senate proceed to executive session and consider the following nominations: Calendar Nos. 472 through 475; that the Senate immediately vote on each nominee with the first vote being for the usual time, and subsequent votes being 10 minutes in length; that upon

the disposition of these nominations the President be immediately notified of the Senate's action, that any statements thereon be printed in the RECORD, and the Senate then return to legislative session.

The PRESIDING OFFICER. Is there objection?

Mr. LOTT. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The majority leader.

Mr. LOTT. Mr. President, I had thought there would be five judges in this group. These are, I believe, four district judges. There was a hearing and I thought there was a plan to report out a circuit judge, but I notice she is not on this list. I inquire about the nominee—I believe a woman for whom a hearing had been held, for the fifth circuit. What happened on that nomination?

Mr. DASCHLE. Mr. President, I yield to the Senator from Vermont to answer that question.

Mr. LEAHY. To answer that question, there are some—this is a nominee I have a feeling will go through all right but some questions have been asked. The answers are not back. For all we know, they may have been mailed in to the Judiciary Committee office. We don't know.

As the Republican leader knows, we have been somewhat stymied moving papers around here. But this is one where a Senator had asked a question. I notified Senator HATCH. I thought it would be a lot easier to get the questions answered than to bring the name up. Once they are answered, I expect the nominee to go through easily. That follows the tradition our committee has followed for 25 years under both Republicans and Democrats. If they have a question, we put them on the docket, I hope the question would be answered, and she would be on the next Exec.

I hope we will get back into our offices so we can find out if that material is there.

Mr. LOTT. I withdraw my objection, Mr. President.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. DASCHLE. I now ask unanimous consent it be in order to ask for the yeas and nays on each of the nominees with one show of seconds.

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

Mr. DASCHLE. As in executive session, I now ask for the yeas and nays on the nominations.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. LEAHY. If the Senator will yield for a moment, I also point out the U.S. attorney of North Carolina, U.S. attorney of Michigan, other U.S. attorneys—of North Carolina, one of Arkansas, one of Mississippi, one of Missouri, one of Nevada, one of Maryland, one of

West Virginia, one of Louisiana, one of Illinois, one of Washington, one of West Virginia—are also cleared. That could be done, I assume, on a voice vote. They are all nominated by President Bush. The vast majority of them were recommended by Republican Senators. They have all been cleared, and they are ready to go.

Mr. DASCHLE. I thank the Senator from Vermont. We will attempt to schedule votes on those nominees as well. As you say, it may not require a rollcall. If that is the case, perhaps we could do those as well today.

For the interest and information of all Senators, beginning at 2:15 then, this afternoon we will have four roll-call votes. The first will be 15 minutes, followed by a subsequent 10-minute vote on the three remaining judicial nominees.

So Senators ought to be here, stay on the floor, and vote so we can expedite these votes at that time.

I also say it is my desire to move to proceed to the foreign operations appropriations bill unless there is a colleague on the Senate floor. This will not be a matter that will be taken lightly. If for whatever reason Senators choose to leave the floor, and there is an opportunity for me to make that motion, it will be made.

I warn Senators about that possibility between now and the hour of 2:15 this afternoon. I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, before the Senator from Vermont leaves, I noted there are two nominations on the calendar: Thomas E. Johnston of West Virginia to be United States Attorney for the Northern District of West Virginia, and Karl K. Warner, II, to be United States Attorney for the Southern District of West Virginia. Have these been cleared?

Mr. LEAHY. I have just checked this morning. I am hoping they are going to be cleared by the end of the day, I tell the distinguished senior Senator from West Virginia.

Again, as he knows, he having let us use his office as temporary quarters for hearings, we have been operating under some difficulty. A lot of our paperwork is in the Judiciary Committee rooms in Dirksen or in my office in the Russell Building. Normally, I could answer his question immediately.

I asked this morning that we make sure they are cleared. I know they want to get them in West Virginia. I know they have been approved by the distinguished senior Senator from West Virginia and by his colleague. I am hoping that we can have them cleared quickly.

Incidentally, nominations were reported last Thursday after most of the Capitol closed down. We were still able to get a quorum because of the Members who stayed in town so we could report them, even though we had recommendations from the other side to get out of here. I appreciate those Senators who stayed so we could get that quorum and get them out.

Again, I appreciate the Senator from West Virginia in allowing us the use of his office. We had a number of judicial nominations that came up. Virtually all Republican Senators took the time to come to introduce their judicial nominees. I appreciate that, too.

Mr. BYRD. Mr. President, I thank the distinguished Senator.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I see the distinguished chairman of the Judiciary Committee. We had some hearings last week and some movement toward judicial confirmations, for which I am happy. I am glad one judicial nominee from Alabama was one of those which was moved. Of course, there was no controversy, I believe, about any of those nominees. Traditionally, it has not been necessary to have a big hearing if everybody is happy and respectful of the nominees. That is the way it has always been. If people have questions and concerns, they come.

I think it is a good thing that we are seeing some movement. But I would like to see more. That is why we have not been able to have an agreement on the foreign ops bill. I think that bill could move at any time we could get a fairly reasonable consensus on processing nominees.

I know there is a nominee from Alabama who is unanimously rated as well qualified by the ABA in a district which has had two of the three judges vacant for over 2 years. It is probably the No. 1 critical district in the country. We critically need a hearing on that judge.

We have others who are pending. In fact, President Bush nominated 11 individuals on May 11, a highly qualified group. But only three of those have received a hearing, and only two have been confirmed out of that group.

We have a growing backlog. We confirmed some judges. We went down from 110 vacancies to 108, I believe.

Mr. LEAHY. Mr. President, will the Senator yield? I don't want to interrupt him.

Mr. SESSIONS. Please.

Mr. LEAHY. I can actually speak about those better than he can because I have heard his speech enough times.

I believe the Senator mentioned a judgeship from Alabama that was qualified last week. I am sorry the Senator from Alabama was unable to be there. I do appreciate him being there for the markup earlier. I thank our colleague, Senator SHELBY, for his fine words about the nominee. We are trying to move that nominee from Alabama very quickly. We are doing that to try to help the other Senator from Alabama, Mr. SESSIONS. We will keep on the pace, and someday we can go past, if we ever get our offices back.

Mr. SESSIONS. I thank the chairman. I remember so vividly how aggressive he was to make sure President Clinton's nominees were moved

promptly. I can give his speech because I have heard it many times. Basically, his complaint was that the Republican majority, under Chairman HATCH at that time, was not moving Federal judges effectively enough. At that time, when we finished this last Congress and President Clinton was in his last days, there were 67 vacancies in the Federal courts. He said that was unacceptable, and he thought it should have been lower than that, although there were only 41 nominees.

President Clinton submitted only 41 nominees for the 67 vacancies, which was what was left. There were 41 nominees unconfirmed when President Clinton left office. Now we are pushing probably 60 nominees. And the vacancies have gone from 67 to 108. It may now be back up to 109, even though we confirmed 2.

You can constantly have judges out of the 800 or so taking retirement. As you do, if you do not have a constant flow of nominees being confirmed, the vacancy rate grows. Senator LEAHY declared that the 67 vacancies we had last year was a crisis in the judiciary, and there was something awful about that. I thought we were moving pretty fast. Frankly, 60 or so vacancies is about the standard. It is hard to get it below that because when a judge retires, then the President has to decide who he would like to consider for nomination. There have to be background checks on them and ABA reports. It takes some time to move forward.

But when the number gets up to nearly twice that to 108 or 109, 110 vacancies, then we have a bigger problem. I think we ought to be able to keep that number close to the 60.

We are not moving fast enough. I think all of us agree. I know former Chairman HATCH feels strongly about this, as do others. We need to see what we can do to reach an accord.

There is some suggestion—I am not one who necessarily thinks we will do so—that we will be finishing up a little earlier this year than normal. That means we may not have more than 4 weeks or so left. If we are going to do just a couple of judges a week, we are going to end up with well over 100 or so vacancies when we leave this time. That is too many. We could do a better job of moving the nominees for which there is no objection to nominees that have bipartisan support—nominees that received “qualified” and “well-qualified” ratings.

We believe that is the way we ought to go. I also say in addition to the foreign operations appropriations bill, there are a lot of important pieces of legislation that come before this Senate. There are a lot of things that need to be moved. There are a lot of appropriations bills that we could be debating and discussing.

I suggest we keep working with the majority leader and the chairman of the Judiciary Committee. Let's see if we can't get some sort of commitment to give an extra effort to reduce some-

what the number of judges who are pending but have not been confirmed and get that number down, or else I think those of us on this side have to conclude that we have some sort of slowdown going on. I think it is the right thing for us to ask. It is a just thing to ask.

If it is a vacancy rate that far exceeds that which occurred under President Clinton's time in office, the very same people who were critical of this Congress moving President Clinton's nominees for judges are now creating a much larger vacancy rate.

I believe we can do better. I know we can. I know we can move the non-controversial judges better than we are doing.

I urge us to spend some extra time on that. If so, we will be able to eliminate this hurdle that is creating a problem with the foreign operations appropriations bill. Hopefully, we will have a good bill that we can all support. Hopefully, we will have an agreement that is fair and just and reasonable which would allow more nominees to be moved.

I am sure we are not going to be able to get our vacancy rate down to the level of the 1960s, which is where it ought to be. But we ought to be able to get it moving down well under 100 in some sort of agreement that could be reached.

That is my observation and my concern at this time.

I yield the floor.

The PRESIDING OFFICER (Mr. CORZINE). The Senator from Nevada.

Mr. REID. Mr. President, we have a number of nominations that are on the Executive Calendar. This evening we are going to try to move a number of these nominations, beginning on page 3. We ask every Senator and every staff member to make sure they review these. If there are problems that a Senator has, they should make contact with leadership offices and/or the cloakroom and indicate that they have some problem with some of these nominees. Otherwise, we are going to try to approve a number of them this evening. We have on the Executive Calendar a number of names we would normally send out with a hot line.

There is nobody in the office to listen to the hotline, so we would ask everyone to specifically look at the Executive Calendar and determine if there are any people they do not wish to clear, or if they have any questions, whatever the question might be.

We have heard, on a number of occasions the last several days during this filibuster, they hope something can be done to arrive at some agreement so as to move judges.

I think the good faith of the majority has been shown by our literally voting on every judge that has come through the committee and has been marked up and reported to the floor. It would have been easy for us the past several weeks, during these extended filibusters on several bills, to just hold all these

judges and vote on them at one time later on, as was done to us when we were in the minority; but we have decided not to do that. As soon as they are ready, we are moving them forward. The record is replete with the case we have made, indicating that we are doing the very best we can under very difficult circumstances.

There is no need to belabor the point, other than to say we took control of the Senate in June. During the first 6 months of this session, there was not a single confirmation hearing held, not a single one, which is in keeping with what has gone on in the past.

In the past, for example, in the 6½ years the Republicans chaired the Judiciary Committee, from 1995 to 2001—34 months; that is almost 3 years—during that period of time, they held no confirmation hearings for judicial nominations and for 30 months they held a single confirmation hearing.

So we are moving forward. We have six office buildings—three in the House, three in the Senate—closed down. Staff is having a very difficult time working, as has been laid out in this Chamber on a number of occasions.

Senator LEAHY, in spite of that, held an emergency meeting in the President's Room in the Capitol. They went to the Appropriations meeting room and held a hearing there on judges. He reported out of the President's Room these four judges we are going to vote on today.

I have to say, if this case were being tried by a jury, the jury would be out 5 minutes and we would win. This is a case where if this were given to a jury, we would win easily. The jury is the American people. We are going to win this. We are doing the right thing. We are moving the judges as quickly as we can. In spite of the September 11 terrorism attack and the anthrax attack, we are still moving the judges as quickly as we can.

What is being done by the minority is they are holding up appropriations bills. We are going to vote again on a motion to proceed to this foreign operations appropriations bill.

Just 8 days ago, the entire Republican side voted to block consideration of the foreign operations appropriations bill, which funds U.S. foreign policy. It was not because they disagree with what is in the bill supposedly, since it was written by Senator LEAHY and Senator MCCONNELL. These two Senators worked on this bill. Supposedly, it is a bipartisan bill which responds to the concerns and interests of both Democrats and Republicans, as well as the President's foreign policy priorities.

No, the Republican leadership did not oppose the bill itself. Instead, they said it was because of the Judiciary Committee which Senator LEAHY chairs. They say they have not acted quickly enough on judicial nominations. That is a very serious accusation.

I have been a prosecutor, and I have defended lots of people charged with

crimes—not so serious crimes and really serious crimes, such as murder. So I take seriously our responsibility of the Federal judiciary. In fact, after reporting out four more judges last Thursday, we have acted three times as fast in approving nominees as was done during the first 9½ months of the first Bush administration or the Clinton administration.

Today we are going with the unanimous consent agreement that has been entered. We are going to confirm four more judges. For the minority to suggest we are moving too slowly is a bit, I guess, like the orphan accused of killing his parents and who then begs for the court's mercy because he is an orphan.

When the Republicans controlled the Senate during the Clinton administration, they created many of the judicial vacancies they are complaining about today, as has been indicated by the Senator from Alabama.

Some of President Clinton's nominees languished for years. Many qualified nominees, because of the impact this had on their ability to lead normal lives, withdrew. They withdrew from their law practices, waiting for a hearing, waiting to be confirmed. They withdrew their names after waiting years. Some of them said: We cannot wait any longer. They did not want to subject their families to further unfairness.

We know about all this. We know that. We are not going to be unfair. We have a record that indicates maybe it should be payback time, but it is not. We are not going to treat the Republicans as they treated us. That is already evidenced by what has been done.

Some on the other side might fear that they are going to be treated as we were treated, but that is not the case. The fact is, since July when the Senate control shifted, the Democratic Senate has treated and will treat Republican nominees fairly. I repeat, we have no intention of perpetuating the shameful ways the Republicans treated President Clinton's nominees. We have and we will consider these nominees fairly and act on them in a timely way.

Maybe some Republican Senators believe the public will not know or care that they have taken the bill that funds U.S. foreign interests as hostage. That is their hostage this week—and last week.

I was happy to see the senior Senator from Alaska—the former chairman of the committee, now the ranking member of the committee—vote “present.” It appears quite clearly that he does not like what is going on, as indicated in his statements he made afterwards.

We are in a time of war, and we are going to have a continuing resolution—meaning that every line in that continuing resolution will have to be reviewed by some lawyer to find out if it is more than was done the preceding year. It does not sound as though that is the right way to go.

The American people deserve to know what is at stake when the Senate

is kept from acting on this bill, especially when it is clearer than ever that our security is linked to events outside our borders—and then for people on the other side to stand and say, let them go a little more quickly than they did and we will work something out.

As of next week, there will be 3 weeks left until Thanksgiving. We are running out of time to do things. This foreign operations appropriations bill, as bipartisan as it is, will have amendments offered on it. We cannot whip through this bill in a matter of a couple hours. Agriculture appropriations—the same thing. They are holding up the work of the country.

What does this bill contain? We have talked in generalities, and I talked a little bit specifically earlier today, but let's talk about what is in this bill.

We have three countries that have really been good to America in recent years—Egypt, Jordan, and Israel—but they need our help. These are countries that depend on our assistance. And these are not gifts. We do not write them out a check and throw them money and say, spend it any way you want. Most of the money goes for them to purchase American products. That is what foreign aid is about in modern-day America.

So not only does it hurt those countries that are not getting this money, these vouchers, these opportunities to buy American products; it is hurting American companies. Who are these countries? Israel, Egypt, and Jordan, allies that are crucial to the stability of the Middle East.

I read an interview last night of President Mubarak. It was very impressive. It was in Newsweek magazine—a question—and then his answer. I was so impressed, among other things, when they asked him about Arafat.

He specifically said: Arafat has bad people around him. He mentioned a person's name. This is a gutsy guy. I was impressed. We know he has criticized Israel. He did in this same Newsweek article, when questioned. He said that President Sharon has made promises to him and he hasn't kept them. But Mubarak has been good for America. We are holding up money going to Egypt.

A couple weeks ago I had the pleasure of meeting just a few feet from here with the King of Jordan, King Abdallah. I, of course, cared a lot about his father. I liked his father a great deal. This young man has assumed the leadership of his country in very tough times. The majority of the people in Jordan are Palestinians. He is an American ally. His country is favorably disposed to America. It is a country that has made great progress but still has a long way to go. They are dependent upon our helping them. This bill is being held up.

Sure, we can, as Chairman BYRD said, write an omnibus bill and lump it all in and maybe they will get some of what they need. This bill was worked on for

months, making sure that Egypt and Jordan get what they need, not what was in last year's bill.

That is what is being held up here—not today, not yesterday, but all last week and part of the week before.

There is specifically in this bill, as a result of what has been going on since September 11, \$175 million to strengthen surveillance and response to outbreaks of infectious diseases overseas. These are the programs that help give us early warning against some of the world's deadliest infections, now just an air flight or a postage stamp away, including anthrax and other agents used in bioterrorism. It is especially foolish and absurd to hold these funds hostage when our own citizens are now the targets of such attacks.

Two postal workers died with anthrax poisoning. What we are asking is that \$175 million be set aside to strengthen surveillance and response to outbreaks of infectious disease overseas. That is in this bill. If they have some big omnibus bill, is that money going to get where it is supposed to? Of course not.

This bill should not be held up. It is being held up, and that is wrong. We have almost \$330 million in this bill for nonproliferation and antiterrorism efforts to help other nations strengthen the security of their borders against nuclear, biological, and chemical weapons facilities as well as programs to get rid of landmines. Landmines are a serious problem all over the world. They are a problem in Afghanistan.

I traveled a number of years ago, just to give an example, to Angola. Angola in Africa had the potential of South Africa. It had natural resources such as oil and diamonds. It was part of the jungle we studied as kids where these African animals roamed. It was good for agriculture, potentially a strong country. But it has been involved in a civil war.

There are 10 million people in Angola. There are 20 million landmines. There are two landmines for every person in Angola. If there was a bustling business when Senator Simon and I and a number of other Senators traveled there a number of years ago, the business was artificial limbs, mostly of women and children. That is where this money is going.

We are held up over Senator LEAHY not moving judges fast enough. No one criticizes the fact that he is moving them. Our three office buildings are closed. On the floor there was a question asked by the minority leader, Senator LOTT: Where is the appellate judge, the circuit judge? Senator LEAHY said: One of the Senators—I know the Senator's name—on the committee asked a question and wanted it answered. The question may be answered. It may be in the mail. But we have not gotten the mail. I haven't gotten mail since they found the stuff in Senator DASCHLE's office. No one else has. The answer might be out there someplace. Maybe we could get

the woman—it is a female judge—to fax the answer, call, if she knew where to call or where to fax. No one is criticizing Senator LEAHY for not moving. They are saying he is not moving fast enough.

As I mentioned earlier today, the second page of the Washington Post newspaper talks about the United States going to help Uzbekistan. Uzbekistan was one of the first countries to step forward. They have a relatively small border with Afghanistan. They stepped forward and said: Yes, you can use our airbases. We have now, I understand, over 1,000 soldiers on the ground there—not just airmen but soldiers. They said: Yes, you can use our land.

One of the things I am so glad we are going to help them with is, according to the newspaper, there is an island loaded with anthrax. The Soviet Union used this island for testing biological agents. They dumped lots and lots of anthrax on this island. The island at one time was safe. It was in the middle of the Aral Sea, the third or fourth largest sea in the whole world. But the Soviet Union diverted water from that area to grow cotton and therefore dried up this sea.

I went to where the shore used to be and where it now is. You can drive 80 to 90 miles on the dirt and see hulls of ships along the way. The sea has receded that far. The place that used to be an island is no longer an island. You can drive to the anthrax.

One of the things in this legislation is money to allow this Government, the United States, to help Uzbekistan, as indicated we want to do on page 2 of the Washington Post newspaper today.

We are not dealing with that. We are concerned about Senator LEAHY moving judges quickly. We could go through the statistical analysis again. I am sure no one wants to be bored, but it is all in the CONGRESSIONAL RECORD of Thursday where we established that we have done a good job in the short time we have had control of the Judiciary Committee.

This bill has \$450 million for steps to combat HIV/AIDS. In Africa today, about 7,000 people will die of AIDS. Tomorrow 7,000 more will die. Thursday, 7,000 more will die. Friday, 7,000 more will die. Seven days a week—weekends are not taken off—they continue to die in Africa because of AIDS. This number is going up, not down.

In 15 years that figure will be up over 10,000 people a day dying in Africa of AIDS. Talk about a plague. This legislation has \$450 million for steps to combat HIV/AIDS, maybe the worst global health crisis the world has ever seen. Maybe the bubonic plague, proportionately, was worse. Each day this bill is being held up another 17,000 people are infected with this virus. This money seems to be a lot, but considering the disaster I told you about, it may not be a lot of money. So \$450 million is in this bill to combat HIV/AIDS.

What are we doing? We are concerned and are holding up legislation for 3

weeks because Senator LEAHY isn't moving judges fast enough. So 17,000 people a day are infected with AIDS. There are programs—educational and medical—that we have that are fairly cheap now that we can use to stop these infections from running across that continent the way they are.

In this legislation, we have about \$4 billion in military assistance, including aid to NATO allies and countries in eastern Europe and central Asia. We are asking some of these countries, as we speak, to help America. We are asking them for overflight and refueling rights for our aircraft and for other support for military personnel. They are risking their lives on the war on terrorism.

We have money—millions of dollars, actually hundreds of millions of dollars—in this bill for programs for poverty which could provide basic education regarding health care, job creation, sanitation, housing, and other efforts in the poorest countries in the world.

We are the only superpower in the world. Don't we have an obligation to spend a tiny bit of the largess of this country to help those who are not as fortunate as we are. In this legislation, there are funds to help eradicate conditions that create breeding grounds for terrorists. Poverty breeds some of the things that we are fighting now. This legislation to help that situation is being held up. Why? Because the Judiciary Committee is not moving judges fast enough. They are moving them but not fast enough.

Next week it will be 3 weeks until Thanksgiving and they want us to do, during that period of time, all these appropriations bills. It can't be done. We need to get to work right now. I would think—but I haven't heard a peep—that the President would be embarrassed. These are his appropriations bills, his programs.

There is a very close breakdown of the numbers of Democrats and Republicans, so these appropriations bills that come to the floor are really bipartisan in nature. So the administration has tremendous input in what we have in our appropriations bills—in this one specifically because it deals with foreign aid.

This bill has a billion dollars in refugee and disaster aid to deal with humanitarian crises around the world. We all know what is happening in Afghanistan. People are trying to get out of there. They don't like the conditions there. They are afraid. They don't like the oppressive conditions, or the war conditions, which existed prior to the United States taking this action. They need help. All these agencies around the world need help. There is a billion dollars for refugee and disaster aid to deal with humanitarian crises around the world. They are not just in Afghanistan. We have millions of human beings around the world on the brink of dying from starvation. That is what this bill is all about. Try to tell one of

those people, most of whom are illiterate, that the Judiciary Committee is moving judges but not quite enough; therefore, we are going to hold up any money that goes to these refugees, all this disaster aid. Millions are at risk of starvation.

In this bill is \$856 million in export assistance to help U.S. firms find markets for American products abroad. What does that do? It generates jobs here in America. For that money that we spend, it will come back to us ten-fold—or what we would like to spend. But, remember, we can't do that because Senator LEAHY is not moving the judges—fast enough.

It would seem to me if there were ever a time in the history of this country where there is a need for leadership by this country, the United States, now is the time for urgency—here and abroad. Yet at the very time when the President of the United States and his Secretary of State have been traveling—the President just returned from China, where he met with 21 other world leaders, and Secretary of State Powell has been all over, including Pakistan, India, and China, and various capitals around the world, to shore up an international coalition against terrorism—some Republican Senators suggest we should take a timeout because we are not moving judges fast enough.

Should we tell those nations that want our help in combating terrorism that, well, we would like to help everyone, but we are taking a timeout because we need some more judges? I understand the importance of judges. I have already talked about that. Judges are important.

One of the people we are going to vote on this afternoon is a judge from Nevada. We have the most rapidly growing State in the Union and we need judges. We have another vacancy, but the ABA hasn't approved his paperwork. We want his paperwork to be completed. That is the right way. I know Judge Mahan, and I am sure the paperwork is going to come back perfect. I am from Nevada and I know him. Other Senators, other than Senator ENSIGN, do not know him, and we should go through the normal process. That is what Senator LEAHY is doing—going through the ordinary, normal process, which is quite difficult now. Our three office buildings are closed. I am fortunate enough to have an office right off the floor. I had some of my Senate friends drop by yesterday. There is no mail coming into my office or their offices. They needed someplace to go. They dropped in my office. We, I guess, will tell the countries that as for combating terrorism, we have taken a timeout because of the judges.

I understand the importance of judges and all this talk about justice delayed is justice denied. That is talk. These Federal judges work real hard. They are not denying anyone justice.

It is interesting to note that the Chief Justice of the U.S. Supreme Court is not going around the country

lecturing about why the Senate is not moving judges more quickly. No one can question Chief Justice Rehnquist's political leanings. He was appointed by a Republican and everyone knows how Republican he is. But he, knowing it was the right thing to do, criticized the Republican majority in the Senate for not moving judges and for holding them up. He is not doing that now.

We are doing the very best we can for these judges under very difficult circumstances. I said this morning, there may be a different agenda here than just judges. Maybe they do not want to move these appropriations bills. Maybe they want the appropriations in one lump sum. Maybe that is what they want. That is what they are going to get. It is a terrible mistake for the country.

Shall we tell our NATO allies or those suffering from AIDS, tuberculosis, or other deadly or preventable diseases that we are going to take a timeout because judges are not moving fast enough? That is the only thing we can tell them. Should we tell the American workers hurt by this slowing economy that we have taken a timeout because Senator LEAHY is not moving judges fast enough—he is moving them but not fast enough?

If he was trying to delay the appointment of judges, would he have held a meeting last Thursday in the President's room to report out judges? Of course not. If he is trying to delay, did he have an excuse not to hold hearings on these judges? He had to prevail upon the Appropriations Committee to get room S-128. As I said, what a disappointment it would have been for my friend, Larry Hicks, who is going to be a Federal judge from the State of Nevada, if Senator LEAHY had canceled that hearing. He had every reason to do so: the anthrax scare, the office buildings closed. But he did not. Larry Hicks was jammed into that hearing room with everybody else.

It was also interesting at that hearing, which I attended because of Larry Hicks, the judge from Nevada, the only people at the hearing were Democratic Senators. We had a few Republican Senators introducing nominees, but I am talking about members of the committee. I did not stay for the whole hearing. Maybe they showed up later.

Mr. DURBIN. Mr. President, will the Senator yield for a question?

Mr. REID. I am happy to yield.

Mr. DURBIN. Mr. President, I ask my friend from Nevada if he can explain what happened with the vote this morning on the floor of the Senate.

Mr. REID. I will be happy to explain to my friend.

Mr. DURBIN. This was a vote for closure to bring a bill before the Senate to be debated; is that correct?

Mr. REID. That is all it is.

Mr. DURBIN. And the bill was the foreign operations appropriations bill.

Mr. REID. That is right.

Mr. DURBIN. It has the request of the Bush administration for foreign op-

erations, and we—at least on the Democratic side—have been trying to bring this bill to the floor for the administration and for the President.

Mr. REID. For weeks.

Mr. DURBIN. For weeks. Included in that bill, is it correct, there is \$175 million for infectious disease surveillance programs?

Mr. REID. Yes.

Mr. DURBIN. And \$255 million for sheltering of Afghan refugees, the ones we see on the television?

Mr. REID. Yes. I say to my friend, I talked about the \$175 million. I did not talk today about the \$255 million for Afghan refugees. I say to my friend from Illinois, all one has to do is turn on the news by mistake and in an instant one will find out the problems of these refugees. They are trying to escape the Taliban. They are trying to get out of that country. They want to get anyplace they can to escape the Taliban. They are starving. Their families are spread out all over. Sometimes they are together; sometimes they are not. Some have walked over the passes, such as the Khyber pass and other passes that are almost impassable. They have done it.

The Senator from Illinois is right, that money is being held up.

Mr. DURBIN. Is it not true President Bush has said our war is not against the Afghan people; it is against the Taliban, the terrorists, al-Qaida, and Osama bin Laden? It is not against the Afghan people, is that not correct? Is that not what the President has said?

Mr. REID. The only reason I am pausing before answering—the answer is absolutely yes—I say to my friend from Illinois, the legislation is being held up because Senator LEAHY—if I am not mistaken, my friend is a member of that Judiciary Committee.

Mr. DURBIN. Yes, I am.

Mr. REID. Nobody is criticizing Senator LEAHY for not doing anything. They say he is not doing it well enough, fast enough, and, as a result, we have been in a 3-week filibuster.

Mr. DURBIN. I have not looked closely at this morning's rollcall vote, but is it a party breakdown, Democrats and Republicans?

Mr. REID. One courageous man, TED STEVENS, voted "present," and then he gave a speech from his assigned seat in the Senate Chamber saying, in effect: What in the world is going on here? He said if we have a continuing resolution, and that is what this is all leading up to—I am paraphrasing what he said—but the \$255 million the Senator from Illinois suggested for these Afghan refugees will not be there because that is an add-on. A continuing resolution takes into consideration what took place last year.

Mr. DURBIN. So this morning in the Senate Chamber—

Mr. REID. Senator STEVENS said: What is going on here?

Mr. DURBIN. This morning in the Senate Chamber, we had a motion to bring up a bill, which President Bush is

asking for, on foreign operations, part of which is to deal with infectious disease surveillance, \$175 million, and \$255 million to feed these Afghan refugees who are literally dying on our TV screens every night, and we had a party-line vote: The Democrats saying go along with the President, move the bill, give him the money and the resources, do what is important for America, and the Republicans, with the exception of one Senator, Mr. STEVENS who voted "present," all voted not to go to the President's bill on foreign operations appropriations. The reason they have decided to hold back the money for this emergency aid to feed, clothe, and shelter the Afghan refugees is because the number of judges coming out of the Judiciary Committee is not coming out fast enough; is that the argument?

Mr. REID. I am embarrassed for my minority friends to say that is right, they are not moving fast enough.

Mr. DURBIN. I ask, if I may, the Senator from Nevada, is it not also true that more than, I guess, 2 weeks ago we passed an aviation security bill in the Senate 100-0, a bill that was brought to the floor by Senator FRITZ HOLLINGS, a Democrat from South Carolina, and Senator JOHN McCAIN, a Republican from Arizona? They brought this bipartisan aviation security bill before the Senate to finally have a Federal response to the problem of security at our airports. We passed it unanimously and sent it to the House of Representatives where it has not been called for a vote in almost 2 weeks; is that a fact?

Mr. REID. I respond to my friend in answer to his question, he is absolutely right. It is being held up and it is very clear why: Because the majority whip in the House has said he does not want these employees to be federalized. He wants them to be let out to the lowest bidder, as we have now. The majority whip said, from what I read in the newspaper, that he cannot allow the bill to come up because he does not have enough votes to have his position prevail, so he is just stopping it from coming to the floor.

Mr. DURBIN. Has the Senator from Nevada had the same experience I have since September 11 where he has gone back to his home State and, more often than not, people come up to him and say: Thank you for addressing this problem threatening America in a bipartisan fashion, in working together, standing with the President to fight these battles? Has the Senator heard that in Nevada as often as I have heard it in Illinois?

Mr. REID. I went to a breakfast this morning in Washington, and they say the same thing in Washington that people say in Nevada: What in the world is wrong? Why can't you get this done; why can we not make these people who check our bags, who put food on the airplane, who put fuel in the airplanes, Federal employees so we can make sure they are paid a livable wage?

Mr. DURBIN. And with a background check, with training, with supervision.

Mr. REID. Yes. As the people said this morning and people say in Nevada, and as the Senator said they say in Illinois, that does not sound like too much of a wild concept.

Mr. DURBIN. I ask the Senator from Nevada, is it not a curious situation that the Democrats are now backing the President and wanting to move these things forward and the Republicans are stopping the President's agenda? It is the Republicans stopping the President's request for foreign operations funds to feed the Afghan refugees, \$255 million to feed and clothe these helpless innocent people who are literally dying in these terrible conditions. It is the Republican Party of the President that stopped our consideration of this bill this morning, with the exception of one Senator, Mr. STEVENS. And when we are asked time and again, Will you please stand behind the President, maybe we should say to our friends across America who follow this debate: We are standing behind the President; please ask the President's party to stand behind the President. It appears that is where it has broken down.

Mr. REID. I say to my friend in response to his question, we have not seen the pain and suffering and despair in Afghanistan that is going to occur in about 2 or 3 weeks when winter hits.

Afghan winters are known for their brutality. These people know that, and the reason they are trying to get out of there is because of the brutal winters they have in Afghanistan.

The Senator is absolutely right. And I also respond to his question in this manner: The President has received bipartisan support on his issues, whether it was the \$40 billion for New York, whether it was the airline bailout, whether it was the work we have done in counterterrorism. Name whatever it is he felt was important, we stood shoulder to shoulder by him.

I say to my friend from Illinois, the distinguished senior Senator from Illinois, I am a little bit disappointed in President Bush. I think he should be trying to help us on this issue and tell his party to back off. He should work with Senator DASCHLE, try to maybe speed things up a little bit, or let him talk to Senator LEAHY or Senator HATCH, but he should be helping us move this bill. This is his bill.

So I say to my friend, in spite of the weeks of bipartisanship, 6 weeks as of today, we have shown this President, the administration has been silent on this 3-week roving filibuster.

Mr. DURBIN. I ask the Senator from Nevada, in this bill, the foreign operations appropriations bill which the Republicans stopped this morning from coming up for consideration, in the committee report on the bill, this bipartisan committee report, it refers to the situation in Afghanistan as, and I quote, "the most urgent massive humanitarian crisis anywhere."

We are having this bill held up, but we are turning on our televisions at night, as I saw last night, to see this gripping scene that no father or mother could stand to watch for more than a few seconds of a child lying on the dirt in one of these refugee camps, this Afghan family that fled their country because of their fear of the Taliban and fear of the war. This little child was literally lying there, swathed in blankets and rags, listless and clearly sick, with flies all over her face, and her father trying to swat them away saying: I have nothing to give her. I have no money to buy medicine, nothing.

We see these scenes at night and it tears at our hearts because our war is not against the Afghan people. It is against the terrorists and the Taliban that harbors them. Yet when the President brings us a bill to do something to help those people, the Democrats stand with him and want to call the bill, while the Republicans, his own party, turn their backs on him in what has been described as the most massive humanitarian crisis anywhere.

To say that is a battle worth fighting for, these poor, defenseless, dying people, so the Judiciary Committee could turn out a few more judges to the satisfaction of some of the Senate Republicans, I do not think can be defended.

Mr. REID. I say to my friend, the then-majority leader, Senator LOTT—and this is not a direct quote, but it is pretty close—when there was a question which came up last year or the year before about judges, said when he went home he did not have anybody ask him about judges.

Well, that is about right. But I do have people ask about anthrax. I do have them ask about threats of smallpox, threats of influenza virus, threats of terrorists generally.

Also, I say to my friend, I spoke very briefly this morning about another crisis we tend not to focus on, but in this bill there is \$475 million to help people with AIDS. I say to my friend, as I said earlier, 7,000 people are dying every day in Africa because of AIDS. We have money in this bill to help that plague.

Mr. DURBIN. Yes, we do.

Mr. REID. And that is what it is; it is a plague. The Senator not only is a member of the Judiciary Committee, the Senator is a member of the Appropriations Committee. We work very hard recognizing that AIDS is not an African problem; it is our problem, too.

The money for AIDS education and treatment will be held up. Now they can say all they want, they meaning the minority: We will pass a bill as soon as you give us more judges.

It is not that easy, I say to my friend from Illinois. Thanksgiving is 3 weeks away as of next week. We have conference reports. We have terrorism issues we have to work on, bioterrorism, counterterrorism, and these appropriations bills do not go that quickly. People have the right to offer amendments.

Do they think some magic is going to happen and we are going to do a foreign

operations bill in an hour? People want to offer amendments. They want to do things a little differently. That is the American way. That is the way we have been doing things for more than 200 years, but we are in a 3-week fun and games with a filibuster.

Mr. DURBIN. I will give the Senator from Nevada an illustration and then ask him a question. Last Thursday, the Senate Judiciary Committee, when we were operating out of the Capitol, had a hearing for five judges who were brought before us. Of those five judges, it is my understanding four of them will be voted on this afternoon. As to the fifth judge, who is a circuit court judge who has been suggested and was brought before us, we came to learn this circuit court judge has perhaps a thousand unpublished opinions. We have asked this judge to come back once we have seen his unpublished opinions so that before we give him the circuit judge position for life we understand who he is and whether he is the man for the job.

There were some objections raised at the hearing about asking for a second hearing for this judicial candidate. We checked the record, and on at least six occasions during the Clinton administration, a second hearing was requested. Then we asked for the time-frame between the first and second hearing on Clinton judges, when the Republicans were in control. In one case, the nominee waited 2½ years for the second hearing, and in several other cases more than a year for the second hearing.

Now we have the Republicans coming to the floor saying we are not moving this process fast enough. Second hearings are being called for and it could take weeks, when they took the lives of individuals and let them languish for a year or 2 years in this situation.

I say to the Senator from Nevada, Senator PATRICK LEAHY has moved with dispatch with hearings on these judicial candidates. He has held hearings during the recess. He held a hearing last Thursday when the Senate was in a very peculiar situation because of the security concerns on Capitol Hill. He has moved them forward. He has asked that before we approve a person we know their background. I ask the Senator from Nevada, who was in the Senate during the Clinton administration and saw the way Senator HATCH and the Republicans in control of the committee dealt with the nominees, are the Republicans today asking for the same treatment of their nominees as they gave to President Clinton's nominees?

Mr. REID. I say to my friend, one of the biggest fears they have in the world is that we will treat them as they treated us.

Mr. KYL. Will the Senator yield? That was a question directed to my party.

Mr. REID. I say to the Senator from Illinois, I believe in the Golden Rule which says you should treat people the

way you want to be treated, and we are not going to treat the Republicans the way they treated us.

I say to my friend from Illinois, he is right. Senator LEAHY has been moving these things very quickly—maybe not quickly enough for some, but he has been moving them.

Since September 11, the Senator from Illinois, as a member of the Judiciary Committee, has been involved in a number of other things. I say to my friend that in addition, we have had in Senator DASCHLE's office this evil person or people send this envelope full of anthrax which has shut down the office buildings in the Senate. Senator LEAHY and the Judiciary Committee and all committees have been working under tremendous hardship, and Senator LEAHY, if we could give him some kind of a medal, he deserves it.

In the President's Room last Thursday, when the House had already gone home and we were in the process of going home, Senator LEAHY held a hearing to report out these four judges. Anyway, he held a hearing back there, a markup back there, and then he held a hearing later in the day down in S-128 on some judges. If he ever had an excuse or ever wanted to slow up these nominations, he certainly would not have proceeded in that manner.

Mr. DURBIN. I add to the Senator from Nevada, I believe there were some 12 U.S. attorneys who were moved in that hearing in the back room, under extraordinary circumstances.

I ask the Senator from Nevada, is he aware of the fact the Judiciary Committee, under Senator LEAHY's leadership, has held seven nomination hearings thus far this year?

In 1989 and 1993, when the Republicans were in control of the same committee, it was November before they held their fifth hearing. So Senator LEAHY has held more hearings, even though we have not been in control for the full calendar year, than Republicans did when they had control of the same committee under a Democrat President, and after that seventh hearing the committee will have held multiple hearings in the same month on three separate occasions, something the Republicans in the Judiciary Committee managed to do only 12 times in 6½ years of leadership.

For those who are complaining about Senator LEAHY's dispatch in dealing with those nominees, I might also say this: The Judiciary Committee has already confirmed eight judges, four for the Federal courts of appeals with several more in the pipeline. This afternoon we will have some district judges considered. That is more appellate judges confirmed in the last 4 months than the Senate confirmed during the entire first year of President Clinton's administration.

Senator LEAHY has brought more Republican nominees for Federal judgeships to the floor in the first 4 months than the Republicans did in an entire calendar year. And they are stopping

legislation to provide humanitarian assistance to the Afghan refugees because it is not fast enough? Is that what I understand?

Mr. REID. The Senator is absolutely correct. I would say also that not only has Senator LEAHY and the committee moved the number the Senator has indicated, but he has done it in a short period of time.

Remember, the Democrats only took control of the Senate in June. During the first 6 months of this year, the Republicans did not hold a single confirmation hearing or confirm one.

I will be happy to yield for a question to my friend from Arizona.

The PRESIDING OFFICER (Mr. MILLER). The Senator from Arizona.

Mr. KYL. Mr. President, I guess I will ask a question. I thought there was a question posed to the minority by the distinguished Senator who said, would Republicans like it if he treated them as they treated us? And I thought, as a Republican, I might be in a better position to answer that than a Democratic Senator.

Mr. REID. Does the Senator have a question?

Mr. KYL. The Senator had an interesting question. I guess I will ask the question to you this way.

Since the distinguished Senator from Nevada has said on more than one occasion that this is not about payback—I think that is a direct quotation, on several occasions—I wonder why, if the withholding of confirmations on judicial nominations is not about payback, that most of the argument that the Senator from Illinois and the Senator from Nevada keep making is how poorly they believe that President Clinton's nominees were treated by Republicans. What relevance would that have, if their action today isn't about payback?

Mr. REID. I will be happy to respond to that question. The purpose of going into what has taken place in the past is, by comparison, to show what was done to President Clinton and was not done for him, compared to what we are doing now.

I spent a lot of time here in the Chamber. The few judges that we got, those were usually held in bundles until we had acted appropriately by virtue of how the majority then thought we should act and then we would get a whole bunch at one time.

We are moving these judges as quickly as we can. We are not holding anybody who is ready for approval. We are holding these hearings as quickly as we can. We hope there will even be a hearing this week, although we don't know where it will be.

I say to my friend, for whom I have the greatest respect, the junior Senator from Arizona—I know he feels strongly about the number of judges. But I think the Senator is not doing the right thing for the country. I think it is very important we move forward on these appropriations bills. I think the situation on judges—whatever number is going to come, we are going

to do it regardless of this filibuster. We are going to move the same number of judges that we could and should.

As far as it being payback time, we are not going to have payback time. As I told the Senator from Illinois, the way I feel about this, I believe we should set an example.

You know, you just want people to treat you the way you treat them. We are going to try to do our very best to show the country we are not going to treat the minority, the Republicans, during the time we are in the majority, the way we were treated. We are not going to have people wait around for years for a hearing. We are not, in effect, going to have people wait until they withdraw their nomination.

With all that is going on in the country today—office buildings being closed—I think it is a terrible mistake. We are going to move as quickly, as expeditiously as we can.

As I was saying when the Senator from Illinois stepped on the floor, we have \$3.9 billion in this bill for military assistance, including aid to NATO allies, countries in eastern Europe and central Asia. We are asking some of these same countries to really do good things for us. Should we tell our NATO allies that we have taken a timeout? Should we tell American workers hurt by the slowing economy that we have taken a timeout?

I believe global leadership means acting as a leader. We are the only superpower left in the world and we have an obligation to support those who are less fortunate than us. We simply have not done that.

Mr. DURBIN. I ask the Senator from Nevada if he will yield for a question.

Mr. REID. I am happy to yield for a question.

Mr. DURBIN. If I understand what the President has told us repeatedly, our war is not against Islam or the Afghan people. It is against terrorism and the countries that harbor terrorists. In this bill the Republicans have stopped on the Senate floor this morning, the foreign assistance and operations bill which President Bush asked us to pass, which Secretary of State Colin Powell said is important for his operation, the State Department, as he builds this coalition, is it not true we also include in this bill nutrition and health programs for the less fortunate around the world? Is it not also true that many of these programs will be the evidence that many of these people have that the United States is not at war with Islamic people, not at war with a certain religion, that we are, in fact, prepared to help them and help their children?

The fact that this Senate refuses to take up the bill the President has asked for is really hurting the administration's effort. What they are trying to do is send a message around the world. That is how I see it. I ask the Senator from Nevada if he reaches the same conclusion?

Mr. REID. I reach the same conclusion, I say to my friend from Illinois. I

studied a map yesterday of Afghanistan and the countries that surround Afghanistan and tried to learn a little more about Afghanistan, as we all are trying to do.

The life expectancy in Afghanistan today is 48 years for a man, 47 years for a woman. That is the life expectancy. In the United States, it is about 80 for both men and women.

Having been in Congress for a number of years, I have had the good fortune, for a number of reasons, to travel to other countries. I can remember going to a number of those refugee camps where food comes from the United States, money comes from the United States, to feed these orphans. A lot of them are orphans. When you go there, they know you are from America and they come, little kids, hanging on to you—some of them with very bloated stomachs, meaning they are malnourished. It is very sad that children who have done nothing to hurt anybody are victims of all this terrorism that is going on. They are victims of all the maldistribution of things around the world.

This bill is an effort by the United States, the way I see it in my eyes, to give just a little bit of the plenty that we have to help some of the less fortunate around the world.

This foreign aid bill is just a small amount of money of the trillions of dollars that we deal with here in Washington. But it is important to those countries. The Senator from Illinois is absolutely right. This money goes to people, mainly children around the world, who need help.

Mr. DURBIN. I ask the Senator from Nevada, I had the same experience he did in India and Bangladesh, India, a Hindu country and Bangladesh, largely Muslim. What I found was the poorest of God's creatures on Earth, people, literally mothers trying to raise children with nothing—nothing—who worried day to day whether they could feed them, and the United States, in its compassion, its understanding of its obligation to those less fortunate, provides financial assistance to the charitable organizations. In one case, in India it was Mother Teresa who was taking the money and feeding the poorest people. In Bangladesh, it was other organizations.

To make certain the record is clear, the money that these organizations would receive would come through this bill, this foreign operations appropriations bill which has been stopped on the floor of the Senate—according to the Senator from Nevada for almost 3 weeks or more—because some, in fact all Republican Senators but one—believe they want to stop the President's bill that would provide this food and medical care for the poorest children on Earth because they are not getting judges through the Senate Judiciary Committee at a fast enough pace.

Is that their argument?

Mr. REID. The Senator is absolutely right.

I want to stress this again. They acknowledge that they are getting judges, but they are not getting them fast enough, in spite of the September 11 terrorist acts and in spite of the anthrax terrorism. They should join with us to move this as quickly as possible.

The Judiciary Committee has maintained a steady schedule of hearings on judicial nominees of President Bush. We have confirmed twice as many judges as were confirmed in the same period of time during the two previous administrations. Remember that in one of those administrations there was a Democratic President and a Democratic Senate. Alongside the passing of an antiterrorism bill, we have continued to hold hearings on judicial nominees and to bring them to the Senate floor.

I don't know what more we can say. We have brought them to the floor for confirmation.

At a time when we have tried in every way to support the President's priorities, it is unfortunate that so soon after September 11 the Republican leadership seems to care more about its partisan political priorities than it does moving these nominees.

I think this deals with more than just judicial nominees. I think some people do not like foreign aid and the foreign aid bill. This is their way to kill something they really do not like. They are afraid to come on the floor and vote against this bill and offer amendments to this bill. They are going to do indirectly what they cannot do directly. They are saying this is about judges. I think what they want is a foreign aid bill such as we had last year with no new items in it: The Afghans—they will survive for centuries. A few will die. Let them die. So we cause a few problems. They deserve it.

I don't know what is going on here. But I think there is a different agenda. I think it is more than judges. I think they don't want this bill to go forward.

We have all been to townhall meetings. It is hard to defend foreign aid. Why are we giving money to those countries when we have people in America who are hungry?

I always supported foreign aid in the International Relations Committee in the House. I have always supported foreign aid bills. I have never voted against a foreign aid bill, and I don't intend to, because this superpower, of which I am a proud citizen, has the obligation to dispense a tiny bit of its largess on those who are less fortunate.

I think there is a different agenda here. I think people do not want to come forward and vote against a foreign aid bill. I think they want to be able to go home and say, we passed a foreign aid bill that is no bigger than it was last year.

Mr. DAYTON. Mr. President, will the Senator yield for a question?

Mr. REID. I am happy to yield to the Senator from Minnesota.

Mr. DAYTON. I thank the Senator from Nevada.

Our friends are talking about the consequences for this particular piece of legislation. I guess I see other consequences as well. I would like to ask the assistant majority leader and the distinguished Senator from Illinois a question.

We have been through this process before. The clock is ticking. As the Senator from Nevada said earlier, there are only 3 weeks until Thanksgiving, and I assume we want to go home for Thanksgiving. Then there are a few more weeks until Christmas and New Year's. I assume people want to go.

I look at the agenda in terms of the prescription drug coverage for senior citizens, which is something about which I have been concerned and I know the seniors in Minnesota are desperately concerned.

I want to ask the Senators who have been here longer than I: When we go home for the holidays or adjourn for the year, and we are out of time to deal with some of these other important issues as well, should I tell the senior citizens from Minnesota that the reason we couldn't get prescription drug coverage is that we were sitting here week after week getting delayed on these votes and not even getting to the bills, so we did not have time to go on to anything else?

It looks as if that is another one of the consequences of what is going on. Is that the case?

Mr. REID. It appears very clear that we don't have time to do all the things that need to be done. Those issues about which we felt so strongly prior to September 11 are issues that are still important to the American people: Senior citizens, and the cost of medicine. The cost of health care is going up. Prescription drug costs are going up.

People are literally having to make decisions whether they are going to eat or get drugs. I have talked to them. People are supposed to take one pill a day. They break the pill in half. They take one-half of a pill each day. That isn't good for them. But it is better than nothing. We have people simply making the choice of whether they are going to eat this week or whether they are going to buy their medicine.

We know there are important issues dealing with education that we haven't talked about for weeks. We know there are things we need to do about people who are working. We have a lot of minimum-wage jobs around the country. These are not people who are working at McDonald's flipping hamburgers. Sixty percent of the people who draw minimum wage are women. That is the only money they get for them and their families.

Do we need a minimum wage adjustment? You bet we do. Things such as the Patients' Bill of Rights—that is just as important today as it was prior to September 11.

What about campaign finance reform? That is important. But these are issues we have pushed way back on the calendar.

I am willing to recognize that we have had many important things to do. But wouldn't it be nice if we were not in a filibuster, to have finished our appropriations bills by now and spent a little time on education? President Bush said that is his No. 1 priority. All he has to do is tell his friends over here to let us move on some of these appropriations bills.

I also say to my friend from Minnesota that not only do we have these things that are important which we need to deal with, but we also have counterterrorism legislation which is not yet completed.

The Senator from Illinois and I talked a little on the floor today about airline security legislation which is hung up over in the House because of the evil of federalism.

We have a lot to do with very little time to do it. Certain things we can adjust but time we can't. Time moves on. We cannot stop the movement of time. We can only do certain things for a certain period of time. Time runs out. Time is running out. The fiscal year ended a long time ago. We are having a series of short-term funding resolutions, which in the long term hurts the country. We should have the appropriations bills finished and not be doing them at last year's level. We have different problems than we had last year. That is an understatement.

I hope there will be some serious discussion about whether or not we are going to continue this filibuster for another few weeks. It is obvious to me that they are together on it. We had one person vote "present." Everybody else voted like lemmings going over the cliff.

I have the good fortune of being a lawyer. I am proud that I am a lawyer. I am proud that I was a trial lawyer. I tried lots of cases before juries. As I said earlier today, I wish I could try this case to a jury. We would win it so easily. They have no case. Hopefully, with the discussion today, maybe there is a jury out there; it is a jury that I can't see. There are not 12 people in the jury box here to whom I am speaking, but maybe this is the unseen jury of the American people. Maybe they can see through this facade. Maybe they can see. They know what it is. It is a political trip that is not good for the American people. It is holding up judges when we have people who need programs that this bill will fund.

Other bills are being held up. Agriculture appropriations and other bills are being held up. My friend is certainly on the right track.

Mr. DAYTON. Mr. President, will the Senator yield for a question?

I have been asked by the people in Minnesota as to our agenda—for example, why we have not taken up agriculture. We have sugar beet farmers in Minnesota who are literally going bankrupt and are waiting for that appropriations bill to see if there is funding included that will rescue their operations from bankruptcy. We have

seniors in Minnesota who are asking why we have not taken up prescription drug coverage.

Why are we meeting here? As the Senator said, when we have education matters, which the President has said are a priority, when we have an economic stimulus package that the President has asked us to act on, when all these matters are not addressed, as I read the calendar, they could be left undone this year.

When I go back to Minnesota and am asked why we have not gotten them any of this broad agenda that affects people not just in Minnesota but all over this country, the answer should be because we sit here week after week not being able to take up legislation that is bipartisan because they are not happy with the pace of judges. It all comes down to that. Is that the Senator's understanding?

Mr. REID. I say directly to my friend from Minnesota, you are exactly right. You go back to Minnesota and tell your sugar beet farmers, we cannot take up an appropriations bill because we are not moving judges fast enough, according to the Republicans.

I went to Minnesota. You and I met with some seniors when we were campaigning. That was your No. 1 issue. You can tell them you are sorry we have not been able to take this up, but we have been tied up with a very important issue; that is, we are not moving judges fast enough. So you can tell them that. That is basically what you can tell them.

Mr. DAYTON. I say to the Senator, "fast enough" is a relative term, as I understand it. It is sort of in the eye of the beholder.

As I understand it, Senator LEAHY, chairman of the Judiciary Committee, held a hearing and squeezed it in here, literally and figuratively, last week so we could move judges forward. I know the bench is full in Minnesota.

The people's agenda, the whole agenda of the United States of America is on hold because a group says we are not moving judges fast enough. Is there a measure of what is "fast enough" in the Senate?

Mr. REID. The answer to the question is, you are correct; it is in the eye of the beholder. It absolutely is.

Mr. DURBIN. Will the Senator yield for a question?

Mr. REID. I am happy to yield for a question.

Mr. DURBIN. I thank the Senator from Minnesota for addressing other items on the agenda which we cannot get to because of this Republican filibuster over the pace of judges.

I say to the Senator from Nevada, what we are looking for now, if I am not mistaken, is what—eight or nine more Republican Senators who will decide that it is time to put an end to this charade that has gone on for so many weeks. If we can get eight or nine Republican Senators to come forward, we can finally invoke cloture, bring the President's bill that he requested to the floor, and provide the

assistance for these starving refugees who are coming out of Afghanistan.

I ask the Senator from Nevada, am I correct that is what we are looking for, another eight or nine Senators to come forward on the Republican side?

Mr. REID. I answer my friend, the distinguished Senator from Illinois, by saying it would be patriotic, in my view, to have a few people break away over there, step forward and say, I think this has gone on long enough. A 3-week filibuster is pretty good in holding up legislation for a period of time.

I think if we had nine Senators step forward, we would be able to break the filibuster and move forward on these appropriations bills. And then, as the Senator from Minnesota said, maybe this bowl of jello that says how many judges the American people are entitled to can work out somewhat.

I want everyone to be reminded that Senator LEAHY is a veteran legislator. On September 11, Senator LEAHY was forced into a new direction. He had to tell the members of his committee, such as the Senator from Illinois, that we had to do different things. As a result of that, he, as the leader of that committee, worked day and night for weeks to come up with a counterterrorism bill. It is not as if he has not had anything else to do. And then, I repeat, we have had the anthrax problem.

Again, he does not even know if some of the judges have responded to some of the questions sent to them. He is not doing anything that unique or different. He may be asking some questions a little differently, but from the beginning of time in the Senate, when we have confirmed Federal judges, people on the Judiciary Committee have had the right to ask questions. I am not on the Judiciary Committee, but I can send a question to you, and you can ask a question that is entirely appropriate. Or when a judge is placed on the calendar—like I made an announcement earlier today on behalf of Senator DASCHLE. I said, we cannot hotline everybody as we normally do, but we have nominations on the Executive Calendar, and we are going to try to clear a lot of them. So if anybody has any objection to these people, such as John Marburger, to be Director of the Office of Science and Technology Policy, let us know. If you have a problem with CPT Duncan Smith, let us know. If you have a problem with Eugene Scalia, to be Solicitor for the Department of Labor, let us know. There is a whole list.

We have a lot of U.S. attorneys who have been cleared. We have a couple people on the Executive Calendar from Nevada, such as Jay Bybee, to be an assistant attorney general, a very fine man. Anyway, we have a lot of people. We have a nominee to be U.S. Attorney for the District of Nevada.

Mr. DURBIN. May I ask the Senator from Nevada a question?

Mr. REID. I am just amazed at this kind of loosely knit problem we have

where they say we are not moving fast enough. The Senator from Minnesota asked, what is “fast enough”?

Mr. DURBIN. I might ask the Senator this.

Mr. REID. I am happy to yield for a question.

Mr. DURBIN. If the Senator would respond, this foreign operations appropriations bill, which the President has requested, which the Democrats are prepared to bring to the floor to help the President in this effort against terrorism, stopped by the Republicans again this morning, with the exception of Senator STEVENS—and I applaud him; he has always been a man who has charted his own course. He broke ranks with the Republicans and said: Enough is enough. I salute him for that.

This bill, which the Senator from Nevada appreciates, I am sure, as I and other Members do, is a life-and-death bill for a lot of people around the world. The Senator from Nevada earlier mentioned the AIDS victims in Africa where 25 million people are infected and there are 15 million AIDS orphans. There is money in this bill to help these children and to help these families try to cope with this health crisis. There is no doubt in my mind, the failure to send the money is going to lead to the loss of life.

When it comes to feeding programs for the Afghan refugees, there is \$255 million. The failure of the United States to send the money President Bush has asked for to help these Afghan refugees will take lives. People will die because we do not move as fast as we should.

Does the Senator from Nevada have a suggestion from the Republican side that if we give them a certain number of judges, then they will be willing to give a certain amount of money to send to people who are starving to death around the world? Are they negotiating in those terms as to how many judges they will need before they can support their own President’s foreign operations appropriations bill?

Mr. REID. If I could just take a minute to answer the Senator’s question, this negotiating has been a little bizarre, for lack of a better description. I personally negotiated with a number of Senators on the other side. Finally, the majority leader said: You keep coming to me with different people negotiating for judges. Who is speaking for the minority as to the number of judges? I think that was a pretty good question Senator DASCHLE came up with.

Then I was told I could negotiate with my counterpart, the minority whip, Senator NICKLES. So we met on a couple occasions, and I thought we had a good understanding of what they wanted and what we could do. But that all fell apart because other people now are speaking for the other side.

So the direction I had to work with Senator NICKLES is no longer the case. I do not know what they want. That is why I think there may be some other

agenda. I think it may be more than just judges, although maybe they are holding up all this important legislation for judges.

Before the Senator asks another question, let me also say this: The Senator is a veteran legislator, having come to be elected in 1982. You know how this institution works. And you have served in the Senate for a number of years. You can remember the trouble we had getting Ambassadors when they were in the majority. They would load them up and finally we would have them. It was hard to get Ambassadors.

There has not been a peep out of them for Ambassadors. Why? Because we have been approving Ambassadors every time. Senator BIDEN gets these people out just as quickly as possible. We do not want a single post to be vacant, like they were vacant under President Clinton because they would not even give some of these people hearings.

So we are doing what is right for the country. We are not holding up Ambassadors, as they did to us. We are not holding up judges, as they did to us. We are treating them as they did not treat us. That is the right thing to do.

I would be happy to respond to another question from my friend from Illinois.

Mr. DURBIN. I say to the Senator from Nevada, based on what he just told me—that the Republicans have not even come forward with a request, a negotiated plan on these judges—I have to agree with the Senator from Nevada; I do not understand what their agenda is.

I can tell you what the result will be. Because they refused to bring President Bush’s bill up to fund the State Department and other critical agencies, they are taking away from their President part of the authority he is asking for Congress to give him to wage this war successfully, part of which obviously has to do with military expenditures, intelligence expenditures. Another has to do with building a global coalition.

What the Republicans have said is: Mr. President, we are not going to stand with you. You can wait for an indeterminate amount of time for an indeterminate reason before we will give you our support.

The Democrats in the Senate are standing with the President. The Republicans in the Senate have shunned him, turned their backs on him. The net result of this, as we delay, is clearly going to be the loss of life. It clearly means that refugee children and others around the world who are waiting for U.S. assistance will not receive it in a timely fashion because of the Republican agenda on the Senate floor. That is certainly unfair to the President. It is certainly inhumane when it comes to these poor children and others around the world.

I sincerely hope that a number of Republican Senators, at the luncheon they are about to have, will stand up

with Senator STEVENS and say enough is enough. It is time for us to get behind the President, get the business of the Senate moving forward in a bipartisan fashion again.

I might ask the Senator from Nevada, before I close and yield to others who might ask questions: A similar thing is happening with aviation security, is it not, in the House? This is a bill we passed 100-0. People have come up to me on the street in Chicago, at Marshall Fields department store on Sunday. I was spending a few minutes looking around. A couple fellows asked: Aren't you Senator DURBIN? We want to talk to you about aviation security, airport security. And we want to know whether it is safe to fly.

We passed a bill which has sky marshals, which has perimeter security around airports, which professionalizes the screening at airports so we can have confidence that we have the best people with background checks and training and supervision and national standards, just as we had with air traffic controllers, having them working security at airports. That bill has been stopped in the House of Representatives by the majority whip, TOM DELAY of Texas, who objects to the idea of Federal employees being involved. So here in the Senate we can't move the President's bill for foreign operations to deal with our war against terrorism, and over in the House of Representatives they can't move the bill for aviation security.

In both instances, is it not true it is the President's party that is stopping a bill the President is asking for?

Mr. REID. The Senator from Illinois is absolutely right.

The Senator asked the question about the negotiation part of it. Our leader is Senator TOM DASCHLE. He has 50 people who support him in our caucus on everything. He is our leader. We recognize that. He is a man of great patience. I have worked with him, served with him in the House. We were elected to the Senate at the same time. We work very closely together. I have never served politically with anyone with as much patience as he has.

Mr. DURBIN. I agree with the Senator.

Mr. REID. Even TOM DASCHLE's patience has run out on this roving filibuster on judges. The Senator asked me what has happened on the negotiations. This is foolishness. We have three office buildings closed. Senator LEAHY just came upon the floor. He can't go into his office. He can't go into his personal office. He can't go into the Judiciary Committee office.

What in the world is the man supposed to do? Can't we move forward on these appropriations bills? This is a travesty. It is a travesty of the American political system to hold these programs up because we are not approving enough judges because this man here is not leading the Judiciary Committee properly.

I was on the floor Thursday. This is one thing I said. The Senator was not

on the floor. I want to say it right here again, the last thing I said:

Why hold up these appropriations bills? It is not going to speed things up. Now we are going into the third week with a filibuster. It is wrong, and I am very sorry it is happening. But no one is going to denigrate PAT LEAHY while I have an ounce of breath left in my body.

That is how I feel about it. This man is being slandered. I think it is awful what is happening here, what is happening to this man and to this institution. I have lived on the Senate floor. I have worked day and night helping them move appropriations bills, helping them, going to you and to you and to you, saying, don't offer that amendment; we need to move this; it is for the country. And we came through every time.

Here we have this bill being held up because we are not moving enough judges. I think it is horrible. I think it is wrong.

I yield to the Senator from Vermont for a question.

Mr. LEAHY. I am sure the distinguished senior Senator from Nevada knows how much I appreciate his kind words of support. And of course our friendship, of nearly a generation now, I value as much as any friendship in this body. It is interesting, I wonder if the Senator from Nevada knows that last week when a number of buildings were being closed down and all, I had several members of the other party come to me and tell me privately: I assume, of course, you won't have an executive meeting and pass out judges; you certainly aren't going to be able to have any hearings on judges.

In fact, some of them were saying they not only assumed that, they hoped I wouldn't because they wanted to get out of town.

The Senator from Nevada told me one of President Bush's nominees had made a 3,000 mile trip here and is there some way we could hold the hearing for this Republican judge, having made the trip. Of course, I had the hearing. Of course, we met. In fact, we had a picture in one of the papers showing we had about 100-some-odd people crowded into the President's room and a couple other people crowded into Senator BYRD's Appropriations committee room to have both of the hearings. We voted out about 20 nominees between U.S. attorneys and judges. And then we had a hearing on four or five more judges that afternoon, even including one from a State where the Republican Senator didn't bother to show up.

Mr. REID. Before we go out, I want to respond to the Senator's question. First of all, I appreciate the friendship that we have. I say this for the institution, I say to my friend for the institution. I would have stood to defend this institution. You are part of this institution, and the institution we call the U.S. Senate is also being defamed. This is not the way to legislate.

Yes, Larry Hicks flew from Nevada to here, as did other people fly from

around the country. What a disappointment it would have been to Larry Hicks and to the other people if they had come back here to find out the meeting was canceled. No one could have criticized you for canceling that meeting.

Anthrax was present. People were being treated for anthrax poison. No one could have criticized you. But you not only held a markup back here; you went down on the first floor and held a hearing. I said earlier today, if we passed out medals in the Senate, you would deserve a medal for what you did last week. To have people criticizing you and your committee for not moving fast enough is disgraceful.

Mr. LEAHY. I thank my colleague.

Mr. DAYTON. Will the Senator yield?

Mr. REID. Our time is up. I think it is time to go out.

The PRESIDING OFFICER. Forty-five seconds remain.

Mr. DAYTON. I was going to ask how many of these instances have occurred. The U.S. attorney from Minnesota, a Republican friend of mine, high school classmate who was appointed, Senator LEAHY went to finish the paperwork himself to get him expedited through the process. I wonder how many of these have occurred.

Mr. REID. I think we are going to report out 13 of these today that he did not have to do but he did.

RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 having arrived, the Senate stands in recess until the hour of 2:15 p.m.

There being no objection, the Senate, at 12:30 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. CLELAND).

The PRESIDING OFFICER. In my capacity as a Senator from Georgia, I suggest the absence of a quorum.

The clerk will call the roll.

The assistant 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.

EXECUTIVE SESSION

NOMINATION OF JAMES H. PAYNE TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN, EASTERN, AND WESTERN DISTRICTS OF OKLAHOMA

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the nomination of James H. Payne, of Oklahoma, which the clerk will report.

The assistant legislative clerk read the nomination of James H. Payne, of Oklahoma, to be United States District Judge for the Northern, Eastern, and Western Districts of Oklahoma.

Mr. LEAHY. Mr. President, today the Senate will confirm four additional