

the stimulus package and visit this legislation at another time. I hope we finish the Nation's business. I hope we get our appropriations bills done, pass the stimulus package trying to help this economy which is in a recession, and go home. But if we are going to say let's come out and spend this kind of money, we are going to have to rework this program and improve it.

Let's allow the unions and railroad companies to come up with whatever benefits they want. I don't care if they have retirement at age 40, as long as they pay for it and don't ask us to pay for it. If it is their retirement system and they are responsible for it, great. If they are asking taxpayers to pay for it, wait a minute, we should be a little more cautious. If they are going to have survivor benefits greater than almost every survivor benefit in America, that is fine, as long as they pay for it. But don't ask us to guarantee it.

So I urge my colleagues to vote no on the motion to move off the stimulus package and move on the railroad retirement bill.

The ACTING PRESIDENT pro tempore. The Senator from Nevada.

Mr. REID. While the distinguished Senator from Oklahoma is on the floor, I ask unanimous consent the time for debate prior to the cloture vote on the motion to proceed to H.R. 10 be extended until 10:30, with the time equally divided and controlled as under the previous order, and that the remaining provisions of the previous order governing the cloture vote remain in effect.

Mr. NICKLES. Reserving the right to object, I suggest the absence of quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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 Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. REID. Madam President, I renew my request.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

Mr. REID. Madam President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. 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 President, I ask unanimous consent that the order for the quorum call be rescinded.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.

The PRESIDING OFFICER. Under the previous order, the clerk will report the motion to invoke cloture.

The senior assistant bill 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 Calendar No. 69, H.R. 10, an act to provide for pension reform and for other purposes:

Paul Wellstone, Richard Durbin, Byron Dorgan, Harry Reid, Jon Corzine, Hillary Clinton, Blanche Lincoln, Thomas Carper, Patrick Leahy, Tom Harkin, Benjamin Nelson, Mary Landrieu, Bill Nelson, Ron Wyden, Charles Schumer, Bob Graham, and Barbara Mikulski.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the motion to proceed to H.R. 10, an act to provide for pension reform, 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 assistant legislative clerk called the roll.

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

The yeas and nays resulted—yeas 96, nays 4, as follows:

[Rollcall Vote No. 343 Leg.]

#### YEAS—96

Akaka	Domenici	Lugar
Allard	Dorgan	McCain
Allen	Durbin	McConnell
Baucus	Edwards	Mikulski
Bayh	Ensign	Miller
Bennett	Enzi	Murkowski
Biden	Feingold	Murray
Bingaman	Feinstein	Nelson (FL)
Bond	Fitzgerald	Nelson (NE)
Boxer	Frist	Reed
Breaux	Graham	Reid
Brownback	Grassley	Roberts
Bunning	Hagel	Rockefeller
Burns	Harkin	Santorum
Byrd	Hatch	Sarbanes
Campbell	Helms	Schumer
Cantwell	Hollings	Sessions
Carnahan	Hutchinson	Shelby
Carper	Hutchison	Smith (NH)
Chafee	Inhofe	Smith (OR)
Cleland	Inouye	Snowe
Clinton	Jeffords	Specter
Cochran	Johnson	Stabenow
Collins	Kennedy	Stevens
Conrad	Kerry	Thomas
Corzine	Kohl	Thompson
Craig	Landrieu	Thurmond
Crapo	Leahy	Torricelli
Daschle	Levin	Voinovich
Dayton	Lieberman	Warner
DeWine	Lincoln	Wellstone
Dodd	Lott	Wyden

#### NAYS—4

Gramm	Kyl
Gregg	Nickles

The PRESIDING OFFICER. On this vote, the yeas are 96, the nays are 4. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. EDWARDS). Without objection, it is so ordered.

Mr. HATCH. Mr. President, I ask unanimous consent that I be allowed to speak for up to 15 minutes as if in morning business.

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

Mr. HATCH. Thank you, Mr. President.

#### NOMINATION OF JOHN WALTERS

Mr. HATCH. Mr. President, I rise today to speak on behalf of all parents and grandparents, teachers, clergy, mentors, law enforcement, treatment and prevention coalitions, and all the others who work every day to prevent illegal drug use from destroying the lives of our young people. Our country needs John Walters, the President's nominee for drug czar, to be confirmed. It is shameful that here we are in November, and Mr. Walters remains the President's only Cabinet member who has not been confirmed.

To say that the confirmation of Mr. Walters has been obstructed is by no means an exaggeration. It has been 203 days since the President announced his choice of John Walters to be the next Director of the Office of National Drug Control Policy. It has been 177 days since the Senate received his nomination. It has been 50 days since Mr. Walters' hearing before the Judiciary Committee. And it has been 21 days since his nomination was voted out of the Judiciary Committee by a wide margin and sent to the Senate floor. How many more days, weeks, and months can we expect this nomination to linger before a vote is finally scheduled? In my view, we have already waited much too long.

John Walters' confirmation will also add another much-needed weapon to our arsenal in the war against terrorism. Since the September 11 attacks, there has been much discussion about the nexus between drug trafficking and terrorism. We know that proceeds from the manufacturing and trafficking of opium poppy helped sustain the Taliban's control of Afghanistan. We also know that terrorist organizations routinely launder the proceeds from drug trafficking and use the funds to support and expand their operations internationally, including purchasing and trafficking illegal weapons. I am sure in the coming months and years, we will continue to learn about the clandestine connection between drugs and terrorists.

The situation in Afghanistan also bodes ill for the world's supply of heroin. In 2000, over 70 percent of the world's heroin was produced in Afghanistan. Stockpiles of Afghan heroin were reportedly dumped on the market after the September 11 attacks. While officials in America and Europe are bracing for the onslaught of cheap heroin that will soon be hitting the markets in all neighborhoods across America and Europe, we have no drug czar. The

head of the Drug Enforcement Administration, the DEA, Asa Hutchinson, recently referred to the situation in Afghanistan as a "rare opportunity" for U.S. antidrug efforts to act on the successes of the military campaign and influence the future direction of heroin production in Afghanistan. While I have great confidence in the work Asa Hutchinson and the DEA are doing, the administration needs its lead drug control policy official in place to help formulate a comprehensive policy designed to reduce significantly heroin production in Afghanistan.

Mr. Walters will have to work closely with law enforcement and intelligence authorities to ensure that the international component of the Nation's drug control policy is designed not only to prevent drugs from being trafficked into America but also to prevent the manufacturing and sale of drugs for the purpose of funding terrorist activities. Mr. Walters is eminently qualified to carry out this task, and I am confident that he will be a first-rate Director. He is the right person for this job.

John Walters' career in public service has prepared him well for this office. He has worked tirelessly over the last 2 decades helping to formulate and improve comprehensive policies designed to keep drugs away from our children. By virtue of this experience, he truly has unparalleled knowledge and experience in all facets of drug control policy. Lest there be any doubt that Mr. Walters' past efforts were successful, let me point out that during his tenure at the Department of Education and ONDCP, drug use in America fell to its lowest level at any time in the past 25 years, and drug use by teens plunged over 50 percent. Mr. Walters has remained a vocal advocate for curbing illegal drug use. Tragically, as illegal drug use edged upward under the previous administration, his voice went unheeded.

John Walters enjoys widespread support from distinguished members of the law enforcement community, including the Fraternal Order of Police and the National Troopers Coalition. His nomination is also supported by some of the most prominent members of the prevention and treatment communities, including the National Association of Drug Court Professionals, the American Methadone Treatment Association, the Partnership for Drug Free America, National Families in Action, and the Community Anti-Drug Coalitions of America. All of these organizations agree that if we are to win the war on drugs in America, we need a comprehensive policy aimed at reducing both the demand for and supply of drugs. Mr. Walters' accomplished record demonstrates that he, too, has always believed in such a comprehensive approach. As he stated before Congress in 1993, an effective antidrug strategy must "integrate efforts to reduce the supply of as well as the demand for illegal drugs."

Despite this groundswell of support, ever since Mr. Walters was first men-

tioned almost 7 months ago to be the next drug czar, several interested individuals and groups have attacked his nomination with a barrage of unfounded criticisms. Because of these untruths, I believe his confirmation has been delayed, and I feel compelled to respond to some of these gross distortions of John Walters' record.

The most common criticism I have heard is that John Walters is hostile to drug treatment. This is categorically false. He has a long, documented history of supporting drug treatment as an integral component of a balanced national drug control policy. You do not have to take my word on this. You need only look at the numbers. Keep in mind, just today, just an hour ago, we passed the Hatch-Leahy "Drug Abuse Education, Prevention, and Treatment Act of 2001" out of the Judiciary Committee. The bulk of the money in that bill will go for drug treatment, education, and prevention programs. And we have done so with the advice and counsel of Mr. Walters. So that is a false accusation. But look at the numbers.

During Mr. Walters' tenure at ONDCP, treatment funding increased 74 percent. Compare that with the increase over 8 years for the Clinton administration of a mere 17 percent. This commitment to expanding treatment explains why John Walters has such broad support from the treatment community. It is simply inconceivable to believe that all of the prominent groups that are supporting Mr. Walters would do so if they believed he was hostile to treatment programs.

Another recurring criticism is that Mr. Walters doesn't support a balanced drug control policy that incorporates both supply and demand reduction programs. This criticism, too, is flat wrong and again belied by his record. For example, in testimony given before this committee in 1991, Mr. Walters, then acting Director of ONDCP, laid out a national drug control strategy that included the following guiding principles: educating our citizens about the dangers of drug use, placing more addicts in effective treatment programs, expanding the number and quality of treatment programs, reducing the supply and availability of drugs on our streets, and dismantling trafficking organizations through tough law enforcement and interdiction measures.

Mr. Walters' support of prevention programs is equally evident. His commitment to prevention became clear during his tenure at the Department of Education during the Reagan administration. He drafted the Department's first drug prevention guide for parents and teachers entitled, "Schools Without Drugs" and created the Department's first prevention advertising campaign, and implemented the Drug-Free Schools grant program.

These are not the words or actions of an ideologue who is hostile to prevention and treatment but, rather, rep-

resent the firmly held beliefs of a man of conviction who has fought hard to include effective prevention and treatment programs in the fight against drug abuse.

Some have also charged that Mr. Walters doesn't believe the oft-repeated liberal shibboleth too many low-level, "non-violent" drug offenders are being arrested, prosecuted, and jailed. I, too, plead guilty, and we have the facts on our side. Data from the Bureau of Justice Statistics, BJS, reveals that 67.4 percent of Federal defendants convicted of simple possession had prior arrest records, and 54 percent had prior convictions. Moreover, prison sentences handed down for possession offenses amount to just 1 percent of Federal prison sentences. It is flatly untrue that a significant proportion of our Federal prison population consists of individuals who have done nothing other than possess illegal drugs for their personal consumption.

The simple fact is that the drug legalization camp exaggerates the rate at which defendants are jailed solely for simple possession. Mr. Walters, to his credit, has had the courage to publicly refute these misleading statistics. And to these critics I want to make one other point perfectly clear. Those who sell drugs, whatever type and whatever quantity, are not, to this father and grandfather, nonviolent offenders, not when each pill, each joint, each line, and each needle can—and often does—destroy a young person's life. Mr. Walters' critics have shamefully distorted his statements to claim that he favors jailing first-time, non-violent offenders.

I am committed 100 percent to expanding and improving drug abuse education, prevention, and treatment programs, and I know that John Walters is my ally in this effort. Earlier this year I introduced S. 304, the Drug Abuse Education, Prevention, and Treatment Act of 2001, a bipartisan bill that I drafted with my good friend, Senator LEAHY, Senators BIDEN, DEWINE, THURMOND, FEINSTEIN, and GRASSLEY. This legislation will dramatically increase prevention and treatment efforts. In drafting the bill, I repeatedly solicited Mr. Walters' expert advice. I know, and his record clearly reflects, that he agrees with me and my colleagues that prevention and treatment must remain integral components of our national drug control policy.

We just passed that bill out of the Judiciary Committee this morning. I hope it will be called up immediately and passed out of the Senate because it will make such a difference in the lives of our young people around this country. If I recall correctly, Joe Califano, the former head of HEW, Health, Education, and Welfare—now Health and Human Services—called this bill truly revolutionary and one that he could support wholeheartedly. He is not alone.

We need to shore up our support for demand reduction programs if we are

to reduce illegal drug use in America. This belief is bipartisan. Our President believes it. Our Attorney General believes it. Our Democratic leader in the Senate believes it. My Republican colleagues believe it. And most importantly, John Walters believes it.

Since being nominated in May, Mr. Walters has made himself available to all Senators on the Judiciary Committee. He has thoroughly answered all questions posed to him by the Judiciary Committee, as well as questions from Senators not on the Committee. I commend the President for his selection and nomination of John Walters, and I call upon the Democratic leader to end the delay, remove all holds, and schedule a vote on Mr. Walters' nomination as early as possible, this week, if he could. At a time when we are at war, it is simply not prudent or proper to play politics with this nomination. I urge my colleagues to reject the efforts of those who have wrongfully sought to taint John Walters and to support an immediate vote on his nomination.

Finally, I urge Chairman LEAHY not to let this session end without holding hearings for the deputy positions at ONDCP. Mr. Walters needs his team in place. I look forward to working with my Senate Republican and Democratic colleagues and the administration to carry forward our fight against drug trafficking and terrorism.

Let me make one or two final remarks. I was pleased to see the Judiciary Committee pass out the nine additional district judges, one a circuit court judge nominee and eight district court nominees, and, in addition, to pass out two other top officials in the Bush administration and, of course, a number of U.S. Attorneys. I commend our chairman for doing that. I commend him for moving forward on these judges.

We have come a long way from when the criticisms reached their height. We still have a long way to go because there are still 101 vacancies in the Federal judiciary as I stand here today. Frankly, that is probably 101 too many. Be that as it may, we all know that we have to do something about them.

As we prepare to recess, there is one startling fact that needs more attention. On May 9, President Bush nominated 11 outstanding attorneys to serve as Federal appellate court judges. To this date, nearly three quarters of those nominees are still pending in the Judiciary Committee without a hearing. Although all of these nominees received qualified or well-qualified ratings from the American Bar Association, only 3 of those first 11 nominees have had a hearing. At present, there are 30 vacancies in the Federal courts of appeals. Some courts, such as the DC circuit, are functioning under a dramatically reduced capacity.

President Bush has responded to the vacancy crisis in the appellate courts by nominating a total of 28 top-notch men and women to these posts, a number of circuit court nominees that is

unprecedented in the first years of recent administrations. Yet the Judiciary Committee has managed to move just five appeals court judges from the committee to the Senate floor for a vote. Last year at this time we had 67 vacancies in the Federal judiciary. Since Senator LEAHY has become chairman, the vacancy rate has never been below 100. I am concerned that this number will only continue to grow after Congress recesses next month.

I urge my colleagues on the other side to use the remaining weeks of this session to hold hearings and votes on judicial nominees to combat the alarming vacancy rate.

Having said that, I am pleased that the chairman did allow nine judges to pass out today. I hope he will continue to work in a bipartisan fashion with me to pass more out. I am proud to work with Senator LEAHY. I certainly want to cooperate with him in every way I possibly can. I believe the other Republicans on the committee do as well.

There is a lot of criticism that goes back and forth on judges. I have to say, it is difficult to be chairman of this committee. I sympathize with Senator LEAHY on some of the difficulties he has had. I know there are people on his side who would just as soon not have any Bush judges go on through, as there were occasionally on our side. It is very difficult to meet some of the objections and to overcome them and to resolve some of the political problems that arise. We have to do it. We have to stand up and work with both sides to get the Federal courts as full as we possibly can so that justice can proceed, especially in the case of the Circuit Court of Appeals for the District of Columbia, the District Court of the District of Columbia as well, so that we can handle all of the terrorist issues that will come before that particular court.

Having said all of that, I hope we can move ahead with John Walters; if there are any holds, that they will be removed; and if they won't remove them, I hope the majority leader will ignore the holds, bring this up for a battle on the floor, and then have a vote up or down and let the chips fall where they may.

I believe Mr. Walters will be confirmed. I believe he must be confirmed. If we don't get him confirmed, I believe the rate of youth drug use will continue to rise. Frankly, we have had enough of that. We have to get a very tough policy going again on drugs, and that should include both the supply and demand sides.

I will make sure that this new administration, under John Walters, will take care of the demand side as well as the supply side. If we pass S. 304 through the Senate on which Senator LEAHY and I have worked so hard, I believe it will go to the House. I believe they will pass it, and it will go a long way toward resolving some of the really serious drug problems we have among our young people.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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.

#### ORDER FOR RECESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate stand in recess today from 12:30 to 3:30 p.m., and that the time be charged under rule XXII. We will reconvene at 3:30.

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

Mr. REID. Mr. President, for those who are listening, this is really important that we do this. We are privileged today that both the Democrat and Republican caucuses will listen to the Secretary of State, Colin Powell, talk about world affairs. Then we are going to have a briefing upstairs.

It is important that all Senators attend the luncheon with Colin Powell and the briefing upstairs about what is going on in Afghanistan.

We know that a number of Senators have expressed a desire to speak. The junior Senator from Michigan is here. She wishes to speak. I understand Senator CARNAHAN is here. So we will recess at 12:30. Everybody should be advised that the time until then is open. Perhaps we could arrange some times, if that is helpful to the parties here. It is my understanding that Senator CARNAHAN wishes to speak, but I don't know for how long. Maybe we can get things set up so people don't have to wait around. The Senator from Michigan wants to speak for 15 minutes. The Senator from Illinois wants 5 minutes. So we have Senator DURBIN for 5, Senator CARNAHAN for 10, Senator STABENOW for 15, and Senator THOMPSON wants 15.

I ask unanimous consent that the Senator from Illinois be recognized for 5 minutes, the Senator from Michigan be recognized for 15 minutes, the Senator from Missouri be recognized for 10 minutes, and then Senator THOMPSON be recognized for the final 15 minutes. That would take us to the recess.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Illinois.

#### ECONOMIC STIMULUS

Mr. DURBIN. Mr. President, I thank the Senator from Nevada for his leadership. He works so hard on the floor on a regular basis to make sure things run smoothly and we get about the business of deliberating important issues. At this time, there is no more important an issue than the economic stimulus package. As we move around the Nation, clearly people have lost jobs