

by some to prevent us from considering these measures. In fact, there are no basic policy differences or disagreements in these measures. They are driven by a desire to increase the number of judicial nominations.

Let me say in response, the statement made yesterday by a number of people on the other side that the majority leader and I, when we were in the minority, held up legislation because of judges is simply not true. We made statements. The only time there was ever an effort, as I recall—and they talked about it yesterday—was an authorization bill, not an appropriations bill. In fact, we worked very hard to move appropriations bills. We were in the minority, but we worked very hard to have our Members take off holds on bills so we could move the appropriations bills through the process.

We did a good job. We worked with them to pass virtually every appropriations bill. Senator DASCHLE did nothing to hold up appropriations bills. In fact, he worked very hard to pass them. One of the assignments I had from Senator DASCHLE was to get rid of amendments on appropriations bills. I worked hard to do that.

Now, in an effort to get judicial confirmations, appropriations bills are being held up. I had someone tell me yesterday: We could whip right through these. When the time comes to complete these bills, we will do them quickly.

We can't do appropriations bills quickly. It is the nature of these bills that they are hard. Foreign operations is always a contentious bill. Labor-HHS is a contentious bill. Defense appropriations is a contentious bill. D.C. appropriations is difficult legislation. We are not going to be able to whip through these bills. The time we have taken in these last several days waiting on motions to proceed, using up 30 hours, is time we could have spent on appropriations.

Senator MURKOWSKI said he will come in every day and talk about ANWR and the need for an energy policy. More power to him. There is a lot of time to come and talk because we are not doing anything that is constructive in nature. If he wants us to move to an energy bill, then he should talk to the people on his side of the aisle so that we can complete these appropriations bills.

I think the President should be concerned about what is taking place. We have bent over backwards to be fair to the President. We are going to continue to be fair to the President. We are going to continue to move judicial nominations as quickly as we can. There is a hearing set this week where we are going to move five. Senator LEAHY is going to have hearings next week, even though when the majority was on the other side of the aisle, they never held confirmation hearings 2 weeks in a row. We are going to do that because we are not going to treat them the way they treated us. We are going

to move these nominations as quickly as we can.

They believe it is a greater priority to move some judges than it is to do other matters now before the Senate; namely, appropriations bills.

These tactics are not simply dilatory; they are obstructionist. They demonstrated last week that they were even willing to hold up an aviation security bill. We worked our way through that timewise, but it took a lot of extra time.

Madam President, I ask unanimous consent that I be allowed to speak for an additional 5 minutes and the Republicans have 5 additional minutes after the morning hour has terminated.

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

Mr. REID. I am wondering if we are going to be prevented from considering the Defense appropriations bill. I assume so. Are we going to be prevented from considering a Labor-HHS bill to provide funding to deal with, for example, bioterrorism threats? I assume so. The question confronting the minority is whether these tactics are worth confirmation of a few additional judges. I assume that is a decision they have made.

People of Nevada are concerned about what we are doing to fight the war. They are not concerned about judges. We are going to do everything we can to take care of these judges. Senator LEAHY has worked extremely hard. He will continue to do so. We are going to do all the judges we can.

I am concerned. When you recognize there are no major disagreements on the spending bills, we have worked with the President to get the numbers up where we can move them out of conference. On my bill, energy and water, we will have a meeting at 3 o'clock today. That will basically be wrapped up. I am wondering if they are going to allow us to do the conference reports on the appropriations bills we have completed. I have been told no.

These bills are important. The appropriators, the administration, and the budgeteers are all in agreement on the remaining bills. Holding them up hurts the country. It is not hurting the Democratic Senators; it is hurting the country.

I am sure if we asked the Attorney General whether he wanted the bill funding his ability to maintain and enlarge his efforts to combat terrorism, he would choose that over some more judges. We could ask Secretary Powell whether he would want funding to improve our embassy security and the many other things the foreign operations bill addresses. Secretary Powell is now in Pakistan. I will bet there hasn't been a single word spoken between Secretary Powell and President Musharraf about how many judges we are confirming. I bet there are a lot of questions on what we are going to do to aid India and Pakistan with the problems they have.

Would Secretary Thompson prefer a commitment for faster consideration of

nominees over funding to allow him to better respond to the growing number of anthrax cases? That answer is obvious. The administration rightfully expects us to pass annual appropriations bills. The efforts by the minority to block consideration of these and other important measures are not only self-serving, they are self-defeating.

We hear daily demands for consideration of an energy bill. We should have an energy bill. I don't know how in the world we are going to have the time. We have lost 2 weeks of doing anything by their holding things up because of judges. We cannot consider energy until the other measures are disposed of, and we can't dispose of those because the minority won't allow us.

So it seems to me that we should be for this legislation. The fact that we are not moving forward with it is an answer to a question that has already been asked. We have a limited amount of time. We have a number of pieces of legislation that we must complete, and we are not going to be able to do them. We can only do so much. The committee can only do so much. We can get into all the numbers that we want. We believe we are treating them much better than we were treated.

As I said yesterday, at the time we took control of the Senate, half of the first year was gone. Not a single confirmation hearing was held and not a single confirmation was considered by the majority at that time. We have done much better. We are going to continue to do everything we can to move these judges.

I am a lawyer. I believe judges are important. I am going to do everything I can to move the nominations along. We can't do it with this hammer to our head. We are doing the best we can.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. THOMAS. Madam President, what is our status?

The PRESIDING OFFICER. The Senate is in morning business, and 9½ minutes are remaining under the Senator's control.

WORK THE SENATE CAN ACCOMPLISH

Mr. THOMAS. Madam President, on the issue we have before us, obviously, we have many things to do. We have met this morning and we have been working on an economic stimulus package, which is very necessary and important. We also need to do the ordinary work that is always before the Congress—the appropriations.

I continue to hear all the time from the other side of the aisle that we just can't do all these things; we have too much and we can't do these things at the same time. It doesn't mean you have to give up working on the floor on issues such as appropriations. You can go ahead in a committee and do some things with the judiciary and get some of those things out here.

In my State, we happen to have four appointees, all of whom were nominated prior to the August recess. None

of them has even had hearings. That is a problem with the committee, not a problem on the floor. It is a problem with moving forward. As we move into this matter of internal terrorism, and so on, the U.S. attorneys are going to be very important, as are U.S. marshals. Do we have them? No. There is no reason we don't have to do one or the other. We can do both of them.

Frankly, the constant talk that we hear that we didn't do as many when you were in the majority is immaterial, whether that is right or wrong. The fact is, here is where we are, and we have 50-some judges waiting to be approved, with very few in. In the Tenth Circuit, we have 4 vacancies out of 12. There is no movement to do anything about that.

So I guess what I am saying is I feel badly about it as well. I would like to be moving forward, but they are not happening. We don't get any assurance from the chairman of the committee that he is going to do anything any differently. All they do is talk about what they did in the past. That is immaterial. What we ought to talk about is what we are faced with now and the fact that we need to do something about that.

Energy is something that is very important, of course. We have asked for a commitment to do something on energy. We have been working at it. I am on the Energy Committee. We have worked at it for a couple of years, getting things together, trying to get something on the floor. It is very important in terms of the United States and its economy. It has been very important in terms of us getting an energy policy out there. I know the Senator from Nevada agrees with that.

Now it is even more important when we get to where we have nearly 60 percent of our oil imported, much of it from the Middle East. We find ourselves with real difficulties in the Middle East, and it is even more important that we get it in there and have an energy policy. All we have asked for is a commitment to do that, to move forward. That is the reason things are not moving. We get no commitment as to changing the things that are not being done. I think that is where we are. It is too bad we are in a kind of controversy about it. I think getting a commitment from the leadership that we are going to be able to accomplish some of these pending things is very important.

Saying the priority is doing something for Pakistan instead of a judge, that is really not a choice. We can do both of those things. We can do both of those things, and we can move forward. I wonder how many hearings there have been this week on judges. More important, what has been brought to the floor?

I believe we can find a remedy, and I know there are meetings going on to secure that remedy. I certainly hope we can continue to find that remedy and get ourselves into a position to move forward not only with the pend-

ing legislation, but also do these things that are very important to the operation of Government.

Of course, now we find ourselves with more and more difficulties in terms of internal terrorism and the anthrax issue that is coming up. But I can tell you it is the belief among the Members of Congress that we are going to take every method of making sure we are safe and that our staffs are safe. On the other hand, we can do those things that are necessary and we can go forward with the job we have to do. I suspect we are here to complete our task.

I have suggested in the past that maybe we can set some priorities and have our priorities established, move forward with them and deal with those things that are not being done and say, yes, we are going to do it at a certain time. That is really the request. It is not going to take long to do some of these things. We need commitments and priorities and to be prepared to move forward. But as long as the issues that some of the Members are very anxious about are not dealt with, obviously there are going to be some efforts to make sure they are. That is not a unique situation, by the way. That has happened throughout the years, and it is part of the process here, unfortunately. But it is part of the process.

I mentioned yesterday the very process we are going through now was gone through last year, and all the evidence is in the CONGRESSIONAL RECORD. The very issues we objected to now were done then.

So I think we can find a solution. I look forward to seeing that solution so that we can commit ourselves to do the things that need to be done, to move forward with the other bills. We can do more than one thing at a time.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

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

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

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

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

The PRESIDING OFFICER. 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 pro-

grams for the fiscal year ending September 30, 2002, and for other purposes.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Madam President, I am not going to speak at great length about why we are in the position we are. I have already spoken. As I have said, Senator LEAHY has a hearing scheduled this week. He is going to have some hearings next week. The report I received recently is that we have not done any U.S. marshals because we do not have them. They have not been sent to the committee. We cannot do it.

We approved 14 U.S. attorneys last Thursday. We are moving these nominations along just as quickly as we can.

The Senator from Wyoming is absolutely right we need to do; an energy bill, but we cannot do an energy bill. We have had 2 weeks where we have done nothing. We still have five appropriations bills to handle, plus all the conferences, and they are not letting us move to them.

Sure, we can do two things on the floor at once; we agree. But they are not letting us do one thing on the floor. The leader has said that we will get to energy as soon as we can, and that means we have to get rid of all these other items first.

We are approaching Thanksgiving. We have already had two continuing resolutions. This is not the time to dillydally. We have very important things we need to do for this country, and we are in quicksand on judges. We are going to go forward the best we can and jump through all the procedural hoops they are making us jump through. I would think sometime in the near future the administration might get involved. The administration has more to lose than anyone else. This is the minority's side.

No one can criticize the Democratic majority in working with the President. We have worked hand in hand with him. He and the majority leader speak three times a day on issues relating to this country and the world. The minority is making a real mistake holding up this legislation. That is a decision they have made, and they are going to have to live with it. We are going to do the best we can, I repeat, jumping through all these hurdles.

In the process, we are going to use up 3 or 4 weeks of time that we could be doing other bills. We have a bioterrorism bill on which Senators KENNEDY and FRIST have worked. I do not know if they will let us go to it when the committee reports it out. We hope the committee can report it out as early as Thursday. In the meantime, all the other legislation is being held up.

People think we can waltz through the rest of these appropriations bills in a matter of a day or two. It has never happened, and it never will happen. These bills take a lot of time even though we agree on the numbers.

We need to do a bioterrorism bill. We have a bipartisan bill we should bring