approve of those names. One of the problems we are having is it is very difficult to get people approved and confirmed. This has nothing to do with the energy and water bill. It does, however, have something to do with other bills.

That was as he objected to continuation.

We find ourselves in the same position. We need to move forward to do the things that must be done. We need to do the things that are ordinarily done. I suggest we can do those things at the same time.

The PRESIDING OFFICER. The Senator from Kansas.

(The remarks of Mr. ROBERTS pertaining to the introduction of S. 1546 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

The PRESIDING OFFICER. The Senator from Nevada.

JUDICIAL NOMINEES

Mr. REID. Mr. President, if I could take just a couple minutes to say a few words.

I have listened to my friend from Arizona, but he has to understand—the whole world has to understand—we, the Democrats, just took control of the Senate in June. For the first 6 months this year, the Republicans controlled the Senate Judiciary Committee. The chairman was ORRIN HATCH. During that period of time, there was not a single confirmation hearing or a single judicial confirmation.

They have to get real. They are not.

My friend from Arizona says we are going to have to take time out and do nothing here. That is what we will be doing because we have to finish the appropriations bills.

I also say what we have to do is very important. We have appropriation bills we must complete. No one is saying we will not confirm judges. Even though we didn't get many confirmations for President Clinton, this is not payback time. We are going to do the very best we can, and the Judiciary Committee has done the very best it can. There are hearings scheduled for this Thursday to report out a significant number of judges. They have known that. These hearings are not something we just planned. They have been planned for a long period of time.

There was talk from my friend from Wyoming that we have to do U.S. attorneys. I don't know how many U.S. attorneys we did the past week, but it was 10 or 15 U.S. attorneys.

Mr. LEAHY. Fourteen, I say to the Senator from Nevada. Not only 14, but we have been doing U.S. attorneys as fast as they have come in—26 so far for the year. At times when we have gone to a markup for U.S. attorneys, the White House wouldn't even send up their material. We had my staff working until 3 in the morning to help them complete—for President Bush's nominees, to help them complete their paperwork to get it through. We are still waiting for them to send up the U.S. marshals. In 26 years, I have never known any President, Republican or Democrat, to take this long.

And as the Senator from Nevada said, during the half a year the Republicans controlled the Senate, of course, they didn't have a single judicial confirmation hearing. They didn't confirm a single judge. We are now, of course, confirming them much faster than they were confirmed during the first year of the Clinton term or the first year of former President Bush's term. Actually, as I recall, when the Republicans controlled the Senate during the Clinton years, we had 34 months that they didn't even have hearings on judges.

We have been doing hearings every single month, whether we are in recess or not. So I suppose I could take a partisan attitude and say we will go as slowly on judges as they did with President Clinton. I thought that was unfair then; of course it is unfair now. I have no intention of taking the irresponsible position my Republicans colleagues did during that time.

What we are doing is debating a motion to proceed to the foreign operations appropriations bill. Senators have asked me earlier: Is all our Middle East money in the foreign operations bill? Yes, it is.

Is money in there for such things as President Bush has talked about; for example, for aid to the Afghan people? Yes, some of that is in that bill.

Some have asked me if the money we provide to countries we have been calling on to stand up for the United States during this time—some of that money is in this bill that the other side wants to hold up. An amazing fact, Mr. President. Everywhere President Bush has said we want to help and work together, and we want your help; and we want to help you, I say to the leaders, that money the President is talking about, which he wants us to support him on, guess what. It is in this bill.

I suspect that all Democrats are going to vote to go forward. We want to give the President the money he needs to help in this effort against terrorism. I am amazed that some Senators want to stop the President from getting that money. If they vote against going forward, then he will not get it. That is why I am amazed to find—I read in one of the papers, Republican Senators would hold up this bill—the bill that funds our foreign policy—at a time when the President of the United States is going around the world asking for support. It makes no sense.

Every Senator has a right to vote the way he or she wants. But I can imagine what would be said if Democrats had ever done that to any President—Republican or Democrat. They would probably be calling for our impeachment.

Mr. REID. If the Senator will yield, I ask the chairman: Would the Senator agree that during this time of trouble and strife we have been going through, two of our greatest allies have been Israel and Egypt?

Mr. LEAHY. Absolutely true.

Mr. REID. Now, as a result of the inaction of the Senate, as has been threatened by the Senator from Arizona, these two countries that have been such a stalwart friend of the United States, they won't be getting the aid we have set forth in this bill, will they?

Mr. LEAHY. No. In fact, we have a procedure when we pass the bill; a certain amount is provided upfront. That is not going to be there because we can't do it under a continuing resolution. It would be misleading to suggest otherwise. We have billions of dollars for our friends in the Middle East, held up, as the Senator said. We have military assistance for our European allies. We asked them to stand behind us. We have antiterrorism assistance in this bill.

Imagine that. This bill has $38 million in antiterrorism assistance. I wonder how many Senators who would vote against sending this bill forward are willing to go back home and explain, well, even though the Democrats went a lot faster in judicial nominations than we did, we held up antiterrorism assistance. I would hate to have to make that argument back home, but they are going to have to.

We have assistance for refugees in Africa—the poorest of the poor. Are we going to hold up that money? We have victims of drought and earthquakes in Central America. Are we going to hold up that money? We have funding to combat HIV/AIDS, the worst public health crisis in half a millennium. Are we going to hold up that money? How about assistance for combating poverty around the world, which breeds the hopelessness and resentment that provides the fertile breeding grounds for terrorists?

President Bush spoke about that. The Secretary of State has made the same point. Do we want to hold up that money?

It is self-defeating and shortsighted, and it is irresponsible to hold up funding for foreign policy when anyone can see we have shortchanged foreign policy for years.

It is time to recognize that global leadership requires acting like a leader, not like petulant children in a school ground. It is about more than dropping bombs; it is about diplomacy and foreign assistance.

Let's stop holding up this bill and get on with the Senate's business. It is utterly lacking in judgment. It unfairly punishes the entire Nation to hold up this bill.

Think of the things that are being held back. Then look at the reason. They claim it is because judges are being held up.

I have a chart. I mention this because my friend from Nevada mentioned it earlier. He mentioned how Republicans—Republicans didn't hold a

single hearing on a judicial nomination, not one, didn't confirm a single judicial nominee. When I became chairman of the reconstituted committee, 10 minutes after that we started having hearings. In fact, the Presiding Officer knows that a Republican appointee from his State, a nominee to the circuit court of appeals, the Presiding Officer and his colleague came to me and talked to me about it. That judge moved forward. Look at this chart. We have here the green line.

This is what happened in the first term of George Herbert Walker Bush. By October 15, they had four judges. Take a look at President Clinton. He didn't get his first judge until September. By this time, we had four. Look what happened under our chairmanship. Within a couple of weeks of becoming Chair, I was having hearings on nominations. So this baloney about numbers—I thought I would share the facts.

An easy fact to remember is that during this part of the year the Republicans didn't hold a single confirmation hearing or confirm a single judge. I have gone now faster than the first year of the last two Presidents—both President Bush and President Clinton—twice as fast, actually, moving judges through than it was done in their terms. That is only since becoming chairman of the committee in July. I held hearings two different days during the August recess. I was roundly criticized by two Republican members on the Judiciary Committee for even holding the hearings. You are almost damned if you do, damned if you don't.

That is fine. They have an absolute right. I believe in the first amendment.

The more important question here is not the judges.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. The Chair needs to interrupt for a moment to close morning business.

Mr. LEAHY. I yield the floor.

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

The PRESIDING OFFICER. Under the previous order, the hour of 5 p.m. having arrived, the Senate will resume consideration of the motion to proceed to H.R. 2506, which the clerk will report.

The assistant 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 PRESIDING OFFICER. Who yields time?

Mr. KYL. Mr. President, for the edification of the Senator from Vermont.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Senator MCCONNELL asked that during the period of time prior to the vote I represent him. I will be happy to do that. I assume that since the proponent of the legislation is the Senator from Vermont, he will want to begin, and I respect that.

I presume from the shrug, the Senator from Vermont does not wish to move forward, in which case I will be happy to continue with the discussion.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, I will respond to a couple things the Senator from Vermont had to say. I very much appreciate the burden he carries as chairman of the Judiciary Committee, and the fact he was not in the majority until June. However, I think it important to point out there is a reason the chairman of the Judiciary Committee before him did not hold hearings on nominees.

We will all recall that it took President Bush a little while to secure his office this time, and he was probably a good 6 weeks or so behind. I am not sure how that translates into making nominations to the bench, but by early May he, indeed, was making nominations. There are a whole number of nominations that were made on May 9, as a matter of fact, and then following that, on May 25 and then in June, and so on.

Very shortly after he was sworn in, he began the work of nominating people to fill the vacancies on the court. It is important to point out that, probably more than any of the last four Presidents, himself included, he has acted with alacrity to fill vacancies. As a matter of fact, by the beginning of the August recess, in the short time that President Bush held office, the President had submitted to the Senate 44 judicial nominees. Let me put this in perspective.

President Reagan had submitted 8 nominees before the end of the August recess, President Bush submitted 8 nominees before the August recess, and President Clinton submitted 14 nominees before the August recess. President Bush submitted, as I said, 44 nominees before the August recess.

It is true that those were not submitted in February and March and April. Obviously, he was just taking office at that time. To point out no hearings were held before the distinguished Senator from Vermont became chairman of the committee I think does not represent the situation in any accurate way for us to take action now.

The fact is, we had 44 nominees pending prior to the August recess, 108 vacancies currently, and therefore it is time to act. Whatever the situation was before June, we now know we have all of these nominees. My question is, Why are we not acting on them?

In terms of hearings, it is true the Senator from Vermont has held hearings, but the problem is he does not put very many judicial nominations on the hearing calendar. In contrast to his predecessor, Senator HATCH, who averaged 4.2 judicial nominees per confirmation hearing, Senator LEAHY has been moving at about a third of that place—1.4 judicial nominees per confirmation hearing. It is a little hard to fill these 108 vacancies when you are only having 1.4 nominees per hearing and you only hold the hearings on the schedule they have been held so far.

As a result, we have only confirmed eight judges. That is the reality of where we are today.

The fact that we have 41 designated emergency judges as indicated by the Administrative Office of the Courts does not concern anyone? It certainly concerns me as a Senator representing a border State, where I have three nominations pending, with no action being taken on those.

There are 21 nominees pending in the Judiciary Committee who are slated to fill positions which have been declared judicial emergencies by the Administrative Office of the Courts. Why are we not holding hearings on these nominations? As far as I know, there is nothing to prevent us from holding hearings, and if I am wrong, I ask the distinguished chairman of the committee to tell me how I am wrong.

He says anyone who takes the position I have taken is utterly lacking in judgment. I ask him to perhaps reconsider that comment. Perhaps I can ask the Senator from Vermont who he thinks is acting like petulant children in the schoolyard—the other comment he made.

The fact is, we have had time to hold hearings, and there are all of these nominations pending. They were pending before the August recess. There is nothing preventing us from holding the hearings. There is nothing preventing us from voting on those nominations in the hearing, nothing except politics, I submit, and that, at the end of the day, is apparently where we are.

I do not like to hold up other business any more than anyone else. It is important to get the foreign operations bill done. Clearly, we will do that. But for those who say we are just so busy doing other things, then I am forced to say, fine. Then let's stop until we can get some of these nominations to the floor for a vote and acted on.

Mr. President, I wish to make one other comment. These are not my words but the words of the distinguished Senator from Vermont. When Bill Clinton was President and there were fewer than 85 vacancies—now there are 108—Senator LEAHY took the position that ''[a]ny week in which the Senate does not confirm three judges is a week in which the Senate is failing to address the vacancy crisis.''

When there were fewer than 70 judicial vacancies, the Senator told the Judiciary Committee:

[W]e must redouble our efforts to work with the President to end the longstanding vacancies that plague the Federal courts and disadvantage all Americans. That is our constitutional responsibility.