

COMPLETING THE WORK OF THE
SENATE

Mr. LEAHY. Mr. President, I see my good friend, the deputy majority leader, the senior Senator from Nevada, in the Chamber. I first note my appreciation for the kind words he has said on several occasions about our efforts in the Judiciary Committee. The Senator and I have been friends from the day he came to the Senate. I value that friendship very much.

I also thank our leadership for having us in session today. Let me take a couple moments to say why.

This is a trying time for everybody—for our staffs, for the brave men and women of the Capitol Police, who protect us, for Dr. Eisold, and all those who work with him in the Capitol physician's office—for everybody, whether they are doorkeepers, or anybody else, including the young pages, both the Democratic and Republican pages who are here. The work is being done. It has been a difficult time.

What would have been more difficult for the Nation would have been if we had not been here today. I think it was essential we be here. We have actually accomplished a great deal by being here.

We have held hearings on judges, and voted a number out of committee, as well as a number of U.S. attorneys. We have completed action on an agreement on the counterterrorism bill. It is something that just a few days ago everybody said could not be done. We have done it. We are now at the point simply of drafting, which is not the easiest thing in the world with all the offices closed down. But the staffs of the various committees, including the Judiciary Committee, of course, have been working literally around the clock to get the paperwork done, to get the actual words on paper.

So I feel safe in predicting the House and the Senate will vote on a package on the counterterrorism bill that, interestingly enough, will be improved over what we passed in the Senate and improved over what they passed in the other body.

The sum is greater than the parts. And that shows what happens when we work together—both bodies; both parties—to get something done.

We have actually done the administration a favor by taking time to look at it. The piece of legislation originally proposed by the White House and Attorney General was deeply flawed. Had we accepted their proposal to immediately move forward and pass it, we would have given them a flawed bill which, in the long run, would have hurt their chances to fight terrorism.

The distinguished Presiding Officer, the Senator from Minnesota, was one of those who cautioned and counseled both me and others to go slowly, look at what is here, and make sure we do it right.

The distinguished Senator from Minnesota, as he always does, offered wise counsel. The distinguished Senator

from Nevada, Mr. REID, stood in this Chamber a number of times and said: We want to get it done right. I believe we have.

But lastly, it is important, as a symbol, that we be in session. I feel deeply privileged to be a Member of the Senate. I remember the first day I walked in this Senate Chamber as a Senator-elect. I was a 34-year-old prosecutor from Vermont. I had never been on the floor of the Senate. It was a lameduck session after the elections at the time. We were going to go into the new session, which is when I would be sworn in.

I came in as a Senator-elect. I thought to myself: What a thrill, coming in this Chamber and seeing people, giants of the Senate—in fact, two predecessors from the Presiding Officer's home State: Hubert Humphrey and Fritz Mondale. And I have thought it a privilege every day I have walked in this Chamber, every day I have come to this building.

I have no idea how long I will be a Senator—none of us do—but I know every single day that I am, I will consider it a day that is a great privilege.

And this building, this symbol of democracy, which will be here long after all 100 of us are gone—and I hope for hundreds and hundreds more it will be here—should be open. It should be open. It should tell not just a quarter of a billion Americans that this is the seat of democracy but tell billions of people around the world, especially those who come from countries that are anything but democracies, this symbol stands, this symbol shines, this symbol is open for business.

Mr. President, I yield the floor and 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. REID. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

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

JUDICIAL NOMINATIONS

Mr. REID. Mr. President, I want to go over a few facts regarding judicial nominations because that has been the subject of some discussion in this Chamber.

I, first, say that today there was a hearing held down in S-128, the appropriations room. It was held in spite of all that is going on around here. I want to tell Senator LEAHY how much I appreciate that, and also Senator SCHUMER, who chaired the subcommittee.

I say that because Senator ENSIGN nominated Larry Hicks. He did it. And I appreciate very much JOHN ENSIGN allowing me to approve of his nomination.

JOHN has been very good about that. Every fourth nomination I get. He told me if there is somebody I really don't like, he said, yes, he wouldn't put them

forward. But the first person he put forward is a man by the name of Larry Hicks, eminently qualified, a good lawyer and a good person. It would have been a terrible shame for him and his family to have traveled back here yesterday to be told the hearing has been canceled, the Senate is not in session. So they were able to go into that crowded room and proudly be there when their husband, their father, their brother was given this most important hearing that will make him a Federal judge. He is extremely well qualified.

I wish to tell the Senator from Vermont how much I personally appreciate that. He is chairman of the committee. He is the one who arranged that. He is a member of the Appropriations Committee, one of the senior members. That is why we were able to use S-128.

Not only did he hold the hearing in S-128, but there was an emergency meeting held today to mark up people who had had hearings previously. Thirteen U.S. attorneys were reported out of the Judiciary Committee today, including a person who is going to be an assistant Attorney General, Jay Bybee from Nevada, a person also very well qualified, a professor at the University of Nevada Law School.

In addition to the U.S. attorneys and the Assistant Attorney General, we have four district court judges who were reported out of committee. Right back here it was done. It was difficult to get a quorum. People were pulled off the floor to do that. The Senator from Vermont, chairman of the committee, did that. There was a judge from Oklahoma, a judge from Kentucky, a judge from Nebraska, and a judge from Oklahoma—four district court judges.

In S-128 today, there was not a single member of the minority at that committee hearing—not a single one. The makeup of the committee was Senator SCHUMER, Senator LEAHY, and Senator KENNEDY. I may be missing someone but they were all Democrats. So I say to my friends, if these judicial nominations are that important, couldn't they attend a hearing? Remember, these were all Republican nominations—not a single Democratic nomination, all Republicans.

Let me also say this to boast—it is a pure, unadulterated boast; I am bragging about Chairman PAT LEAHY—confirmations under Chairman LEAHY have been faster than in the other first years. Fair comparisons show that by October 15 of the first year of President Clinton's administration, the Senate had only confirmed four judges, four fewer than by the same time this year. By October 15 of the first year of the first Bush administration, the number was the same; only four judges had been confirmed. This year, 2001, in the fewer than 4 months since the reorganization of the Senate, when we had Chairman LEAHY of the Judiciary Committee, and we had to spend some time organizing, too—you don't just hit the ground running—twice as many judges