

## SENATE—Monday, January 29, 2001

The Senate met at 12 noon and was called to order by the Honorable GEORGE ALLEN, a Senator from the State of Virginia.

### PRAYER

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

Let us pray.

Dear God, You constantly are seeking us. Our desire to pray arises in our hearts because You want to love, guide, inspire, and empower us. The greatest gift we can receive in this time of prayer is more of You. Whatever else You give or withhold is to draw us closer to You.

In our world of politics, so often the question is, "Who gets the glory?" We confess that often we become obsessed by concern over whether we have been recognized for our abilities or rewarded for our accomplishments. Your admonition to us through Jeremiah helps us order our priorities. "Let not the wise man glory in his wisdom, let not the mighty man glory in his might, nor let the rich man glory in his riches, but let him who glories glory in this, that he understands and knows Me, that I am the Lord, exercising loving kindness, judgment, and righteousness in the earth. For in these I delight."—Jeremiah 9:23-24.

We dedicate this new week to delight in what delights You. You are the only One we want to please. You are our heart's delight! Amen.

### PLEDGE OF ALLEGIANCE

The Honorable GEORGE ALLEN 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.

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. THURMOND).

The legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, January 29, 2001.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable GEORGE ALLEN, a Senator from the Commonwealth of Virginia, to perform the duties of the Chair.

STROM THURMOND,  
President pro tempore.

Mr. ALLEN thereupon assumed the chair as Acting President pro tempore.

### RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Chair recognizes the majority leader, the Senator from Mississippi, Mr. LOTT.

Mr. LOTT. Mr. President, are there any other proceedings or announcements that need to be made at this time?

The PRESIDENT pro tempore. Not at this time.

### SCHEDULE

Mr. LOTT. Mr. President, today the Senate will be in a period of morning business until 2 p.m., with the two leaders or their designees in control of that time. Following morning business, the Senate will begin consideration of Gale Norton's nomination to be Secretary of the Interior. Under the previous order that was entered into last week, there will be up to 4 hours of debate on the Norton nomination during today's session. Tomorrow the Senate will complete debate on the Norton nomination as well as consider the nominations of Governor Whitman to be the Environmental Protection Agency Administrator and Elaine Chao to be Secretary of Labor. Those confirmation votes are scheduled to occur at 2:45 p.m. tomorrow. Following those votes, the Senate will begin consideration of the nomination of John Ashcroft to be Attorney General. A vote on that nomination is expected prior to the Senate adjourning this week.

I should say that while the vote in the Judiciary Committee on Senator Ashcroft was delayed until this week, I believe there will be a vote on it either Tuesday or Wednesday morning. I hope we can begin the debate on his nomination as early as tomorrow afternoon and continue, if necessary, into the night and Wednesday and into the night and into Thursday—all if necessary.

I had a brief conversation with Senator DASCHLE this morning about the schedule for the next month or so, but we did not get into a deep discussion about exactly how to proceed after the votes that are now scheduled at 2:45 tomorrow afternoon. We expect to meet later on today, and as we get an agreement of how we can proceed, certainly we will notify our Members to that effect.

I do want to say also, I firmly believe that Senators should have every opportunity to question the nominees to the President's Cabinet, and to make statements on the floor if they choose so

there can be a full reading of the record and a discussion of their record. But I also think it is important that we do come to a conclusion and reach a vote.

There has been good cooperation on both sides of the aisle, and from committees, over the past month when they were chaired by Democrats and last week as it continued under Republican leadership. We will have completed all the nominations but one by tomorrow afternoon. I hope we can move to that nomination expeditiously also.

Again, I am sure we will have a full debate, but I think after a reasonable period of time we should come to a vote so the Justice Department can have an Attorney General in place and can begin to do the very important job that he will have to carry forward.

I thank my colleagues for their attention and look forward to the debate this week and working with the leadership on the schedule.

Mr. LEAHY. Mr. President, if the distinguished Senator will yield for a comment?

Mr. LOTT. I will be glad to yield.

Mr. LEAHY. On the nomination of Senator Ashcroft to be Attorney General, I understand the White House actually sent the nomination up this morning. But even though they had not sent it until today, to try to accommodate the new President, we held hearings prior to the inauguration of the new President. I think we had an equal number of witnesses on both sides. There may have been one more for Senator Ashcroft than against, but anyway, it was completed during that time. Answers that were submitted came in this weekend.

I know the distinguished chairman of the committee, Senator HATCH, is out of the country, but I am perfectly willing, certainly on this side, to go forward with the committee vote on him as soon as he comes in, especially now that the papers have come up from the White House today. I notified the President's office this morning—speaking about Senator Ashcroft—I will not take part in any filibuster, nor do I expect there to be any filibuster on this nomination. I assure the distinguished majority leader we moved as rapidly as we could. We now actually have the nomination and the schedule is now in the hands of my friend from Mississippi.

Mr. LOTT. I thank the Senator from Vermont for that information. I think it is appropriate we actually receive the nomination before we vote—a little small detail but that has been taken care of.

Mr. LEAHY. It always helps.

Mr. LOTT. I will be talking further to your leadership about how we schedule it this week, and I look forward to getting it completed as soon as possible.

I yield the floor, Mr. President.

#### RESERVATION OF LEADER TIME

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

#### MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 2 p.m. Under the previous order, the time until 1 p.m. shall be under the control of the Democratic leader, or his designee.

The Senator from Nevada, Mr. REID.

#### ORDER OF PROCEDURE

Mr. REID. Mr. President, I ask unanimous consent the time for morning business on the Democratic side be extended until the hour of 1:10 and then the Republicans would, of course, have the next hour.

The ACTING PRESIDENT pro tempore. Is there objection? Without objection, it is so ordered. The Senator from Nevada.

#### NOMINATION

Mr. REID. Mr. President, as the majority leader indicated, we have done really a good job of approving the nominations of the new President. By tomorrow afternoon, 12 of the 13—I think that is the right number—will have been approved. Anyway, all but one will have been approved.

While the Senator from Vermont is on the floor, I extend to him the appreciation of the entire Democratic caucus for the way the hearings have been conducted.

First, as Senator LEAHY was chairman of the committee, and then following that, working as the ranking member, this is a lot of heavy lifting.

I talked to someone today, and they asked me: Why is it taking so long? I indicated that it is taking a long time because—let's assume Vice President Gore had been elected President, and I just pick a name. Let's assume Senator KENNEDY had been selected to be the Attorney General for the United States rather than John Ashcroft, two people who have served this Senate on different sides of the political spectrum. I think the Republicans would have taken a lot of time to go over all the things Senator KENNEDY had said in speeches and things he had said on the Senate floor.

That is what we are doing. We are looking at the record of the designate for Attorney General, what he said when he was attorney general, what he did when he was attorney general, what he did when he was Governor, and what he did in the Senate.

I extend my appreciation to the Senator from Vermont for the job that has been done. Senator LEAHY, prior to coming here, was a prosecutor. He had to prepare his cases to make sure all the evidence was brought before the jury and/or the court. That is in effect what he is doing, but in this instance the jury is the 100 Members of the Senate. Without a good record, we cannot make a good decision.

I have not had the benefit of sitting through all of these hearings as has the Senator from Vermont. Therefore, he must provide us, through the committee procedures, all he believes is important to be brought to the floor of the Senate. To this point he has, as usual, done an outstanding job. For the third time this morning, I extend the appreciation of the entire Democratic Conference for giving us information upon which we can make a decision regarding the Attorney General-designate that has been sent to us by the President.

I personally have not made up my mind as to what I am going to do. Therefore, I am depending on the Senator from Vermont to give me his direction, his leadership. I think it is so important that we all take what has gone on in that committee to heart.

I have said publicly on other occasions that this is not a decision only Democrats will have to make. I hope the Republicans will also keep an open mind before rushing to a decision. I have been very disappointed in some of my friends on the other side of the aisle who, prior to a single witness testifying, said they were going to vote for Senator Ashcroft. I think they should also keep an open mind and base their decision on what has transpired before the Judiciary Committee.

I also take what the Senator from Vermont has said to heart. People have things to say. I do not know who wants to speak. We will certainly know before this debate takes place, but this is not a time to restrict—and I know the majority leader has not suggested that—restrict how much time people can take. We want to make sure there is full opportunity for people to say what they want to say.

I have been contacted by a number of my colleagues who are voting for and voting against Senator Ashcroft and who want to spend some time on the Senate floor explaining that position. The floor activities will be, of course, under the direction of the Senator from Vermont who is the ranking member on the Judiciary Committee. I look forward to a good debate. It should be a high point for the Senate.

The ACTING PRESIDENT pro tempore. The Senator from Vermont, Mr. LEAHY.

Mr. LEAHY. Mr. President, I thank my dear friend, the senior Senator from Nevada, for his kind words. As always, we rely on his leadership here, too. I appreciate what he said.

#### NOMINATION OF JOHN ASHCROFT

Mr. LEAHY. The President of the United States sent to the Senate the nomination of John Ashcroft to be the Attorney General of the United States. In advance of him sending it, to accommodate the new President and expedite the consideration of the nomination, I convened 3 days of hearings on this nomination over the 4-day period from January 16 to January 19.

The Republican leadership had announced weeks ago that all 50 Republican Senators would be voting in favor of this nomination, but I declined to prejudice the matter.

The Committee on the Judiciary has done the best it could to handle this nomination fairly and fully, and we did it through hearings of which all members of the committee, on both sides of the aisle, and all Members of the Senate I believe can be proud.

Having reviewed the hearing record and the nominee's responses to written follow-up questions from the Judiciary Committee, I come today to announce and explain my opposition to the nomination of John Ashcroft to be the Attorney General of the United States.

I take no pleasure in having reached this decision. I have voted or will be voting to confirm nearly all of the President's Cabinet nominees. No one in this Chamber more than I would have wanted a nomination for Attorney General that the Senate could have approved unanimously. As the ranking member of the Senate Judiciary Committee, I am going to be working closely with the new Attorney General, often on a daily basis. I would have wanted to begin that relationship with enthusiastic support for whomever the President chose.

I also had the privilege of working with John Ashcroft during the 6 years he served as a Senator, and I consider it a privilege. Most of us know him and like him. I admire his personal devotion to his family and to his religion. While we are not always in agreement, I respect his commitment to the principles he firmly holds, and I respect his right to act on those principles.

The fact that many of us served with Senator Ashcroft and know and like him does not mean we should not faithfully carry out our constitutional responsibility in acting on this nomination. No one nominated to be Attorney General of the United States should be treated in any special way, either favorably or unfavorably, by this body because he or she once served in the