

**SENATE—Monday, December 17, 2001**

The Senate met at 12:30 p.m. and was called to order by the President pro tempore [Mr. BYRD].

## PRAYER

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

Here is the good news from Zephaniah 3:17:

“The Lord your God in your midst, The Mighty One, will save; He will rejoice over you with gladness, he will quiet you with His love, He will rejoice over you with singing.”

Gracious God, on the Monday when we return to our responsibilities of completing the work of the Senate before the Christmas recess, we ask You to give us an assurance of Your unqualified love, profound peace that quiets our hearts, and ears tuned to hear Your song of affirmation. We need Your gift of vibrant optimism.

Our optimism often is like a tea bag: We never know how strong it is until we get into hot water. In times of frustration or adversity, our optimism is tested. When the wheels of political process grind slowly, often we become pessimistic. It is then that we need to hear Your song of encouragement. So often we live as if we had to carry the burdens of leadership alone. Today we relinquish to You any negative thoughts, critical attitudes, or impatient moods. Infuse us with Your hope. Hope through us today, O God of hope, so that we will be a lift and not a load, a blessing and not a burden. And as the Christmas angels came to shepherds at work, come to us as we work for Your glory and the good of our Nation. “Ring out the bells of the kirk; God is down to Earth to bless those who work!” You are our Lord and Saviour. Amen.

## PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore 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.

## RESERVATION OF LEADER TIME

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

## MORNING BUSINESS

The 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 1 p.m., with Senators permitted to speak therein for up to 10 minutes each and with the time to be equally divided and controlled between the two leaders or their designees.

The Senator from Wyoming.

## CONFIRMATION OF EUGENE SCALIA AS SOLICITOR OF LABOR

Mr. ENZI. Mr. President, I rise this afternoon to speak about the nomination of Eugene Scalia as the Solicitor of Labor. On previous occasions, I have had the opportunity to speak about Mr. Scalia's outstanding qualifications for this position. Today, unfortunately, I must also speak about the failure of the majority party to bring his nomination to the floor.

On April 30, 2001, President Bush nominated Eugene Scalia as the Solicitor of Labor. That was 231 days ago. On October 17 he was reported out of committee. That was 2 months ago today. A lot of time has elapsed since his nomination. Time has also elapsed since his successful reporting out of committee. This is a longer confirmation period than any Solicitor of Labor in the past 20 years.

Each day that passes without a vote on his nomination is an injustice not only to Mr. Scalia but to the President, the Department of Labor, and all those who are served by the Department as well.

I have with me today a letter to Senator KENNEDY, who is the head of the Health, Education, Labor, and Pensions Committee. The letter adds emphasis to what I have just said, that this is the longest time in 20 years that it has taken for a Solicitor of the Department of Labor to be considered. It also talks about how important this position is and how important it is to have it filled right away.

Probably the most important and most interesting part of this is who signed it. We have Thomas Williamson, who was the Solicitor of Labor under President Clinton; we have Robert Davis, who was the Solicitor of Labor under President George H.W. Bush; we have George Salem, who was the Solicitor of Labor under President Reagan; and William Kilberg, who was the Solicitor of Labor under Presidents Nixon and Ford.

I ask unanimous consent a copy of this letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

JULY 19, 2001.

Hon. EDWARD M. KENNEDY,  
Chairman, Committee on Health, Education,  
Labor & Pensions, U.S. Senate, Russell Sen-  
ate Office Building, Washington, DC.

Hon. JUDD GREGG,  
U.S. Senate, Russell Senate Office Building,  
Washington, DC.

DEAR CHAIRMAN KENNEDY AND SENATOR GREGG: We served as Solicitor of Labor in the administrations of Presidents Nixon, Ford, Reagan, George H.W. Bush, and Clinton. We are writing to urge that the Senate Committee on Health, Education, Labor, and Pensions proceed expeditiously with the nomination of the current Solicitor nominee, Eugene Scalia.

The uniqueness and importance of the solicitor is reflected by the Department's structure, which places him as the third-ranking official, as you are aware. His involvement is crucial to the Department's performance of its important mission—the enforcement of the labor and employment laws administered by the Department, the development of legally compliant policy initiatives, and the issuance of regulations in furtherance of those laws. While it is possible for the Department to function without a confirmed Solicitor for short periods of time, the absence of a Solicitor inevitably causes significant interference with the Department's operation and most important, is detrimental to those who are protected by our Nation's labor laws. Without a Solicitor the Department has more difficulty making important litigation decisions; important enforcement initiatives may be delayed as a consequence, and employment law violations may go unaddressed. The absence of a confirmed Solicitor also makes it harder for the Department to make significant regulatory decisions, as the Secretary and other senior staff await legal review by the person the President has nominated for that task. Finally, the institution of the Office of the Solicitor, which is the second largest cabinet-level legal office, itself suffers when the Solicitor cannot personally participate in the Department's deliberations, and functions ordinarily performed by the Solicitor are assumed by other departmental personnel.

Eugene Scalia was nominated to be Solicitor in April. We recognize that some have raised concerns with his nomination. We believe, however, that the best course at this time is to have those concerns addressed in a confirmation hearing, so that the Office of the Solicitor may be filled as soon as practicable. Thank you.

HENRY L. SOLANO,  
Solicitor of Labor  
under President  
Clinton.

ROBERT P. DAVIS,  
Solicitor of Labor  
under President  
George H.W. Bush.

WILLIAM J. KILBERG,  
Solicitor of Labor  
under Presidents  
Nixon, Ford.

THOMAS S. WILLIAMSON,  
Solicitor of Labor  
under President  
Clinton.