

GEORGE R. SALEM,
Solicitor of Labor
under President
Reagan.

Mr. ENZI. It is difficult to envision a better qualified person for the Solicitor of Labor than Eugene Scalia. He is a nationally recognized expert in the field of employment and labor law. I sat through the hearings in the Health, Education, Labor, and Pensions Committee. Some very penetrating questions were asked. Some excellent answers were given.

A record was built. We know this is a man who will follow the direction that was given during his hearings and was intended by the nomination of the President of the United States, a person who is excellently qualified.

In fact, there was no question of his qualifications. As Professor Cass Sunstein from the University of Chicago wrote in support of Mr. Scalia's nomination:

In terms of sheer capacity to do a fine job, he's as good a choice as can be imagined.

However, this exceptionally qualified nominee has not even been afforded a vote on his nomination. In the meantime, the absence of a Solicitor significantly harms the Department of Labor's operations as well as those who are protected by the Nation's labor laws. The Solicitor enforces the laws under the Department's jurisdiction and advises on the legality of the actions the Secretary and others at the Department want to take. Without this crucial position, the Department cannot effectively perform its important mission.

I do not see any justifiable explanation for failing to bring the President's nominee for the Solicitor of Labor to the floor. He deserves a vote. What I do see is an attempt to hold up Mr. Scalia's nomination because he took a position consistent with a majority of both Houses of Congress.

In previous articles, he had some opposition to ergonomics, and I am talking about the repealed ergonomics rule that was put forward by OSHA, a rule that was seriously flawed both in its process and in its substance. Congress rejected the ergonomics rule for the same reason Mr. Scalia and many other experts have articulated.

There is simply no justification for now denying Mr. Scalia a vote because he is opposed to a rule this Senate also rejected.

There is also simply no justification for opposing Mr. Scalia's confirmation because of his last name. I hope my colleagues will not allow any antipathy they have for Mr. Scalia's father to cloud this body's solemn responsibility regarding confirmation of Presidential nominees.

The President has selected Eugene Scalia to be the Solicitor of Labor. Our task is to evaluate whether the President's choice is, in fact, qualified for

the position. In Mr. Scalia, the President has chosen someone with the credentials and character to make an outstanding Solicitor.

Mr. Scalia's nomination has been reported out of committee, yet he remains in limbo, as I mentioned, 231 days since his nomination, 2 months since he was successfully reported out of committee. Mr. Scalia's nomination should be brought to the floor of the Senate. Mr. Scalia is entitled to that. The President is entitled to that. The Secretary of Labor is entitled to that. Everyone who is served by the Department is entitled to that. I urge the majority leader and my colleagues to ensure this happens.

I ask my colleagues to read the letter from the former Solicitors to see how important the position is and how important it is to have the President's choice installed in that position.

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

The PRESIDENT pro tempore. The absence of a quorum having been suggested, the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CARPER. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, morning business is closed.

MEASURE PLACED ON THE CALENDAR—S. 1833

Mr. KENNEDY. Mr. President, I understand S. 1833 is at the desk and is due for a second reading.

The PRESIDING OFFICER (Mr. CARPER). The Senator is correct.

Mr. KENNEDY. I ask that S. 1833 be read for a second time, and I would then object to any further proceedings at this time.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1833) to amend the Public Health Service Act with respect to qualified organ procurement organizations.

The PRESIDING OFFICER. The objection having been heard, the bill will be placed on the calendar.

NO CHILD LEFT BEHIND ACT OF 2001—CONFERENCE REPORT

The PRESIDING OFFICER. Under the order previously entered, the Senate will now proceed to the conference report accompanying H.R. 1, for debate only.

The clerk will report.

The assistant legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill, H.R. 1, to close the achievement gap with accountability, flexibility, and choice, so that no child is left behind, having met, have agreed the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment, and the Senate agree to the same, signed by a majority of the conferees on the part of both Houses.

(The conference report is printed in the RECORD of December 12 in the House Proceedings at page H. 9773.)

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

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

Mr. KENNEDY. Mr. President, I strongly support the conference report on the education reform bill. I urge the Senate to approve it. This landmark bipartisan legislation contains far-reaching reforms to give all the Nation's students much greater opportunity than ever before to succeed educationally, to do well economically and participate fully in American society, and to enable schools and communities across the Nation to provide a much higher quality of education for their students.

The conference committee has worked well together for over 5 months to reach these agreements. I commend all of the conferees for their effective work and leadership on the many parts of this bill, and for their commitment to the high priority of improving education for all students.

It has been a genuine bipartisan process. We have been able to reach effective agreement on these reforms, because the challenge is so important and the need is so significant.

We need to enact these reforms and implement them as soon as possible. The Nation's students, schools, teachers, principals, and superintendents cannot wait. The parents of the 48 million students in the Nation's public schools cannot wait. And Congress shouldn't wait either.

Throughout our history, education has opened the doors of opportunity for generations of Americans. It has been a long and continuing battle, and it still is.

The Nation's Founders understood this, when they urge public education in the early days of the Republic.

As John Adams said so well,

The education of a nation instead of being confined to a few schools and universities for the instruction of the few, must become the national care and expense for the formation of the many.