

DEPARTMENT OF JUSTICE
NOMINATIONS

Mr. LEAHY. Mr. President, I come to the Senate to report on the progress the Judiciary Committee is making with respect to a number of administration nominations to the Department of Justice.

Over the last several weeks, I have been working to reach an understanding on how this committee will handle nominations. A number of procedural and substantive issues have been raised in these regards for both Executive and Judicial Branch nominations. The Democratic members have sought to work out arrangements and understandings so that all members of the committee would know what our rules are, know what our practices and procedures will be, and understand how this committee will approach our important responsibilities with respect to nominations.

Over the last 2 weeks the chairman's insistence that the committee proceed with nominations before those practices and procedures had been agreed upon has led to public reference to outstanding issues that we should have resolved first. I always regret when we are not able to work out matters through reason and cooperation. I do not believe it was appropriate for Republican members of this committee to deride Democratic members as acting "irresponsibly" or "despicably" or "in breach of their constitutional duties." I know that it was not helpful.

Nonetheless, I was proud of the Democratic members of this committee when we jointly sent our May 4 letter to the chairman and provided a way out of the impasse in spite of the name calling. A few days later the chairman responded with language that reflected our respectful tone and for which I thank him.

While I disagree with much of what the chairman argues and asserts in his letter, I appreciate that he has now indicated that with respect to judicial nominations, he "intends to be fully respectful of [Democratic Senators'] views and will assist in any way to ensure that you and our other Senate colleagues receive real, meaningful consultation by the White House on judicial nominees." I appreciate that in his letter he writes that he "respect[s our] views and efforts in ensuring [we] will be appropriately consulted in a meaningful manner on nominees to vacancies in [our] home states."

For the last several weeks, we have also been seeking to resolve concerns about how this committee handles certain confidential information about nominations, information that may reflect on their fitness for office, and may be relevant to how Senators in this committee vote on reporting nominations to the Senate, as well as how Senators vote on confirmations. Those concerns have also been pending for several weeks now without resolution. Those concerns are what prompted our request for an executive session

in accordance with Rule 26.5 of the Standing Rules of the Senate so that we could fully discuss these very important matters in accordance with the confidentiality rules that bind us.

Those concerns made it inappropriate to proceed on certain matters over the last few weeks. Although our Republican colleagues knew about our concerns, they nonetheless berated us without any acknowledgment that those open issues, which affect executive as well as judicial nominations, were still unresolved. That, too, was most unfortunate.

Over the last several days I have also reached out to the Bush administration to work with us on ways to resolve these concerns. Those outreach efforts may provide the opportunity to reach a mutually acceptable resolution of these matters. I hope so.

In light of the cooperation we began receiving from the administration last week, we were able to proceed to report and confirm Larry Thompson to be the Deputy Attorney General at the Department of Justice and Dan Bryant to be the Assistant Attorney General for the Office of Legislative Affairs. I understand that they were sworn in last Friday and, again, congratulate them and their families.

I have spoken to Attorney General Ashcroft about the staffing needs of the Department of Justice and assured him that I will do my part. For those with short memories, I note that Attorney General Ashcroft was confirmed 6 weeks before Attorney General Reno's confirmation in the last administration and the Deputy Attorney General was confirmed 3 weeks before his counterpart in the last administration. Assistant Attorney General Bryant was confirmed 7 weeks before his counterpart in the previous administration.

The committee is moving expeditiously on the administration's nominations to the Department of Justice. Indeed, we are ahead of the confirmations schedule of the Clinton administration for each and every nominee confirmed to date.

The Clinton administration's Assistant Attorney General to head the Criminal Division was not confirmed until November. The committee proceeded to consider the Chertoff nomination this week, after a hearing last week. That is extremely expeditious. Indeed, in spite of Mr. Chertoff's role as the lead counsel to the Republicans in the Whitewater investigation, an extremely partisan effort, we are moving ahead. Mr. Chertoff explained at his hearing that he understands the role of the head of the Criminal Division and will carry out those functions without regard to politics or partisanship. I believe him and look forward to working with him.

The Assistant Attorney General to head the Office for Policy Development in the last administration was not confirmed until August, 95 days after her nomination. Professor Dinh did not re-

turn his responses to written questions until this Tuesday. He was precipitously placed on the committee agenda last week. Once his responses were in, he was considered and reported out this week, months ahead of his counterpart in the last administration.

While we consider the current nominations, the many dedicated employees at the Department of Justice continue to work, do their jobs, and serve the public. Many of the comments made over the last several weeks disparage their fine work and commitment. I see no evidence that the Department is "floundering" or that the dedicated public servants who staff the Department and the United States Attorneys' offices around the country have stopped doing their jobs.

The chairman has noticed another hearing for Department of Justice nominees next week, although he has yet to specify who will be included at that hearing, which is less than a week away. Democrats on the committee are continuing to work expeditiously and cooperatively to consider, report and confirm the vast majority of the President's nominations to the Department of Justice.

CONGRESSIONAL BUDGET ACT
COMPLIANCE

Mr. DOMENICI. Mr. President, pursuant to section 313(c) of the Congressional Budget Act of 1974, I submit for the RECORD a list of material in S. 896 considered to be extraneous under subsections (b)(1)(A), (b)(1)(B), and (b)(1)(E) of section 313. The inclusion or exclusion of material on the following list does not constitute a determination of extraneousness by the Presiding Officer of the Senate.

To the best of my knowledge, S. 896, the Restoring Earnings to Lift Individuals and Empower Families (RELIEF) Reconciliation Act of 2001, contains no material considered to be extraneous under subsections (b)(1)(A), (b)(1)(B), and (b)(1)(E) of section 313 of the Congressional Budget Act of 1974.

PROJECT SAFE NEIGHBORHOODS

Mr. LEVIN. Mr. President, in a speech in Philadelphia on Monday, President Bush spoke out about gun violence in this country. Citing alarming statistics about the number of Americans killed and injured by handguns each year, he stated that "this is unacceptable in America. It's just unacceptable, and we're going to do something about it." The President emphasized that "we're going to reduce gun violence in America, and those who commit crimes with guns will find a determined adversary in my administration." I commend the President for his commitment to helping eliminate gun violence.

In his speech, the President introduced "Project Safe Neighborhoods," an initiative to combat gun violence. The main focus of this initiative is on