

of time on the Klein nomination, we proceed to a rollcall vote on the nomination and then, after that vote we proceed to vote on Executive Calendar No. 139, the nomination of Eric Holder to be Deputy Attorney General of the United States.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. LEAHY. May I ask for the yeas and nays on both.

Mr. HATCH. On both nominees.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. LEAHY. I ask unanimous consent the yeas and nays be ordered on both.

The PRESIDING OFFICER. Is there objection to the ordering of the yeas and nays on the second nomination?

Without objection, it is so ordered. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. HATCH. I yield the remainder of my time.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Joel L. Klein, of the District of Columbia, to be an Assistant Attorney General. On this question the yeas and nays have been ordered. The clerk will call the roll.

The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

The result was announced, yeas 88, nays 12, as follows:

[Rollcall Vote No. 187 Ex.]

#### YEAS—88

Abraham	Frist	McConnell
Akaka	Glenn	Mikulski
Allard	Gorton	Moseley-Braun
Ashcroft	Graham	Moynihan
Baucus	Gramm	Murkowski
Bennett	Grams	Murray
Biden	Grassley	Nickles
Bingaman	Gregg	Reed
Bond	Hagel	Reid
Boxer	Hatch	Robb
Breaux	Helms	Roberts
Brownback	Hutchinson	Rockefeller
Bryan	Hutchison	Roth
Burns	Inhofe	Santorum
Campbell	Jeffords	Sarbanes
Chafee	Johnson	Sessions
Coats	Kempthorne	Shelby
Cochran	Kennedy	Smith (NH)
Collins	Kerry	Smith (OR)
Coverdell	Kohl	Snowe
Craig	Kyl	Specter
D'Amato	Landrieu	Stevens
Daschle	Lautenberg	Thomas
DeWine	Leahy	Thompson
Dodd	Levin	Thurmond
Domenici	Lieberman	Torricelli
Durbin	Lott	Warner
Enzi	Lugar	Wellstone
Faircloth	Mack	
Feinstein	McCain	

#### NAYS—12

Bumpers	Dorgan	Hollings
Byrd	Feingold	Inouye
Cleland	Ford	Kerrey
Conrad	Harkin	Wyden

The nomination was confirmed.

#### NOMINATION OF ERIC H. HOLDER, JR., TO BE DEPUTY ATTORNEY GENERAL

Mr. HATCH. Mr. President, I am pleased today that we are finally voting on the nomination of Mr. Eric Holder, nominated to serve as Deputy Attorney General. Mr. Holder was reported out of the Judiciary Committee unanimously on June 24. I support Mr. Holder for this position, and I urge my colleagues to vote in favor of his confirmation.

This is a position which is vitally important to the efficient and effective management of the Justice Department, as well as to this committee and its many dealings with the Department. The Deputy Attorney General plays a critical role in the day-to-day oversight, management, and administration of the Justice Department, typically handling the Department's most important and sensitive matters. The deputy has ultimate responsibility for the office of the Solicitor General, who represents the United States before the Supreme Court, as well as all of the Department's civil and criminal divisions, including, for example, the civil rights, tax and antitrust divisions, the criminal division, the Federal Bureau of Investigation, and all U.S. attorneys. In short, a broad array of policy and law-enforcement decisions that are critical not just to our legal system but to the Nation as a whole, ultimately pass through the Deputy Attorney General.

Mr. Holder comes to us with a distinguished record in the law and in the administration of justice. After graduating from Columbia Law School in 1976, he served for 12 years as a prosecutor in the public integrity section of Justice Department's Criminal Division, after which he served for 5 years as a associate judge for the District of Columbia Superior Court. Since 1993, Mr. Holder has served as U.S. attorney for the District of Columbia, our Nation's largest U.S. Attorney's Office, which employs over 300 attorneys and prosecutes over 10,000 cases each year. I believe these positions provide especially useful experience for a person who would serve as Deputy Attorney General.

I would like to emphasize how important it is to the Senate and the Judiciary Committee in particular, on both sides of the aisle, to have a close and cooperative working relationship with the Deputy Attorney General. I believe that one of the Department's greatest assets over the past several years has been its former deputy, Jamie Gorelick, who successfully fostered and maintained a cooperative, honest, and responsive relationship with this committee. I cannot overestimate how valuable this relationship has been in the virtually daily interactions between the committee and the Department, and I am hopeful, and confident, that Eric Holder will, like his predecessor, work closely with the committee to ensure that the Department maintains

the highest level of professionalism and independence in its commitment to enforcing our Nation's laws. I have spoken with Mr. Holder on numerous occasions since his nomination, and am struck that, in addition to being eminently qualified for this position, he is a candid, forthright individual of character and integrity who will be a positive force in steering the Justice Department and in seeing to it that our laws our faithfully and impartially enforced. The Nation expects and deserves nothing less, and I believe they will get as much from Mr. Holder.

While I have often given Attorney General Reno due credit for the fine work and accomplishments of the Justice Department, not the least of which is the recent trial and conviction of Timothy McVeigh, the Department, like any large agency, also has its share of problems, many of which fall on the Deputy Attorney General's desk.

Moreover, the Department has been, and inevitably will be, the subject of some rather intense political pressure, and, quite frankly, I am somewhat disturbed by a growing sense that, in a number of instances, there is at least the appearance that political pressures may have won out over the fair and impartial enforcement of the law. After a rather public display by the White House of its displeasure that the Attorney General had previously sought the appointment of four independent counsels, we now see the Attorney General steadfastly refusing to appoint an independent counsel to conduct the campaign finance investigation—the one case where an independent counsel is most called for to ensure public confidence in the investigation and the Department itself. And, after the Attorney General expressly adopted one interpretation of the independent counsel statute, and I challenged that interpretation, we now receive a letter explaining that she has, notwithstanding statements to the contrary, been applying the same standard I articulated. The Justice Department issues bizarre statements seeking to put particular spins on information disclosed by Chairman Thompson in connection with the campaign fundraising hearings. The Justice Department has filed briefs taking rather dubious positions in politically sensitive cases, including its appeal brief in the litigation over California's proposition 209, and its very recent brief defending Mrs. Clinton's invocation of a governmental attorney client privilege in response to independent counsel Starr's request for certain documents. And the FBI Director is in the position of refusing to brief the White House on national security matters because of its pending investigation. While each of these instances, standing alone, might have a legitimate explanation, taken together they create an appearance that politics is influencing what should be a neutral, independent enforcement of our Nation's laws.

Public confidence in our legal system, and in our Government itself, demands nothing short of this.

Mr. Holder has given me his commitment to maintaining his own independent judgment, and to seeing to it that the law is fairly and impartially interpreted and enforced as it should be, even when doing so may lead to results that are not politically expedient. That commitment will be as important as ever for the Department as it faces numerous challenges in the coming years. I believe Mr. Holder will remain true to his word, and urge my colleagues to support him.

Mr. LEAHY. Mr. President, I commend the President on his nomination of Eric H. Holder, Jr., and am delighted that the Senate is acting to confirm this nominee to be Deputy Attorney General of the United States.

It was with concerted effort that Senator HATCH and I worked to ensure that Eric Holder was reported by the Judiciary Committee and ready for Senate confirmation to the important position of Deputy Attorney General of the United States before the Senate adjourned 3 weeks ago.

The President's nomination of Mr. Holder to the second highest position at the Department of Justice was reported to the Senate without a single dissent on June 24. This nomination could and should have been approved by the Senate before it adjourned for the last extended recess for the Fourth of July. This nomination is strongly supported by Senator HATCH, chairman of the Judiciary Committee.

There was and is no Democratic hold on this nomination. The delay on the Republican side in considering this nomination remains unexplained. I urged on July 10 and July 11 that he not be held hostage to other nominations. I am glad we have finally—finally after 3 weeks—freed this nomination.

Eric Holder has proven his dedication to effective law enforcement. As a former prosecutor myself, I appreciate Mr. Holder's distinguished career in law enforcement.

Shortly after his graduation from Columbia Law School, Mr. Holder joined the Department of Justice as part of the Attorney General's Honors Program. He was assigned to the newly formed public integrity section in 1976, where he worked for 12 years investigating and prosecuting corruption. While at the public integrity section, Mr. Holder participated in a number of prosecutions and appeals involving such defendants as the State Treasurer of Florida, a former Ambassador to the Dominican Republic, a local judge in Philadelphia, an assistant U.S. attorney in New York City, an FBI agent, and a "capo" in an organized crime family. He received a number of awards for outstanding performance and special achievement from the Department of Justice.

In 1988, President Reagan nominated and the Senate confirmed Mr. Holder to be an associate judge of the Superior Court of the District of Columbia,

where he served for the next 5 years. In his 5 years on the bench, Judge Holder presided over hundreds of criminal trials. In 1993, President Clinton nominated and the Senate confirmed Eric Holder to the important post of U.S. Attorney for the District of Columbia. As United States Attorney for one of the largest U.S. Attorney's offices in the Nation, Mr. Holder has supervised 300 lawyers involved in criminal, civil, and appellate cases. He has functioned as both the local district attorney and the Federal prosecutor. He has been active in community affairs. For more than a decade, he has been a member of Concerned Black Men, an organization seeking to help young people in the District of Columbia. He is involved in a number of the group's activities, including the efficacy program and the pregnancy prevention effort. He has participated in the D.C. Street Law program and is active in the See Forever Foundation and the National Foundation for Teaching Entrepreneurship. He is cochair of Project PACT to reduce youth violence and has been instrumental in the U.S. Attorney's Office's outreach efforts to the D.C. community.

In 1994 he received the Pioneer Award from the National Black Prosecutors Association. In 1995 his contributions were recognized when he received awards from the District of Columbia Bar Association, the Greater Washington Urban League, the American Jewish Congress, and Phi Beta Sigma fraternity. Last year he received awards from the D.C. Chapter of the National Organization of Black Law Enforcement Executives, George Washington University, Columbia College, the Federation of Citizens Associations of D.C., Omega Psi Phi fraternity, the Brotherhood of Shiloh Men, McDonalds and the Asian Pacific Bar Association.

I look forward to working with him in his new position as Deputy Attorney General. I regret the unnecessary delays that have stalled this important nomination for the last 3 weeks on the Senate Executive Calendar.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Eric H. Holder, Jr., of the District of Columbia, to be Deputy Attorney General? On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

The result was announced— yeas 100, nays 0, as follows:

[Rollcall Vote No. 188 Ex.]

YEAS—100

Abraham	Byrd	Dorgan
Akaka	Campbell	Durbin
Allard	Chafee	Enzi
Ashcroft	Cleland	Faircloth
Baucus	Coats	Feingold
Bennett	Cochran	Feinstein
Biden	Collins	Ford
Bingaman	Conrad	Frist
Bond	Coverdell	Glenn
Boxer	Craig	Gorton
Breaux	D'Amato	Graham
Brownback	Daschle	Gramm
Bryan	DeWine	Grams
Bumpers	Dodd	Grassley
Burns	Domenici	Gregg

Hagel	Leahy	Roth
Harkin	Levin	Santorum
Hatch	Lieberman	Sarbanes
Helms	Lott	Sessions
Hollings	Lugar	Shelby
Hutchinson	Mack	Smith (NH)
Hutchison	McCaIn	Smith (OR)
Inhofe	McConnell	Snowe
Inouye	Mikulski	Specter
Jeffords	Moseley-Braun	Stevens
Johnson	Moynihan	Thomas
Kempthorne	Murkowski	Thompson
Kennedy	Murray	Thurmond
Kerrey	Nickles	Torricelli
Kerry	Reed	Warner
Kohl	Reid	Wellstone
Kyl	Robb	Wyden
Landrieu	Roberts	
Lautenberg	Rockefeller	

The nomination was confirmed.

The PRESIDING OFFICER. The motion to reconsider the nomination is laid on the table. The President will be immediately notified of the Senate's confirmation.

#### LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will return to legislative session.

#### TREASURY AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 1998

The Senate continued the consideration of the bill.

Mr. LOTT. Mr. President, I want to commend the chairman of the Treasury, Postal Service Subcommittee, the distinguished Senator from Colorado, for the good work he has done today on this legislation and the cooperation he has received from the ranking member, Senator KOHL. I want to thank the Senate for the work that has been done this week.

We have completed four appropriations bills and we are down to an identifiable, finite list of amendments on the Treasury, Postal Service bill. It has taken cooperation from all the Senators and a lot of support from the leader on the Democratic side of the aisle. I think we should commend each other when we do good work like this. I appreciate the support we have had.

In recognition of that, I think rather than trying to drive on to conclusion tonight and perhaps having votes later on tonight, we will go forward tonight with debate on all remaining amendments, and then we will ask unanimous consent to stack the votes beginning at 5:15 on Monday.

Also, on Monday, we will begin the HUD-VA appropriations bill. For those that are interested, on two other subjects, at the request of a number of Senators on both sides, so that we can try to continue to see if we can work out an agreement, we have moved the tuna-dolphin issue off until next week. We hope an agreement can be worked out, or a compromise. If it cannot be, we will probably have a cloture vote on that on Friday of next week.

With regard to FDA reform, we have a very good bill that was reported from the education-labor committee. Senator JEFFORDS has been working with