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Senate

The Senate met at 9:45 a.m. and was called to order by the Honorable JACK REED, a Senator from the State of Rhode Island.

The PRESIDING OFFICER. The prayer today will be offered by the guest Chaplain, the Reverend F. Kenneth Hoffer, Mount Culmen Evangelical Congregational Church, East Earl, PA.

PRAYER

The guest Chaplain offered the following prayer:

Please join me in prayer.

Almighty God, we lift our thanks for Your guidance which has preserved our Nation, a nation "under God," and for the peaceful continuity of government in America.

We look gratefully to the past, thanking You that from the foundations of America, You granted our forefathers courage and wisdom, as they trusted in You.

By their example to lead, guide, and direct, inspire the women and men of this Senate whom You have entrusted leadership to serve and wage the struggle to find peace and justice in our world. May they see Your vision and wisdom for the problems of this hour that we face as a nation.

Bless the Senators as they render dynamic leadership and thank You for all our leaders, diplomats, and military personnel. Let our resources be a strength to all, regardless of race, creed, faith, age, sex, or national origin.

May we work together toward peace, righteousness, and goodness for all peoples of all nations. We pray to You, O God. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JACK REED 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. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, September 12, 2002.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JACK REED, a Senator from the State of Rhode Island, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. REED thereupon assumed the Chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Nevada is recognized.

SCHEDULE

Mr. REID. The Senate is going to vote on Timothy Corrigan to be a district judge for the middle district of Florida. Following disposition of that nomination, we will go to the Interior bill; that is, the pending Craig amendment. The Dodd amendment also has been offered. We hope there can be some resolution of the forest amendment. If we could do something about the fire suppression amendments that are around, the Craig amendment and there is another to be offered, we could resolve this bill quickly. It appears at this stage that has not been done yet.

After 2 o'clock, we hope there will be a couple of back-to-back votes. They have been cleared on this side and tentatively cleared on the other side to vote on the Thompson amendment and also on the Hollings amendment. That

has not quite been done yet, but Members should understand there very possibly could be votes at 2 o'clock today.

Mr. CRAIG. Mr. President, will the Senator yield?

Mr. REID. I am happy to yield.

Mr. CRAIG. I think the leader has certainly appropriately explained where we are with the Craig-Domenici amendment and our efforts. We have met consistently over the last several days with colleagues on both sides of the aisle to see if we could strike a bipartisan agreement. At this time we are working with Senator FEINSTEIN and Senator WYDEN to see if we can come together so they can come to your caucus to determine whether we can pick up support in a bipartisan way.

We would like to have the remainder of the day to work. At the same time, I recognize the frustration holding up the Interior appropriations bill for this purpose. I think both the Senator and I recognize the critical character of what we are trying to do here—or the nature of it—in resolving this issue. If you can give us a little more flexibility, I think at some point—probably by the end of the day—we will know whether we can or cannot go any further.

Mr. REID. Mr. President, it is really a waste of the Senate's time to debate his amendment today and, further, we pretty well know the respective positions. Senator BYRD will be here to manage the bill this morning. I know he has an amendment to offer, as others do. Maybe there could be an agreement made to set aside the Senator's amendment, recognizing that it would be the matter before the Senate at any time you call it. We will try to work on something like that.

Mr. CRAIG. I appreciate the Senator saying that. I am certainly willing to look at that and allow other amendments that the chairman would think are appropriate to move on this amendment—to move without it being an obstruction.

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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The Senator is right, this issue is defining it. I will probably want to speak on it, and others may want to do the same. We have at least a 2-hour time-frame to get some work done. I hope we can do it.

Mr. REID. Mr. President, I didn't mean to say that anybody speaking on the amendment is a waste of time. I meant to say there is no need to be speaking unnecessarily when we can do other things. If the Senator or people who oppose his amendment want to speak, that will be helpful to the Senate. What I am saying to the Senator from Idaho is, you don't need to maintain the floor to protect your rights, nor do we. I have received calls, as has the majority leader, from some Democratic Senators who believe there may be some ability to work out a compromise.

Mr. CRAIG. Good. I thank the Senator for saying that. I did not take that characterization in any critical way.

RESERVATION OF LEADER TIME

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

EXECUTIVE SESSION

NOMINATION OF TIMOTHY J. CORRIGAN, OF FLORIDA, TO BE UNITED STATES DISTRICT JUDGE FOR THE MIDDLE DISTRICT OF FLORIDA

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will go into executive session to proceed to the consideration of Calendar No. 960, which the clerk will report.

The legislative clerk read the nomination of Timothy J. Corrigan, of Florida, to be United States District Judge for the Middle District of Florida.

The ACTING PRESIDENT pro tempore. Under the previous order, the time until 10 a.m. shall be equally divided between the chairman and ranking member of the Judiciary Committee.

The Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, how much time is available to the Senator from Vermont in his capacity as chairman of the Judiciary Committee?

The ACTING PRESIDENT pro tempore. Three minutes 40 seconds.

Mr. LEAHY. I thank the distinguished Presiding Officer.

Yesterday marked the first anniversary of the September 11 terrorist attacks on the United States. Americans, very appropriately, honored the memory of the brave men and women who died in that terrible time. Our thoughts were and are with those who perished that day, the loved ones they left behind, and the heroes who acted with fearlessness, bravery and hope.

The world has changed during the last year, but, fortunately, the prin-

ciples on which this country was founded have not changed. I want to especially commend Chief Judge William Sessions of the U.S. District Court for the District of Vermont for proceeding with an immigration and naturalization ceremony in Vermont yesterday. What a wonderful gesture, granting citizenship to a new group of Americans and reminding us that we are a nation of immigrants and that our borders are open to immigrants who come to America seeking freedom, opportunity and a better life for their children. Whether our relatives came here for religious or political freedom in the 17th or 18th centuries, or to escape famine and persecution in the 19th and 20th centuries, many of us are descendants of those immigrants. Senator KENNEDY reminded us all earlier this year that immigrants are not the problem, terrorists are the problem. When the President appeared last night on Ellis Island, framed against the backdrop of the Statue of Liberty, that setting likewise reminds us that we are a nation of immigrants. Let this country, and what it stands for, always be a beacon of hope and freedom for the oppressed and downtrodden.

I am glad to see the President before the U.N. today. When our President speaks before the United Nations, we should not be looking at it as Democrats or Republicans, but as Americans. We want him, in his representation of our Nation and as our chief spokesperson on foreign policy, to be successful, and I wish him that success. I also appreciate his invitation to be there for the speech. Of course, our Senate votes will keep me here.

The Judiciary Committee continues working hard to make progress on judicial nominations and on legislation to respond to the new challenges that face our great nation. The Senate met on September 12 last year, and the Judiciary Committee held a business meeting on September 13. I kept the agenda that day to consensus items and bipartisan legislation. I felt strongly that we did not need partisan bickering but that we needed to come together and show that we can unite and that there is much that unites us all. We were able to report the first United States Attorneys nominated by President Bush. We worked on our bill to authorize the activities of the Department of Justice, a bipartisan drug use prevention, treatment and rehabilitation bill and the bipartisan Drug Competition Act.

That same afternoon we held a confirmation hearing for judicial nominations, including a judicial nominee from Mississippi. Just as we continued to meet and work in the immediate aftermath of the attacks on September 11, we also proceeded with hearings through and in the immediate aftermath of the receipt of the anthrax letters sent to Majority Leader DASCHLE and to me.

We worked hard to improve what became the USA PATRIOT Act with bi-

partisan support in the weeks that followed in September and into late October. In addition to our work on this landmark legislation, as well as continued oversight of the Justice Department, the FBI and the INS, we continued to hold judicial nominations hearings to help fill vacancies in our Federal courts with fair-minded judges.

We have now reported 80 judicial nominees out of committee. With today's confirmation of Judge Corrigan for the Middle District of Florida, we will confirm our 75th judicial nomination from President George W. Bush. We have confirmed more of President Bush's nominees in less than 15 months—75—than were confirmed in the last 30 months that a Republican majority controlled the Senate and the pace of judicial confirmations—73. We have also now confirmed more of President George W. Bush's judicial nominations since July, 2001—75—than were confirmed in all of 1989 and 1990, the first 2 years of the term of his father President George H.W. Bush—73.

As I have noted through the year, we could have accomplished even more with a modicum of cooperation from the White House. I regret that the administration and some Senate Republicans have been unwilling to acknowledge what we have accomplished in this regard but have, instead, chosen a strident posture and rejected our efforts toward bipartisan cooperation. The administration has chosen division rather than consensus with respect to its selection of Federal judges, which is unfortunate and unnecessary. The White House has insisted on sending forth a number of nominees who are divisive. Their records evidence judicial activism to reach ultra-conservative outcomes. Thus, in addition to reporting favorably 80 judicial nominees since the change in majority, the Judiciary Committee has, after a hearing and careful consideration, voted against reporting two nominations.

I regret that with respect to the important matter of our independent Federal judiciary, a matter that affects all Americans, the White House has chosen the path of partisanship. I regret that some in the White House and among Republicans would rather raise campaign funds and stir up their most extreme supporters than fill judicial vacancies quickly with consensus nominees.

Senate Republicans are running away from their own record. It is revealing that they refuse to make a fair comparison to the actual results during their most recent period of Senate control, which shows starkly how far we have come. Had they, in the 6½ years they were in the Senate majority, acted as fairly and as quickly on President Clinton and President Bush's judicial nominees as we have, we would have far fewer vacancies.

The truth is that we have done about twice as much as they. With today's vote, the Democratic-led Senate will confirm its 75th judge—exceeding the