

PATRIOT Act reauthorization conference report last year. Now it is becoming clear why they stuck that provision in there. This was a plan they had for some time. That law reversed a longstanding procedure that allowed the chief Federal judge in the Federal district court to appoint a temporary replacement while the permanent nominee undergoes Senate confirmation. The Feinstein bill simply restores the pre-PATRIOT Act procedure.

Conflicting testimony and recently released e-mails strongly suggest the American people are not getting from the Bush administration the full story about this scandal.

In the State of Nevada, as an example, Daniel Bogden, a highly respected career prosecutor, was forced to step down. His chosen vocation in life was to be a Federal prosecutor. He worked as an assistant U.S. attorney for a significant period of time before chosen to be the U.S. attorney by a Republican, JOHN ENSIGN, and by the President, who sent his name to us. We were initially told that Bogden and others were fired for "performance-related reasons." But that explanation proved to be totally bogus. In fact, Dan Bogden's personnel review was glowing. We still don't know why Dan Bogden was fired. What we do know is under the new PATRIOT Act provision, Mr. Bogden could be replaced by someone with no ties to Nevada, and with no input from the Senate. The damage done to Bogden personally is irreparable. He can't work now as assistant U.S. attorney. That is part of the process. That is too bad. He is a fine man whose reputation has been besmirched.

Meanwhile, we learned of a scheme hatched in the White House to replace all U.S. attorneys. At least one U.S. attorney has stated he was forced to resign because he refused to bend to political pressure regarding ongoing investigations. Others were fired under circumstances that raise the same question. In the State of Arkansas, the U.S. attorney was fired and replaced by one of Karl Rove's underlings.

The Attorney General and his deputies told Congress these firings were not politically motivated. But according to newly released e-mails, White House political operatives such as Mr. Rove were involved in the decision-making. Kyl Sampson, who eventually became Chief of Staff to Attorney General Gonzales, wrote an e-mail that distinguished between those U.S. attorneys who were "loyal Bushies" and those who were not. Dan Bogden and other U.S. attorneys who were fired last December were not "loyal Bushies."

What I am worried about—and it hasn't come out yet—is what about those who were loyal Bushies? Were these people prosecuting people because of the political involvement of the White House? Perhaps so.

The real question is whether being a "loyal Bushie" meant letting partisan consideration poison law enforcement

decisions. Do prosecutors who are "loyal Bushies" go easy on Republican corruption? Do they bring cases against Democrats without legal justification? The actions of the Bush administration call into question every decision by Federal prosecutors in corruption cases across the country.

I applaud the efforts of Senator FEINSTEIN, who wrote this legislation and spoke about it early on. I also applaud the efforts of Senators SCHUMER and LEAHY, as well as colleagues on the other side of the aisle who are committed to getting the truth in this matter. I strongly urge the Senate to pass this piece of legislation. Simply put, we need to begin to keep politics out of the Federal criminal justice system, which is the way it has always been.

SCHEDULE

Mr. REID. Mr. President, today, following the remarks of the leaders, the Senate will immediately proceed to S. 214, the U.S. attorneys legislation. Last week, we were able to agree to a unanimous consent that will govern consideration of this bill.

There will be no rollcall votes today. We will, however, have three votes beginning at 11:30 a.m. tomorrow morning. These votes will be with respect to amendments to the U.S. attorneys bill and then passage of the bill.

Following the recess for the party conferences on Tuesday, the Senate will begin to consider the concurrent budget resolution, which was reported by the Budget Committee to the Senate floor last Thursday.

RESERVATION OF LEADER TIME

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

PRESERVING UNITED STATES ATTORNEY INDEPENDENCE ACT OF 2007

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to the consideration of S. 214.

The clerk will report the bill by title. The assistant legislative clerk read as follows:

A bill (S. 214) to amend chapter 35 of title 28, United States Code, to preserve the independence of the United States Attorneys.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on the Judiciary, with an amendment, as follows:

(The part of the bill intended to be stricken is shown in boldface brackets and the part of the bill intended to be inserted is shown in italic.)

S. 214

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Preserving United States Attorney Independence Act of 2007".

SEC. 2. VACANCIES.

[Section 546 of title 28, United States Code, is amended to read as follows:

"§ 546. Vacancies

"The United States district court for a district in which the office of the United States attorney is vacant may appoint a United States attorney to serve until that vacancy is filled. The order of appointment by the court shall be filed with the clerk of the court.".]

Section 546 of title 28, United States Code, is amended by striking subsection (c) and inserting the following:

"(c) A person appointed as United States attorney under this section may serve until the earlier of—

"(1) the qualification of a United States attorney for such district appointed by the President under section 541 of this title; or

"(2) the expiration of 120 days after appointment by the Attorney General under this section.

"(d) If an appointment expires under subsection (c)(2), the district court for such district may appoint a United States attorney to serve until the vacancy is filled. The order of appointment by the court shall be filed with the clerk of the court."

SEC. 3. APPLICABILITY.

(a) IN GENERAL.—The amendments made by this Act shall take effect on the date of enactment of this Act.

(b) APPLICATION.—

(1) IN GENERAL.—Any person serving as a United States attorney on the day before the date of enactment of this Act who was appointed under section 546 of title 28, United States Code, may serve until the earlier of—

(A) the qualification of a United States attorney for such district appointed by the President under section 541 of that title; or

(B) 120 days after the date of enactment of this Act.

(2) EXPIRED APPOINTMENTS.—If an appointment expires under paragraph (1), the district court for that district may appoint a United States attorney for that district under section 546(d) of title 28, United States Code, as added by this Act.

The ACTING PRESIDENT pro tempore. Under the previous order, the committee-reported amendment is agreed to and the motion to reconsider is laid upon the table.

Mrs. FEINSTEIN. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mrs. FEINSTEIN. Mr. President, I rise today to speak in support of S. 214, the bill the leader just referred to. This is a bill that simply reinstates the Senate's role in the confirmation process of U.S. attorneys. It is a bill I introduced with Senator LEAHY on January 9, 2007, days after I first learned in early December that officials from main Justice called a handful of U.S. attorneys from around the country and forced them to resign their positions without cause.