



Senate Judiciary Committee Reverses Administration Effort to Circumvent Senate Confirmation Process for U.S. Attorneys

-- Committee approves Feinstein-Specter-Leahy-Schumer agreement that would limit time interim U.S. Attorney's could be in place without Senate confirmation --

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Washington, DC – The U.S. Senate Judiciary Committee today approved a measure sponsored by Senators Dianne Feinstein (D-Calif.), Arlen Specter, Patrick Leahy, and Chuck Schumer that would prevent the circumvention of the Senate's constitutional prerogative to confirm U.S. Attorneys.

Under a provision inserted without notice into the USA Patriot Act reauthorization last year, the law was changed so that if a vacancy arises, the Attorney General may appoint a replacement for an indefinite period of time – thus completely avoiding the Senate confirmation process.

The legislation approved by the Judiciary Committee today would restore the process in place before 2006. It would allow the Attorney General to appoint interim U.S. Attorney for 120 days. If after that time the President has not sent up a nominee to the Senate and had that nominee confirmed, then the authority to appoint an interim U.S. Attorney would fall to the district court. This was the law from 1986 to 2006. It was proposed by Reagan Administration and authored by Senator Strom Thurmond.

The following is a statement from Senator Feinstein:

“Current law opens the door to the Administration being able to remove U.S. Attorneys at will and replace them without Senate confirmation for the remainder of a President’s term. I believe this a danger.

U.S. Attorney’s should be confirmed by the Senate.

“I believe that seven U.S. attorneys were told in telephone calls made around Christmas time that they must resign by a date certain in January. There well could have been more.

A change in law was inserted without any notice in the Patriot Act which would allow a President on the second day of his term put in interim U.S. Attorneys that would remain without Senate confirmation for the remainder of his term. The way the law was worded obviates Senate Confirmation, if a President chose to go that route.

This I believe is wrong.

My intent is to put the back where it was prior to 2006 and ensure that the Senate confirms every U.S. Attorney. And the Judiciary Committee today took a major step toward that goal.”

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