

received the endorsement of many different organizations. In fact, I understand that Judge Fuentes was originally recommended for a seat on the District Court in New Jersey, but the White House was so impressed after meeting him that the President nominated him to the Third Circuit instead.

I always monitor the nominations made to the Third Circuit with special interest because my own state of Delaware is part of that Circuit. And I can say without reservation that I am confident that Judge Fuentes will discharge his new responsibilities with distinction and will make a fine addition to that court. I commend the two Senators of New Jersey for their support of this nominee and am proud to join them.●

NOMINATIONS OF MARSHA L. BERZON AND RICHARD A. PAEZ— Continued

CLOTURE MOTIONS

Mr. LOTT. Mr. President, I understand there have been a couple of hours of spirited debate on the nominations of Judge Paez and Mrs. Berzon, which is certainly the right of the Senate. I am sure we will have some further spirited discussion about these nominees.

However, I have given my word that these two nominees should at least have the opportunity for a vote. We did work out an agreement last year, and I made a commitment that these two nominees would have a Senate vote on their confirmation. With that in mind, in order to accomplish this—while I had hoped it would not be necessary, again, I emphasize, as I did last year and earlier this year, I think it is a mistake to begin to have cloture votes on judicial nominations on the floor. We had one instance of that last year, and I said to my Democratic friends I thought that was a mistake, and pretty shortly thereafter we worked that out and moved that nomination.

I don't like to have to file cloture on these nominations either, but in order to fulfill the commitments that have been made and have a good debate but some limit on it where we would get a vote, I send a cloture motion to the desk on the nomination of Marsha Berzon to the Ninth Circuit Court of Appeals.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Executive Calendar No. 159, the nomination of Marsha L. Berzon, to be United States Circuit Judge for the Ninth Circuit:

Trent Lott, Orrin G. Hatch, Susan M. Collins, Arlen Specter, Ted Stevens, Thad Cochran, James M. Jeffords, Robert F. Bennett, Richard G. Lugar, Chuck Hagel, Conrad Burns, John W. Warner, Patrick J. Leahy, Harry Reid

of Nevada, Charles E. Schumer, and Tom Daschle.

Mr. LOTT. Mr. President, I send to the desk also a cloture motion on the pending nomination of Richard Paez.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Executive Calendar No. 208, the nomination of Richard A. Paez to be United States Circuit Judge for the Ninth Circuit:

Trent Lott, Orrin G. Hatch, Susan M. Collins, Arlen Specter, Ted Stevens, Thad Cochran, Robert F. Bennett, Harry Reid of Nevada, Richard G. Lugar, Chuck Hagel, Conrad Burns, John W. Warner, Patrick J. Leahy, Charles E. Schumer, Tom Daschle, and Barbara Boxer.

Mr. LOTT. Mr. President, I ask unanimous consent that notwithstanding rule XXII, these cloture votes occur in the order in which they were filed at 5 p.m. on Wednesday, and that the mandatory quorum under rule XXII in each case be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Mr. President, it is my understanding that if cloture is invoked in each case, Senator SMITH of New Hampshire will require 5 hours of total debate on both nominations under his control, and following the conclusion of the time, the Senate would be in a position to vote in a back-to-back sequence on the confirmations of Berzon and Paez. I will not propound that request at this time but will put Members on notice that this is the fashion in which I see the Senate considering these nominations.

I have discussed that with Senator DASCHLE, and he understands that. Of course, there will be a need to have equal debate on both sides, if that is required by Senators.

I thank all my colleagues for their cooperation. I look forward to further debate on these nominees during tomorrow's session prior to the 5 p.m. back-to-back cloture votes. In light of this agreement, we can announce that there will be no further votes this evening.

Mr. DASCHLE. Mr. President, I know there is another unanimous consent to propound.

Let me briefly thank the majority leader for keeping his commitment. He and I both hoped we wouldn't have to file cloture. We may yet have the opportunity to vitiate cloture if something can be worked out. I am hopeful that we will have an opportunity to have the votes as he has anticipated tomorrow at 5 o'clock. This agreement accords everybody their rights. People will have an opportunity to further discuss this matter. They will be able to respond to whatever statements may be made on the floor. We will have a

good debate about these nominees tomorrow, even though we will be taking up other legislation.

I think this is a very good agreement. I am grateful to him and to all of our colleagues for their cooperation. I appreciate the fact that we have come this far.

I yield the floor.

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

Mr. LOTT. I am glad too yield.

Mr. LEAHY. Mr. President, I wish to associate myself with the comments of the distinguished Senator from South Dakota. I was privileged to be part of some of the discussions the distinguished Republican leader and the Democratic leader had last fall, along with the distinguished Senator from Mississippi. He has fulfilled the commitment he made to us at that time. I suspect that some aspects probably will not be debated with great ease. I wish to commend them for doing that. As I have said all along, I want to be in the position where Senators can vote up or down on these two outstanding nominees.

I thank the Chair.

Mr. LOTT. Mr. President, I thank both Senators for their comments.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

ORDER OF PROCEDURE

Mr. LOTT. Mr. President, I ask unanimous consent that at 9:30 a.m. on Wednesday, the Senate proceed to the conference report to accompany H.R. 1000, the Federal Aviation Administration reauthorization bill. I further ask unanimous consent that there be 60 minutes of debate equally divided as follows: 20 minutes for the majority manager, 20 minutes for the minority manager, and 20 minutes for Senator LAUTENBERG.

I further ask unanimous consent that following that debate time, the conference report be laid aside with a vote on adoption to occur at 5 p.m. just prior to the scheduled cloture votes with no intervening action or debate.

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

Mr. LOTT. Mr. President, it will be my intention that following the hour of morning business, at 11:30 a.m. on Wednesday the Senate proceed to the Export Administration Act. I am not propounding that at this time, but that would be the next legislation on which we have been working. It has broad bipartisan support. It involves a very important segment of our economy. We need to move forward with this legislation as soon as possible. We would like to start on that at 11:30 tomorrow. Between that time and the stacked votes at 5 o'clock, we could have opening statements and begin to move forward