bent or ideology. But I think they have given the President of the United States the benefit of the doubt, and if the person is otherwise qualified, he or she gets the vote.

We have come to a difficult situation with judges. There continue to be a large number of vacancies, and there are a lot of nominees who are not being voted on. There are some that have waited for several years to be voted on. We talked about Judge Paez and Marsha Berzon who have been waiting for years to be voted on. We should either vote for or against them.

The distinguished chairman of the Senate Judiciary Committee deserves great credit for having gotten these nominees through our committee, notwithstanding opposition from some members of his own party, and for having gotten them onto the floor and on the calendar. I compliment the distinguished senior Senator from Utah, Mr. HATCH, for what he has done.

I have worked closely with him to help him get matters out of that committee. There were some matters with which I disagreed and that I voted against. But he was chairman, and I thought he should have as much leeway as possible in setting the agenda. I made it possible through various procedural actions for him to get his legislation out of committee.

Tonight we had a situation born out of the frustration, possibly mistakes, and, unfortunately, some unnecessary partisanship—although not partisanship between the distinguished chairman of the committee and myself. I intend to vote for his recommended nominee for district judge from Utah, Mr. Stewart. I intend to vote for him as I did in the committee.

I also intend to vote for Marsha Berzon. I intend to vote for Judge Richard Paez, Justice Ronnie White, and, for that matter, for all of the other judicial nominees who are on the Executive Calendar. I intend to vote for every one of them.

I hope we will have a chance to vote on them, not just in committee where I have voted for each one of them, but on the floor of the Senate. That is what the Constitution speaks of in our advise and consent capacity. That is what these good and decent people have a right to expect. That is what our oath of office should compel Members to do—to vote for or against. I do not question the judgment or conscience of any man or woman in this Senate if they vote differently than I do, but vote.

We have just a very few people, a small handful of people stopping these nominees from coming to a vote. Basically, the Senate is saying we vote ''maybe''—not yes or no—we vote maybe. That is beneath Members as Senators.

We are privileged to serve in this body. There are a quarter of a billion people in this great country. There are only 100 men and women who get a chance to serve at any time to represent that quarter of a billion people in this Senate. It is the United States Senate. No one owns the seat. No one will be here forever. All will leave at some time. When we leave, we can only look back and say: What kind of service did we give? Did we put the country's interests first? Or did we put partisan interest first? Did we put integrity first, or did we play behind the scenes and do things that were wrong?

I hope my children will be able to look at their father's representation in this body as one of honor and integrity, as many of my friends on both sides of this aisle have done.

I hope what happened tonight was something we will not see repeated. I understand the distinguished majority leader in going forward with his motion. I understand and support the motion of the distinguished Democratic leader.

Now that this has happened, can it be like the little escape valve on a pressure cooker? The distinguished Presiding Officer and I are from a generation that remembers the old pressure cookers prior to the age of microwaves. Certainly, my wife and I as youngsters saw a pressure cooker now and then in the kitchen. Let us hope that maybe tonight's votes will act as a little valve and let the pressure off.

I do not want to infringe on the kindness of the distinguished chairman and ranking member of the Armed Services Committee, two of the very best friends I have ever had in the Senate and two Senators whom I respect and like the most here.

Let me close with this: Maybe the pressure cooker has allowed its pressure to be released now. I suggest that the distinguished majority leader, the distinguished Democratic leader, the distinguished Senator from Utah, Mr. HATCH, and I now sit down and perhaps quietly, without the glare of publicity and the cameras, try to work out where we go from here. It may be necessary for the four of us to meet with the President. But let us find a way to tell these nominees they will get a vote one way or the other.

I am not asking anybody how they should or should not vote but allow nominees to have a vote. All the people being nominated are extremely highly qualified lawyers and judges. They have to put their lives on hold and the lives of their family on hold while they wait. They are neither fish nor fowl as a nominee. In private practice, all your partners come in and throw a big party and say it is wonderful, we are so proud of you, could you move out of the corner office because we want to take it now. And you cannot do anything while you wait and wait and wait.

Vote them up, vote them down.

Now that we have done this, let the cooler heads of the Senate prevail so the Senate can reassure the United States we are meeting our responsibility. Again, each Member is privileged to be here. There are only 100 Members, with all our failings and all our faults, to represent a quarter of a billion people. Let us represent that quarter of a billion people better on this issue.

The distinguished Senator from Utah, Mr. HATCH, and I have a close personal relationship. We will continue to have that. We will continue to work together, but the Senate has to work with us.

JUDICIAL NOMINATIONS

Mr. KENNEDY. Mr. President, for several months, many of us have been concerned about the Senate's continuing delays in acting on President Clinton's nominees to the federal courts. Since the Senate convened in January, we have confirmed only 17 judges and 43 are still waiting for action. These delays can only be described as an abdication of the Senate's constitutional responsibility to work with the President and ensure the integrity of our federal courts.

At the current rate it will take years to confirm the remainder of the judicial nominees currently pending before the Judiciary Committee. This kind of partisan, Republican stonewalling is irresponsible and unacceptable. It's hurting the courts and it's hurting the country. It's the worst kind of ''do nothing'' tactic by this ''do nothing'' Senate.

The continuing delays are a gross perversion of the confirmation process that has served this country well for more than 200 years. When the Founders wrote the Constitution and gave the Senate the power of advice and consent on Presidential nominations, they never intended the Senate to work against the President, as this Senate is doing, by engaging in a wholesale stall and refusing to act on large numbers of the President's nominees.

Currently, there are 61 vacancies in the federal judiciary, and several more are likely to arise in the coming months, as more and more judges retire from the federal bench. Of the 61 current vacancies, 22 have been classified as ''judicial emergencies'' by the Judicial Conference of the United States, which means they have been vacant for 18 months or more.

The vast majority of these nominees are clearly well-qualified, and would be confirmed by overwhelming votes of approval. It would be an embarrassment for our Republican colleagues to vote against them. It should be even more embarrassing for the Republican majority in the Senate to abdicate their clear constitutional responsibility to do what they were elected to do.

The delay has been especially unfair to nominees who are women and minorities. Last year, two-thirds of the nominees who waited the longest for confirmation were women or minorities. Already, in this Congress, the Senate is on track to repeat last year's dismal performance. Of the 11 nominees who have been waiting more than

a year to be confirmed, 7 are women or minorities. On the 50th anniversary of President Truman's appointment of the first African American to the Court of Appeals—Judge William Hastie—the Republican leadership should be ashamed of this record, particularly given the caliber of the distinguished African American, Latino, and female nominees waiting for confirmation.

For example, Marsha Berzon, Richard Paez, and Ronnie White have waited too long—far too long—for a vote on the Senate floor. Ms. Berzon is an outstanding attorney with an impressive record. She has written more than 100 briefs and petitions to the Supreme Court, and has argued four cases there. When she was first nominated last year, she received strong recommendations and had a bipartisan list of supporters, including our former colleague, Senator Jim McClure, and Fred Alvarez, a Commissioner on the Equal Employment Opportunity Commission and Assistant Secretary of Labor under President Reagan. Her nomination is also supported by major law enforcement organizations, and by many of those who have opposed her in court.

Ms. Berzon was first nominated in January 1998—20 months later, the Senate has still not voted on her nomination.

The Senate is also irresponsibly refusing to vote on two other distinguished nominees—Judge Ronnie White, an African American Supreme Court judge in the state of Missouri, and California District Court Judge Richard Paez. Judge White was nominated to serve on the District Court for the Eastern District of Missouri more than two years ago. Judge Paez was first nominated three years ago—three years ago—to serve on the Court of Appeals for the Ninth Circuit.

It is true that some Senators have voiced concerns about these nominations. But that should not prevent a roll call vote which gives every Senator the opportunity to vote ''yes'' or ''no.'' These nominees and their families deserve a decision by the Senate. Parties with cases, waiting to be heard by the federal courts deserve a decision by the Senate. Ms. Berzon, Judge White, and Judge Paez deserve a decision by this Senate.

While Republican leaders play politics with the federal judiciary, countless individuals and businesses across the country are forced to endure needless delays in obtaining the justice they deserve. Justice is being delayed and denied in courtrooms across the country because of the unconscionable tactics of the Senate Republican majority.

It is long past time to act on these and other nominations. I urge my Republican colleagues to end this partisan stall and allow the President's nominees to have the vote by the Senate that they deserve.

ORDER OF PROCEDURE

Mr. LOTT. Mr. President, there are now 2 hours for debate on the DOD authorization conference report. I ask unanimous consent the vote occur on adoption of the conference report at 9:45 a.m. on Wednesday and there be 15 minutes equally divided prior to the vote for closing statements.

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

Mr. LOTT. Therefore there will be no further votes this evening. The next vote will occur at 9:45.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2000—CONFERENCE REPORT—Continued

Mr. WARNER. Mr. President, the distinguished majority leader has laid before the Senate the DOD authorization bill, and I inquire of the Chair if that is the pending business.

The PRESIDING OFFICER. That is the pending business.

Mr. WARNER. Mr. President, I am prepared to stay here for the remainder of the evening. This is a very important subject. I am joined by the distinguished ranking member, Mr. LEVIN.

However, I observed our distinguished colleague from New Mexico in the Chamber. It was my understanding he desired to lead off the comments on this bill tonight since the bill incorporates a very important provision which was sponsored by Senator DOMENICI, Senator MURKOWSKI, and Senator KYL. Seeing Senator DOMENICI I yield the floor to him.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I say to my fellow Senators, this bill is a very important bill. The part I worked on is very small. It has to do with reforming the Department of Energy as it pertains to the handling and maintenance of nuclear weapons and everything that goes with them.

I compliment those who prepared the overall bill. It is a very good bill for the defense of our Nation, and it deserves the overwhelming support of the Senate.

We had no other way to accomplish something very important with reference to a Department of Energy that was found to be totally dysfunctional, not by those who have tried over the years to build some strength into that Department, some assurance that things would be handled well, but rather by a five-member select board that represented the President of the United States, headed by the distinguished former Senator Warren B. Rudman.

Those five members of the President's commission, with reference to serious matters that pertain to our national security, concluded that the Department of Energy could not handle the work of maintaining our weapons systems, maintaining them safe from espionage and spying, and could not handle an appropriate counterintelligence approach because there was no one responsible and, thus, everybody pinned the blame on someone else and we would get nowhere in terms of accountability.

I ask unanimous consent that the names of the five members of that board be printed in the RECORD, with a brief history of who they are and what they have done in the past.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

PANEL MEMBERS

The Honorable Warren B. Rudman, Chairman of the President's Foreign Intelligence Advisory Board. Senator Rudman is a partner in the law firm of Paul, Weiss, Rifkind, Wharton, and Garrison. From 1980 to 1992, he served in the U.S. Senate, where he was a member of the Select Committee on Intelligence. Previously, he was Attorney General of New Hampshire.

Ms. Ann Z. Caracristi, board member. Ms. Caracristi, of Washington, DC, is a former Deputy Director of the National Security Agency, where she served in a variety of senior management positions over a 40-year career. She is currently a member of the DCI/Secretary of Defense Joint Security Commission and recently chaired a DCI Task Force on intelligence training. She was a member of the Aspin/Brown Commission on the Roles and Capabilities of the Intelligence Community.

Dr. Sidney D. Drell, board member. Dr. Drell, of Stanford, California is an Emeritus Professor of Theoretical Physics and a Senior Fellow at the Hoover Institution. He has served as a scientific consultant and advisor to several congressional committees, The White House, DOE, DOD, and the CIA. He is a member of the National Academy of Sciences and a past President of the American Physical Society.

Mr. Stephen Friedman, board member. Mr. Friedman is Chairman of the Board of Trustees of Columbia University and a former Chairman of Goldman, Sachs, & Co. He was a member of the Aspin/Brown Commission on the Roles and Capabilities of the Intelligence Community and the Jeremiah Panel on the National Reconnaissance Office.

PFIAB STAFF

Randy W. Deitering, Executive Director; Mark F. Moynihan, Assistant Director; Roosevelt A. Roy, Administrative Officer; Frank W. Fountain, Assistant Director and Counsel; Brendan G. Melley, Assistant Director; Jane E. Baker, Research/Administrative Officer.

PFIAB ADJUNCT STAFF

Roy B., Defense Intelligence Agency; Karen DeSpiegelaere, Federal Bureau of Investigation; Jerry L., Central Intelligence Agency; Christine V., Central Intelligence Agency; David W. Swindle, Department of Defense, Naval Criminal Investigative Service; Joseph S. O'Keefe, Department of Defense, Office of the Secretary of Defense.

Mr. DOMENICI. Mr. President, I am just going to address three issues as it pertains to the reform of the Department of Energy as it pertains to nuclear weapons development.

Mr. WARNER. Will the Senator yield?

Mr. DOMENICI. Yes.

Mr. WARNER. You opened by saying that this was a way to have the Senate