

For further information, please call Trici Heninger, Staff Assistant, or Bryan Hannegan, Science Fellow, at (202) 224-4971.

COMMITTEE ON ENERGY AND NATURAL  
RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will take place on Tuesday, April 11, 2000 at 10 a.m. and Thursday, April 13, 2000 at 9:30 a.m. in room SH-216 of the Hart Senate Office Building in Washington, D.C.

The purpose of this hearing is to receive testimony on the following bills: S. 282 Transition to Competition in the Electric Industry Act; S. 516 Electric Utility Restructuring Empowerment and Competitiveness Act of 1999; S. 1047 Comprehensive Electricity Competition Act; S. 1284 Electric Consumer Choice Act; S. 1273 Federal Power Act Amendments of 1999; S. 1369 Clean Energy Act of 1999; S. 2071 Electric Reliability 2000 Act; and S. 2098 Electric Power Market Competition and Reliability Act.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, 364 Dirksen Senate Office Building, Washington, D.C. 20510-6150.

For further information, please call Trici Heninger at (202) 224-7875.

COMMITTEE ON SMALL BUSINESS

Mr. BOND. Mr. President, I wish to announce that the Committee on Small Business will hold a hearing entitled "Swindling Small Businesses: Toner-Phoner Schemes and Other Office Supply Scams." The hearing will be held on Tuesday, March 28, 2000, beginning at 9:30 a.m. in room 562 of the Dirksen Senate Office Building.

The hearing will be broadcast live over the Internet from our homepage address: <http://www.senate.gov/sbc>

For further information, please contact David Bohley at 224-5175.

AUTHORITY FOR COMMITTEES TO  
MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN  
AFFAIRS

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Wednesday, March 8, 2000, to conduct a markup on S. 2097, the Local TV Act; S. 1452, the Manufactured Housing Improvement Act; and pending nominations.

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

COMMITTEE ON ENERGY AND NATURAL  
RESOURCES

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Senate Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Wednesday March 8, at 9:30 a.m., to conduct an oversight hearing. The committee will examine energy supply and demand issues relating to crude oil, heating oil, and transportation fuels in light of the rise in price of these fuels.

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

COMMITTEE ON FINANCE

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Senate Committee on Finance be authorized to meet during the session of the Senate on Wednesday, March 8, 2000, to hear testimony regarding Penalty and Interest Provisions in the Internal Revenue Code.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, March 8, 2000 at 10:30 a.m. and 2:30 p.m. to hold two hearings.

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

COMMITTEE ON HEALTH, EDUCATION, LABOR,  
AND PENSIONS

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet in executive session during the session of the Senate on Wednesday, March 8, 2000, at 10 a.m.

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

COMMITTEE ON HEALTH, EDUCATION, LABOR,  
AND PENSIONS

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet in executive session for the consideration of S. 2, the Educational Opportunities Act, during the session of the Senate on March 8, 2000.

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

COMMITTEE ON INDIAN AFFAIRS

Mr. BROWNBACK. Mr. President, I ask unanimous that the Senate Committee on Indian Affairs be authorized to meet during the session of the Senate on Wednesday, March 8, 2000 at 9:30 a.m. to conduct a hearing on draft legislation to reauthorize the Indian Health Care Improvement Act of 1976. The hearing will be held in the Committee room, 485 Russell Senate Building.

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

COMMITTEE ON RULES AND ADMINISTRATION

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be

authorized to meet during the session of the Senate on Wednesday, March 8, 2000, at 9:30 a.m., to conduct a hearing, followed by an executive session, on the nominations of:

Danny Lee McDonald, of Oklahoma, to be a member of the Federal Election Commission for a term expiring April 30, 2005 (reappointment); and

Bradley A. Smith, of Ohio, to be a member of the Federal Election Commission for a term expiring April 30, 2005, vice Lee Ann Elliott, resigned.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, March 8, 2000 at 2 p.m. to hold a closed hearing on intelligence matters.

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

SUBCOMMITTEE ON ADMINISTRATIVE OVERSIGHT  
AND THE COURTS

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Committee on the Judiciary Subcommittee on Administrative Oversight and the Courts be authorized to meet to conduct a hearing on Wednesday, March 8, 2000, at 9:30 a.m., in SH216.

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

SUBCOMMITTEE ON AIRLAND FORCES

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Subcommittee on Airland Forces of the Committee on Armed Services be authorized to meet on Wednesday, March 8, 2000, at 9:30 a.m. in open session, to receive testimony on Army transformation.

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

SUBCOMMITTEE ON COMMUNICATIONS

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Communications Subcommittee of the Senate Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on Wednesday, March 8, 2000, at 9:30 a.m. on Internet security.

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

SUBCOMMITTEE ON FORESTRY, CONSERVATION,  
AND RURAL REVITALIZATION

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Subcommittee on Forestry, Conservation and Rural Revitalization of the Committee on Agriculture, Nutrition, and Forestry be allowed to meet during the session of the Senate on Wednesday, March 8, 2000. The purpose of this meeting will be to discuss the National Rural Development Council.

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

SUBCOMMITTEE ON NATIONAL PARKS, HISTORIC  
PRESERVATION, AND RECREATION

Mr. BROWNBACK. Mr. President I ask unanimous consent that the Subcommittee on National Parks, Historic

Preservation and Recreation of the Senate Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Wednesday, March 8 at 2:30 p.m. to conduct a hearing.

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

SUBCOMMITTEE ON STRATEGIC FORCES

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Subcommittee on Strategic Forces of the Committee on Armed Services be authorized to meet during the session of the Senate on Wednesday, March 8, 2000 at 2 p.m., in open session, to receive testimony on national security space programs, policies and operations, in review of the fiscal year 2001 defense authorization request and the Future Years Defense Program.

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

PRIVILEGES OF THE FLOOR

Mr. REID. Mr. President, I ask unanimous consent that privilege of the floor be granted to Michelle Greenstein during the pendency of the Export Administration Act.

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

Mr. BROWNBACK. Mr. President, I ask unanimous consent that Mike Daly, a fellow in the office of Senator ABRAHAM, be granted floor privileges for the period of consideration of S. 1712, the Export Administration Act of 1999.

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

Mr. CLELAND. Mr. President, I ask unanimous consent that a research assistant on my staff, Miss Tamara Jones, be allowed floor privileges.

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

ORDERS FOR THURSDAY, MARCH 9, 2000

Mr. LOTT. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 9:30 a.m. on Thursday, March 9. I further ask consent that on Thursday, immediately following the prayer, the Journal of the proceedings be approved to date, the morning hour be deemed to have expired, the time for the two leaders be reserved for their use later in the day, and the Senate then begin the postcloture debate on the Ninth Circuit judicial nominations of Ms. Berzon and Judge Paez under the previous order.

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

Mr. LOTT. Mr. President, I ask unanimous consent that following the use or yielding back of postcloture time, the Senate begin a period of morning business until 2 p.m. and resume morning business following the scheduled votes during morning business. I ask unanimous consent that Senators may

speak for up to 5 minutes each, with the following exceptions:

Senator HUTCHINSON for 10 minutes;  
 Senator MURKOWSKI for 10 minutes;  
 Senator DOMENICI for 10 minutes;  
 Senator BROWNBACK for 30 minutes;  
 Senator BAUCUS for 10 minutes;  
 Senator MIKULSKI for 15 minutes;  
 Senator WYDEN for 10 minutes;  
 And Senator LIEBERMAN for 40 minutes.

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

PROGRAM

Mr. LOTT. Mr. President, the Senate will convene at 9:30 a.m. We will have 4½ hours postcloture debate on the Berzon and Paez nominations. Under the previous order, the votes will occur at 2 p.m. The Senate will return to morning business for the purpose of bill introductions and statements. The Senate may also have consideration tomorrow of any Executive or Legislative Calendar items that are available for action.

Does Senator LEAHY wish to propound a request at this time?

Mr. LEAHY. Mr. President, I ask the distinguished leader—once he has completed, and I realize there are others waiting—if I might be recognized for not more than 5 minutes to refer to the unanimous consent agreement on the judges. I did not want to delay earlier.

Mr. LOTT. Thank you very much.

ORDER FOR ADJOURNMENT

Mr. LOTT. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order following statements by Senator LEAHY and Senator LANDRIEU.

Does the Senator wish to specify a time?

Ms. LANDRIEU. Fifteen minutes.

Mr. LOTT. Mr. President, I amend my request to say 5 minutes for Senator LEAHY and 15 minutes for Senator LANDRIEU.

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

Mr. LOTT. Thank you very much.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, first of all I wish to thank the distinguished leader for his usual courtesy. He and I have served together for a long time. I do appreciate that.

NOMINATIONS

Mr. LEAHY. Mr. President, I want to underscore what I have said, what the distinguished Senator from California has said, and what others have said in support of the Paez and Berzon nominations.

Judge Paez has waited more than 4 years to have his nomination heard on

this floor—4 years—notwithstanding the fact that he has the highest rating the American Bar Association can give a nominee. He has one of the most distinguished records of any nominee, Republican or Democrat, to come before this body since I have been here.

Similarly, Ms. Berzon has waited for more than 2 years, an unconscionable period of time—again, a woman with an extraordinary background and the highest of ratings from the American Bar Association.

They have for some reason been held to a higher standard than most judicial nominees. I do not recall a situation where a nominee has had to go through these kinds of hoops to get here and have an up or down vote.

Again, I compliment the majority leader and the Democratic leader for helping us put together a successful cloture petition on each of these nominations. We have now 85 or 86 votes to move forward.

I hope the Senate will not shame itself by taking the unprecedented step tomorrow of moving to postpone indefinitely either of these extraordinary nominees. It is a fact that one can make a motion to suspend or indefinitely postpone—that is true—or to indefinitely postpone. One can make such a motion. But it would be unprecedented for a judicial nominee. We have asked informally and I have asked the presiding officer and through him the parliamentarian and no precedent for such a motion against a judicial nomination following cloture has been provided.

I defy anybody to point out, certainly in my lifetime—as I said earlier, I am 59 years old—to point out in my lifetime where a judicial nominee has gone through the extraordinary hoops of multiple nominations hearings, being reported favorably twice, having a nomination have to be resubmitted by the President Congress after Congress, being forced to wait more than 4 years to be debated, getting past a filibuster, invoking cloture with 85 or 86 votes—an overwhelming majority of the Senate—and then having a motion to indefinitely postpone, in effect, to kill the nomination.

It would shame the Senate, No. 1, to even bring up such a motion, but certainly to allow such a motion to be successful with a nominee who has been waiting for 4 years, notwithstanding the fact that this is a person who is one of the most extraordinary Hispanic American jurists we have ever seen, who has the highest rating, who is backed by everybody from law enforcement to litigators. Judge Paez has been forced to go through these extraordinary hoops and his nomination is poised, finally, for debate and a fair up or down vote. To have somebody take this unprecedented and shameful step of asking us to indefinitely postpone Senate approval of this nomination is, in effect, a procedural device to deny that up or down vote and kill this nomination.

The same with Marsha Berzon: This extraordinary woman, reaching the