

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

pinnacle of her legal career, having earned success every step along the way, having earned the highest possible rating from the American Bar Association, comes here, has to undergo an extraordinary ordeal and this long wait, has to go through the unusual step of a cloture motion and our prevailing with 85 votes. Then for the Senate to say to her: But now we are going to do something that has never been done before to a judicial nominee who has gotten past cloture: We are going to move to indefinitely postpone. That is not right.

Mrs. BOXER. Mr. President, will the Senator yield for a quick question? I will be very brief.

Mr. LEAHY. Sure.

Mrs. BOXER. First, I thank Senator LEAHY for his extraordinary leadership. I was so taken aback by this. I made some comments to our Presiding Officer. It seems to me there is a letter of the law and a spirit of the law, there is a letter of cloture and there is a spirit of cloture.

We go through a situation where we say it is unprecedented to even have these cloture motions. We don't do it often. It is not unprecedented—I think seven or eight times in decades. Now we have a new way to go where we essentially would deny that individual an up-or-down vote.

I want to say to my friend how articulate he is on this point. I hope Senators are listening in their offices. I hope they will view this as a violation of the spirit of cloture and certainly will not go down this road.

That is all I can say. My colleague is right on this point.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. LEAHY. Mr. President, I ask unanimous consent for 3 more minutes.

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

Mr. LEAHY. Mr. President, the reason I get concerned about this is, now, having in excess of 80 votes to go forward with this, we ought to have the courage and the honesty to stand up and vote. Senators are paid to vote "aye" or "nay." They are not paid to vote "maybe." It would be a cowardly and disgraceful step to vote "maybe" because we want to avoid saying what the Senate is being asked to do—to close the door to two such extraordinary people. I always respect Senators who vote "yes" or vote "no." I will not respect Senators who vote "maybe." That is beneath the dignity of the Senate.

There are only 100 of us who are elected to represent a quarter of a billion Americans. Let us have the courage to stand up and vote either for or against these two extraordinary nominees. Let us not play silly parliamentary games and tell the American people we do not have the guts to vote, that we are going to vote "maybe." I did not get elected to serve in the Senate to vote "maybe." I did not serve for 25 years in a body that I revere to vote "maybe."

I am certainly not going to stand here and allow with no comment these two people to be held hostage one more time. Vote for them, or vote against them. I certainly urge my colleagues to vote for them.

In all my years on the Judiciary Committee extending back over several decades, I do not know of two finer nominees who have come before the Senate, Republican or Democrat. And I voted for most nominees, Republican and Democrat, during that time.

Vote for these two people. At least in that way, apologize for holding them hostage all of these years. But, for God's sake, don't shame us all by voting for some kind of parliamentary gimcrackery saying we will postpone it indefinitely. Vote "yes" or vote "no." Don't vote "maybe."

I yield the floor.

OIL CRISIS

Ms. LANDRIEU. Mr. President, I take this opportunity to speak for just a few minutes, as we are closing up today, on a very important policy question before the Senate, one that while actually not being debated on the Senate or House floors at this time, it is being hotly debated in private meetings and corridors and in some public meetings of the various committees; that is, the problem, the crisis, the challenge that this country is now facing with extraordinarily high oil prices.

The price of crude oil today, according to the Wall Street Journal, is above \$34 a barrel. For some, this causes—as in an oil-producing State—a bonanza; for others, it causes a real problem.

I will speak for a few minutes about some of the steps we could perhaps take. Wild swings in and the volatility of the price of oil are not good. Senators heard troublesome testimony today from senior citizens and a young family struggling in the Northeast, which is the most dependent part of our Nation. Neither are these price swings good for the oil-producing States, of which I represent Louisiana.

What a difference a year can make. Last year at this time, our committee was actually meeting about the world price of oil pushing \$5 a barrel. Our Energy Committee met time and time again, trying to figure out what we could do to help stabilize a very important industry to our Nation, to help provide some relief, particularly for the small and independent producers who obviously were driven out of business. The oil and gas industry lost literally tens of thousands of workers over the course of the year because they simply could not turn any kind of profit at that low price.

Just today, we had a hearing in the same committee, now talking about oil at \$34 a barrel and the havoc it is wreaking in other places.

In the Northeast, people are having great difficulty, understandably so, having not been able to predict this

would happen. Adding \$300 and \$400 a month to home heating oil, it is tough for many families to make that payment.

As in Louisiana last year, in Texas, Oklahoma, Alaska, and other places around the Nation, some families were not able to pay any bills because they lost an entire paycheck which rested on the strength of a domestic industry that had the rug pulled out from underneath it.

We now face a looming energy crisis of a completely different nature—not extraordinarily low prices but extraordinarily high prices. It is said only in times of war do we really appreciate our military. At least this time, perhaps at times of high oil prices, we now can fully appreciate the importance of our domestic energy industry in the producing States—not just oil producers, who are important, but gas producers and producers of energy who will help our country be more self-reliant. Since we are the greatest consumer of energy in every sector, we must have a policy that encourages the strength and robustness of the energy-producing sector. I suggest we have a long way to go, given what is happening today.

In 1959—quite a while ago, but not so long ago that many people in this Nation cannot still remember quite well—our Nation imported only 16 percent of its oil and gas. Today we import over 50 percent. We have moved from self-reliance to reliance on others, and in many instances it is not even allies on whom we are relying. It is one thing to have to rely on our allies and our friends such as Saudi Arabia and Venezuela, encouraging them to help in this difficult time, as we most certainly have stepped up to their aid and continue to do so.

However, we also have to go hat in hand to countries that are not our allies—in fact, enemy nations—and have interests contrary in terms of freedom and democracy—Iran and Libya, to name two.

It is a particularly difficult situation and one which I think is avoidable if this administration and others had a better policy regarding energy self-reliance for a strong and vibrant economy.

I will make a few suggestions. First, let me comment on some of the things I hear other people suggesting as a remedy. I say to my colleagues, we should all be engaged in coming up with solutions. We should be putting remedies on the table. We might not adopt every one, but we most certainly should be engaged in finding solutions to this problem, not just turning our head and hoping it goes away, hoping OPEC will provide the relief we need. We need to get our fate back in our own hands.

One suggestion being tossed around and has actually been filed as a bill by several Members of the Senate is using the Strategic Petroleum Oil Reserve to provide some temporary relief. That may or may not be a good idea.