

the United States or any other person or entity for the payment of such travel expenses.

“(2) Each bankruptcy judge shall annually submit the information required under paragraph (3) to the chief bankruptcy judge for the district in which the bankruptcy judge is assigned.

“(3)(A) Each chief bankruptcy judge shall submit an annual report to the Director of the Administrative Office of the United States Courts on the travel expenses of each bankruptcy judge assigned to the applicable district (including the travel expenses of the chief bankruptcy judge of such district).

“(B) The annual report under this paragraph shall include—

“(i) the travel expenses of each bankruptcy judge, with the name of the bankruptcy judge to whom the travel expenses apply;

“(ii) a description of the subject matter and purpose of the travel relating to each travel expense identified under clause (i), with the name of the bankruptcy judge to whom the travel applies; and

“(iii) the number of days of each travel described under clause (ii), with the name of the bankruptcy judge to whom the travel applies.

“(4)(A) The Director of the Administrative Office of the United States Courts shall—

“(i) consolidate the reports submitted under paragraph (3) into a single report; and

“(ii) annually submit such consolidated report to Congress.

“(B) The consolidated report submitted under this paragraph shall include the specific information required under paragraph (3)(B), including the name of each bankruptcy judge with respect to clauses (i), (ii), and (iii) of paragraph (3)(B).”

TITLE [XIII] XII—GENERAL EFFECTIVE DATE; APPLICATION OF AMENDMENTS
SEC. [1301.] 1201. EFFECTIVE DATE; APPLICATION OF AMENDMENTS.

(a) **EFFECTIVE DATE.**—Except as provided otherwise in this Act, this Act and the amendments made by this Act shall take effect 180 days after the date of enactment of this Act.

(b) **APPLICATION OF AMENDMENTS.**—The amendments made by this Act shall not apply with respect to cases commenced under title 11, United States Code, before the effective date of this Act.

CLOTURE MOTION

Mr. LOTT. Mr. President, I send a cloture motion to the desk to the pending bankruptcy bill.

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

The legislative assistant 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 Calendar No. 109, S. 625, a bill to amend title 11 of the United States Code, and for other purposes.

Trent Lott, Chuck Grassley, Paul Coverdell, Mike Crapo, Craig Thomas, Larry Craig, Orrin Hatch, Don Nickles, Conrad Burns, Mitch McConnell, Pat Roberts, Fred Thompson, Slade Gorton, Phil Gramm, and Mike DeWine.

Mr. LOTT. Mr. President, I ask unanimous consent that the vote occur on this motion at 5:30 p.m. on Tuesday, September 21, with the mandatory live quorum waived.

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

MORNING BUSINESS

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business with Members permitted to speak for up to 10 minutes each.

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

ORDER OF BUSINESS

Mr. LOTT. I know Senators are interested in the schedule for the remainder of the day. We believe we have worked out an agreement of a reasonable time for discussion on the District of Columbia appropriations conference report. Then that would be followed with a recorded vote. We would need to have a recorded vote under our arrangement where if we do not have a recorded vote on an appropriations bill when it goes through the Senate, then we do have a recorded vote on it when it comes back from conference. So we will need that recorded vote.

We hope to get the UC locked down, and hopefully, then, at around 2 or so we could get to final passage on the D.C. appropriations conference report. Therefore, then, there would not be the necessity, obviously, for there to be a vote on it at 10 o'clock on Friday.

JUDICIAL NOMINATIONS

Mr. LOTT. Mr. President, we have one other block of remaining issues of consideration, and that is judicial nominations. We had planned to go forward with three judges—two that have been cleared and one that may require time for discussion, and a vote on that at some point. There may need to be, as I said, time for discussion. I hope we can get a reasonable agreement on that.

I would not want to have to file cloture on Federal judges. I think it would be a bad practice if we began to have filibusters on Federal judicial nominations, requiring only 41 votes to defeat a judicial nomination. I guess that has been done in the past but not recently, not since I have been majority leader, that I know of.

So I hope we can work out an agreement on time, as we have done on the nomination of Mr. White of Missouri. We have a time agreement. At some point in the next 2 or 3 weeks that will be called up, and it will have a discussion period and a vote.

I hope that would be the case with any of these three that we had hoped to bring up. If we can't get an agreement of how to deal with all three of them, then we will not be able to move any of the three. But we are still working on that, and we hope to get it worked out.

Mr. LEAHY. Mr. President, will the distinguished leader yield on that point?

Mr. LOTT. Mr. President, I apologize. Mr. LEAHY. Will the distinguished leader yield on that point?

Mr. LOTT. Surely.

Mr. LEAHY. Mr. President, there are one, two, three, four, five, six, seven judicial nominations on the calendar. I tell the distinguished leader that on this side of the aisle, at least, we are willing to agree to a time certain to vote on all of them—right now. We will be glad to enter into a time agreement to vote on each and every one of them. Obviously, our concern is that they all be considered and we suggest that they be in the order in which they appear on the calendar.

Mr. LOTT. Mr. President, I apologize again. I think the Senator is propounding a question. What I am trying to do is to move forward on judicial nominations. We have already cleared six, I believe, since we have been back. I believe we can move two more without any problem. That would be eight. Then it would be my intent to move in that block of three also the nomination of Mr. Stewart of Utah, Brian Theadore Stewart. It would be those three. If we could clear those three, that would be nine we have moved since we have been back from the August recess, leaving, I believe, only four on the calendar.

As I indicated, we have gotten tentative agreement on time on the nomination of White of Missouri, that we hope within the next week or so—at some point—when we find a window, in fact, we will call it up, and there will be a period of debate and a vote on that one, leaving only three judges on the calendar.

I understand the Judiciary Committee is moving toward reporting out other judges and will begin to move those right away who are not controversial and won't take time. If there is controversy, and we can get a time agreement, a limited time agreement and then a vote on some, then we would do that.

The three remaining on the calendar are Ninth Circuit judges, where there is considerable problem and concern about the size of the circuit, whether or not that circuit needs to be dealt with, whether it is split in two, and there are concerns about the judges themselves. So that is a complicated problem. I cannot give any indication of a time agreement at this point.

I call on the Senators on both sides of the aisle to allow me to continue to move forward. I have been showing good faith. Before the August recess, I tried to move some of these judges, and if I did not include certain judges, there was objection from that side. If I did not include certain other judges, there was objection on this side.

So what I said was: This is not reasonable. It does not make good sense. I

am going to just start calling them up, one by one, and clearing them and getting them done. And by doing that, I have done six, and I am on the verge of doing three more. So I would hope we would get cooperation on that.

I think Judge Stewart of Utah is a qualified nominee. He is obviously supported by the Senator from Utah, the chairman of the Judiciary Committee, who has been working in good faith. He was not particularly happy with my plan to just go forward and start calling up judges. I assured him that after we had done several of them that had been cleared, his would be next. His is going to be next. He will be in this package of three.

I understand Senators may want to talk some more about this in the next few minutes. I don't want to file cloture on Judge Stewart. I will do that, and then we will start down this 41-vote trail, which I don't think is wise. Let's try to have some cooperation with each other and a modicum of good faith, and we will continue to work on them.

It takes a lot of time for the majority leader and the minority leader to clear these judges—a lot of time. I have to check with 54 other Senators before I can enter into any kind of agreement. Sometimes the objections are: I need time to think about it; I need to meet with this person or that person. Sometimes it is a legislative issue. Sometimes they say: Well, I have a problem; I am going to vote no. Sometimes they say: I need a lot of time.

I have to work through all that. I will withhold right now on these three, on either of the three. I urge Senator LEAHY, Senator HATCH, Senator FEINSTEIN, anybody else who is involved and interested, to talk this out. I will be back here in a couple of hours, and I will see if we can't work out a way we can move the two who have been cleared already and move Judge Stewart. I do think you will want to talk about it some and perhaps discuss it further with Senator DASCHLE. That would be fine, too.

UNANIMOUS CONSENT AGREEMENT—H.R. 2587 CONFERENCE REPORT

Mr. LOTT. Mr. President, I ask unanimous consent that at 2 p.m., the Senate turn to the conference report to accompany the D.C. appropriations bill under the same terms as outlined in the earlier consent, with a recorded vote to occur at approximately 2:30.

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

Mr. LOTT. I thank the Senators, and I yield the floor.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

NOMINATIONS

Mr. LEAHY. Mr. President, while the distinguished majority leader is still on the floor, I note I, too, do not want to see the Senate go down a path where a minority of the Senate is determining a judge's fate on votes of 41. In fact, the distinguished majority leader is perhaps aware of the fact that during the Republican administrations I rarely ever voted against a nomination by either President Reagan or President Bush. There were a couple I did.

I also took the floor on occasion to oppose filibusters to hold them up and believe that we should have a vote up or down. Actually, I was one of those who made sure, on a couple controversial Republican judges, that we did. That meant 100 Senators voted on them, 100.

In this case, unfortunately, we have at least one judge who has been held for 3 years by one or two or three or four Senators, not 41 but less than a handful. All I am asking is that we give them the fairness of having the whole Senate vote on them.

Unfortunately, in the last couple years, women and minorities have been held up longer than anybody else on these Federal judgeships. They ought to be allowed a vote up or down. If Senators want to vote against them, then vote against them. If they want to vote for them, vote for them. But to have two or three people, quietly, in the back room, never be identified as being the ones holding them up, I think that is unfair to the judiciary, it is unfair to the nominees, and, frankly, it demeans the Senate.

Mrs. FEINSTEIN addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. I thank the Chair.

Mr. President, as a Senator representing California, who sits on the Judiciary Committee, I have to say a word or two on this subject.

First, I believe the chairman of our committee, Senator HATCH, has been very fair with respect to these judges. I believe he has tried his level best to move the calendar along.

I think what we on this side are encountering is the holding up of judges, particularly on the Ninth Circuit Court of Appeals, for years on end. That must stop. A nominee is entitled to a vote. Vote them up; vote them down. To keep them hanging on—the court has 750 cases waiting for a judge. These judges are necessary. If someone has opposition to a judge, which I believe to be the case in at least one, they should come to the floor and say that.

It is also my understanding and my desire to ask that there be some commitment from the other side as to when specifically the nominations of Judge Paez, Marsha Berzon, and Ray Fisher, pending on this calendar—Judge Paez pending for 4 years; Marsha

Berzon through two sessions now—can at least be brought to the floor for a vote.

I am prepared to vote on the judges that the majority leader mentioned. I am prepared to vote affirmatively, but I can't do that unless I have some knowledge that judges who have stood on this calendar for years can be brought up before this body for a vote. I don't think that is too much to ask the other side to do.

What this does to a judge's life is, it leaves them in limbo—I should say, a nominee's life—whether they have a place to live, whether they are going to make a move. It is our job to confirm these judges. If we don't like them, we can vote against them. That is the honest thing to do. If there are things in their background, in their abilities that don't pass muster, vote no.

I think every one of us on this side is prepared for that. The problem is, we have a few people who prevent them from having a vote, and this goes on month after month, year after year.

The ranking member of the committee said something that I believe is concurred in on this side; that is, women and minorities have an inordinately difficult time having their nominations processed in an orderly and expeditious way. I don't think that befits this body.

What I am asking for, as a Senator from California, on these three judges, is to just tell us when we might see their nominations before the Senate for a vote up or down. I think there is also an understanding by the White House that will be the case as well.

I ask the majority party to please take this into consideration, allow us a vote up or down, and give us a time when this might happen.

Once again, I thank the ranking member and the chairman of the committee. I know the Senator from Utah has done everything he possibly can to move these nominations. I, for one, very much appreciate it. I am hopeful the leadership of his side will be able to give us some accommodation on this.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I appreciate my colleague's kind remarks. I support Mr. Stewart's nomination, and I urge my colleagues to do the same, and not to filibuster any nominee, let alone this nominee.

I am pleased, with regard to the judicial nominations that have been voted on so far this session—and there have been well over 300 since this President became President—that no one on our side, to my knowledge, has threatened to filibuster any of these judges. I think that is the way to proceed.

I think it is a travesty if we ever start getting into a game of filibustering judges. I have to admit that my colleagues on the other side attempted