

through a little bit of the politics of this judicial appointment stuff. In my opinion, I think we could do it much easier if there weren't that cloture motion filed.

Mr. LOTT. I have a couple of problems: One, Senator HATCH, I think, feels that I embarked upon a strategy that has disadvantaged him because I started moving judges—6 of them. And now 2 more are ready to go. Then when we got to the ninth one, his judge, we are told, no. Even though you have 8 judges nominated by Democrats, we have one now that is supported by Senator HATCH, the chairman of the Judiciary Committee, and you can't do that unless we get an agreement to move 5 other judges.

So I understand what you are saying. I really prefer not to do this. But the problem I have now is that I told Senators who have now left that I would do this, and I believe we have told Senators we will have two votes at 5:30 Tuesday. This is one of them. That is my problem. Another problem is time. We are getting to the end of the fiscal year. If we don't do this now and get closure on Judge Stewart, with next week being a four-day week—assuming we can get the Senators to work 4 days—and with five the next week, which are the last 2 weeks of the fiscal year, we are not going to be able to get through any of these judges until October. I hope that we can go ahead and resolve the Stewart matter. I could vitiolate the request, and then we could move five judges, I hope.

Mr. REID. The problem that I have, though—and you already touched upon it—we know where the votes are on this issue. We don't need to have a Federal judge decided on less than a majority vote. So why can't we just wait and see if we can work this out? I think it would be better. I think we are going to be forced into a vote here.

Mr. LOTT. Can you give me a commitment that we will get a vote next week on Judge Stewart?

Mr. REID. Well, the only problem with that is, if we can't work things out, then you will be stuck with the cloture motion. I think it would be better if that were done after we really saw, based upon the feelings that the Judiciary Committee chairman has on this—

Mr. LOTT. I want to pay a compliment to Senator REID. As always, he is persistent, and he is trying to find a solution. That is the way we have to work around here. I appreciate that attitude. I appreciate the way he has done his job since he has been the assistant Democratic leader and whip. So I weigh that carefully.

At this point, I think I will have to go forward with this. But I will be here tomorrow. I will be here all day Tuesday. Senator HATCH and Senator LEAHY will be working together. I will not let this happen without personal conversa-

tion with Senator DASCHLE. I talked with him briefly about it this morning. He won't be here tomorrow, but he will be back next Tuesday. It is a high holy day for the Jewish community. I believe he will be around during the day. We will try to work this out. I want to work this out. "I ain't got a dog in this fight," except I'm trying to do my job. So I want to do it in such a way that everybody is satisfied that we are being fair. I don't think it is fair that the nominees from California, New York, Utah, and Missouri all get balled up in this web. I hope we can avoid that.

Mr. LEAHY. Touching on another subject—and obviously the two leaders can determine what they want as far as the cloture point is concerned—on the timing on Mr. Stewart's nomination, in my experience and my judgment, I say to my friend from Mississippi that: If we had worked out an arrangement to vote on these judicial nominees on the calendar, the sort of thing we are talking about doing now, working out the amount of time to be taken on Stewart would be the least of our worries; it would be a relatively short time because it would be all part of the same package.

We could spend more time talking about how much time there will be on the floor than probably what there would be at that time. That is going to be the least of our problems. If we get some of these judges worked out and some idea of when other judges are coming up, that is going to be the easy thing to do.

Mr. LOTT. I may have an idea or the staff, as quite often is the case, may have come up with an idea.

Mr. LEAHY. We have a constitutional impediment to the staff, I say to the leader.

Mr. LOTT. Let me explain what it is. Then I will explain what it means.

First of all, I ask unanimous consent that notwithstanding rule XXII, it be in order for the majority leader to file a cloture motion on the pending nomination at 5:30 p.m. on Tuesday, and if that motion is filed, that vote occur on Tuesday immediately following the 5:30 p.m. vote. Needless to say, this will give all Members until 5:30 on Tuesday to discuss the nomination.

What I am asking for is an opportunity to not file it, but by getting this agreement, it will be the same as if I had filed it. If we get an agreement, no problem. If we don't, then there will be a vote at 5:30.

Mr. LEAHY. That is OK with me.

Mr. REID. No objection.

The PRESIDING OFFICER. The majority has a previous unanimous consent request. Does he withdraw that?

Mr. LOTT. I do, and I propound this one which I just read, and ask for its consideration.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. LOTT. Mr. President, I thank Senator REID and Senator LEAHY very much for their cooperation.

#### PROGRAM

Mr. LOTT. Mr. President, for the information of all Senators, there will be no further rollcall votes today.

The Senate will be in pro forma session on Friday, and there will be no session on Monday in recognition of the Jewish holy day.

The next rollcall votes will occur at 5:30 p.m. on Tuesday in a back-to-back sequence, if there are two votes, with the first vote on cloture on the bankruptcy bill, and the second vote on the nomination of Ted Stewart, if one is required.

The Senate may also consider the Department of Defense authorization conference report under a 2-hour time limit.

Finally, the fiscal year is coming to an end. Therefore, Members should expect late sessions during next week, and they should anticipate being in session each day—Tuesday, Wednesday, Thursday, and Friday—so that we can complete action on the Department of Defense authorization conference report, the Interior appropriations bill, the HUD, and the Veterans' Administration appropriations bills, and any other actions that can be cleared.

I think we have made good progress today in spite of the rain and sometimes windy weather. I think we made the right decision to stay here. As a result of us staying and working today, we passed the Treasury and Postal Service appropriations conference report, the District of Columbia appropriations conference report, and the Transportation appropriations bill, and have put in place a process to move a number of Federal judicial nominations.

I thank my colleagues for their patience, and for being here today as we have made that effort.

#### AUGUST 1999 VISIT TO THE HAGUE, UKRAINE, ISRAEL, JORDAN, EGYPT, KOSOVO, AND ITALY

Mr. SPECTER. Mr. President, on August 14, I landed in Amsterdam, Holland, and proceeded directly to the War Crimes Tribunal in The Hague. There, I met with a team of the leading prosecutors/investigators at the Tribunal including John Ralston, Bob Reid, Graham Blewitt, and J. Clint Williamson. Ralston, Reid, and Blewitt are all Australians who got their start together hunting Nazis who had immigrated to Australia following World War II. They have been at War Crimes Tribunal since 1994. Williamson is an American who used to work for the Department of Justice.

Recently the prosecutors obtained a very important indictment against five