

I thank the Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I thank the Senator from Arizona for his laudatory comments. It is nice to hear that one will be missed. We haven't discussed the degree, but nevertheless being missed counts.

I wish to say one thing in response to the thoughtful statement of the Senator from Arizona about Amtrak and a national railroad. I am glad that he did it because I misunderstood. Frankly, perhaps it is something I thought I heard the Senator from Arizona say in times past about the fact that he would resist advancing resources to Amtrak. I think it was described in terms of a "cash guzzler," if I am correct in that recognition. But I am glad to hear the Senator from Arizona.

Let it not ever be mistaken that Senator JOHN MCCAIN and I have had some differences on the floor and off the floor, but the fact is that I believe there is mutual respect. Certainly, I respect him for his contributions to America and for his contributions to this body.

If anyone has any doubts about JOHN MCCAIN's capacity to deliver a message, one only need to look at the recent election to see that with very limited resources JOHN MCCAIN was able to influence the direction of policy that we are going to be witnessing in the next administration.

But I also hope that Senator JOHN MCCAIN, the Senator from Arizona, and the Senator from Wisconsin, Mr. FEINGOLD, will be able to accomplish something that has been lingering over this place. It is overdue. It has been talked about forever, and it has never been accomplished. The reason I made a decision to leave this body that I love dearly was because I didn't want to go out and raise that money.

The Senator from Arizona and the Senator from Wisconsin, Mr. FEINGOLD, have done a masterful job in working inch by inch to get to the place where we examine as a proposal for the near future, I hope, how we ought to finance Senate races. I think the moment is near at hand. I hope that examination, frankly, obviously without my participation, will be taken. I will be encouraging you from the sidelines.

Mr. LOTT. Mr. President, will the Senator yield again?

Mr. LAUTENBERG. Boy, I could really carve out a few chips if I were going to remain here. I am happy to yield, provided I recover the floor.

Mr. LOTT. I thank the Senator.

#### EXECUTIVE CALENDAR

#### EXECUTIVE NOMINATIONS

Mr. LOTT. Mr. President, I now have a list of Executive nominations which have been cleared on both sides.

We have been working on this for several days. A number of these nominations were running the risk of not being confirmed, or possibly having recess appointments, which we would like to avoid. This list includes Executive calendar nominations and nominations to be discharged from several committees and confirmed.

In executive session, I ask unanimous consent that the nominations I send to the desk be confirmed, the motions to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate then resume legislative session.

I add that this list is comprised of approximately 41 nominations, plus an additional list of almost 400 Foreign Service career officers.

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

The nominations were considered and confirmed en bloc, as follows:

Claude A. Allen, of Virginia, to be a Member of the Board of Directors of the African Development Foundation for a term expiring September 22, 2005.

Willie Grace Campbell, of California, to be a Member of the Board of Directors of the African Development Foundation for a term expiring September 22, 2005.

Foreign Service nominations beginning Avis T. Bohlen, and ending Mark Young, which nominations were received by the Senate and appeared in the Congressional Record on October 6, 2000.

John M. Reich, of Virginia, to be a Member of the Board of Directors of the Federal Deposit Insurance Corporation for a term of six years.

Robert S. LaRussa, of Maryland, to be Under Secretary of Commerce for International Trade.

Marjory E. Searing, of Maryland, to be Assistant Secretary of Commerce and Director General of the United States and Foreign Commercial Service.

Michael Prescott Goldwater, of Arizona, to be a Member of the Board of Trustees of the Barry Goldwater Scholarship and Excellence in Education Foundation for a term expiring October 13, 2005.

Frederick G. Slabach, of California, to be a Member of the Board of Trustees of the Harry S. Truman Scholarship Foundation for a term expiring December 10, 2005.

Betty F. Bumpers, of Arkansas, to be a Member of the Board of Directors of the United States Institute of Peace for a term expiring January 19, 2001.

Betty F. Bumpers, of Arkansas, to be a Member of the Board of Directors of the United States Institute of Peace for a term expiring January 19, 2005.

Barbara W. Snelling, of Vermont, to be a Member of the Board of Directors of the United States Institute of Peace for a term expiring January 19, 2005.

Holly J. Burkhalter, of the District of Columbia, to be a Member of the Board of Directors of the United States Institute of Peace for a term expiring January 19, 2005.

Mora L. McLean, of New York, to be a Member of the Board of Directors of the United States Institute of Peace for a term expiring January 19, 2001.

Mora L. McLean, of New York, to be a Member of the Board of Directors of the United States Institute of Peace for a term expiring January 19, 2005.

Maria Otero, of the District of Columbia, to be a Member of the Board of Directors of the United States Institute of Peace for a term expiring January 19, 2003.

MORRIS K. UDALL SCHOLARSHIP & EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION

Eric D. Eberhard, of Washington, to be a Member of the Board of Trustees of the Morris K. Udall Scholarship & Excellence in National Environmental Policy Foundation for a term expiring October 6, 2002.

#### DEPARTMENT OF JUSTICE

Randolph D. Moss, of Maryland, to be an Assistant Attorney General.

#### DEPARTMENT OF JUSTICE

David W. Ogden, of Virginia, to be an Assistant Attorney General.

Daniel Marcus, of Maryland, to be Associate Attorney General.

#### UNITED STATES INSTITUTE OF PEACE

Barbara W. Snelling, of Vermont, to be a Member of the Board of Directors of the United States Institute of Peace for a term expiring January 19, 2001.

Marc E. Leland, of Virginia, to be a Member of the Board of Directors of the United States Institute of Peace for a term expiring January 19, 2003.

Harriet M. Zimmerman, of Florida, to be a Member of the Board of Directors of the United States Institute of Peace for a term expiring January 19, 2003.

Holly J. Burkhalter, of the District of Columbia, to be a Member of the Board of Directors of the United States Institute of Peace for a term expiring January 19, 2001.

#### BARRY GOLDWATER SCHOLARSHIP & EXCELLENCE IN EDUCATION FOUNDATION

Donald J. Sutherland, of New York, to be a Member of the Board of Trustees of the Barry Goldwater Scholarship and Excellence in Education Foundation for a term expiring August 11, 2002.

#### DEPARTMENT OF COMMERCE

Arthur C. Campbell, of Tennessee, to be Assistant Secretary of Commerce for Economic Development.

#### APPALACHIAN REGIONAL COMMISSION

Ella Wong-Rusinko, of Virginia, to be Alternate Federal Cochairman of the Appalachian Regional Commission.

#### DEPARTMENT OF STATE

Richard A. Boucher, of Maryland, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be an Assistant Secretary of State (Public Affairs).

#### DEPARTMENT OF THE TREASURY

Lisa Gayle Ross, of the District of Columbia, to be an Assistant Secretary of the Treasury.

#### DEPARTMENT OF TREASURY

Ruth Martha Thomas, of the District of Columbia, to be a Deputy Under Secretary of the Treasury.

#### DEPARTMENT OF THE TREASURY

Jonathan Talisman, of Maryland, to be an Assistant Secretary of the Treasury.

AGENCY FOR INTERNATIONAL DEVELOPMENT  
Everett L. Mosley, of Virginia, to be Inspector General, Agency for International Development.

#### DEPARTMENT OF JUSTICE

Glenn A. Fine, of Maryland, to be Inspector General, Department of Justice.

#### DEPARTMENT OF LABOR

Gordon S. Heddell, of Virginia, to be Inspector General, Department of Labor.

## CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

Mark D. Gearan, of Massachusetts, to be a Member of the Board of Directors of the Corporation for National and Community Service for a term of two years.

## NATIONAL SCIENCE FOUNDATION

Mark S. Wrighton, of Missouri, to be a Member of the National Science Board, National Science Foundation, for a term expiring May 10, 2006.

## DEPARTMENT OF LABOR

Leslie Beth Kramerich, of Virginia, to be an Assistant Secretary of Labor.

## UNITED STATES INSTITUTE OF PEACE

Seymour Martin Lipset, of Virginia, to be a Member of the Board of Directors of the United States Institute of Peace for a term expiring January 19, 2003.

## DEPARTMENT OF STATE

Luis J. Laurodo, of Florida, to be Permanent Representative of the United States to the Organization of American States, with the rank of Ambassador.

Rust Macpherson Deming, of Maryland, a Career member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Tunisia.

Ronald D. Godard, of Texas, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Co-operative Republic of Guyana.

Michael J. Senko, of the District of Columbia, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States to the Republic of the Marshall Islands, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Kiribati.

Howard Franklin Jeter, of South Carolina, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Federal Republic of Nigeria.

Lawrence George Rossin, of California, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Croatia.

Brian Dean Curran, of Florida, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Haiti.

## AGENCY FOR INTERNATIONAL DEVELOPMENT

Barry Edward Carter, of the District of Columbia, to be an Assistant Administrator of the United States Agency for International Development.

## INTERNATIONAL MONETARY FUND

Margrethe Lundsager, of Virginia, to be United States Alternate Executive Director of the International Monetary Fund for a term of two years.

## DEPARTMENT OF JUSTICE

Loretta E. Lynch, of New York, to be United States Attorney for the Eastern District of New York for the term of four years.

## DEPARTMENT OF THE TREASURY

Lisa Gayle Ross, of the District of Columbia, to be Chief Financial Officer, Department of the Treasury.

## FOREIGN SERVICE

PN1176 Foreign Service nominations (84) beginning John F. Aloia, and ending Paul G. Churchill, which nominations were received by the Senate and appeared in the Congressional Record of July 26, 2000.

PN1220 Foreign Service nominations (104) beginning Guy Edgar Olson, and ending Deborah Anne Bolton, which nominations were received by the Senate and appeared in the Congressional Record of September 7, 2000.

PN1221 Foreign Service nominations (20) beginning James A. Hradsky, and ending Michael J. Williams, which nominations were received by the Senate and appeared in the Congressional Record of September 7, 2000.

Mr. LOTT. I thank Senator DASCHLE, Senator HARKIN, Senator MACK, Senator HELMS, and a number of others who have worked to get this list cleared.

## RECESS APPOINTMENTS

Mr. LOTT. Mr. President, one note on these nominations and appointments:

I understand that United States Presidents have for years had the ability to recess appoint nominations. I know of many instances going back at least to the 1950s. I also understand that many majority leaders—including Senator BYRD and Senator Mitchell—have had words of caution for Presidents of the United States when they were majority leader with respect to recess appointments. I know that this majority leader, as well as Senator BYRD, are very much concerned about recess appointments—especially appointments to the Federal judiciary—during a period of time after we adjourn sine die, or at the beginning, frankly, of the year right as we go into the new administration. Congress has seen this area to continue to erode. I think we need to deal very aggressively with it. The Vacancy Act that Senator BYRD has worked on is something about which we need to be very serious. I hope this administration will heed these words of caution and understand the concerns of the whole Senate.

I yield the floor.

Mr. BYRD. Mr. President, will the Senator yield?

Mr. LOTT. I would be glad to yield the floor before we return it to Senator LAUTENBERG, if I might.

The PRESIDING OFFICER. The Senator from New Jersey has the floor.

Mr. LAUTENBERG. Mr. President, you do that job perfectly with diligence, for the record.

I am happy to yield. In fact, I would be afraid not to yield to our distinguished Senator, my friend from West Virginia.

Mr. BYRD. Mr. President, I thank the distinguished Senator. I will not speak long.

Mr. President, the distinguished majority leader has made reference to recess appointments. Let me read what is

in the Constitution. I read from section 2 of article II of the Constitution:

The President shall have Power to fill up all Vacancies that may happen during the Recess of the Senate, by granting Commissions which shall expire at the End of their next Session.

Having been the majority leader in the Senate earlier in my years here, I have been very careful to caution Presidents not to make recess appointments during the recess of the Senate unless there is indeed an emergency that arises.

That is the purpose of this. That provision in the United States Constitution is not put in there to enable any President, Republican or Democrat, to play games with the Senate, or to attempt to do a one-upmanship simply because the Senate is out of session.

I hope that Presidents, Democratic and Republican, will be very careful in filling a vacancy that "may happen" during a recess. That is the way the Constitution reads.

I hope there is no effort to take advantage of those words by appointing someone to fill vacancies that have been in existence for some time. I especially hope that no administration will attempt to fill a Federal judgeship during the recess of the Senate. After all, a Federal judgeship is an appointment for life. That is not an appointment just until the end of the next session. Federal judgeships are, through the Constitution, for life tenure if they conduct themselves appropriately while in office.

I want to say this: I am opposed to judgeship appointments during a recess. I hope that any President will proceed very cautiously and not attempt to take advantage of the situation by appointing judgeships during the recess of the Senate.

How long will this Senate be in recess?

Mr. LOTT. I say to the Senator from West Virginia, I believe we will be in recess slightly over 2 weeks, probably 17 days, until the new Congress comes in on January 23.

Mr. BYRD. I can only see through my own eyes, but I don't consider that to be too long a time to await the appointment of a Federal judgeship or any other office, unless it should be Secretary of Defense or perhaps Secretary of State. But it is certain that there is no need to fill judgeships during this 2 weeks, or whatever it is. We will be back here. I will not support any administration, Democratic or Republican, that attempts to fill Federal judgeships while the Senate is in recess. I think that is playing politics. We all play politics some, but we are fooling around a little too deeply with the fountain of politics. I hope we don't poison that well by attempting to pull a fast one here. Is that what the Senator is talking about?

Mr. LOTT. I understand, of course, that is a possibility. We have not been