

nominees in the 106th Congress. It is a fact of which no one should be proud. Each judicial seat that we leave vacant slows the administration of the courts and access to justice for the American people.

That being said, I want to publicly thank Senator HATCH who has repeatedly—and admirably—demonstrated his commitment to moving nominees through the Judiciary Committee in a timely fashion. I want to thank both Senator HATCH and Senator LEAHY for their support in assuring Judge Fuentes' confirmation.

The vote that we took this evening on Judge Fuentes is an important step towards easing the burdens on the courts. It is also evidence that a qualified candidate with broad support can get a fair vote in this Senate and move quickly from a hearing to confirmation. Judge Fuentes' nomination was reported out of the Judiciary Committee just last week by a unanimous voice.

George Washington once said, "The Administration of Justice is the firmest pillar of government." As I stand here today I am reminded of that quote because long after we all leave the Senate, those who sit on the Judiciary will continue to impact public policy and the lives of other Americans. When I recommended Judge Fuentes, I did so with the utmost confidence that he was well-suited to such great responsibility. In fact, I first considered Judge Fuentes for the position of District Court Judge. However, it soon became apparent that his stellar qualifications were so impressive that he deserved consideration for the Third Circuit. And I note with considerable pride that Judge Fuentes will be the first person of Hispanic descent to serve on the Third Circuit.

His career has been distinguished by a solid record of public service, which began in 1966 when he left college for three years to serve in the United States Army, including service in the Airborne Rangers. From his days in law school to his current tenure on NJ's Superior Court, he has demonstrated that he is an accomplished attorney who has made a commitment to improving the quality of justice in our society. I have no doubt that he will bring these same qualities to the federal bench.

A graduate of SUNY—Buffalo School of Law, Judge Fuentes began his legal career in private practice where he worked for 7 years on both civil and criminal matters. For his last three years in private practice, he also served as a part-time Judge on Newark's Municipal Court. Then in 1981, he assumed the bench full-time as a Municipal Judge where he remained until 1987 when he was promoted to the New Jersey Superior Court.

In his now 13 years on the Superior Court, he has built a reputation as a

fair and able jurist. When you speak with those who have had the opportunity to work with Judge Fuentes throughout this distinguished career, they universally praise his integrity as well as the depth and breadth of his knowledge of the law. And those who know him well describe him as bright, dedicated, and compassionate.

I could not be more confident that Judge Fuentes is the right person to fill this seat—a view that is shared by those best in a position to know the Judge's qualifications. New Jersey's Governor Christie Whitman, the New Jersey State Bar Association, and the Hispanic Bar Association—both nationally and in New Jersey—have written letters enthusiastically supporting the Judge's nomination.

I am extremely proud to support Judge Fuentes nomination to the Third Circuit Court of Appeals. I know he will be a superb addition to the bench.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Julio M. Fuentes, of New Jersey, to be United States Circuit Judge for the Third Circuit? On this question, the yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. MCCAIN), the Senator from Missouri (Mr. BOND), and the Senator from Georgia (Mr. COVERDELL) are necessarily absent.

Mr. REID. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from California (Mrs. FEINSTEIN), the Senator from Nebraska (Mr. KERREY), and the Senator from Minnesota (Mr. WELLSTONE) are necessarily absent.

I further announce that, if present and voting, the Senator from Minnesota (Mr. WELLSTONE) and the Senator from Delaware (Mr. BIDEN) would vote "aye."

The PRESIDING OFFICER (Mr. SMITH of Oregon). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 93, nays 0, as follows:

[Rollcall Vote No. 34 Ex.]

YEAS—93

Abraham	Conrad	Hagel
Akaka	Craig	Harkin
Allard	Crapo	Hatch
Ashcroft	Daschle	Helms
Baucus	DeWine	Hollings
Bayh	Dodd	Hutchinson
Bennett	Domenici	Hutchinson
Bingaman	Dorgan	Inhofe
Boxer	Durbin	Inouye
Breaux	Edwards	Jeffords
Brownback	Enzi	Johnson
Bryan	Feingold	Kennedy
Bunning	Fitzgerald	Kerry
Burns	Frist	Kohl
Byrd	Gorton	Kyl
Campbell	Graham	Landrieu
Chafee, L.	Gramm	Lautenberg
Cleland	Grams	Leahy
Cochran	Grassley	Levin
Collins	Gregg	Lieberman

Lincoln	Reid	Smith (OR)
Lott	Robb	Snowe
Lugar	Roberts	Specter
Mack	Rockefeller	Stevens
McConnell	Roth	Thomas
Mikulski	Santorum	Thompson
Moynihan	Sarbanes	Thurmond
Murkowski	Schumer	Torricelli
Murray	Sessions	Voivovich
Nickles	Shelby	Warner
Reed	Smith (NH)	Wyden

NOT VOTING—7

Biden	Feinstein	Wellstone
Bond	Kerrey	
Coverdell	McCain	

The nomination was confirmed.

Mr. LEAHY. Mr. President, I move to reconsider the vote.

Mr. LOTT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

• Mr. BIDEN. Mr. President, circumstances have prevented my being able to be here for the vote this evening on Julio Fuentes's nomination to the United States Court of Appeals for the Third Circuit, but I wanted to take this opportunity to make it clear that I am pleased to support his nomination.

Judge Fuentes is eminently qualified for this important position. After several years in private practice, Judge Fuentes has served the New Jersey community with honor first, as a judge on the Newark Municipal Court, and now, as a judge on the New Jersey Superior Court, where he has served admirably for well over a decade.

Judge Fuentes is an excellent jurist with an unblemished record and a man of integrity. He is regarded with great esteem within his community and has received the endorsement of many different organizations. In fact, I understand that Judge Fuentes was originally recommended for a seat on the District Court in New Jersey, but the White House was so impressed after meeting him that the President nominated him to the Third Circuit instead.

I always monitor the nominations made to the Third Circuit with special interest because my own state of Delaware is part of that Circuit. And I can say without reservation that I am confident that Judge Fuentes will discharge his new responsibilities with distinction and will make a fine addition to that court. I commend the two Senators of New Jersey for their support of this nominee and am proud to join them. •

NOMINATIONS OF MARSHA L. BERZON AND RICHARD A. PAEZ—Continued

CLOTURE MOTIONS

Mr. LOTT. Mr. President, I understand there have been a couple of hours of spirited debate on the nominations of Judge Paez and Mrs. Berzon, which is certainly the right of the Senate. I am sure we will have some further spirited discussion about these nominees.

However, I have given my word that these two nominees should at least have the opportunity for a vote. We did work out an agreement last year, and I made a commitment that these two nominees would have a Senate vote on their confirmation. With that in mind, in order to accomplish this—while I had hoped it would not be necessary, again, I emphasize, as I did last year and earlier this year, I think it is a mistake to begin to have cloture votes on judicial nominations on the floor. We had one instance of that last year, and I said to my Democratic friends I thought that was a mistake, and pretty shortly thereafter we worked that out and moved that nomination.

I don't like to have to file cloture on these nominations either, but in order to fulfill the commitments that have been made and have a good debate but some limit on it where we would get a vote, I send a cloture motion to the desk on the nomination of Marsha Berzon to the Ninth Circuit Court of Appeals.

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

The legislative clerk 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 Executive Calendar No. 159, the nomination of Marsha L. Berzon, to be United States Circuit Judge for the Ninth Circuit:

Trent Lott, Orrin G. Hatch, Susan M. Collins, Arlen Specter, Ted Stevens, Thad Cochran, James M. Jeffords, Robert F. Bennett, Richard G. Lugar, Chuck Hagel, Conrad Burns, John W. Warner, Patrick J. Leahy, Harry Reid of Nevada, Charles E. Schumer, and Tom Daschle.

Mr. LOTT. Mr. President, I send to the desk also a cloture motion on the pending nomination of Richard Paez.

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

The legislative clerk 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 Executive Calendar No. 208, the nomination of Richard A. Paez to be United States Circuit Judge for the Ninth Circuit:

Trent Lott, Orrin G. Hatch, Susan M. Collins, Arlen Specter, Ted Stevens, Thad Cochran, Robert F. Bennett, Harry Reid of Nevada, Richard G. Lugar, Chuck Hagel, Conrad Burns, John W. Warner, Patrick J. Leahy, Charles E. Schumer, Tom Daschle, and Barbara Boxer.

Mr. LOTT. Mr. President, I ask unanimous consent that notwithstanding rule XXII, these cloture votes occur in the order in which they were filed at 5 p.m. on Wednesday, and that the man-

datory quorum under rule XXII in each case be waived.

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

Mr. LOTT. Mr. President, it is my understanding that if cloture is invoked in each case, Senator SMITH of New Hampshire will require 5 hours of total debate on both nominations under his control, and following the conclusion of the time, the Senate would be in a position to vote in a back-to-back sequence on the confirmations of Berzon and Paez. I will not propound that request at this time but will put Members on notice that this is the fashion in which I see the Senate considering these nominations.

I have discussed that with Senator DASCHLE, and he understands that. Of course, there will be a need to have equal debate on both sides, if that is required by Senators.

I thank all my colleagues for their cooperation. I look forward to further debate on these nominees during tomorrow's session prior to the 5 p.m. back-to-back cloture votes. In light of this agreement, we can announce that there will be no further votes this evening.

Mr. DASCHLE. Mr. President, I know there is another unanimous consent to propound.

Let me briefly thank the majority leader for keeping his commitment. He and I both hoped we wouldn't have to file cloture. We may yet have the opportunity to vitiate cloture if something can be worked out. I am hopeful that we will have an opportunity to have the votes as he has anticipated tomorrow at 5 o'clock. This agreement accords everybody their rights. People will have an opportunity to further discuss this matter. They will be able to respond to whatever statements may be made on the floor. We will have a good debate about these nominees tomorrow, even though we will be taking up other legislation.

I think this is a very good agreement. I am grateful to him and to all of our colleagues for their cooperation. I appreciate the fact that we have come this far.

I yield the floor.

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

Mr. LOTT. I am glad to yield.

Mr. LEAHY. Mr. President, I wish to associate myself with the comments of the distinguished Senator from South Dakota. I was privileged to be part of some of the discussions the distinguished Republican leader and the Democratic leader had last fall, along with the distinguished Senator from Mississippi. He has fulfilled the commitment he made to us at that time. I suspect that some aspects probably will not be debated with great ease. I wish to commend them for doing that. As I have said all along, I want to be in the position where Senators can vote

up or down on these two outstanding nominees.

I thank the Chair.

Mr. LOTT. Mr. President, I thank both Senators for their comments.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

ORDER OF PROCEDURE

Mr. LOTT. Mr. President, I ask unanimous consent that at 9:30 a.m. on Wednesday, the Senate proceed to the conference report to accompany H.R. 1000, the Federal Aviation Administration reauthorization bill. I further ask unanimous consent that there be 60 minutes of debate equally divided as follows: 20 minutes for the majority manager, 20 minutes for the minority manager, and 20 minutes for Senator LAUTENBERG.

I further ask unanimous consent that following that debate time, the conference report be laid aside with a vote on adoption to occur at 5 p.m. just prior to the scheduled cloture votes with no intervening action or debate.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. LOTT. Mr. President, it will be my intention that following the hour of morning business, at 11:30 a.m. on Wednesday the Senate proceed to the Export Administration Act. I am not propounding that at this time, but that would be the next legislation on which we have been working. It has broad bipartisan support. It involves a very important segment of our economy. We need to move forward with this legislation as soon as possible. We would like to start on that at 11:30 tomorrow. Between that time and the stacked votes at 5 o'clock, we could have opening statements and begin to move forward on this very important Export Administration Act.

I yield the floor.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. Mr. President, I think this is a very good agreement. I think we can have a good discussion about the conference report.

I know there are other Senators who may want to enter into a colloquy with the majority leader or others with regard to some of the implications of the FAA bill. This will accommodate any colloquies Senators may desire.

I also am pleased that we are able to move to the Export Administration Act. As the majority leader noted, this bill is important. We ought to finish it this week. There is no reason why we can't finish it this week, if we can get agreement. It passed out of the committee unanimously. It is long overdue. It is important for us to act on it.