

well as Richard Paez, a similar nominee for the Ninth Circuit. Can the majority leader give me his current intentions with regard to those two nominations?

Mr. LOTT. Mr. President, if the Senator would yield under his reservation to respond, let me say again, I appreciate the cooperation of Senators on both sides of the aisle, from the Judiciary Committee, and other Senators who have interest in these nominations. It has been a very delicate balance to work through a process where we could get these nominations confirmed.

The nominations of Mr. Marrero from, I believe, New York, and Mr. Lorenz from California have not been controversial. They have been cleared for quite some time. We had the unfortunate situation with regard to the nomination of Ted Stewart where we had a cloture vote, which I think both sides would prefer not to have happened. There are reasons for it. But I think it is important we not start down that trail. Both sides have indicated we do not want to start having cloture votes to determine the confirmation of judges. Then also there is the nomination of Mr. Fisher for the Ninth Circuit.

So we have here a process where we can have a voice vote on two of them and some debate and votes on the other three: White, Stewart, and Fisher. That is a significant undertaking. That will get us into the process where judges—certainly judges who are not controversial—will not be held up because of controversial judges in other areas. So I just wanted to kind of go through that whole process.

With regard to the other two nominations Senator DASCHLE asks about, I will continue to work with the Democratic leader as well as other Members on his side of the aisle and on my side of the aisle in scheduling executive nominations. I have to go through a process where I have to notify Members that a judicial nomination may be called up and see if there are problems with it, see if that can be worked out, see if we are going to need an extended period of time of debate, see if there is a threatened filibuster.

So I will work, as I have in the past, to see if we can get these nominations cleared so we can move forward. I will continue to do that. I will do that on specifically the two that have been mentioned. I will try to find a way to have them considered. I cannot confirm at this point when or how that will be done, but I will continue to work on it.

That is one of the reasons that moving these other judges is important. Because it takes time to get the nominations cleared. When you have five that you are close to getting cleared, once you get those out of the way, then you can focus your attention on the remaining judges on the calendar.

By the way, I understand there are other basically noncontroversial judges on whom the Judiciary Committee will

be meeting, maybe in the next week or two, and there will be more judges on the calendar. So we want to keep moving the ones that can be cleared because there are districts and circuits around the country that do need these judges to be confirmed. I think we can get this request agreed to. It will be positive, and we will be able to continue to work together.

I hope that is helpful in responding to Senator DASCHLE's question.

Mr. DASCHLE. That is helpful. With that assurance, I will certainly not object to the request propounded by the majority leader. He has made it to me privately. It is my hope we will continue to work. These are important matters. As the majority leader has heard me say, and others say, now for some time, in some cases they have been pending not for months but for years. For anyone to be held that long is just an extraordinary unfairness, not only to the nominees but to the system itself.

The majority leader has also noted that a cloture vote is an unfortunate matter. Actually, a cloture vote is a recognition of the difficulty to move judges. A cloture vote is probably no more unfortunate than a hold. We have people who are maintaining holds on judges, which is also very unfortunate. A hold is nothing more than an intent to filibuster.

So I hope our colleagues will drop their holds and will recognize that taking hostages in this form is not the right way to proceed and does not live up to the traditions of the Senate when it comes to the expeditious consideration of individuals who want to serve in public life.

The majority leader also mentioned—I will mention this just briefly because it is another important factor in our decision to want to cooperate with the majority—the decision and the commitment made by the chairman of the Judiciary Committee that he will hold hearings and he will move other nominees forward. It is important that all of the nominees who are pending before the Judiciary Committee be considered. He has indicated he will do his best to ensure they are considered.

Our ranking member, the Senator from Vermont, has been extremely persistent and dedicated to that effort. I appreciate his contributions as well.

So, Mr. President, I will not object.

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

EXECUTIVE CALENDAR

NOMINATIONS OF M. JAMES LORENZ AND VICTOR MARRERO

Under the previous order, the nominations were considered and confirmed, as follows:

THE JUDICIARY

M. James Lorenz, of California, to be United States District Judge for the Southern District of California.

Victor Marrero, of New York, to be United States District Judge for the Southern District of New York.

Mr. SCHUMER. Mr. President, I rise in strong support of the nomination of Victor Marrero to serve as a judge on the United States District Court for the Southern District of New York.

I express my appreciation to Chairman HATCH for moving this nomination expeditiously to the floor.

This is one of those moments where you cannot help but feel proud about this country and about how the American Dream is not a myth but a reality.

Where else in the world could a young child, with no knowledge of the native language, go to school, learn English, become valedictorian of his high school, and embark upon a distinguished and towering career in public service?

Only in America.

That is the abridged story of Victor Marrero. He came to this country with practically nothing. He studied and learned in school. He was inspired to public service by President John F. Kennedy.

And from that day on, he has never strayed from helping people, teaching them, from trying to make the world a better and more just place.

President Clinton nominated Ambassador Marrero to this judgeship upon my recommendation and on the basis of the Ambassador's extensive experiences and accomplishments as both a practitioner of law and a public servant.

Ambassador Marrero's legal career is extensive and distinguished. Between his two stints in public service, he spent twelve years as a partner at two prominent New York City law firms.

Ambassador Marrero's public service career is almost without equal in its breadth and degree of achievement. He has served as Executive Director of New York City's Department of City Planning, Chairman of the city's Planning Commission, Commissioner of New York State's Division of Housing and Community Renewal, and Under Secretary at the U.S. Department of Housing and Urban Development.

In 1993, President Clinton appointed him United States Ambassador to the Economic and Social Council of the United Nations. In 1998, he became United States Ambassador to the Organization of American States.

Ambassador Marrero, through charitable work, has helped to enhance New York City's public schools, libraries, museums and parks, and to help bring opportunity to other Puerto Ricans and Hispanics.

Perhaps the most telling testament to the esteem in which Ambassador Marrero is held is the fact that he has been confirmed by the United States Senate on three separate occasions over the past twenty years.

I am pleased today that Ambassador Marrero will be adding a fourth Senate confirmation to an already impressive resume.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I say, with both the leaders on the floor, this is a matter that has had some discussion. I appreciate the discussions I have had with both my leader, the distinguished Democratic leader, and the majority leader of the Senate, the distinguished Senator from Mississippi. The distinguished senior Senator from Utah, Mr. HATCH, and I have also had lengthy discussions about this.

As I have stated before—I will not hold the floor here now because I know others are waiting to speak; I will speak on this later this afternoon—I do have a concern about the slow pace of nominations being confirmed, especially with those such as the Paez and Berzon nominations that have waiting years, not just weeks and months. We should be moving forward on those nominations, as well.

I have also received the assurance of the distinguished chairman of the Senate Judiciary Committee that we will expedite, as much as possible, the hearing schedule and the executive session schedule of the Committee and that we will get more nominations promptly to the Executive Calendar.

One thing I have learned after 25 years here is that in the last few days of any session we suddenly find a lot can be done—provided items are available on the calendar. While it is a time, I am sure, to which the two leaders look forward with great anticipation—and they have a chance to earn a higher place in Heaven because their patience will be strained but they will not allow the strain to break them—I hope we will have a number of judges who might then be available to start the December, if not the January, sessions of their courts.

I know that Bruce Cohen, counsel on the Democratic side, and Manus Cooney, Senator HATCH's chief counsel on the Republican side, have been working hard to make progress on these matters.

I think this is a good step forward. I think it is a positive thing. But I hope the leader will be able to use his persuasion on the Republican side for Berzon and Paez. I know there are those who will not vote for them, but allow them to have an up-or-down vote.

I can assure the Democrat leader and I can assure the majority leader that I have canvassed this side of the aisle and there is no objection on the Democratic side—none whatsoever—to going forward with Berzon and Paez.

I know some Senators have told me on the other side they will vote against them. I have a number of Senators on the other side who say they will vote for them. We ought to give them the courtesy of the vote.

I know that requires scheduling and work, but I urge that upon the leadership. I want the leaders to know there is no objection on this side.

Mr. LOTT. Mr. President, I would like the RECORD to reflect that Senator

HATCH is in agreement with this request. He has worked on it very diligently; also, that he has made a commitment to have hearings and votes on additional nominees in the near future. I do not recall him specifying a day. I think you have some tentative date you have worked on.

Mr. LEAHY. We do.

Mr. LOTT. One other request. I ask unanimous consent that at 5:30 on Monday the Senate proceed—Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BUNNING). Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—H.R. 2084

Mr. LOTT. Mr. President, I ask unanimous consent that at 5:30 p.m. on Monday, the Senate proceed to the Transportation appropriations conference report, the conference report be deemed to have been read, and statements by Senators SHELBY and LAUTENBERG be placed in the RECORD and a vote occur immediately on adoption of the conference report at 5:30 p.m. on Monday.

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

Mr. LOTT. I ask unanimous consent that after Senators AKAKA and MURKOWSKI speak—Senator AKAKA is going to speak next and then Senator MURKOWSKI—Senator LEAHY be recognized to speak as in morning business.

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

Mr. LOTT. I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii.

U.S. POLICY TOWARDS NORTH KOREA

Mr. AKAKA. Mr. President, I thank the majority leader for the time and also my chairman from Alaska, Senator MURKOWSKI, for permitting me to speak during this time.

I rise to address an issue of critical importance to our national security: containing the proliferation of weapons of mass destruction by North Korea. As ranking member of the Subcommittee on International Security, Proliferation, and Federal Services, I see this as one of the most pressing security issues facing America. The Clinton administration has been working hard at containing and countering this threat, holding important discussions with the North Koreans, most recently in Berlin. Last Friday, a North Korean spokesman stated that North Korea would "not launch a missile while the talks are underway with a view to cre-

ating an atmosphere more favorable for the talks" with the United States.

This, I believe, is a very positive step. North Korea's development and August 1998 testing of a long-range missile drew America's attention to this emerging threat to our national security. Even more directly, it raised concerns about Hawaii's security. Following this test, the North Koreans began preparing to launch a second missile, which our intelligence analysts believe could deliver a several-hundred kilogram payload to Hawaii and to Alaska. North Korean preparations to test launch a much larger missile prompted the administration to take multilateral efforts to persuade the North Koreans not to launch and to restrict their missile development.

Following negotiations in Berlin between the United States and the North Koreans last week, the President announced his decision to ease some sanctions against North Korea administered under the Trading with the Enemy Act, the Defense Production Act, and the Department of Commerce's Export Administration regulations. So far these efforts have been partially successful, and the North Koreans have agreed to a moratorium on missile launches during this series of talks with the United States. The administration is to be congratulated for the intensity with which it has pursued a solution to this dangerous problem.

There has been some criticism of the administration's approach, with a few critics arguing that the administration is rewarding bad behavior or giving in to extortion demands. I do not believe this is the case. The formal announcement by the North Korean Government stating there would be no missile tests while talks are underway with the United States is a clear indication that North Koreans have accepted the new approach in relations outlined by Secretary Perry. There is no doubt that the North Koreans have an active missile export program which is dependent upon imports of foreign technology and exports of cruise missiles.

Therefore, it is in our national security interest to limit North Korean missile development and especially North Korean missile exports toward which the Berlin agreement takes a firm step. By lifting some economic sanctions, holding out the possibility of lifting additional sanctions, and suggesting to the North Koreans that the United States is willing to normalize relations with North Korea, the North Koreans have been given a powerful incentive towards agreeing to a permanent moratorium on missile development. Reimposing sanctions would send such a strong signal of distrust with North Korean actions that it could well set back North Korean efforts to achieve international respectability to lower levels than those today.

This is not a sanctions relief for moratorium deal. It leads, instead, to a