This article seems to completely refute Alex's comments made to us at our meeting of last week. Although the lead paragraph is not easily readable because the fax machine ''ate'' it, what it says is that The Commission is increasing the amount of compulsory distillation for this coming year [1995–96] versus last year [1994–95] by 137,000 HL. Although small, it nonetheless is a definite increase, and shows that the total amount of alcohol to be distilled via compulsory distillation for the three primary countries of Italy, Spain and France for this coming year will be a total of 5,400,000 HL.

It must further noted that this year's total wine production for these three countries is estimated to be 131,900,000 HL versus last year's 130,927,000 HL. With compulsory distillation being 4% of the total, if you take the total EU wine production of 155,400,000, this means that a total of 6,216,000 HL will be available for EUstocks this coming year.

It is apparent that there will continue to be significant overproduction in the EU for years to come, in that the Commission's efforts to reduce production have failed.

On a related matter, I have reviewed your memo to the CBI group. Your suggestion on opening up future tenders to avoid the GATT limits are troubling unless we couple it with some type of end-use restriction. This is because, as you can also see from the second article, notwithstanding what Tuite said at the meeting, it appears that the Brazilians will be back into the market in a big way next year. Unless we place some type of restriction on end-use, they'll easily outbid us for the entire EU output.

What happened to our end-use language we discussed with Olsen last year?

I would appreciate your investigating these matters as soon as possible and giving me the benefit of your thoughts. Also, I want to report the results of my meeting with the SENPA folks.

DICK.

REGENT INTERNATIONAL,
Brea, CA, November 20, 1995.

To: Dick Bok, ADM Ingredients
From: Dick Vind

Finally received a phone call from Tuite at 3:30 PM PDT USA. Jeff stated he had at least been successful in talking to the Kriete's and they have agreed to split the tender with us.

Jeff's only reservation was that Kriete insisted that Man be the purchaser of the tender. In order to avoid; ''show down'' or bidding contest, I agreed to this request.

Therefore, Man will be bidding on the 75,000 hl out of France at a price of 5.02. I would suggest that ADM underbid at a price of 4.85. This will serve as a safety net in the event Man's bid is rejected for any reason. As a reminder, bids are due in this Thursday, November 23.

With regards to the sharing, I made it explicitly clear to Jeff that we (ADM & Western) would be purchasing the product FOB Port-la-Nouvelle from Man on a totally transparent basis. We would then assume responsibility for our own shipping which presumably we would be able to coordinate jointly in the future.

I would suggest you contact Tuite tomorrow at your convenience to confirm and request a signed agreement between both parties in order to assure compliance with this accord.

Best regards,

DICK.

Mrs. FEINSTEIN. I thank the Chair.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. I thank the Senator from California for that useful addition and also for her great work on this issue.

I was concluding by saying: There will be a stampede to deny knowledge of this amendment, to deny knowledge of the consequences of this amendment, in a few short years. I wish we wouldn't have to do that. I urge my colleagues, if you want to subsidize ethanol—it is now subsidized already 53 cents a gallon; there is a tariff barrier so it can't be imported; no good in our society has gotten as much—do that. If you want to raise the subsidy a little more, do that, because then it is the General Treasury that is paying. But for God's sake, don't make the drivers of Massachusetts pay 9 cents more a gallon and the drivers of Rhode Island and Delaware pay 9 cents more a gallon and the drivers of Pennsylvania pay 6 cents more a gallon.

That is the most regressive tax we are going to pass this year. Somehow, because it is coated in ethanol, that tax seems to be OK. The very same people who would get up on the floor and oppose taxes on any basis or on a regressive basis are allowing this one to go through.

We will rue the day we support an ethanol mandate. I urge my colleagues to think twice before they vote and support our amendment which still allows the banning of MTBE, still keeps the clean air standard, gets rid of oxygenate, but lets each State decide the best route to clean the air and clean the water.

Mandates are no good for American families. Mandates are no good for our economy. This is an ethanol gas tax. I urge it to be defeated.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Madam President, how much time do I have?

The PRESIDING OFFICER. Three and a half minutes.

Mr. BINGAMAN. Whose time is that?

The PRESIDING OFFICER. The time is not allocated.

Mr. BINGAMAN. That is not time either for or in opposition?

The PRESIDING OFFICER. That is correct.

The Senator from Nevada.

Mr. REID. Madam President, that time was allocated to Senator WELLSTONE. He didn't use all that time. Senator WELLSTONE is not here. Unless the Senators from New York and California want to use the time, I will yield back his time and we will start the vote now.

I yield back the time of the Senator from Minnesota.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Madam President, I move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion to table amendment No. 3030. The clerk will call the roll.

The senior assistant bill clerk called the roll.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS) is necessarily absent.

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

The result was announced—yeas 69, nays 30, as follows:

[Rollcall Vote No. 78 Leg.]

YEAS—69

Baucus	DeWine	Lieberman
Bayh	Dodd	Lincoln
Bennett	Domenici	Lott
Biden	Dorgan	Lugar
Bingaman	Durbin	McConnell
Bond	Edwards	Mikulski
Breaux	Feingold	Miller
Brownback	Fitzgerald	Murkowski
Bunning	Frist	Murray
Burns	Graham	Nelson (FL)
Byrd	Grassley	Nelson (NE)
Campbell	Gregg	Reid
Cantwell	Hagel	Roberts
Carnahan	Harkin	Rockefeller
Carper	Hatch	Sarbanes
Chafee	Hutchinson	Smith (NH)
Cochran	Inhofe	Snowe
Collins	Jeffords	Stabenow
Conrad	Johnson	Stevens
Craig	Kerry	Thurmond
Crapo	Kohl	Torricelli
Daschle	Landrieu	Voinovich
Dayton	Levin	Wellstone

NAYS—30

Akaka	Gramm	Santorum
Allard	Hollings	Schumer
Allen	Hutchison	Sessions
Boxer	Inouye	Shelby
Cleland	Kennedy	Smith (OR)
Clinton	Kyl	Specter
Corzine	Leahy	Thomas
Ensign	McCain	Thompson
Enzi	Nickles	Warner
Feinstein	Reed	Wyden

NOT VOTING—1

Helms

The motion was agreed to.

Mr. REID. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

CHANGE OF VOTE

Mr. CHAFEE. Mr. President, on rollcall vote No. 78 I voted ''nay.'' It was my intention to vote ''yea.'' I ask unanimous consent to change my vote. This will not affect the outcome of the vote.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

(The foregoing tally has been changed to reflect the above order.)

EXECUTIVE SESSION

NOMINATION OF JEFFREY R. HOWARD OF NEW HAMPSHIRE, TO BE UNITED STATES CIRCUIT JUDGE FOR THE FIRST CIRCUIT

Mr. REID. Mr. President, I ask unanimous consent the Senate now proceed to executive session to consider the following nomination: Calendar No. 773; that the Senate vote immediately on confirmation of the nomination; that upon the disposition of the nomination, the motion to reconsider be laid upon

the table, any statements be printed in the RECORD, the President be immediately notified of the Senate's action, and the Senate return to legislative session without intervening action or debate; and Senator GREGG be recognized prior to the vote for 1 minute and Senator SMITH of New Hampshire be recognized for 1 minute prior to the vote; and I ask further consent this vote time count postcloture.

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

Mr. REID. I ask for the yeas and nays on the nomination.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, today, the Senate is voting on the 46th judicial nominee to be confirmed since last July when the Senate Judiciary Committee reorganized after the Senate majority changed. With today's vote on Jeffrey Howard to the Court of Appeals for the 1st Circuit, the Senate will confirm its 46th judicial nominee and its 9th judge to our Federal Courts of Appeals in the less than 10 months since I became chairman this past summer.

This is the 18th judge confirmed since the beginning of this session in late January. Under Democratic leadership, in less than 4 months the Senate has confirmed more judges than were confirmed in all 12 months of 1996 under Republican leadership. The Senate has confirmed more judges in the last 10 months than were confirmed in 4 out of 6 full years under Republican leadership. The number of judicial confirmations over these past 10 months—46—exceeds the number confirmed during all 12 months of 2000, 1999, 1997, and 1996.

Mr. Howard is the 9th Court of Appeals judge confirmed in the less than 10 months since the Judiciary Committee was permitted to reorganize last July. This is more circuit judges than were confirmed in all 12 months of 2000, 1999, 1997, and 1996, 4 of the 6 years of Republican control of the Senate during the Clinton administration. It is triple the number of circuit judges confirmed in 1993, when a Democratic Senate majority was working with a President of the same party and received some cooperation from the administration. It exceeds the number of Court of Appeals judges confirmed by a Republican Senate majority in the first 12 months of the Reagan administration and it equals the number of circuit judges confirmed in the first 12 months of the first Bush administration.

As our action today demonstrates, again, we are moving at a fast pace and confirming conservative nominees. Since the change in Senate majority, the Democratic majority has moved to confirm President Bush's nominees at a faster pace than the nominees of prior Presidents. The rate of confirmations in the past 10 months actually exceeds the rates of confirmation in the past three Presidencies. It took 15 months for the Senate to confirm 46 judicial nominees for the Clinton administration. The pace at the beginning of the Clinton administration amounted to 3.1 judges confirmed per month. In the first 15 months of the first George H.W. Bush administration, only 27 judges were confirmed. The pace at the beginning of the George H.W. Bush administration amounted to 1.8 judges confirmed per month. In President Reagan's first 15 months in office, 54 judges were confirmed. The pace at the beginning of the Reagan administration amounted to 3.6 judges confirmed per month. By comparison, in the less than 10 months since the shift to a Democratic majority in the Senate, President Bush's judicial nominees have been confirmed at a rate of 4.6 per month, a faster pace than for any of the last three Presidents.

During the preceding 6½ years in which a Republican majority most recently controlled the pace of judicial confirmations in the Senate, 248 judges were confirmed. Some like to talk about the 377 judges confirmed during the Clinton administration, but forget to mention that more than one-third were confirmed during the first 2 years of the Clinton administration while the Senate majority was Democratic and Senator BIDEN chaired the Judiciary Committee. The pace of confirmations under a Republican majority was markedly slower, especially in 1996, 1997, 1999, and 2000.

During the 6½ years of Republican control of the Senate, judicial confirmations averaged 38 per year, a pace of consideration and confirmation that we have already exceeded under Democratic leadership in fewer than 10 months, in spite of all of the challenges facing Congress and the Nation during this period and all of the obstacles Republicans have placed in our path. We have confirmed 46 judicial nominees in less than 10 months. This is almost twice as many confirmations as George W. Bush's father had over a longer period, 27 nominees in 15 months, than the period we have been in control of the Senate.

Our Republican critics like to make arguments based on false rather than fair comparisons. They complain that we have not done 24 months of work in the less than 10 months we have been in the majority. That is an unfair complaint. A fair examination of the rate of confirmation shows, however, that Democrats are working harder and faster on judicial nominees, confirming judges at a faster pace than the rates of the past 20 years.

I ask myself how Republicans can justify seeking to hold the Democratic majority in the Senate to a different standard than the one they met themselves during the last 6½ years. There simply is no answer other than partisanship. This double standard is most apparent when Republicans refuse fairly to compare the progress we are making with the period in which they were in the Senate majority with a President of the other party. They do not want to talk about that because we have exceeded the number of judges they confirmed per year.

They would rather unfairly compare the work of the Senate on confirmations in the less than 10 months since the shift in majority to full, 2-year Congresses. I say that it is quite unfair to complain that we have not done 24 months of work on judicial vacancies in the less than 10 months since the Senate reorganized. These double standards asserted by the Republicans are wrong and unfair, but that does not seem to matter to Republicans intent on criticizing and belittling every achievement of the Senate under a Democratic majority.

Republicans have been imposing a double standard on circuit court vacancies as well. The Republican attack is based on the unfounded notion that the Senate has not kept up with attrition on the Courts of Appeals. Well, the Democratic majority in the Senate has more than kept up with attrition and we are seeking to close the vacancies gap on the Courts of Appeals that more than doubled under the Republican majority.

In less than 10 months since the change in majority and reorganization, the Senate has confirmed 9 judges to the Courts of Appeals and held hearings on two others, with another circuit judge hearing scheduled for this week. In contrast, the Republican-controlled majority averaged only seven confirmations to the Courts of Appeals per year. Seven. In the less than 10 months the Democrats have been in the majority, we have already exceeded the annual number of Court of Appeals judges confirmed by our predecessors. The Senate in the last 10 months has confirmed more Court of Appeals judges than were confirmed in 2000, 1999, or 1997, and nine more than the zero from 1996. In an entire session of the 105th Congress, the Republican majority did not confirm a single judge to fill vacancies on the Courts of Appeals. That year has greatly contributed to the doubling of vacancies on the Courts of Appeals during the time in which the Republican majority controlled the Senate.

The Republican majority assumed control of judicial confirmation in January 1995 and did not allow the Judiciary Committee to be reorganized after the shift in majority last summer until July 10, 2001. During the period in which the Republican majority controlled the Senate and in which they delayed reorganization, the period from January 1995 through July 2001, vacancies on the Courts of Appeals increased from 16 to 33, more than doubling.

When Members were finally assigned to the Judiciary Committee on July 10, we began with 33 Courts of Appeals vacancies. That is what I inherited. Since the shift in majority last summer, five additional vacancies have arisen on the

Courts of Appeals around the country. With this week's confirmation of Jeffrey Howard, we have reduced the number of circuit court vacancies to 29. Rather than the 38 vacancies that would exist if we were making no progress, as some have asserted, there now remain 29 vacancies. That is more than keeping up with the attrition on the Circuit Courts.

Since our Republican critics are so fond of using percentages, I will say that we will have filled almost a quarter—29 of 38, or 23.8 percent—of the vacancies on the Courts of Appeals in the last 10 months. In other words, by confirming four more nominees than the five required to keep up with the pace of attrition, we have not just matched the rate of attrition but surpassed it by 80 percent.

While the Republican Senate majority increased vacancies on the Courts of Appeals by over 100 percent, it has taken the Democratic majority less than 10-months to reverse that trend, keep up with extraordinary turnover and, in addition, reduce circuit court vacancies by more than 10 percent overall—from 33 down to 29, or 12.1 percent. This is progress. Rather than having the circuit vacancy numbers skyrocketing, as they did overall during the prior 6½ years—more than doubling from 16 to 33—the Democratic-led Senate has reversed that trend. The vacancy rate is moving in the right direction—down.

Despite claims to the contrary, under Democratic leadership, the Senate is confirming President Bush's Circuit Court nominees more quickly than the nominees of other Presidents were confirmed by Senates, even some with majorities from the President's own party. The number of confirmations to the Circuit Courts has exceeded those who were confirmed over 10 month time frames at the beginning of past administrations. With the confirmation of Jeffrey Howard, 9 Circuit Court nominees will have been confirmed in less than 10-months. This number greatly exceeds the number of Court of Appeals confirmations in the first 10 months of the Reagan administration (three), the first Bush administration (three), and the Clinton administration (two). This is three times, or 300 percent, the number of Court of Appeals nominees confirmed in the comparable 10-month periods of past administrations. With nine circuit judges confirmed in the less than 10 months since the Senate reorganized under Democratic leadership, we have greatly exceeded the number of circuit judges confirmed at the beginning of prior presidencies. Our achievements also compare quite favorably to the 46 Court of Appeals nominees confirmed by the Republican majority in the 76 months during which they most recently controlled the Senate. Their inaction led to the number of Courts of Appeals vacancies more than doubling. With a Democratic Senate majority, the number of circuit vacancies is going down.

Overall, in little less than 10 months, the Senate Judiciary Committee has held 16 hearings involving 55 judicial nominations. That is more hearings on judges than the Republican majority held in any year of its control of the Senate. In contrast, one-sixth of President Clinton's judicial nominees—more than 50—never got a committee hearing and committee vote from the Republican majority, which perpetuated longstanding vacancies into this year. Vacancies continue to exist on the Courts of Appeals in part because a Republican majority was not willing to hold hearings or vote on more than half—56 percent—of President Clinton's Court of Appeals nominees in 1999 and 2000 and was not willing to confirm a single judge to the Courts of Appeals during the entire 1996 session.

Despite the newfound concern from across the aisle about the number of vacancies on the circuit courts, no nominations hearings were held while the Republicans controlled the Senate in the 107th Congress last year. No judges were confirmed during that time from among the many qualified circuit court nominees received by the Senate on January 3, 2001, or from among the nominations received by the Senate on May 9, 2001. Had the Republicans not delayed and obstructed progress on Courts of Appeals nominees during the Clinton administration, we would not now have so many vacancies. Had the Republicans even reversed course just this past year and proceeded on the circuit court nominees sent to the Senate in January, the number of circuit court vacancies today could be in the low twenties, given the pace of confirmation of circuit nominees since the shift in majority last summer.

The Democratic leadership acted promptly to address the number of circuit and district vacancies that had been allowed to grow when the Senate was in Republican control. The Judiciary Committee noticed the first hearing on judicial nominations within 10 minutes of the reorganization of the Senate and held that hearing on the day after the committee was assigned new members.

That initial hearing included a Court of Appeals nominee on whom the Republican majority had refused to hold a hearing the year before. We held unprecedented hearings for judicial nominees during the August recess. Those hearing included a Court of Appeals nominee who had been a Republican staff member of the Senate. We proceeded with a hearing the day after the first anthrax letter arrived at the Senate. That hearing included a Court of Appeals nominee. In less than 10 tumultuous months, the Senate Judiciary Committee has held 16 hearings involving 55 judicial nominations—including 11 circuit court nominees—and we are hoping to hold another hearing this week for half a dozen more nominees, including another Court of Appeals nominee. That is more hearings on judges than the Republican majority held in any year of its control of the Senate. The Republican majority never held 16 judicial confirmation hearings in 12 months. We will hold our 17th judicial confirmation hearing this week.

The Senate Judiciary Committee is holding regular hearings on judicial nominees and giving nominees a vote in committee, in contrast to the practice of anonymous holds and other obstructionist tactics employed by some during the period of Republican control. The Democratic majority has reformed the process and practices used in the past to deny committee consideration of judicial nominees. We have moved away from the anonymous holds that so dominated the process from 1996 through 2000. We have made home State Senators' blue slips public for the first time.

I do not mean by my comments to appear critical of Senator HATCH. Many times during the 6½ years he chaired the Judiciary Committee, I observed that, were the matter left up to us, we would have made more progress on more judicial nominees. I thanked him during those years for his efforts. I know that he would have liked to have been able to do more and not have to leave so many vacancies and so many nominees without action.

I hope to continue to hold hearings and make progress on judicial nominees in order to further the administration of justice. In our efforts to address the number of vacancies on the circuit and district courts we inherited from the Republicans, the committee has focused on consensus nominees for all Senators. In order to respond to what Vice President CHENEY and Senator HATCH now call a vacancy crisis, the committee has focused on consensus nominees. This will help end the crisis caused by Republican delay and obstruction by confirming as many of the President's judicial nominees as quickly as possible.

Most Senators understand that the more controversial nominees require greater review. This process of careful review is part of our democratic process. It is a critical part of the checks and balances of our system of government that does not give the power to make lifetime appointments to one person alone to remake the courts along narrow ideological lines, to pack the courts with judges whose views are outside of the mainstream of legal thought, and whose decisions would further divide our nation.

The committee continues to try to accommodate Senators from both sides of the aisle. The Court of Appeals nominees included at hearings so far this year have been at the request of Senators GRASSLEY, LOTT, SPECTER, ENZI, and SMITH of New Hampshire—five Republican Senators who each sought a prompt hearing on a Court of Appeals nominee who was not among those initially sent to the Senate in May 2001. Each of the previous 45 nominees confirmed by the Senate

has received the unanimous, bipartisan backing of the committee.

Mr. Howard was given a hearing by the Senate Judiciary Committee due to Senator BOB SMITH's efforts. The Senator from New Hampshire is not someone with whom I agree on all issues. Indeed, we have had our disagreements on judicial nominations. He has applied a litmus test over the years and voted against nominees he felt were not against abortion. He voted against at least 20 Clinton judicial nominees. Nonetheless, when Senator SMITH spoke to me about his support for Mr. Howard, I accommodated Senator SMITH's request that we proceed promptly with a hearing on him. Mr. Howard is being confirmed by the U.S. Senate today, because Senator SMITH worked to have this nomination considered favorably.

Some on the other side of the aisle have falsely charged that if a nominee has a record as a conservative Republican, he will not be considered by the committee. That is simply untrue. Take, for example, the nomination of Jeffrey Howard. Just 2 years ago, he campaigned for the Republican nomination for Governor of New Hampshire. He has been a prominent figure in Republican politics in New Hampshire for many years. He served as the New Hampshire Attorney General, the State Deputy Attorney General, and the Chief Counsel in the Consumer Protection Division. He also served as the U.S. Attorney for the District of New Hampshire and the Principal Associate Deputy Attorney General during the first Bush administration. Thus, it would be wrong to claim that we will not consider President George W. Bush's nominees with conservative credentials. We have done so repeatedly.

The committee voted unanimously to report Mr. Howard's nomination to the floor, even though a minority of the ABA committee found the nominee to be not qualified for appointment to the U.S. Court of Appeals for the First Circuit. No Senator is bound by the recommendations of the ABA, but we have always valued their contribution to the process and the willingness of the members of the ABA standing committee to volunteer their time, efforts and judgment to this important task. Based on the judgment of each individual Member about the qualifications of a particular nominee, the Judiciary Committee has reported out other Bush nominees who received mixed ABA peer review ratings and even some with negative recommendations. Mr. Howard is well-regarded by his home-State Senators. The next time Republican critics are bandying around charges that the Democratic majority has failed to consider conservative judicial nominees, I hope someone will ask those critics about Jeffrey Howard, as well as the many other conservative nominees we have proceeded to consider and confirm.

Mr. HATCH. Mr. President, I rise in support of the confirmation of Mr. Jeffrey Howard to the First Circuit Court of Appeals. Mr. Howard's record is impressive. He will make a valuable contribution to an already prestigious First Circuit Court of Appeals.

Mr. Howard graduated summa cum laude from Plymouth State College. While attending Georgetown University Law Center, he became Editor of that institution's American Criminal Law Review.

After law school, Mr. Howard began an illustrious period of service in the New Hampshire Attorney General's Office. There he quickly moved through the ranks to head that office's Consumer Protection and Antitrust Division. Upon successful completion of this assignment, he was promoted to Associate Attorney General in charge of the division of Legal Counsel. He eventually became Deputy Attorney General, in essence, the second in command in this office.

Mr. Howard was then nominated and confirmed as U.S. Attorney for the District of New Hampshire. During his tenure in that office, he became Principal Associate Deputy Attorney General at the Justice Department. Here his responsibilities included advising Attorney General Barr and supervising the Department of Justice's Executive Office for Asset Forfeiture.

Mr. Howard then returned to New Hampshire and was appointed that State's attorney general. He wrote and implemented one of the Nation's first effective comprehensive statewide interdisciplinary protocols to combat domestic violence.

Clearly, Mr. Howard is a leader in the areas of fighting for consumers that were the victims of fraud and the rights of abused women.

The people of New Hampshire can be proud of this nominee; Jeffrey Howard has been a servant of New Hampshire's people. President Bush has done right by the people of New Hampshire and of New England with this nomination. Mr. Howard is a good example of the kind of high-quality judicial nominees selected by President Bush.

Mr. President, I am proud to say that Jeffrey Howard has my support and I believe he will be an outstanding addition to the first circuit.

Mr. SMITH of New Hampshire. Mr. President, I rise in very strong support of the nomination of Jeffrey Howard to the First Circuit Court. I thank the distinguished chairman of the Judiciary Committee, Senator LEAHY, for bringing this nomination forward promptly, and also Senator HATCH, the ranking member. I spoke to Senator LEAHY a couple of weeks ago, and he promised he would bring this nomination forward, and he did. I am deeply appreciative because Jeff Howard is very qualified for this position and I look forward to him having a long and distinguished career on the First Circuit Court. I am proud to support the nomination. I urge my colleagues to do likewise.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I join my colleague, Senator SMITH, in strongly endorsing the nomination of Jeff Howard. I hope my colleagues will vote for him for the First Circuit Court. Jeff Howard has been an extraordinary public servant in New Hampshire. He has served as attorney general, as U.S. attorney. He continues the long tradition of quality individuals who bring integrity, intelligence, and ability to the appeals court in Boston. We are very proud of the fact he will be serving down there upon an affirmative vote from this body.

I yield the floor.

The PRESIDING OFFICER. The question is, will the Senate advise and consent to the nomination of Jeffrey R. Howard to be United States Circuit Judge for the First Circuit.

On this question, the yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 99, nays 0, as follows:

[Rollcall Vote No. 79 Ex.]

YEAS—99

Akaka	Dorgan	Lugar
Allard	Durbin	McCain
Allen	Edwards	McConnell
Baucus	Ensign	Mikulski
Bayh	Enzi	Miller
Bennett	Feingold	Murkowski
Biden	Feinstein	Murray
Bingaman	Fitzgerald	Nelson (FL)
Bond	Frist	Nelson (NE)
Boxer	Graham	Nickles
Breaux	Gramm	Reed
Brownback	Grassley	Reid
Bunning	Gregg	Roberts
Burns	Hagel	Rockefeller
Byrd	Harkin	Santorum
Campbell	Hatch	Sarbanes
Cantwell	Hollings	Schumer
Carnahan	Hutchinson	Sessions
Carper	Hutchison	Shelby
Chafee	Inhofe	Smith (NH)
Cleland	Inouye	Smith (OR)
Clinton	Jeffords	Snowe
Cochran	Johnson	Specter
Collins	Kennedy	Stabenow
Conrad	Kerry	Stevens
Corzine	Kohl	Thomas
Craig	Kyl	Thompson
Crapo	Landrieu	Thurmond
Daschle	Leahy	Torricelli
Dayton	Levin	Voinovich
DeWine	Lieberman	Warner
Dodd	Lincoln	Wellstone
Domenici	Lott	Wyden

NOT VOTING—1

Helms

The nomination was confirmed.

NATIONAL LABORATORIES PARTNERSHIP IMPROVEMENT ACT OF 2001—Continued

AMENDMENTS NOS. 3231, 3232, 3157, 3242, 3244, 3245, 3246, 3247, 3248, 3249, AND 3250

Mr. BINGAMAN. Mr. President, I ask unanimous consent that notwithstanding rule XXII, the pending amendment be set aside and that it be in