

Investments in aviation do have to be made, but it has to be in a balanced way if we are going to avoid gridlock. You cannot ignore the rail system or highway safety and only focus on aviation.

The agreement seeks to guarantee a 64-percent increase in airport grants and a 37-percent increase in modernization funding. Tight budget caps mean either cuts in transportation appropriations—including the Coast Guard or Amtrak—or cuts to other discretionary programs, such as education, health care, veterans' benefits, or agriculture.

Further, it does not provide for the kinds of funding that operations will need to put on more controllers to man this larger system. It does not provide money for the continued training of new controllers.

The PRESIDING OFFICER. The time of the Senator from New Jersey has expired.

Mr. LAUTENBERG. I yield the floor. The PRESIDING OFFICER. The question is on agreeing to the conference report to accompany H.R. 1000. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll. Mr. NICKLES. I announce that the Senator from Arizona (Mr. MCCAIN) is necessarily absent.

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

The result was announced—yeas 82, nays 17, as follows:

[Rollcall Vote No. 35 Leg.]

YEAS—82

Table listing Senators who voted 'Yeas' (82 total). Includes names like Abraham, Akaka, Allard, Ashcroft, Baucus, Bennett, Biden, Bingaman, Bond, Boxer, Breaux, Brownback, Bryan, Bunning, Byrd, Campbell, Chafee, L., Cleland, Cochran, Collins, Conrad, Coverdell, Daschle, DeWine, Dodd, Domenici, Dorgan, Durbin, Enzi, Feingold, Feinstein, Gorton, Graham, Grassley, Hagel, Harkin, Hatch, Helms, Hollings, Hutchinson, Inhofe, Inouye, Johnson, Kennedy, Kerrey, Kohl, Landrieu, Leahy, Levin, Lieberman, Lincoln, Lott, Lugar, Mack, McConnell, Mikulski, Murkowski, Murray, Reed, Reid, Roberts, Rockefeller, Roth, Santorum, Sarbanes, Schumer, Shelby, Smith (NH), Smith (OR), Specter, Stevens, Thomas, Thompson, Thurmond, Torricelli, Voynovich, Warner, Wellstone, Wyden.

NAYS—17

Table listing Senators who voted 'Nays' (17 total). Includes names like Bayh, Burns, Craig, Crapo, Edwards, Fitzgerald, Frist, Gramm, Grams, Gregg, Kyl, Lautenberg, Moynihan, Nickles, Robb, Sessions, Voynovich.

NOT VOTING—1

McCain

The conference report was agreed to. Mr. GORTON. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

ORDER OF PROCEDURE

Mr. GORTON. Mr. President, I ask unanimous consent that the next vote in this series be limited to 10 minutes in length.

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

EXECUTIVE SESSION

NOMINATION OF MARSHA L. BERZON TO BE UNITED STATES CIRCUIT JUDGE FOR THE NINTH CIRCUIT

NOMINATION OF RICHARD A. PAEZ, OF CALIFORNIA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE NINTH CIRCUIT

CLOTURE MOTIONS

The PRESIDING OFFICER. Under the previous order, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

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 A. Daschle.

The PRESIDING OFFICER. By unanimous consent, the quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of Marsha L. Berzon to be United States Circuit Judge for the Ninth Circuit shall be brought to a close?

The yeas and nays are required under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. MCCAIN) is necessarily absent.

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

The yeas and nays resulted—yeas 86, nays 13, as follows:

[Rollcall Vote No. 36 Ex.]

YEAS—86

Table listing Senators who voted 'Yeas' (86 total). Includes names like Abraham, Akaka, Ashcroft, Baucus, Bayh, Bennett, Biden, Bingaman, Bond, Boxer, Breaux, Bryan, Burns, Byrd, Campbell, Chafee, L., Cleland, Cochran, Collins, Conrad, Coverdell, Crapo, Daschle, Dodd, Domenici, Dorgan, Durbin.

Table listing Senators who voted 'Nays' (13 total). Includes names like Kerry, Kohl, Kyl, Landrieu, Lautenberg, Leahy, Levin, Lieberman, Lincoln, Lott, Lugar, Mack, McConnell, Mikulski, Moynihan, Murray, Nickles, Reed, Reid, Robb, Roberts, Rockefeller, Roth, Santorum, Sarbanes, Schumer, Sessions, Smith (OR), Snowe, Specter, Stevens, Thomas, Thompson, Thurmond, Torricelli, Voynovich, Warner, Wellstone, Wyden.

NAYS—13

Table listing Senators who voted 'Nays' (13 total). Includes names like Allard, Brownback, Bunning, Craig, DeWine, Enzi, Gramm, Helms, Hutchinson, Inhofe, Murkowski, Shelby, Smith (NH).

NOT VOTING—1

McCain

The PRESIDING OFFICER. On this vote, the yeas are 86, the nays are 13. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Mr. VOINOVICH. Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion on the nomination, which the clerk will state.

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, Richard G. Lugar, Chuck Hagel, Conrad Burns, John Warner, Patrick Leahy, Charles E. Schumer, Thomas A. Daschle, and Barbara Boxer.

The PRESIDING OFFICER. By unanimous consent, the quorum call under the rule is waived.

The question is, Is it the sense of the Senate that debate on the nomination of Richard A. Paez, of California, to be United States Circuit Judge for the Ninth Circuit, shall be brought to a close?

The yeas and nays are required under the rule. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. MCCAIN) is necessarily absent.

The yeas and nays resulted—yeas 85, nays 14, as follows:

[Rollcall Vote No. 37 Ex.]

YEAS—85

Table listing Senators who voted 'Yeas' (85 total). Includes names like Abraham, Akaka, Ashcroft, Baucus, Bayh, Bennett, Biden, Bingaman, Bond, Boxer, Breaux, Bryan, Burns, Byrd, Campbell, Chafee, L., Cleland, Cochran.