

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

The result was announced—yeas 92, nays 0, as follows:

[Rollcall Vote No. 55 Ex.]

YEAS—92

Akaka	Dodd	Lott
Alexander	Dole	Lugar
Allard	Domenici	McCain
Allen	Dorgan	Mikulski
Baucus	Durbin	Murkowski
Bayh	Ensign	Murray
Bennett	Enzi	Nelson (FL)
Bingaman	Feingold	Nelson (NE)
Bond	Feinstein	Nickles
Boxer	Fitzgerald	Pryor
Breaux	Frist	Reed
Brownback	Graham (FL)	Reid
Bunning	Graham (SC)	Roberts
Burns	Grassley	Rockefeller
Byrd	Gregg	Santorum
Cantwell	Hagel	Sarbanes
Carper	Harkin	Schumer
Chafee	Hatch	Sessions
Chambliss	Hollings	Shelby
Clinton	Inhofe	Smith
Cochran	Inouye	Snowe
Coleman	Jeffords	Specter
Collins	Johnson	Stabenow
Conrad	Kennedy	Stevens
Cornyn	Kohl	Sununu
Corzine	Landrieu	Talent
Craig	Lautenberg	Thomas
Crapo	Leahy	Voivovich
Daschle	Levin	Warner
Dayton	Lieberman	Wyden
DeWine	Lincoln	

NOT VOTING—8

Biden	Hutchison	McConnell
Campbell	Kerry	Miller
Edwards	Kyl	

The nomination was confirmed.

#### THE CONFIRMATION OF DANIEL BREEN TO BE A UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF TENNESSEE

Mr. FRIST. Mr. President, I am in strong support of Judge Daniel Breen to be United States District Judge for the Western District of Tennessee.

For more than a decade Judge Breen has admirably served the state of Tennessee's Western District as a United States Magistrate Judge. Before assuming this position in the Jackson and Memphis area, he practiced law in most of the surrounding West Tennessee counties for sixteen years.

Judge Breen graduated first in his class from Spring Hill College and later graduated from the University of Tennessee College of Law. His list of bar-related and civic activities is long and distinguished: President of the Tennessee Bar Association, Subcommittee Chair in the American Bar Association, Executive Committee member of the West Tennessee Council Boy Scouts of America, and a Lifetime Board Member of the West Tennessee Cerebral Palsy Center. As you can tell, his roots are deep with the people he serves.

In addition to an active civil trial docket, Judge Breen is also recognized as an effective mediator, and an instructor and author on alternative dispute resolution. He has made a broad range of contributions to the bar, as well as the State and Federal courts. This work has earned him the respect of the local legal community. I have

heard from many in the Tennessee bar praising Judge Breen's thoughtfulness and judicial temperament. Judge Breen is a dedicated, hard working and even-handed jurist.

Judge Breen's record has prepared him to be ready for this job beginning on day one. I am honored to support his confirmation, and I know he will serve the Western District of Tennessee as a U.S. District Judge with distinction. I thank my colleagues for voting for his confirmation.

Mr. HATCH. Mr. President, I am pleased today to support Judge John Breen, who has been nominated to the U.S. District Court for the Western District of Tennessee.

Judge Breen has served on both sides of the bench with distinction. Upon graduating from the University of Tennessee Law School in 1975, he entered private practice by joining the Jackson firm of Waldrop & Hall. He is one of the few lawyers these days who spent his entire litigating career with a single firm. His area of expertise was general civil litigation. In addition to representing insurance companies and self-insured businesses, he also represented individual clients in real estate, commercial, corporate and estate planning matters.

Judge Breen has made a broad range of contributions to the bar. He served as the President of the Tennessee Bar Association, which reflects the high esteem in which his colleagues hold him. He also served on the Board of Directors for the Tennessee Bar Foundation. In the course of his career, he has accepted many appointments to represent indigent criminal defendants in State and Federal court. Judge Breen also provided many hours of pro bono service for West Tennessee Legal Services.

Since 1991, Judge Breen has served as a Federal magistrate judge, where he has handled a broad array of evidentiary hearings and issued many reports and recommendations. In addition, Judge Breen is also recognized as an effective mediator, as well as an instructor and author on alternative dispute resolution.

The American Bar Association rated Judge Breen unanimously well qualified, its highest rating. I am confident that he will serve on the bench with integrity, intelligence and fairness.

Mr. ALEXANDER. Mr. President, I support the nomination of John Daniel Breen to be a United States District Judge for the Western District of Tennessee. I am pleased that the Senate has moved so expeditiously to confirm this exceptional nominee.

Mr. Breen is currently a United States Judge in the Western District of Tennessee. Judge Breen was recommended last year by the current Senate Majority Leader, my colleague, Senator FRIST, and former Senator Thompson. I am pleased to add my voice in support of his nomination. As someone who, as Governor of Tennessee appointed some 50 judges, I am

confident that Judge Breen will continue to be an able Federal judge when he is confirmed as a United States District Judge for the Western District of Tennessee.

Judge Breen was born and raised in Jackson, TN. He was a summa cum laude graduate of Spring Hill College in Mobile, AL in 1972, and was valedictorian of his class. He received his Juris Doctorate from the University of Tennessee College of Law in 1975, where he served as a member of the law review.

After receiving his law degree, Judge Breen worked for sixteen years with the law firm of Waldrop and Hall, P.A. in Jackson, TN. Judge Breen has been a United States Judge for the Western District of Tennessee since 1991 and has an excellent reputation in this position.

Judge Breen has vast litigation experience. As a practicing attorney, he practiced general civil litigation primarily in the areas of tort law and workers' compensation. Judge Breen was involved in litigating one of the premier lawsuits in Tennessee in the 1990's, which resulted in the adoption of comparative negligence.

Judge Breen has been actively involved and held leadership positions in local, State and national bar associations throughout his legal career. He has also been extremely active in his community by, among other things, providing pro bono legal services to disadvantaged persons and serving as a member on a variety of community organizations.

I am confident that Judge Breen will be a fine United States District Judge for the Western District of Tennessee, and I thank all my colleagues who supported this nomination.

#### NOMINATION OF MIGUEL A. ESTRADA, OF VIRGINIA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE DISTRICT OF COLUMBIA CIRCUIT

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate now continue in executive session with the consideration of the Estrada nomination.

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

The clerk will report.

The assistant legislative clerk read the nomination of Miguel A. Estrada, of Virginia, to be United States Circuit Judge for the District of Columbia Circuit.

CLOTURE MOTION

Mr. FRIST. Mr. President, I send a cloture motion to the desk.

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