

[Rollcall Vote No. 326 Leg.]

YEAS—52

Akaka	Durbin	Mikulski
Baucus	Feingold	Murkowski
Bayh	Feinstein	Murray
Biden	Grassley	Nelson (FL)
Bingaman	Hagel	Nelson (NE)
Boxer	Harkin	Pryor
Breaux	Hollings	Reed
Byrd	Inouye	Reid
Cantwell	Jeffords	Roberts
Clinton	Johnson	Rockefeller
Coleman	Kennedy	Sarbanes
Collins	Kohl	Schumer
Conrad	Landrieu	Smith
Corzine	Lautenberg	Snowe
Daschle	Leahy	Stabenow
Dayton	Levin	Wyden
Dodd	Lincoln	
Dorgan	McCain	

NAYS—43

Alexander	Crapo	Lugar
Allard	DeWine	McConnell
Allen	Dole	Nickles
Bennett	Domenici	Santorum
Bond	Ensign	Sessions
Brownback	Enzi	Shelby
Bunning	Fitzgerald	Specter
Burns	Frist	Stevens
Campbell	Graham (SC)	Sununu
Carper	Gregg	Talent
Chafee	Hatch	Thomas
Chambliss	Hutchison	Voivovich
Cochran	Inhofe	Warner
Cornyn	Kyl	
Craig	Lott	

NOT VOTING—5

Edwards	Kerry	Miller
Graham (FL)	Lieberman	

The PRESIDING OFFICER (Mrs. DOLE). On this vote, the yeas are 52, the nays are 43. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained, and the amendment falls.

Mr. SPECTER. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

EXECUTIVE SESSION

NOMINATION OF STEVEN M. COLLOTON, OF IOWA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE EIGHTH CIRCUIT

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the nomination of Steven Colloton, to be United States Circuit Judge. The clerk will report the nomination.

The legislative clerk read the nomination of Steven M. Colloton, of Iowa, to be United States Circuit Judge for the Eighth Circuit.

The PRESIDING OFFICER. There are now 2 minutes of debate evenly divided. Who yields time? The Senator from Utah.

Mr. HATCH. Madam President, I rise today to express my unqualified support for the nomination of Steven Colloton to the Eighth Circuit Court of Appeals and to urge my colleagues to confirm this fine nominee.

Mr. Colloton has excellent academic and professional qualifications for the Federal bench. A graduate of the prestigious Yale Law School, Mr. Colloton

clerked for two distinguished judges, D.C. Circuit Judge Laurence H. Silberman and U.S. Supreme Court Justice William H. Rehnquist. Mr. Colloton then worked as an attorney with the White House's Office of Legal Counsel at the Department of Justice for a year and then, eager to return to his Midwestern roots, accepted a position as an assistant U.S. attorney in the Northern District of Iowa.

Mr. Colloton has impressive courtroom experience. He has argued 18 cases in the Federal courts of appeals, and has briefed several other cases. He has tried approximately 13 criminal cases to verdict. In addition, as an assistant U.S. attorney, Mr. Colloton was in the courtroom regularly to argue motions or evidentiary matters. He oversees an office which includes 25 attorneys.

Twenty-seven past presidents of the Iowa State Bar have written of Mr. Colloton, "[W]e submit that the exceptional quality of Mr. Colloton's experience, together with its relevance to this position, uniquely qualifies him to represent Iowa on the United States Court of Appeals."

I could not agree more. Mr. Colloton has demonstrated his capacity to excel on the Federal court bench. He possesses the qualifications, the capacity, and the temperament a judge needs to serve on the Eighth Circuit.

I thank the Chair. I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Madam President, today, we vote to confirm Steven Colloton to a lifetime appointment on the United States Court of Appeals for the Eighth Circuit. Mr. Colloton comes to us with bipartisan support from both his home-state Senators, for whom I have great respect. Steven Colloton currently serves as the U.S. Attorney for the Southern District of Iowa. While I continue to remain concerned that, at 40 years old, Mr. Colloton received a partial not qualified rating from the ABA, he has a good academic record and has a record of public service in the state of Iowa.

I note that Mr. Colloton is the ninth confirmed circuit court judge who is a member of the Federalist Society and the third former member of White-water prosecutor Ken Starr's office to be confirmed to a Federal judgeship. I would like to take this opportunity to express my hope that Mr. Colloton acts as a fair and impartial judge, despite his active role in conservative political causes and groups. It was very troubling that another former Starr prosecutor confirmed to the Federal bench overlooked years of precedent to rule in favor of Vice President CHENEY and against the American people's interest in open access to who was advising the administration on energy policy, a special concern in the aftermath of the blackouts in the Northeast this August.

Mr. Colloton's confirmation process stands in stark contrast to what oc-

curred with judicial nominees during the Clinton administration. His confirmation process has been expeditious and smooth. In contrast, an earlier nominee to the Eighth Circuit from Iowa, Bonnie Campbell, never even received a vote before the Judiciary Committee following the hearing on her nomination. Ms. Campbell was a former attorney general of Iowa, a former head of the Department of Justice's Office on Violence Against Women, and a nominee who also had the support of both of her home-state Senators including a senior Republican Senator. Neither the nominee nor the Judiciary Committee members were ever told why the Republican majority refused to accord her nomination a Committee vote and, when given the chance to do right by her, President Bush instead decided to withdraw her nomination.

Another contrast exemplified by Mr. Colloton's confirmation process is the pace of confirming circuit court judges. Steven Colloton will be the 28th circuit court judge confirmed since President Bush has taken office. Again, this stands in strong contrast to what occurred during President Clinton's second term in office. More than 3 years passed in President Clinton's second term before the 28th circuit court judge was confirmed. And, we have already confirmed more circuit court nominees of this President, since July of 2001, than were confirmed at this time in the third year of President Reagan's first term, President George H.W. Bush's term, or either of President Clinton's terms.

Finally, I point out that with Mr. Colloton's confirmation, there will be as many active George W. Bush appointees on the bench as there are active George Herbert Walker Bush appointees. The President's father served 4 full years. This President has served less than three and already has made as much impact on the Federal courts across the country.

I congratulate Steven Colloton, his family, and the Senators from Iowa on his confirmation.

Madam President, to reiterate this will be the 28th circuit court judge confirmed since President Bush has taken office. For those who are wondering, that is more circuit court nominees confirmed than in the third year of President Reagan's first term or President George H. Bush's term or either of President Clinton's terms. We have done far better, I might say, for President George Bush than we have his three predecessors.

I will also note a contrast. Mr. Colloton's nomination moved very quickly, as contrasted to President Clinton's nominee for the same seat, Bonnie Campbell, who was never given a vote before the Judiciary Committee. Even though she had been a former attorney general of Iowa, she was the former head of the Department of Justice's Office of Violence Against Women, and she had the support of

both of her home State Senators, she was never given a vote.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. LEAHY. I will support Steven Colloton.

Mr. GRASSLEY. Madam President, I urge my colleagues to support an excellent judicial nominee for the U.S. Court of Appeals for the Eighth Circuit. Steven Colloton is an outstanding individual with an extensive record of public service and impressive legal career. I am glad that the Senate is finally voting on this nomination.

Steve Colloton is an Iowan, born in Iowa City. He graduated from Princeton University and Yale Law School. He served as a law clerk to Judge Laurence Silberman on U.S. Court of Appeals for the D.C. Circuit, and then as a law clerk to the Honorable William Rehnquist, Chief Justice of the U.S. Supreme Court. Subsequently, Steve Colloton worked as an attorney with the Office of legal Counsel at the Justice Department and then as an assistance U.S. attorney in the Northern District of Iowa for 8 years, with a brief detail as an associate independent counsel in the Office of Independent Counsel. From 1991 to 2001, he was partner at a law firm in Des Moines, IA.

After the 9/11 terrorist attacks, Steve Colloton returned to government service and was unanimously confirmed by the Senate to the position of U.S. Attorney for the Southern District of Iowa. There he has focused his efforts on combating crime and enforcing drug laws, as well as fighting terrorism. He has done a great job serving our country as an Iowa U.S. Attorney.

In addition, Steve Colloton has many strong supporters. Twenty-seven past presidents of the Iowa State Bar wrote that "the exceptional quality of Mr. Colloton's experience, together with its relevance to this position, uniquely qualifies him to represent Iowa on the United States Court of Appeals."

Members of the Polk County Chiefs of Police and Sheriff's Association wrote, "Steve Colloton is the right choice for the Eighth Circuit Court Judge position, and we fully endorse President Bush's nomination." Even people who have worked on the other side of Steve Colloton think very highly of him. George Collins, the attorney for Jim Guy Tucker, wrote, "I am convinced Steve Colloton is an honorable man, and that, when cases come before him, he will call them as he sees them.

. . . I believe that his case will be decided on the law, and, to the extent applicable, the facts. . . ." These quotes show just how much confidence people have that Steve Colloton will make a good Eighth Circuit judge.

Steve Colloton has all the right qualifications to be a Federal judge. He is a bright lawyer with tremendous legal experience and who is well respected by his peers. He is a man who will follow the law and have a healthy respect for case precedent. He understands that the role of a judge is to in-

terpret the law, rather than create it. Steve Colloton will make an excellent judge on the Eighth Circuit, and I urge my colleagues to join me in supporting his nomination.

Mr. LEAHY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is, Will the Senate advise and consent to the nomination of Steven M. Colloton, of Iowa, to be United States Circuit Judge for the Eighth Circuit? The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from North Carolina (Mr. EDWARDS), the Senator from Florida (Mr. GRAHAM), the Senator from Massachusetts (Mr. KERRY), the Senator from Connecticut (Mr. LIEBERMAN), and the Senator from Georgia (Mr. MILLER) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote "yea".

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

The result was announced—yeas 94, nays 1, as follows:

[Rollcall Vote No. 327 Ex.]

YEAS—94

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

NAYS—1

Hollings

NOT VOTING—5

Edwards	Kerry	Miller
Graham (FL)	Lieberman	

The nomination was confirmed.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the President is notified of the Senate's action and the Senate returns to legislative session.

Mr. DASCHLE. Madam President, I will have a short statement but I ask

unanimous consent that, following that, Senator HATCH be recognized for a statement as well.

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

CONGRATULATIONS, SENATOR LAUTENBERG

Mr. DASCHLE. Madam President, I congratulate our friend and colleague, FRANK LAUTENBERG, on reaching a historic milestone: With the last vote, Senator LAUTENBERG became only the fourth New Jersey Senator in history to cast 6,500 votes in the Senate. Not bad for a freshman.

That incredible accomplishment is a reflection of Senator LAUTENBERG's deep commitment to his State, to his Nation, and to this Senate. One of the many reasons we are grateful he decided to end his retirement and return to the Senate is, over one 3-year period, covering the second session of the 101st Congress and both sessions of the 102nd Congress, Senator LAUTENBERG did not miss one vote. Out of 876 cast, he did not miss 1 single vote. The following year, he missed only 1 of 394 votes cast. He is what we all know to be a workhorse.

I am not sure if we should call him New Jersey's senior Senator or New Jersey's junior Senator, but there is no doubt he is a remarkable Senator.

I congratulate him again on this milestone. I look forward to seeing him cast many more votes in this Chamber. Congratulations.

I ask unanimous consent that Senator LAUTENBERG be recognized for a couple of minutes to respond.

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

Mr. LAUTENBERG. I thank our leader, the Democrat leader, for the kind comments, and my colleagues, some of whom are more accustomed to differing with me than applauding for me, but I respect their views when they register a vote and I am sure the feeling would be returned.

I thank all of my colleagues for their many indulgences and their encouragement and willingness to take me back because here I stand in probably another record, maybe the oldest freshman who ever served in the Senate. I feel fresh, and I am glad to be here. I thank all of my colleagues for their friendship.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. I compliment my colleague from New Jersey and am very proud of him for having cast those many votes.

I ask that my remarks be as in morning business.

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

WITHDRAWAL OF ESTRADA NOMINATION

Mr. HATCH. Madam President, I rise today to speak on the unfortunate