

be opportunity for discussion of individual amendments, if there are any, and I am sure there will be some for the Senate's consideration. But this is the final appropriations bill that will be considered in the regular appropriations process by the Senate this year. It is important that we notice the House has passed all of its appropriations bills and they did so early in the year. A lot of credit ought to be given to the distinguished gentleman from California, Mr. LEWIS, who is chairman of the House Appropriations Committee, in getting that work done and getting it done early in the year so the bills could come over to the Senate and give us an opportunity to review them and carefully consider the legislation.

I also want to point out that our committee works on a bipartisan basis. That is possible because of the cooperation of the distinguished ranking member of the committee, the Senator from West Virginia, Mr. BYRD. He is a former chairman of this committee, with a tremendous amount of knowledge of the legislation, and he has contributed in helping ensure the cooperation of all members of the committee, Democrats working with the Republicans, to report these bills to the Senate. It is a bipartisan effort and I think that is important for us as we complete our consideration of these bills this year.

We have had three bills passed with conference reports approved and they have been signed by the President. There are seven bills that have been passed by the Senate that are in conference with the House. The importance of this effort is to ensure that we can pass these bills on an individual basis and not have to resort to adding them all together, putting them all in one legislative vehicle as an omnibus appropriations bill, as we have seen happen in the past.

One other point that needs to be made is that, were it not for the cooperation of the leadership, we would not have been able to have the bills considered on an individual basis. That has been very important to the success of this enterprise and this effort. So the distinguished majority leader, in cooperation with the minority leader, has ensured that the Appropriations Committee has had time in the Senate to consider these bills on an individual basis, and that has been very important. It is our hope we will be able to complete action on all the bills and get them to the President so there will not be any delay in the planned adjournment of the Senate at Thanksgiving, as has been announced by the distinguished leader. We are hopeful we will be able to have time to reach agreement in conference with our House colleagues and get all of these remaining bills to the President for his signature before we adjourn at Thanksgiving.

Thank you all for the efforts you have made to cooperate with our committee to consider these bills in an orderly process. I think it is going to re-

sult in a better product, a more thoughtful approach to the appropriations process, and the people of this country will benefit from this record of achievement by the members of the committees and all of the Members of both bodies.

There are 72 Senators who are not members of the Appropriations Committee. Any one of them has the power to offer any amendment on any bill at any time during the consideration of these individual bills. If we had to group them all as an omnibus bill, it would take away from the opportunity each Senator has to participate in this process. So I thank all 72 Senators who have taken an active role in helping assure the success of this operation this year.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

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

NOMINATION OF HARRY SANDLIN MATTICE, JR.

Mr. FRIST. Mr. President, in a few moments we will begin two rollcall votes. The second of those votes will be on the nomination of Harry S. "Sandy" Mattice, Jr.

I hesitated a little bit because it is Harry S. Mattice, but nobody calls him that. It is Sandy to those of us who are his good friends and admirers.

The nomination is to serve on the United States District Court for the Eastern District of Tennessee.

I have known Sandy for many years and am proud to give him my absolute highest recommendation to serve on the Federal bench.

He is a native of Chattanooga, TN. He has nearly 17 years of experience as a practicing attorney, focusing primarily on business investigations, including securities and tax and white-collar crimes.

He currently serves as U.S. Attorney for the Eastern District of Tennessee, and in that role he manages Federal prosecutions for Tennessee's largest judicial district which encompasses 41 counties and 2.5 million Tennesseans.

Sandy will be an outstanding Federal judge. He is smart, he has a rock-solid work ethic, he respects his colleagues, and in turn has earned their respect and widespread admiration.

Throughout his entire career, Sandy has proved his merit as a skilled attorney and a talented prosecutor.

The American Bar Association gave him its highest possible rating, "unanimously well-qualified," to serve as a Federal judge.

In addition to his many professional qualifications, Sandy is an honest person of the highest integrity. He is devoted to his family and is active in his local community.

I have absolutely no doubt that Sandy will serve with honor on the Federal bench.

As we prepare to vote, I urge my colleagues to support the nomination of this truly outstanding and distinguished Tennessean.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I join the majority leader. The President has made a wise decision.

I respectfully say, in choosing Sandy Mattice, by scholarship, by experience, by integrity, by background he should be an excellent judge.

I should say, also, that he follows an excellent judge, Al Edgar. We are contemporaries. We grew up at the same time, same age, in towns close to one another.

Sandy Mattice has big shoes to fill, but he will fill them well; he is well-qualified. I salute the President for his outstanding appointment and I join the majority leader in expressing my pride in the nomination and look forward to his confirmation.

EXECUTIVE SESSION

NOMINATION OF BRIAN EDWARD SANDOVAL TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF NEVADA

The PRESIDING OFFICER. Under the previous order, the hour of 5:30 having arrived, the Senate will proceed to executive session to consider Executive Calendar No. 385, which the clerk will report.

The legislative clerk read the nomination of Brian Edward Sandoval, of Nevada, to be United States District Judge for the District of Nevada.

The PRESIDING OFFICER. There will now be a period of 2 minutes of debate equally divided prior to the vote.

Mr. REID. Mr. President, we are voting on a lifetime appointment of Brian Sandoval to be a U.S. District Judge for the District of Nevada.

Brian Sandoval is presently the attorney general of the State of Nevada. This is an elected position. I have known Brian Sandoval for many years. He served previously in the Nevada State Legislature as an assemblyman. He served as Chairman of the Nevada Gaming Commission. Brian Sandoval was recommended by this Senator to be a Federal judge. At the time I made that recommendation, I knew he was a Republican. When the Democrats had control of the Senate and we had a Democratic President, I asked Brian Sandoval at that time if he would be agreeable to my sending his name to the President. He said he was not ready at that time.

My friend, the junior Senator from the State of Nevada, when he learned there was going to be a Republican President, said that he would allow me to recommend every fourth district court judge. This is something he did not have to do. He did it to be nice, and I appreciate that. That is how I came

to have the opportunity to send the name of Brian Sandoval to the President.

There is a lot of controversy over judges, but I think Brian Sandoval is the kind of person who should become a judge. He has not generated controversy. That is because he is a person who, in all of his activities, has been very bipartisan and fair. As a judge, he will be nonpartisan. He comes from a good family. Frankly, the reason he decided to leave elected office to be a judge is because he felt spending the time it takes to campaign and raise money took away from his family, his wife Kathleen and his children James, Madeline and Marisa. I am paraphrasing what he told me. But he said: I didn't want to be in Alcoa when my children are involved in extracurricular activities. I should be there.

These are choices we all have to make. I am confident Brian Sandoval made the best choice for him, his family, the State of Nevada, and the country. He will be a fine judge. I am honored to have the opportunity to recommend him. The Senate will vote for him overwhelmingly, and he will not disappoint us in the Senate.

I yield the floor.

Mr. FRIST. The majority yields back their 2 minutes, and I believe the Democratic side will yield back their remaining time.

Mr. REID. 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 Brian Edward Sandoval, of Nevada, to be United States District Judge for the District of Nevada?

The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. The following Senators were necessarily absent: the Senator from Arizona (Mr. MCCAIN), the Senator from Alabama (Mr. SESSIONS), and the Senator from Oregon (Mr. SMITH).

Further, if present and voting, the Senator from Alabama (Mr. SESSIONS) would have voted "yea."

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from New Jersey (Mr. CORZINE), the Senator from California (Mrs. FEINSTEIN), the Senator from Hawaii (Mr. INOUE), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Florida (Mr. NELSON), the Senator from Illinois (Mr. OBAMA), and the Senator from Oregon (Mr. WYDEN) are necessarily absent.

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

The result was announced—yeas 89, nays 0, as follows:

[Rollcall Vote No. 265 Ex.]

YEAS—89

Akaka	Allard	Baucus
Alexander	Allen	Bayh

Bennett	Dorgan	Martinez
Bingaman	Durbin	McConnell
Bond	Ensign	Mikulski
Boxer	Enzi	Murkowski
Brownback	Feingold	Murray
Bunning	Frist	Nelson (NE)
Burns	Graham	Pryor
Burr	Grassley	Reed
Byrd	Gregg	Reid
Cantwell	Hagel	Roberts
Carper	Harkin	Rockefeller
Chafee	Hatch	Salazar
Chambliss	Hutchison	Santorum
Clinton	Inhofe	Sarbanes
Coburn	Isakson	Schumer
Cochran	Jeffords	Shelby
Coleman	Johnson	Snowe
Collins	Kerry	Specter
Conrad	Kohl	Stabenow
Cornyn	Kyl	Stevens
Craig	Landrieu	Sununu
Crapo	Lautenberg	Talent
Dayton	Leahy	Thomas
DeMint	Levin	Thune
DeWine	Lieberman	Vitter
Dodd	Lincoln	Voinovich
Dole	Lott	Warner
Domenici	Lugar	

NOT VOTING—11

Biden	Kennedy	Sessions
Corzine	McCain	Smith
Feinstein	Nelson (FL)	Wyden
Inouye	Obama	

The nomination was confirmed.

Mr. LEAHY. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

NOMINATION OF HARRY SANDLIN MATTICE, JR., TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF TENNESSEE

The PRESIDING OFFICER. The clerk will report the next nomination.

The bill clerk read the nomination of Harry Sandlin Mattice, Jr., of Tennessee, to be United States District Judge for the Eastern District of Tennessee.

Mr. LEAHY. Mr. President, I yield back our time.

Mr. SPECTER. Mr. President, I yield back our time.

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

The PRESIDING OFFICER. Is there a sufficient second?

The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, a very short statement about the Labor, Health and Human Services, and Education bill. A cloture motion is being filed this evening, which will call for all germane amendments to be filed by Wednesday at noon.

I see some doubt as to whether we are filing a cloture motion. Soon, the cloture motion will be filed. But we have a very complex bill in hand. We are asking Members to file their amendments and bring them down for arguments so we can proceed to finish this bill in a timely manner—no later than by the end of this week, and hopefully sooner.

I yield the floor.

The PRESIDING OFFICER. The request is for the yeas and nays.

Is there a sufficient second?

There appears to be a sufficient second.

The question is, Will the Senate advise and consent to the nomination of Harry Sandlin Mattice, Jr., of Tennessee, to be United States District Judge for the Eastern District of Tennessee.

The clerk will call the roll.

The bill clerk called the roll.

Mr. MCCONNELL. The following Senators were necessarily absent: the Senator from Arizona (Mr. MCCAIN), the Senator from Alabama (Mr. SESSIONS), and the Senator from Oregon (Mr. SMITH).

Further, if present and voting, the Senator from Alabama (Mr. SESSIONS) would have voted "yea."

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from New Jersey (Mr. CORZINE), the Senator from Hawaii (Mr. INOUE), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Florida (Mr. NELSON), and the Senator from Oregon (Mr. WYDEN) are necessarily absent.

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

The result was announced—yeas 91, nays 0, as follows:

[Rollcall Vote No. 266 Ex.]

YEAS—91

Akaka	Dodd	Lugar
Alexander	Dole	Martinez
Allard	Domenici	McConnell
Allen	Dorgan	Mikulski
Baucus	Durbin	Murkowski
Bayh	Ensign	Murray
Bennett	Enzi	Nelson (NE)
Bingaman	Feingold	Obama
Bond	Feinstein	Pryor
Boxer	Frist	Reed
Brownback	Graham	Reid
Bunning	Grassley	Roberts
Burns	Gregg	Rockefeller
Burr	Hagel	Salazar
Byrd	Harkin	Santorum
Cantwell	Hatch	Sarbanes
Carper	Hutchison	Schumer
Chafee	Inhofe	Shelby
Chambliss	Isakson	Snowe
Clinton	Jeffords	Specter
Coburn	Johnson	Stabenow
Cochran	Kerry	Stevens
Coleman	Kohl	Sununu
Collins	Kyl	Talent
Conrad	Landrieu	Thomas
Cornyn	Lautenberg	Thune
Craig	Leahy	Vitter
Crapo	Levin	Voinovich
Dayton	Lieberman	Warner
DeMint	Lincoln	
DeWine	Lott	

NOT VOTING—9

Biden	Kennedy	Sessions
Corzine	McCain	Smith
Inouye	Nelson (FL)	Wyden

The nomination was confirmed.

The PRESIDING OFFICER. Without objection, the President is notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

Mr. DODD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.