

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.