

McKinnell. This group sacrificed many long hours to bring these agreements to fruition. Without their hard work and dedication, our success today would not have been possible.

Mr. BAUCUS had a good staff helping him as well and I would like to take a moment and thank them for their efforts. I thank Senator BAUCUS' Staff Director, Jeff Forbes, and General Counsel, William Dauster. I also appreciate the work of his trade staff led by the Chief International Trade Counsel, Tim Punke, along with Shara Aranoff, John Gilliland, Brian Pomper and Lara Birkes.

A sincere thank you also must be given to Polly Craighill from the office of the Senate Legislative Counsel, for her patience and expertise in drafting this legislation. She is truly a valued part of this institution, and her knowledge of the law and devotion to task is without equal.

We can all be proud of today's accomplishments. I look forward to President Bush signing these two bills into law.

#### TEMPORARY ENTRY PROVISIONS IN THE CHILE AND SINGAPORE FREE TRADE AGREEMENTS

The PRESIDING OFFICER. Under the previous order, S. Res. 211 regarding immigration provisions is agreed to, the preamble is agreed to, and the motions to reconsider are laid on the table, en bloc.

The resolution (S. Res. 211) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

#### S. RES. 211

Whereas the transmittal of the legislation implementing the Chile and Singapore Free Trade Agreements to the Senate on July 15, 2003, was preceded by debate over whether temporary entry provisions in both the underlying language of the Chile and Singapore Free Trade Agreements and in the implementing legislation should be included;

Whereas article I, section 8, clause 3 of the Constitution authorizes Congress "to regulate Commerce with foreign Nations, and among the several States", and article I, section 8, clause 4 of the Constitution provides that Congress shall have power to "establish a uniform Rule of Naturalization";

Whereas the Supreme Court has long interpreted these provisions of the Constitution to grant Congress plenary power over immigration policy;

Whereas members of the Senate often disagree about immigration policy, but agree that the formulation of immigration policy belongs to Congress; and

Whereas the practice of negotiating temporary entry provisions in the context of bilateral or multilateral trade agreements curtails the ability of Congress to regulate the Nation's immigration policies, including the admission of foreign nationals: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) trade agreements are not the appropriate vehicle for enacting immigration-related laws or modifying current immigration policy; and

(2) future trade agreements to which the United States is a party and the legislation

implementing the agreements should not contain immigration-related provisions.

The PRESIDING OFFICER. The majority leader is recognized.

#### ORDER OF PROCEDURE

Mr. FRIST. Mr. President, I ask unanimous consent that the pending motion and all amendments be withdrawn and the bill be returned to the calendar; further, that the two scheduled cloture votes be vitiated.

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

#### EXECUTIVE SESSION

#### EXECUTIVE CALENDAR

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session and to consecutive votes on the following nominations on today's Executive Calendar: Calendar Nos. 305, 306, 307, 314, and 315. I further ask unanimous consent that following the votes, the motions to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Is there objection?

Mr. LOTT. Reserving the right to object, Mr. President, I would like to inquire of the leader, does that mean we would then have five consecutive votes on the five district judges?

Mr. FRIST. Mr. President, the unanimous consent does mean that we will have five consecutive votes on the district judges.

Mr. LOTT. Mr. President, could I ask unanimous consent that the request be amended to the effect that we have a recorded vote on the first judge and the next four be by voice vote?

Mr. LEAHY. I object.

Mr. LOTT. Could I propose that the request be amended so that we would have a recorded vote on the first three and count that as one, and that the last two be on voice vote?

The PRESIDING OFFICER. Does the majority leader so modify the request?

Mr. LEAHY. Reserving the right to object, could the distinguished Senator from Mississippi, my good friend, repeat that? I am not sure I understood.

Mr. LOTT. I was proposing the first vote would be en bloc on the first three judges and that the final two be by voice vote.

Mr. LEAHY. So the first vote would count for three.

Mr. LOTT. The first vote would count for three.

Mr. LEAHY. I have no objection.

Mr. BYRD. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. LOTT. Could I ask if the leader would consider a modification—with apologies to all because I know we would all like to wrap this up—that we

have the first two votes be recorded votes of 10 minutes and the final three be voice votes.

The PRESIDING OFFICER. Does the majority leader so modify his unanimous consent request?

Mr. FRIST. Mr. President, the majority leader does so modify. Calendar No. 305 would be a 10-minute vote; 306 would be a ten-minute vote, and the remaining three, 307, 314, and 315 would be en bloc and a voice vote.

The PRESIDING OFFICER. Is there objection?

Mr. LEAHY. Reserving the right to object, Mr. President, I have discussed this with the distinguished Senator from Mississippi. I have not heard any request from any of the members of the Judiciary Committee, chairmen or otherwise, on this. I have heard a number of members on the other side of the Judiciary Committee attack people on this side for not allowing judges to go through. This will make 145 of President Bush's judges going through. I was concerned because we have done so many by voice vote that my friends on the other side of the aisle have been so critical of this side for not allowing judges to go through. They may not have realized they were going through because we have voice-voted so many.

Because my good friend from Mississippi has asked me this as a personal matter, I have no objection to the request of the majority leader.

The PRESIDING OFFICER. Is there objection to the request? Without objection, it is so ordered.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Mr. President, once we conclude action on the judges, we will be finished voting for the evening. Those Members who want to speak on the supplemental appropriations bill will have the opportunity to do so. I understand that bill will be passed by voice vote. We will be in session tomorrow to clear any remaining legislative or executive items. Following Friday's session, the Senate will adjourn for the August recess until Tuesday, September 2. No rollcall votes will occur that day, and I will have more to say about the schedule when we return tomorrow.

#### NOMINATION OF JAMES I. COHN TO BE U.S. DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF FLORIDA

The PRESIDING OFFICER. Under the previous order, the Senate will now go into executive session and proceed to the nomination of James I. Cohn, of Florida, which the clerk will report.

The legislative clerk read the nomination of James I. Cohn, of Florida, to be a U.S. district judge for the Southern District of Florida.

Ms. LANDRIEU. Mr. President, 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 James I. Cohn, of Florida, to be a U.S. circuit judge for the Southern District of Florida. The clerk will call the roll.

Mr. McCONNELL. I announce that the Senator from Mississippi (Mr. COCHRAN) and the Senator from New Mexico (Mr. DOMENICI) are necessarily absent.

Mr. REID: I announce that the Senator from Massachusetts (Mr. KERRY) and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

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

The result was announced—yeas 96, nays 0, as follows:

[Rollcall Vote No. 320. Ex.]

YEAS—96

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

NOT VOTING—4

Cochran	Kerry
Domenici	Lieberman

The nomination was confirmed.

NOMINATION OF FRANK MONTALVO, OF TEXAS, TO BE UNITED STATES DISTRICT JUDGE

The PRESIDING OFFICER (Mr. GRAHAM OF SOUTH CAROLINA). UNDER THE PREVIOUS ORDER, THE SENATE WILL PROCEED TO THE NOMINATION OF FRANK MONTALVO, TO BE UNITED STATES DISTRICT JUDGE, WHICH THE CLERK WILL REPORT.

The legislative clerk read the nomination of Frank Montalvo, of Texas, to be United States District Judge for the Western District of Texas.

Mr. LEAHY. Mr. President, have the yeas and nays been ordered on this judge?

The PRESIDING OFFICER. No.

Mr. LEAHY. This is the second of the five?

The PRESIDING OFFICER. That is correct.

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

The PRESIDING OFFICER. 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 Frank Montalvo, of Texas, to be United States District Judge for the Western District of Texas?

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. McCONNELL. I announce that the Senator from Mississippi (Mr. COCHRAN), the Senator from New Mexico (Mr. DOMENICI) and the Senator from Mississippi (Mr. LOTT) are necessarily absent.

Mr. REID. I announce that the Senator from Massachusetts (Mr. KERRY), the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

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

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

The result was announced—yeas 95, nays 0, as follows:

[Rollcall Vote No. 321 Ex.]

YEAS—95

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

NOT VOTING—5

Cochran	Kerry	Lott
Domenici	Lieberman	

The nomination was confirmed.

NOMINATION OF XAVIER RODRIGUEZ, OF TEXAS, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF TEXAS

The PRESIDING OFFICER. UNDER THE PREVIOUS ORDER, THE CLERK WILL REPORT CALENDAR NO. 307.

The legislative clerk read the nomination of Xavier Rodriguez, of Texas, to be United States District Judge for the Western District of Texas.

The PRESIDING OFFICER. The question is, Will the Senate advise and

consent to the nomination of Xavier Rodriguez, of Texas, to be United States District Judge for the Western District of Texas?

The nomination was confirmed.

H. BRENT MCKNIGHT, OF NORTH CAROLINA, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF NORTH CAROLINA

The PRESIDING OFFICER. UNDER THE PREVIOUS ORDER, THE CLERK WILL REPORT CALENDAR NO. 314.

The legislative clerk read the nomination of H. Brent McKnight, of North Carolina, to be United States District Judge for the Western District of North Carolina.

The PRESIDING OFFICER. THE QUESTION IS, WILL THE SENATE ADVISE AND CONSENT TO THE NOMINATION OF H. BRENT MCKNIGHT, OF NORTH CAROLINA, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF NORTH CAROLINA?

The nomination was confirmed.

JAMES O. BROWNING, OF NEW MEXICO, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF NEW MEXICO

The PRESIDING OFFICER. UNDER THE PREVIOUS ORDER, THE CLERK WILL REPORT CALENDAR NO. 315.

The assistant legislative clerk read the nomination of James O. Browning, of New Mexico, to be United States District Judge for the District of New Mexico.

The PRESIDING OFFICER. THE QUESTION IS, WILL THE SENATE ADVISE AND CONSENT TO THE NOMINATION OF JAMES O. BROWNING, OF NEW MEXICO, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF NEW MEXICO?

The nomination was confirmed.

Mrs. DOLE. Mr. President, I am delighted that my colleagues voted to confirm the nomination of Brent McKnight for one of the newly created judgeships in the Western District of North Carolina.

Mr. McKnight brings a wealth of experience to this position, and his resume and experience are impeccable. More importantly, Mr. McKnight is highly respected by his peers, a testament to his character and integrity.

Since 1993, he has served as a federal Magistrate Judge for the Western District of North Carolina, and he was appointed to the Advisory Committee on Civil Rules of the Judicial Conference by Chief Justice Rehnquist in October of 2001.

Brent McKnight has served as a state prosecutor and a District Court Judge for the 26th North Carolina Judicial District, and he maintains membership in the North Carolina Bar Association, the Federal Magistrate Judges Association, and many other organizations.

He has had a lifelong thirst for knowledge, having been a Rhodes Scholar and perhaps, even more impressive to those of us in North Carolina, a Morehead Scholar at the University of North Carolina at Chapel