

Dorgan	Kohl	Reid
Durbin	Kyl	Roberts
Ensign	Landrieu	Rockefeller
Enzi	Lautenberg	Santorum
Fitzgerald	Leahy	Sarbanes
Feinstein	Levin	Schumer
Fitzgerald	Lincoln	Sessions
Frist	Lott	Shelby
Graham (SC)	Lugar	Smith
Grassley	McCain	Snowe
Hagel	McConnell	Specter
Harkin	Mikulski	Stabenow
Hatch	Miller	Stevens
Hollings	Murkowski	Sununu
Hutchison	Murray	Talent
Inhofe	Nelson (FL)	Thomas
Inouye	Nelson (NE)	Voivovich
Jeffords	Nickles	Warner
Johnson	Pryor	Wyden
Kennedy	Reed	

## NOT VOTING—5

Edwards	Gregg	Lieberman
Graham (FL)	Kerry	

The bill (H.R. 3161) was passed.

## EXECUTIVE SESSION

#### NOMINATION OF DANA MAKOTO SABRAW, OF CALIFORNIA, TO BE A UNITED STATES DISTRICT JUDGE

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider calendar No. 359, which the clerk will report.

The assistant legislative clerk read the nomination of Dana Makoto Sabraw, of California, to be a United States District Judge for the Southern District of California.

Under the previous order, there will now be a period of 4 minutes for debate equally divided between the leaders or their designees.

The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, I ask unanimous consent the next two votes be limited to 10 minutes each.

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

The Senator from California.

Mrs. BOXER. Mr. President, I am pleased to offer my support for the nominee for the Southern District Court of California, Dana Makoto Sabraw.

I want to emphasize the excellent process that we have in place to select District Court nominees in California. In a truly bipartisan fashion, the White House Counsel, Senator FEINSTEIN and I worked together to create four judicial advisory committees for the State of California, one in each Federal judicial district in the State.

Each committee has a membership of six individuals: three appointed by the White House, and three appointed jointly by Senator FEINSTEIN and me. Each member's vote counts equally, and a majority is necessary for recommendation of a candidate.

The nominee before the Senate this evening was reviewed by the Southern District Committee and strongly recommended. I continue to support this excellent bipartisan process and the high quality nominees it has produced.

Judge Sabraw has roots in my area of California, Marin County. From there,

he has embarked on a very impressive legal career and served the people of my State with distinction. He currently is a judge on the San Diego Superior Court.

He is a graduate of San Diego State University and the McGeorge School of Law at the University of the Pacific.

Beyond his service on the bench, he is very involved with the community, receiving commendation from the Pan Asian Lawyers of San Diego for his community outreach efforts.

The Southern District will benefit greatly from the exemplary services of Judge Sabraw, and I fully support confirmation of this nominee.

The PRESIDING OFFICER. Who yields time?

Mr. DORGAN. Mr. President, we yield back the remainder of our time.

Mr. SANTORUM. We yield back our time.

Mr. HATCH. Mr. President, I rise today to voice my support for the nomination of Dana Makoto Sabraw for the United States District Court for the Southern District of California.

Judge Sabraw has nearly two decades of experience as a litigator and as a jurist. He began his legal career as an associate with the firm of Postel & Parma in 1985, then joined the nationally recognized firm of Baker & McKenzie in 1989.

In 1995, he was appointed to the North County Municipal Court of San Diego County, where he was named Presiding Judge in 1998. That same year, he was appointed to the San Diego Superior Court, and in 2000 was named Criminal Presiding Judge.

Judge Sabraw is a proven scholar, a disciplined judge, and a noted humanitarian. He will make an outstanding addition to the Federal bench of the Southern District of California. I urge my colleagues to join me in supporting his nomination.

Mr. LEAHY. Mr. President, I am pleased that we are now turning to the nomination of Dana Makoto Sabraw for the Southern District of California. This well-qualified nominee is the product of the exemplary bipartisan commission that Senators FEINSTEIN and BOXER have worked so hard to maintain. It is a testament to their diligence that we have such stellar nominees heading to California's Federal courts.

Judge Sabraw has served for 8 years on the State trial bench. Prior to his appointment to the bench, Judge Sabraw was a partner and associate at Baker & McKenzie in San Diego. In addition to Judge Sabraw's public service as a judge, he has also been active in his community.

As an attorney, he received Certificates of Appreciation from the Pan Asian Lawyers of San Diego for his service to the association and its community outreach programs and recognition New Entra Casa for his pro bono work. Also as a private attorney, Mr. Sabraw provided pro bono services to the Legal Aid Society of Santa Bar-

bara Project Outreach for several years. He also founded Positive Impact Program in 1998, a program in which the court, its staff, the Bar Association of North San Diego County, the local DAs office and others partnered with the local school districts to educate fifth graders about the justice system. The program involved a class curriculum, school assembly, mock trial, tour of the courthouse, and essay contest and reached approximately 6,000 students in lower socioeconomic neighborhoods.

The Southern District of California is the busiest Federal district in the Nation. In light of their demanding caseload, the Judiciary Committee expedited consideration of nominations to the Southern District. The Judiciary Committee held hearings for Dana Makoto Sabraw and Judge Burns, also nominated to this Southern District, just before the August recess and they were unanimously reported by the Judiciary Committee at our first meeting on September 4. That was 3 weeks ago. It is unfortunate that Judge Sabraw has been pending on the floor all month but I am pleased that we are voting on him today. Two more nominees to two additional vacancies recently created for the Southern District of California were voted out of the Judiciary Committee today.

Senator FEINSTEIN also deserves much credit for working so hard to create these additional judgeships in the Department of Justice authorization we passed in 2002. These judgeships are among those we created for border districts that have a massive caseload and that needed more Federal judges. We did what the Republican majority refused to do in the years 1995 through 2000 when there was a Democratic President, namely, create additional needed judgeships for the Southern District of California. We did so under Senate Democratic leadership with a Republican President. They have been available to be filled since July 15. The expedited path of Judge Sabraw's nomination demonstrates the fact that the Senate can act expeditiously when we receive well-qualified, consensus nominations on courts that need additional judges. I regret that the nomination has languished on the Senate calendar for most of the month for no reason. This nomination will undoubtedly be confirmed without a single dissenting vote in the Senate. Democratic Senators have been ready and willing to vote at any time. The Republican leadership will have to explain to the Chief Judge in the Southern District of California and the people of southern California what took so long.

I congratulate the California Senators on their outstanding work and this nominee and his family on this confirmation.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Dana Makoto Sabraw, of California, to be a United States District Judge for the Southern District of California?

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCONNELL, I announce that the Senator from New Hampshire (Mr. GREGG) is necessarily absent.

Mr. REID. I announce that the Senator from North Carolina (Mr. EDWARD), the Senator from Florida (Mr. GRAHAM), 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 PRESIDING OFFICER (Mr. COLEMAN). Are there any other Senators in the Chamber desiring to vote?

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

[Rollcall Vote No. 366 Ex.]  
YEAS—95

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

NOT VOTING—5

Edwards	Gregg	Lieberman
Graham (FL)	Kerry	

The nomination was confirmed.

The PRESIDING OFFICER. The majority leader.

ORDER OF BUSINESS

Mr. FRIST. Mr. President, after the next vote we will resume the DC appropriations bill and expect to be on the DC appropriations bill tonight and tomorrow. There will be further debate tonight. I encourage Members with amendments to come forward so we can continue to make progress on the DC appropriations bill.

I understand the two managers will not require any more rollcall votes on any action on the bill tonight or tomorrow. Thus, the next rollcall vote will be the last rollcall vote for tonight and for tomorrow. Again, we will be in session tomorrow for further debate on the DC appropriations bill.

With regard to Monday's schedule, we will be announcing what Monday's schedule will be in terms of voting. We will have votes on Monday in the late afternoon. We will have further announcements on that tomorrow. The Democratic leader and I have had discussions over the course of the day, and from where we started early this morning they have settled a lot in terms of looking forward to the next week and a half. I can tell all Members no more rollcall votes after this vote tonight, no rollcall votes tomorrow; DC appropriations.

Mr. BYRD. Will the distinguished majority leader yield?

Mr. FRIST. Yes, sir.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. I would rather my leader propounded this question but inasmuch as I am the ranking member of the Appropriations Committee, the reason I hoped all Members would sit—although there is no requirement they have to in the rules, unless the Chair insists on it—we have a problem. I think the full Senate ought to know about it. That is why I have urged Senators sit if they will; then they will be more comfortable. I don't know how long it will last, I hope it will not last long.

We have a problem in that we have the Iraq appropriations measure before the Senate Appropriations Committee. We have had hearings Monday, Tuesday, Wednesday, and Thursday in that committee. There have been other committees that have been having hearings, too; I believe the Foreign Relations Committee, and I know the Armed Services Committee has had hearings.

Here is my problem as ranking member of the Appropriations Committee. We had hearings this past Monday on the Iraq bill. Our members were not fully informed that there would be hearings on Monday but we proceeded with hearings, in any event. Several of the members could not get there until very late. I have protested pretty consistently in that committee, saying we need more hearings, that we do not need to rush that bill through. It would be well to have the House act, let us see that bill so we would better know what amendments we should try to offer.

I have urged that outside witnesses be called. Why should we just hear one side of the question, that being, of course, the administration's position? But we could be wiser, I think, if we had outside witnesses. That has been rejected. That proposal has been rejected. So we have pressed on, against my wishes. I believe we ought to have more hearings.

Now we come down to this point. We have completed what hearings we are going to have, as I understand it, in the Appropriations Committee.

Now the pressure is on to have the bill marked up. When? Monday. We all know that Senators, in recent years especially, are more likely to be late get-

ting in on Monday. They have faraway points of the compass to come from, and some of them have made appointments that will cause them not to get in until Tuesday morning perhaps. And yet we are being forced to have a markup on this coming Monday. This greatly creates a disadvantage to many of our Appropriations members.

So I have expressed the hope we would not have that markup on Monday. There is no great reason to begin to have this markup. But we have been pressed hard to get through these hearings, and now we are being pressed to mark up the bill on Monday.

Many of our Members cannot be here Monday. So I have acquainted my leader and my side of the aisle with this problem. And I have said we could have a markup on Tuesday. But my wife—and I hesitate to continue to inject my own personal problems into this matter—I said my wife has to have an operation on Tuesday morning. Not a major operation, but any operation at our age—if I were 40 or 50 or 60 again, I would say: You go on and have your operation and I'll see you at suppertime; see you tonight. That is not the way she wants it. That is not the way I want it.

I have said this afternoon, speaking to Mr. REID, and to Mr. STEVENS: If you want to have this on Tuesday, go ahead. If I am 2 hours there or 3 hours or 5, I will come when I can. But go ahead and have the markup Tuesday. The word comes back that the Republicans say: OK, but there is a little catch to that: We will wait till Tuesday, but you have to give consent to take up the bill on the next day. That consent could be objected to, of course, causing a little longer wait.

So now we are faced with: OK, you can take it up Tuesday—I hope I am not misrepresenting anyone here; at least this is the way I understand it—so you can have it on Tuesday, but you have to give consent to go to it Wednesday on the floor.

I don't want to enter into that deal. In the first place, I don't think there is a necessity for our having that markup on Monday or on Tuesday. I think we ought to have more hearings. I think we are entitled to more hearings. I see this bill as being ramrodded through the Senate, when there is no necessity for that.

I will not go into that further except to say, I am willing to proceed on Tuesday, but I am not willing for it to be in accordance with a deal. Call it a deal. Call it whatever you want—an agreement, whatever—"yes, we'll do that if." There are times when we do that around here, but on this occasion I don't think we ought to take it up on the floor that fast. We need more time on the floor. So I am unwilling to say: OK on Tuesday, but we will agree to taking it up on the floor on Wednesday.

So here we are, Thursday afternoon, with no votes tomorrow, I guess, and many Members going home, and a Jewish holiday tomorrow. Here we are

under this kind of pressure: You can have it on Tuesday, but you have to give us consent to take it up on Wednesday.

I understand now the—this is just my understanding—the other side is not willing to go on Tuesday without such an agreement. As I further understand it, they are saying—I may be wrong about this, but that is what I understand—that the majority is saying: OK, you don't want any deal; we will do it on Monday. So there is where it creates a great hardship on the part of a lot of our Senators and, I suppose, on Senators on the other side.

I think we are in a quandary, and we just ought to open it up here and have a full discussion of it rather than have the onus on me as the old plebeian soldier around here. OK. I don't want to cause my comrades on either side to have to come here on Monday and mark this up.

There is some reason it has to be Monday or else. This bill is being pushed through, rammed through, and I think we ought to take more time on it. I think the American people are entitled to more time on it.

Why don't we have more hearings? Is it that the majority is afraid to have questions asked? Do the questions hurt? What is the problem? Why do we have to have this—we are just not up against it. We passed the Defense appropriations conference report today.

I would like to know, I say to the leader, why we have to mark up this bill in the Appropriations Committee Monday or Tuesday, and why, if we push it—if the majority is willing to go over to Tuesday—why they are going to exact that pound of flesh: OK, we will go over, but let us take it up on the following day.

I am not willing to do that. If it were absolutely necessary to do that, I would be willing to do it. But that is not necessary. And in all my years here, I have never—I have never—seen the Appropriations Committee of the Senate, and especially the minority—this place is for the protection of the minority, a minority of Senators. I have said that many times.

But to jam us up here against a Sunday and a Jewish holiday just preceding it, and then to come in here and say, you have to have this markup on Monday or you have to let us take it up on the floor on Wednesday, I have to say, I think that is very unfair. I have argued this out in the committee under the public eye, and I have talked with my colleague, Senator STEVENS. I know he is under great pressure.

I would hope to have a response to that. More than that, I would hope we would not have to mark it up Monday or Tuesday.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Mr. President, the question is really centered on the debate, which we want to do in a thorough way. And the distinguished Senator from West Virginia, from day 1, has en-

couraged me to allow for adequate time for debate and amendment.

Starting about 2½ weeks ago, I made it very clear that the President of the United States would shortly deliver a supplemental—which was now about a week ago—that I wanted to take 2 weeks—and it could be longer or it could be shorter—that we can focus on it in an organized way, and an organized way is to spend time in hearings.

Indeed, after a lot of discussion, we organized hearings in such a way, as you pointed out, that the Armed Services Committee has had hearings on it, the Foreign Relations Committee has had hearings on it, the Appropriations Committee has had hearings on it. And, indeed, we have had at least seven committee hearings in the Senate. The House is having hearings at the same time.

We have had interested parties engaged in formal discussions coming by your party lunch, coming by our party lunch to have the discussion with the goal that we would focus on this issue. Indeed, we have done a good job this week. My goal was expressed 9 days ago. I didn't know about the surgery of your wife. Although the Jewish holiday begins tonight, we are not voting tomorrow because of a request from your side of the aisle. The Jewish holiday begins late tomorrow afternoon. But because of very specific requests from two of your Members through the assistant leader, we are bowing down once again to you for scheduling, which is fine, and I agree. If they need to travel back and there is no other way to get back, I am going to pay respect to their religion, just as I want to pay respect to you in every regard we can.

So there goes your Friday. So don't blame us on that. I don't think that is fair. It is not fair as we go forward, if you are looking at equity or fairness.

On this floor about 2 months ago—it was a little bit later at night—you came to me and said: We can't operate this place working 2 days a week or 3 days a week. And I agree. You have been in this particular situation in terms of scheduling. You know it is challenging, just like votes for tomorrow. That is why 9 days ago I said, we are going to spend all next week on the floor, if possible, debating and amending freely. And the Democratic leader and I talked earlier today. We want to stay on the bill. We don't want any trips or punches thrown that are not fair, but we will have a good discussion through next week. My objective is to bring it to the floor.

The question as to why? Because we are in a war. We are in a war against terrorism that our President has done, I think, an excellent job of spelling out. He has delivered to us, on behalf of the 150,000 military men and women there, a call for emergency funding through a supplemental that, although there is disagreement, the administration has said it is urgent we address.

Thus, when we can work on Monday, we should work on Monday. And I

would argue Tuesday, Tuesday morning, Tuesday night, Wednesday morning, Wednesday night, Thursday morning, Thursday night, Friday morning and Friday night, in response to that emergency request for funding that the experts have told us is an emergency.

To say, well, people aren't going to be back Monday and therefore let's do Tuesday, but, no, we can't do it Tuesday because of other scheduling reasons, therefore, let's put this off later. I can tell you—you know this; again, I should be speaking to the Chair—if we say Monday it is just too difficult for people to come back, when there are people at war and there are people dying every day when we turn on the news, because of a lack of security, and we know this funding supports security, how can we say, it is inconvenient Monday and Tuesday? Although, again, I say this with deep respect for your personal situation and your wife's surgery in the morning, but we need to respond.

I think you know, if we wait until Wednesday to mark it up, or Thursday, the same thing, maybe a little bit different, Thursday, and you know this, Thursday people will say, we are getting out of here. We don't have time to debate this. Let's do it 2 weeks from now.

Once again, we are on recess during that period of time. I am going to have a hard time leaving here on recess with the American people saying: The President of the United States delivered this urgent request to you for funding, and have the news every day of people dying, with people having told us that it does have to do with security and the war on terrorism. That is the why and the reason.

I think we just need to be addressing this up front. The dialog between our leadership has been good. I know it is challenging our committee members with all of the hearings we have had day in and day out. I know people are worn out. But it is a war, and it is a war on terrorism. I think the American people deserve that debate on the floor of this body—freely debating, freely amending, starting as soon as we can that is reasonable. That is why I continue to request that the Appropriations Committee mark up the bill Monday, if it can—if it can't, it is just convenience. I think that is hard to answer—or Tuesday. And then there is no quid pro quo. I would like to get it to the floor so people can debate it before we go on recess in the next few weeks. But if there is objection to bringing it to the floor, that is your right as we go forward. But I do want the American people to know we are ready to address this bill and debate it fully, looking at everybody's schedule in a very personal way. The reason is, we are at war. That is it.

Mr. BYRD. Mr. President, will the distinguished leader yield further?

Mr. FRIST. Yes.

Mr. BYRD. Let me emphasize I am not asking that it be put off until

Tuesday because of my wife's little problem. I said, go ahead, if I am 2 hours or 3 hours or 5 hours, I will get there when I can. I would rather you didn't, but in any event, if you do, I am going to be with her. That is an easy choice for me. But I didn't intend to get into the debate about the so-called war on terrorism as being the war in Iraq. I won't do that now. But the distinguished majority leader has opened an avenue for a great deal of debate in which I will partake, if the good Lord lets me live. I am not going to lie down and roll over for that argument that, oh, we are in a war and we have to press ahead here; we have people dying and so on, and we have to do this on Monday or Tuesday. I am as concerned about the people dying as is the distinguished majority leader. I was not for sending our people over there to die. But we won't get into that here. The distinguished Republican leader brought that up.

I am only saying I would hope that we would stage the markup at a time when we could have full attendance on both sides.

Mr. NICKLES. Will the majority leader yield?

Mr. FRIST. I am happy to yield.

Mr. NICKLES. There is a nomination of Judge Mosman. I wonder if it would be possible to vote on that nomination by voice vote or begin that vote momentarily for the convenience of all Members?

Mr. FRIST. Mr. President, I am happy to propound that unanimous consent request for a voice vote on the judge under consideration.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. Mr. President, the ranking member is not here. I am sure if he was, he would ask that we have a rollcall vote. We ought to.

Let me just say, I don't think there is any question that we have to move forward and have an opportunity to debate this in a much more meaningful and thorough way. The way we will do that is through a markup in the Appropriations Committee and through votes on the Senate floor. Throughout the day the majority leader and I have been trying to figure out a way to work through the schedule, and it is obvious there are differences of opinion about what the schedule should entail. Yes, there should be more hearings. Yes, there ought to be more accountability as to how we make these decisions. If we had our choice, we would bifurcate this request, send the money to the troops to make sure they get all they need to conduct their responsibilities, but then have a more deliberate and thoughtful debate about this aid for reconstruction. That would be our desire. We will have amendments in that regard whenever the bill comes to the floor.

We need to get on with the vote on the judge, and then we will talk further about schedule as the schedule presents itself.

#### NOMINATION OF MICHAEL W. MOSMAN TO BE UNITED STATES DISTRICT JUDGE

The PRESIDING OFFICER. The clerk will report the nomination.

The assistant legislative clerk read the nomination of Michael W. Mosman, of Oregon, to be United States District Judge for the District of Oregon.

Mr. HATCH. Mr. President, I rise today to express my unqualified support for the nomination of Michael Mosman for the United States District Court for the District of Oregon and to urge my colleagues to confirm this fine nominee.

Mr. Mosman has excellent academic and professional qualifications for the federal bench. After graduating magna cum laude from the J. Reuben Clark Law School at Brigham Young University, he clerked first for D.C. Circuit Judge Malcolm Wilkey and then for Supreme Court Justice Lewis Powell.

Mr. Mosman also has impressive courtroom experience. As an Assistant U.S. Attorney and U.S. Attorney for the District of Oregon, Mr. Mosman has worked on cases in all four prosecuting units in his office: narcotics, violent crimes, organized crime, and fraud. He has tried about 50 cases, including large multidistrict drug conspiracies, international money laundering, multimillion dollar counterfeiting cases, and multidistrict immigration fraud.

Mr. Mosman also displayed stellar leadership and integrity in the wake of the September 11 tragedy. He deftly guided his office in the apprehension and prosecution of several would-be terrorists, all the while taking steps to ensure that those individuals' civil liberties were not violated.

Mr. Mosman is an exceptional nominee. He merited an ABA rating of unanimously well-qualified, and I fully expect him to serve with distinction on the federal bench in Oregon.

Mr. SMITH. Mr. President, I rise today to speak about my good friend and fellow Oregonian Michael Mosman.

Recently, the ABA rated Mr. Mosman as well qualified for the position of District Court Judge. Those of us from Oregon, however, have long been aware of Mr. Mosman's stellar legal credentials and talents. It would be an honor to have Mr. Mosman serve our state as the next U.S. District Judge in Oregon. He has distinguished himself as a leader in our state and in the legal community. Since 1988, Mr. Mosman has worked for the United States Attorney's office in Oregon. First joining the Department of Justice as an Assistant U.S. Attorney, he was subsequently promoted to the position of U.S. Attorney for the District of Oregon in 2001.

In addition to his public service, Mr. Mosman has worked in private practice with the Portland law firm of Miller Nash LLP. He clerked for Judge Malcolm Wilkey of the U.S. Court of Appeals for the DC Circuit—and for U.S. Supreme Court Justice Lewis Powell. Graduating with highest honors, he received his undergraduate degree from Utah State University and his law de-

gree from BYU's J. Reuben Clark Law School.

With his academic and legal background—both in private and public practice—Mr. Mosman will bring a wealth of knowledge and, most importantly, compassion to the bench. In 2001, Senator WYDEN and I convened a bipartisan blue ribbon panel to interview applicants for the position of U.S. attorney—our unanimous No. 1 recommendation was Mike Mosman. Earlier this year, we convened another bipartisan blue ribbon panel to interview applicants for the U.S. District Court. Once again, our unanimous No. 1 recommendation was Mike Mosman.

It is, therefore, with great pleasure that I highly recommend to you my friend, Mr. Mosman, and urge my colleagues to vote in favor of his confirmation as United States District Judge for the District of Oregon.

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The PRESIDING OFFICER. Is all time yielded back?

Mr. LEAHY. I yield back my time.

The PRESIDING OFFICER. All time is yielded back.

The question is, Will the Senate advise and consent to the nomination of Michael W. Mosman, of Oregon, to be United States District Judge for the District of Oregon? The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from Missouri (Mr. BOND), the Senator from Kentucky (Mr. BUNNING), and the Senator from New Hampshire (Mr. GREGG) are necessarily absent.

I further announce that if present and voting the Senator from Kentucky (Mr. BUNNING) would vote "yea".

Mr. REID. I announce that the Senator from North Carolina (Mr. EDWARDS), the Senator from Florida (Mr. GRAHAM), 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 PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 93, nays 0, as follows:

[Rollcall Vote No. 367 Ex.]

YEAS—93

Akaka	Breaux	Cochran
Alexander	Brownback	Coleman
Allard	Burns	Collins
Allen	Byrd	Conrad
Baucus	Campbell	Cornyn
Bayh	Cantwell	Corzine
Bennett	Carper	Craig
Biden	Chafee	Crapo
Bingaman	Chambliss	Daschle
Boxer	Clinton	Dayton