

on Justice Brown, the Senate continues to make progress, placing principle before partisan politics and results before rhetoric. I hope we can continue working together to do our constitutional duty as Senators and give other judicial nominees the fair up-or-down votes they deserve.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

All time is expired.

The question is, Will the Senate advise and consent to the nomination of Janice R. Brown, of California, to be United States District Court Judge for the District of Columbia Circuit? On this question, the yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Vermont (Mr. JEFFORDS), is necessarily absent.

The result was announced—yeas 56, nays 43, as follows:

[Rollcall Vote No. 131 Ex.]

YEAS—56

Alexander	DeWine	McConnell
Allard	Dole	Murkowski
Allen	Domenici	Nelson (NE)
Bennett	Ensign	Roberts
Bond	Enzi	Santorum
Brownback	Frist	Sessions
Bunning	Graham	Shelby
Burns	Grassley	Smith
Burr	Gregg	Snowe
Chafee	Hagel	Specter
Chambliss	Hatch	Stevens
Coburn	Hutchison	Sununu
Cochran	Inhofe	Talent
Coleman	Isakson	Thomas
Collins	Kyl	Thune
Cornyn	Lott	Vitter
Craig	Lugar	Voinovich
Crapo	Martinez	Warner
DeMint	McCain	

NAYS—43

Akaka	Durbin	Mikulski
Baucus	Feingold	Murray
Bayh	Feinstein	Nelson (FL)
Biden	Harkin	Obama
Bingaman	Inouye	Pryor
Boxer	Johnson	Reed
Byrd	Kennedy	Reid
Cantwell	Kerry	Rockefeller
Carper	Kohl	Salazar
Clinton	Landrieu	Sarbanes
Conrad	Lautenberg	Schumer
Corzine	Leahy	Stabenow
Dayton	Levin	Wyden
Dodd	Lieberman	
Dorgan	Lincoln	

NOT VOTING—1

Jeffords

The nomination was confirmed.

The PRESIDING OFFICER. The majority leader is recognized.

NOMINATION OF WILLIAM H. PRYOR TO BE UNITED STATES CIRCUIT JUDGE FOR THE ELEVENTH DISTRICT—Resumed

Mr. FRIST. Mr. President, we have just voted to confirm Justice Janice Rogers Brown to the D.C. Circuit Court of Appeals. We are making progress. We are securing up-or-down votes on previously blocked nominees. We will now turn to another judge who has been considered in the past, Judge William H. Pryor.

For the information of our colleagues, we are going to go immediately to the cloture vote. If cloture is invoked on the Pryor nomination, it is my expectation that we will be able to lock in a time certain for the final up-or-down vote on that nomination. That would be for tomorrow. The Democratic leader and I have consulted back and forth, and we will lock in a vote for 4 p.m. tomorrow, if cloture is invoked through the next vote.

Following that vote, tomorrow we will consider the Sixth Circuit nominations and hopefully not use all of the allocated time to which we previously agreed. We will be doing that after the vote tomorrow, and we will be voting on those nominations, as well, tomorrow—late afternoon, hopefully, maybe early evening.

President Bush nominated Judge Pryor on April 9, 2003, to serve on the Eleventh Circuit Court of Appeals.

While the individual nominees may change, the debate continues to be centered on a simple and unequivocal principle.

It is based on fairness, and it is grounded in the Constitution of our great Nation.

It is the principle that every judicial nominee that comes to this floor deserves an up or down vote.

Judge Pryor is also a qualified nominee. He deserves a fair vote, and it is our duty to cast one.

Judge Pryor has broad legal experience as a public servant, as a practicing attorney, and as a law professor.

Judge Pryor has served with distinction on the appellate bench since he was recess appointed last year. Many of his opinions have been supported by judges appointed by both Democrats and Republicans.

He enjoys bipartisan support inside and outside the Senate chamber.

Yet he has had to wait more than 2 years for a fair, simple, and courteous up or down vote on the Senate floor.

It is time to close debate and vote on this nominee, up or down, yes or no, confirm or reject.

I will continue to work to ensure that Judge Pryor and every other judicial nominee get an up-or-down vote on the floor of the U.S. Senate.

We are working on a process to start the Energy bill next week, as well as to consider the Griffith nomination on Monday and will announce more on that schedule tomorrow. But Members should expect a vote Monday evening.

That pretty much outlines, I believe, the schedule for tonight and tomorrow.

Mr. REID. Mr. President, it is my understanding the vote Monday will be around 6 o'clock rather than our normal 5:30 p.m. time.

Mr. FRIST. That is correct. The vote will be at approximately 6 o'clock instead of the usual 5 o'clock on Monday.

The PRESIDING OFFICER. Under the previous order, the clerk will report Executive Calendar No. 100.

The legislative clerk read the nomination of William H. Pryor, Jr., of Ala-

bama, to be United States Circuit Judge for the Eleventh Circuit.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

The bill clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Executive Calendar No. 100, William H. Pryor, Jr., of Alabama, to be United States Circuit Judge for the Eleventh Circuit.

Bill Frist, Craig Thomas, Richard Burr, Pat Roberts, Mitch McConnell, Jeff Sessions, Wayne Allard, Jon Kyl, Richard G. Lugar, Jim DeMint, David Vitter, Richard C. Shelby, Lindsey Graham, John Ensign, Pete Domenici, Bob Bennett, George Allen.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of William H. Pryor, Jr., of Alabama, to be United States Circuit Judge for the Eleventh Circuit, shall be brought to a close? The yeas and nays are mandatory under the rules. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Vermont (Mr. JEFFORDS) is necessarily absent.

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

The yeas and nays resulted—yeas 67, nays 32, as follows:

[Rollcall Vote No. 132 Ex.]

YEAS—67

Alexander	DeWine	McConnell
Allard	Dole	Murkowski
Allen	Domenici	Nelson (FL)
Bennett	Ensign	Nelson (NE)
Bingaman	Enzi	Pryor
Bond	Frist	Roberts
Brownback	Graham	Salazar
Bunning	Grassley	Santorum
Burns	Gregg	Sessions
Burr	Hagel	Shelby
Byrd	Hatch	Smith
Carper	Hutchison	Snowe
Chafee	Inhofe	Specter
Chambliss	Inouye	Stevens
Coburn	Isakson	Sununu
Cochran	Johnson	Talent
Coleman	Kyl	Thomas
Collins	Landrieu	Thune
Conrad	Lieberman	Vitter
Cornyn	Lott	Voinovich
Craig	Lugar	Warner
Crapo	Martinez	
DeMint	McCain	

NAYS—32

Akaka	Durbin	Mikulski
Baucus	Feingold	Murray
Bayh	Feinstein	Obama
Biden	Harkin	Reed
Boxer	Kennedy	Reid
Cantwell	Kerry	Rockefeller
Clinton	Kohl	Sarbanes
Corzine	Lautenberg	Schumer
Dayton	Leahy	Stabenow
Dodd	Levin	Wyden
Dorgan	Lincoln	

NOT VOTING—1

Jeffords

The PRESIDING OFFICER. On this vote, the yeas are 67, the nays are 32.

Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

The Senator from Mississippi.

Mr. LOTT. Mr. President, I ask unanimous consent to speak as in morning business.

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

(The remarks of Mr. LOTT are printed in today's RECORD under "Morning Business.")

Mr. LOTT. 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 rescinded.

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

Mr. FRIST. Mr. President, in the last hour or so we made huge progress on an issue that has been very difficult for this body over the last 3 to 4 weeks, in fact I would say difficult for the last 2½ years. The progress we have made is that for these nominees who had not received a fair up-or-down vote for 2 years, 3 years, 4 years, we are finally back in gear and getting up-or-down votes, fulfilling our constitutional responsibility of advice and consent.

I am very pleased and I am very proud of this body. People who have been blocked for partisan reasons in the past, who have been obstructed, have been prevented from getting votes, have been allowed to get votes through regular order by going through the Judiciary Committee. Although it took way too long—2 years, 3 years, 4 years—finally they have been allowed to get an up-or-down vote. I hope it sets the tone, and I believe it will set the tone, as we proceed over the coming weeks and months and address circuit court nominees and, of course, Supreme Court nominees who may or may not occur in the very near future.

Justice Janice Rogers Brown will now serve on the U.S. Court of Appeals for the D.C. Circuit. The vote was 56 to 43, a bipartisan vote, which shows that once these up-or-down votes are allowed and the body can express itself the will of the Senate will work and that this highly qualified nominee, as I mentioned a bit ago, who is kind, smart, thoughtful, and qualified, who has had to endure a lot of protracted and often bitter nomination discussions, is now going to be on the D.C. Circuit. The will of the Senate expressed itself. The bipartisan vote was 56 to 43.

This last vote on William Pryor, the fact that in the past he had been obstructed through a partisan leadership-led effort in the past, once we sort of broke through that impasse, he received 67 votes on cloture. The vote was 67 to 32, overwhelming bipartisan support, which now will guarantee him what has been denied in the past, and that is a fair up-or-down vote. Again, the body will be able to speak.

Everybody who sits at these desks, the people who are in the Chamber now, will be able to express themselves with a vote. That is how we give advice and consent. The vote was 67 to 32. Tomorrow at 4, he, too, will get an up-or-down vote, confirm or reject, on whether Members believe he is a qualified nominee. Members can vote their conscience, vote their judgment of his qualifications. The candidate, the nominee, will receive the up-or-down vote he deserves.

We should treat these nominees with respect and in a reasonable period of time when they come to the floor, or they make it to this Executive Calendar, so that they receive that up-or-down vote.

I am very pleased where we are. It is huge progress. Both sides of the aisle are working together on this very important judicial nominee process. We will continue that process tomorrow in which case by the end of tomorrow we should have three more up-or-down votes at 4, again tremendous progress. Two of the Michigan judges will be voted on sometime late afternoon or early evening. They will be given up-or-down votes, and I expect all three will be confirmed.

I believe we have broken the impasse, as I have said, and we are making real progress. The early part of next week we will be having one more up-or-down vote. That will be on Tom Griffith, and then we will go to the Energy bill. We want to spend plenty of time to give everybody the opportunity to debate and amend. I expect we would spend that whole first week and likely into that second week which would give everybody the opportunity to come forward and express themselves on a bill that I believe will lower gasoline prices—I cannot say that with certainty, but I believe this bill will—and will lower natural gas prices. For people who are thinking about driving on vacations, driving to work, driving their truck, or worried about heating in the future, the American people will know we are doing the Nation's business, that we are doing our very best to lower those prices for them as individuals.

I am pleased where we are today. We are making real progress. I know there will be some other comments made tonight before we close.

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. McCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

ORDER OF PROCEDURE

Mr. McCONNELL. Mr. President, I ask unanimous consent that the President be immediately notified of the Senate's earlier action on the Brown

nomination; provided further that the vote on the confirmation of the Pryor nomination occur at 4 p.m. tomorrow, and that the time for consideration be divided as follows: from 10 to 10:30 tomorrow morning under the control of the majority leader or his designee; from 10:30 to 11 under the control of the Democratic leader or his designee; that the time rotate as above until the hour of 3 o'clock; that from 3 to 3:15 be under the control of the majority; 3:15 to 3:30 under the control of the minority; 3:30 to 3:45 under the control of the Democratic leader; and, finally, the majority leader from 3:45 to 4.

I further ask consent that following that vote, the President be immediately notified of the Senate's action, and the Senate proceed to the consideration of the Sixth Circuit judges under the previous order.

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

MORNING BUSINESS

Mr. McCONNELL. Mr. President, I ask unanimous consent that there now be a period of morning business with Senators permitted to speak for up to 10 minutes each.

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

TRIBUTE TO ANGEL CAMPBELL, COUNSEL AND SPECIAL PROJECTS DIRECTOR

Mr. LOTT. Mr. President, I rise today to pay a special tribute to Angel Campbell. She is my counsel and director of my Special Projects Office. This outstanding staffer will be leaving my office after 8 years of exceptional service to spend more time with her growing family.

Angel is the epitome of a dedicated, hard-working public servant. She has been remarkably gifted at advocating for Mississippi, the place we both call home, to Federal executives in the many government departments and to fellow congressional staffers. I know that many constituents from the State of Mississippi will also feel her absence. There are many staffers working in Congress who will miss her detailed, knowledgeable explanations of the infrastructure features that are unique to our home State to help them while drafting legislative initiatives. And that is why I want to take a moment with my colleagues to recognize and to thank Angel for her many genuine contributions to my office and to the citizens of Mississippi.

Angel is a native of Southaven, MS. She received her bachelor's degree from the University of Mississippi and later earned her law degree from Samford University. She and her husband, Terry, have three wonderful and energetic children; Taylor, Trey, and Jackson. Even as her family grew while on my staff, she continued to balance her priorities and served both her family and Mississippi well.