

Mr. BUMPERS. I yield myself such time as I may use.

Mr. BUMPERS. Mr. President, isn't it wonderful that the hard rock mining companies don't pay taxes? Isn't that just remarkable? We give them billions of dollars' worth of minerals for \$2.50 an acre, we allow them to create environmental disasters, we allow them to take the minerals and not pay one dime in royalty, and they are not subject to pay any taxes. Isn't that just wonderful? The oil companies, who right now are getting about 50 percent as much for their oil as they got a year ago, not only have to pay billions for the rights to drill for oil on Federal lands, but they also have to pay royalties. And they pay taxes.

If somebody walked in here and made the argument that was just made about the fact that mining companies pay taxes, if somebody made the suggestion that oil companies not pay taxes, you would be laughed out that door. If the same argument were made for coal companies who pay zillions just for the right to take the coal and a 12.5 percent royalty, and if we suggested that they not have to pay taxes, you would be laughed out the door.

What is it about the rock mining industry? We give them billions of dollars' worth of gold, silver, platinum, palladium; they create environmental disasters; they don't pay a dime in royalties; they take a depreciation allowance on top of that of 15 to 12 percent; we give it to them and then pay them to take it. The children of this Nation—we give 9 percent to the school district to take care of disabled children.

I can tell you who is going to win in this battle here today. It isn't going to be the disabled children, it is going to be the same people who have won for the last 8 years, as I presented it. It will be the mining companies. They will continue to get Federal lands for nothing. They will continue to get a depletion allowance to mine it. They will continue not paying Uncle Sam one dime in royalty. If they come to your house and say, "You have this tract of land out back loaded with gold, and we would like to mine it," do you know what they are willing to pay? Eighteen percent royalty. But they come to the U.S. Government and say, "You have this tract of land that has gold on it." We say, "Oh, really? Please take it. Please leave an environmental disaster to the tune of \$76 billion for the taxpayers to clean up. Please don't pay us any royalty. We do need a few billion dollars more for disabled children, but not from you."

One of these days, the people of this country are going to rise up in righteous indignation when it finally soaks in on the American people what is going on in this industry and how Congress is aiding and abetting one of the biggest scams in the history of the world.

Colleagues, when you walk in here to vote today, look at that chart. You

have a choice of removing an unjustified tax loophole that is not available to anybody else—nobody else. You can remove it from the biggest mining companies in the world—not the United States, in the world—and give it to the disabled children of this country, the school boards which have been waiting for us to fulfill a 23-year promise to provide 40 percent of the cost of taking care of disabled children. So far, we have paid the paltry sum of 9 percent.

I yield the floor and save remainder of my time.

The PRESIDING OFFICER. Who yields time?

The Senator from New Mexico has 3 minutes 14 seconds remaining.

Mr. DOMENICI. Mr. President, many of us have heard people say, "Kick them when they're down." I guess we all recall when we were in high school. If you went to a high school football game, the cheerleaders would say, "Hit them again. Hit them again, harder, harder."

Mr. President, the mining industry in the United States led by the copper industry is in a deplorable economic state. As a matter of fact, copper is down 30 percent. Already in America, copper mines have been closed. All mineral resources in the world are down substantially. Oil production in the United States is down. Stripper wells are going out of business rapidly. We are more and more dependent upon foreign sources for our mineral resources, and for our oil.

Frankly, the GAO tells us that the mining industry pays an enormously high tax. In fact, the study says on average they pay 32 percent of the income. They already contribute \$14 billion to the Federal Government in revenues.

Mr. President, it is obvious that this amendment will cause more disrepair in the industry, fewer jobs, laying off people. In fact, we might call it the "Unemployed Miner Act."

Second, in terms of money for disabled young people, let me first say the budget before us has \$2.35 billion in new money for IDEA, for the disabled young people of our country. We think that is a very, very significant add-on when the President only put a few million dollars in his. We think it is the right place to put the money. But we have already put it in our budget. We don't need to destroy the mining industry in order to live up to our responsibility under IDEA and to disabled children. We found the money to do it in our budget.

It seems to me that to pick one tax, one deduction, the depletion allowance, and from that assume that the mining industry, coal mining and all the others, are not paying any Federal taxes is an absolute gross exaggeration, if not an untruth. As far as environmental degradation, since we have had environmental laws, our mining companies are not causing environmental degradation. They are bound by every sin-

gle environmental law of this land. And a statement that they are polluting today is also a gross exaggeration, if not truly an untruth.

When time is all yielded, I will move to table and ask for the yeas and nays.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Arkansas has 1 minute 25 seconds.

Mr. BUMPERS. Mr. President, how much time do the opponents have?

The PRESIDING OFFICER. The time of the Senator from New Mexico has expired.

Mr. BUMPERS. Mr. President, I will not belabor this any further. Everybody knows the argument. It is just a question of whether you are willing to do right or not. We are mining \$2 billion worth just in gold a year off Federal lands that we have given the mining companies—gave them. They pay no royalty. They didn't pay anything for it. I forget who it was who talked about how valuable minerals were. Eighty percent of the gold mined in this country goes for jewelry. And we are willing to subsidize that to the tune of hundreds of millions of dollars a year when we have disabled children in school waiting for us to fulfill a promise? It is just as simple as that.

I yield the remainder of my time and ask for the yeas and nays.

Mr. DOMENICI. I move to table the Bumpers amendment, and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second on the motion of the Senator from Arkansas?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Is there a sufficient second on the motion to table?

There is a sufficient second.

The yeas and nays were ordered.

EXECUTIVE CALENDAR

EXECUTIVE SESSION

The PRESIDING OFFICER. Under the previous order, the hour of 9 a.m. having arrived, the Senate will now go into executive session to consider Calendar Nos. 461 and 462.

The first nomination will be stated.

NOMINATION OF G. PATRICK MURPHY, OF ILLINOIS, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF ILLINOIS

The assistant legislative clerk read the nomination of G. Patrick Murphy, of Illinois, to be United States District Judge for the Southern District of Illinois.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Ms. MOSELEY-BRAUN. Mr. President, I rise today in strong support of two outstanding judicial nominees from my state of Illinois, G. Patrick Murphy and Michael P. McCuskey.

It is therefore appropriate that I also say a few words about a matter of critical importance: the exceptionally large number of judicial vacancies in our federal court system.

Currently, there are 83 vacancies in the federal judiciary. This accounts for approximately one out of every ten federal judges. Thirty of the vacancies have been in existence for 18 months or longer and are therefore regarded as "judicial emergencies."

Illinois presently has seven vacant judgeships. One of these, in the U.S. District Court for the Southern District of Illinois, dates back to November of 1992. Another, in the Central District, dates back to October of 1994. Two of the nominees for these vacancies are awaiting action by the Senate Judiciary Committee and two will be confirmed today by the full Senate. In the Southern District, the chief judge went for more than a year without having time to hear a single civil case because his criminal docket was so full. In the Central District, major civil trials have had to be postponed because of the shortage of judges. Commenting on the imminent retirement of a third judge in his district, Marvin Aspen, the chief judge of the Northern District, recently told the Chicago Sun-Times that "if Congress does not move quickly . . . in a short time we could have a serious backlog." Last week, Judge Aspen called the number of judicial vacancies nationwide "an unprecedented scandal." The chief judge of the Southern District, Phil Gilbert, says that they are currently managing to get the job done, but they "badly" need additional judges. Michael Mihm of the Central District says that they are also continuing to function, but they are definitely feeling the pinch. They have had to delay at least one major civil trial, and are increasingly dependent on visiting judges. Litigants are often forced to travel long distances to get their day in court.

The situation in the Southern and Central Districts of Illinois is dire. There are four judgeships in the Southern District, and 2 of them are vacant, a vacancy rate of 50%, which is much higher than the nationwide rate of 10% vacancies. The Central District numbers are exactly the same. The Southern District vacancy is one of the oldest in the country. As of today, 1,972 days have passed without a judge in that seat. And the Central District seat has been vacant for 1,275 days.

Today, two Illinois nominees for those districts will be confirmed by the full Senate. These nominees, Mike McCuskey and Pat Murphy, have been pending on the floor for 147 days. There is no question of their qualifications; both were unanimously recommended by the Judiciary Committee in November.

Mike McCuskey was born in Peoria, and has served as a state court judge for the last nine years. Prior to attending law school, he taught high school history, and coached baseball. He worked his way through law school as a security guard. Judge McCuskey has a reputation as an outstanding jurist, fair, firm and thorough. He is also known for his community service, such as reading to grade school children and emceeding senior citizen activities at the County Fair.

Pat Murphy was born in Marion, Illinois. He enlisted in the Marines at the age of 17, and spent his 18th birthday in Vietnam. Upon returning to Illinois, he attended college and law school with the help of the GI Bill. After both of his parents died, he helped raise his four younger siblings, although, as he puts it, they all raised each other. Mr. Murphy has extensive legal experience, with over 100 jury trials and 200 bench trials under his belt. The first year he was eligible, he was elected to the prestigious American College of Trial Attorneys. He has a sterling reputation among all who have worked with him or against him. He is also known for his generosity to veterans, giving pro bono representation to any veteran who asks for help.

As both of these nominees have languished on the Senate calendar, the delay has taken its toll on their personal lives. Several weeks ago, Judge McCuskey was forced to choose between his home and his current state court job. Last year he signed a housing contract, which was finalized in March. Since he entered the contract, the rules of residency for a state court judge changed. This confirmation vote comes just in time for him. He can now move into his new house without worrying about losing his state court judgeship. If this confirmation vote did not come today, he would have been forced to default on his contract. Pat Murphy is a solo practitioner. He has been unable to predict his ability to continue to represent clients. Yet, he has had to make a living over the last one hundred and fifty days.

Consideration of these nominees has been long overdue, and I am so pleased that they will finally be confirmed by the full Senate. Both of these men are highly qualified and will be a credit to the federal judiciary. Moreover, the vacancies they fill will help resolve a crisis in Illinois—a crisis that is evident throughout our nation.

As Chief Justice Rehnquist stated in his 1997 Year-End Report on the Federal Judiciary, "Vacancies cannot remain at such high levels indefinitely without eroding the quality of justice that traditionally has been associated with the federal judiciary." The Chief Justice placed much of the blame squarely on the Senate. He said, "Some current nominees have been waiting a considerable time for a Senate Judiciary Committee vote or a final floor vote. The Senate confirmed only 17 judges in 1996 and 36 in 1997, well under

the 101 judges it confirmed during 1994."

By failing to move expeditiously on judicial nominations, the majority party in the Senate is failing to live up to its responsibilities to the American people. President Clinton has made 134 judicial nominations during the 105th Congress, but the Senate has confirmed only 51 of these individuals. As the Chicago Tribune editorialized earlier this year, "If Republicans don't like the choices, let the Senate debate them and vote them down. Doing nothing, as the Senate has done lately, is cowardly and cynical."

Worse yet, it is affecting the quality of justice in the United States. The increase in the number of judicial vacancies in combination with the growth in criminal and civil filings has created a huge backlog of federal cases. According to Chief Justice Rehnquist, since 1990, the number of cases filed in courts of appeals has increased by 21 percent and those filed in district courts have grown by 24 percent. There was a five percent increase in the criminal caseload in 1997. This resulted in the largest federal criminal caseload in 60 years.

According to the Administrative Office of the U.S. Courts, the number of active cases pending for at least three years rose 20 percent from 1995 to 1996. In 1997, Federal courts handled a record number of cases. Bankruptcy filings jumped more than 50 %, civil and appellate cases increased for the fourth consecutive year, and criminal caseloads were more crowded than at any time in the last 60 years. According to the most recent data provided by the Department of Justice, there are more than 16,000 federal cases that are more than three years old.

Time magazine wrote last year that "some Republicans have as much as declared war on [President] Clinton's choices, parsing every phrase they've written for evidence of what they call judicial activism." This has discouraged qualified candidates from subjecting themselves to the confirmation process. For instance, last September, Justice Richard P. Goldenhersch of the Illinois Court of Appeals, withdrew his name from consideration for a federal judgeship, stating that, because of the "poisoned atmosphere of the confirmation process, my nomination would be pending for an indefinite period of time." He stated that the protracted nature of the process was "particularly unfair to the people of the Southern District of Illinois, who deserve a fully staffed court ready to hear their cases."

In condemning President Clinton's judicial nominations, one of my Republican colleagues described the judicial branch last year as being full of "renegade judges, [who are] a robed, contemptuous intellectual elite." And in explaining why the confirmation of a California appeals court judge had been delayed for two years, a senior member of the Republican majority stated, "If

you want to blame somebody for the slowness of approving judges to the Ninth Circuit, blame the Clinton and Carter appointees who have been ignoring the law and are true examples of activist judging."

The President's record of judicial appointments belies any assertion that he has sought to stack the federal judiciary with the types of judges referred to by my colleagues. The New York Times commented last year that what "may be most notable about Clinton's judicial appointments may be reluctance to fill the court with liberal judges." The Times noted that a statistical analysis by three scholars "confirms the notion that the ideology of Clinton's appointees falls somewhere between the conservatives selected by [Presidents] Bush and Reagan and the liberals chosen by President Carter." The Times quoted an author of the study, Professor Donald Songer of the University of South Carolina, as stating that Clinton's appointments were "decidedly less liberal than other modern Democratic presidents." Professor Songer stated that, from an ideological standpoint, President Clinton's judges were most similar to judges selected by President Ford.

Republican members of the Senate thus cannot claim that they are safeguarding the judiciary from liberal jurists. Indeed, it is they who, in the words of Time magazine, are currently engaged in "what has become a more partisan and ideological examination of all judicial nominees." As my colleague from Vermont, Senator LEAHY, stated last September, the "continuing attack on the judicial branch [by Republican Members of Congress], the slowdown in the processing of the scores of good women and men the President has nominated to fill vacancies on the Federal courts around the country, and widespread threats of impeachment [against federal judges] are all part of a partisan ideological effort to intimidate the judiciary."

Mr. President, Chief Justice Rehnquist has called the independence of the judiciary "the crown jewel of our system of government." Our courts are revered around the globe precisely because of their ability to administer justice impartially and without regard to the prevailing political climate. Republicans in Congress are seeking to undermine judicial independence and freedom of action. A key element of their strategy has been to put a choke hold on the process of confirming nominees sent by President Clinton. This state of affairs must not be allowed to continue. As Chief Justice Rehnquist has stated, "The Senate is surely under no obligation to confirm any particular nominee, but after the necessary time for inquiry it should vote him up or down." Let the Senate heed the words of the Chief Justice and commit itself to enabling the federal judiciary to be, as the Supreme Court pediments proclaim, the guardian of our liberty and the guarantor of equal justice under the law.

Mr. LEAHY. Mr. President, I come to the floor to congratulate Senator DURBIN and Senator MOSELEY-BRAUN on finally, at long last, achieving a vote on the nominations of Patrick Murphy and Judge Michael McCuskey. The Senators from Illinois have had to labor long and hard just to reach this point. I know that Senator DURBIN did everything that he could think of to bring to the attention of the Republican leadership the need to consider and confirm these two judicial nominees who have been languishing on the Senate calendar without action for the last six months. I, too, have spoken about the plight of the Federal courts in the Southern and Central Districts of Illinois more often over the last several weeks and months than I would like to remember.

We thank the Democratic Leader, Senator DASCHLE, for his efforts on behalf of these nominees and on behalf of achieving a vote. And I thank the Majority Leader for finally scheduling this vote and for working through whatever problems existed on the Republican side of the aisle that have delayed these nominations from early November to the end of the last session and for the first three months of this new session.

It is long past time for the Senate to consider the nominations of Patrick Murphy and Judge Michael McCuskey. The Senate Judiciary Committee unanimously reported these two nominations to the full Senate on November 6, 1997—almost six months ago. Their confirmations are desperately needed to help end the vacancy crisis in the Federal District Courts of Illinois.

Pat Murphy is an outstanding judicial nominee. A decorated Marine, he has practiced law in the State of Illinois for 20 years as a trial lawyer and tried about 250 cases to verdict or judgment as sole counsel. During his legal career, Mr. Murphy has made an extensive commitment to pro bono service—dedicating approximately 20 percent of his working time to representing disadvantaged clients in his community.

Judge Michael McCuskey is also an outstanding judicial nominee. Judge McCuskey served as a Public Defender for Marshall County in Lacon, Illinois, for 8 years and has served as a State court judge for several years, first on the bench in the 10th Judicial Circuit and then on the Third District Appellate Court of Illinois. The American Bar Association recognized his stellar qualifications by giving Judge McCuskey its highest rating of well-qualified for this nomination.

The mounting backlogs of civil and criminal cases in the dozens of emergency districts, like the Southern and Central Districts of Illinois, are growing more critical by the day. Indeed, in the Southern District of Illinois, where Pat Murphy will serve when confirmed, Chief Judge Gilbert has reported that his docket has been so burdened with criminal cases that he went a year without trying a civil case.

The Chief Justice of the United States Supreme Court has called judicial vacancies "the most immediate problem we face in the federal judiciary." There is no justification for the Senate's delay in considering these two fine nominees for Districts suffering from judicial emergency vacancies.

I have urged those who have been stalling the consideration of the President's judicial nominations to reconsider and to work with us to have the Judiciary Committee and the Senate fulfill its constitutional responsibility. Those who delay or prevent the filling of these vacancies must understand that they are delaying or preventing the administration of justice. Courts cannot try cases, incarcerate the guilty or resolve civil disputes without judges.

Last week the Chief Judge of the Second Circuit Court of Appeals certified that the persisting vacancies on that Court require him to certify an emergency situation and to begin canceling hearings and proceeding with only one Second Circuit Judge on certain 3-judge appellate panels. There is a nominee for the Second Circuit on the Senate calendar awaiting Senate consideration, Judge Sonia Sotomayor.

I came to the Senate floor last week to plead with the Republican leadership to proceed to consideration of the nomination of Judge Sonia Sotomayor to the Second Circuit. I renew that plea today and urge a vote on this nomination before the Senate adjourns for a 2-week recess. We should not go on recess while the Second Circuit needs action on nominees to alleviate a crisis.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of G. Patrick Murphy, of Illinois, to be United States District Judge for the Southern District of Illinois?

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS) is necessarily absent.

I further announce that, if present and voting, the Senator from North Carolina (Mr. HELMS) would vote "yea."

The result was announced—yeas 98, nays 1, as follows:

[Rollcall Vote No. 61 Ex.]

YEAS—98

Abraham	Byrd	Dorgan
Akaka	Campbell	Durbin
Allard	Chafee	Enzi
Ashcroft	Cleland	Feingold
Baucus	Coats	Feinstein
Bennett	Cochran	Ford
Biden	Collins	Frist
Bingaman	Conrad	Glenn
Bond	Coverdell	Gorton
Boxer	Craig	Graham
Breaux	D'Amato	Gramm
Brownback	Daschle	Grams
Bryan	DeWine	Grassley
Bumpers	Dodd	Gregg
Burns	Domenici	Hagel

Harkin	Levin	Roth
Hatch	Lieberman	Santorum
Hollings	Lott	Sarbanes
Hutchinson	Lugar	Sessions
Hutchison	Mack	Shelby
Inhofe	McCain	Smith (NH)
Inouye	McConnell	Smith (OR)
Jeffords	Mikulski	Snowe
Johnson	Moseley-Braun	Specter
Kempthorne	Moynihan	Stevens
Kennedy	Murkowski	Thomas
Kerrey	Murray	Thompson
Kerry	Nickles	Thurmond
Kohl	Reed	Torricelli
Kyl	Reid	Warner
Landriau	Robb	Wellstone
Lautenberg	Roberts	Wyden
Leahy	Rockefeller	

LEGISLATIVE SESSION

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

CONGRESSIONAL BUDGET FOR THE UNITED STATES GOVERNMENT FOR FISCAL YEARS 1999, 2000, 2001, 2002, AND 2003

The Senate continued with the consideration of the concurrent resolution.

AMENDMENT NO. 2218

The PRESIDING OFFICER. The pending amendment is Dorgan amendment No. 2218, on which there are 2 minutes of debate equally divided, with the Senator from North Dakota controlling 1 minute and the Senator from New Mexico controlling 1 minute.

The Senator from North Dakota is recognized.

Mr. DORGAN. Mr. President, the budget resolution contains a sense of the Senate that the Tax Code shall be sunsetted at the end of the year 2001. It doesn't provide what might be replacing that. It doesn't suggest whether after the current Tax Code is sunsetted there will be a flat tax, a VAT tax, a national sales tax; it just says sunset the Tax Code.

The chairman of the Finance Committee, Senator ROTH, says the following:

I believe that a comprehensive overhaul of the Tax Code should be in place before any action is taken to sunset the existing Tax Code.

The Tax Executives Institute, which represents thousands of corporations around the country, has said the same thing. It would be irresponsible to say let's get rid of the Tax Code without telling people what they are going to put in its place. What do you say to somebody who is going to buy a home tomorrow and they expect their mortgage interest deduction is going to be—

Mr. FORD. Mr. President, may we have order?

The PRESIDING OFFICER. The Senator from Kentucky is correct. There will be order in the Senate.

Mr. FORD. I think the Senator from North Dakota should have some of his time back because nobody has heard him.

Mr. DORGAN. Mr. President, last evening, the Senator from New Mexico characterized the amendment as an amendment which supports the current Tax Code. It is a clever way to debate, I guess, what this amendment is about. I support reforming the current Tax Code, making it better, more simple, more fair, but I don't believe we ought to say, "Let's abolish the current Tax Code and tell the American people there is nothing that we are going to put in its place this moment, you guess about that; you guess about that."

It may be a national sales tax of 30 or 35 percent. That is what the recent study from the Brookings Institute says it would have to be. Maybe it is a

flat tax where a billionaire pays the same rate as a person who works for \$20,000 a year.

Let me conclude. The Senator from Maryland makes the point that I made last night. How would anybody tomorrow plan their expansion, plan their next action if they didn't know what the Tax Code was going to be in the year 2002?

How will anybody decide to buy a house wondering whether they are going to have a mortgage interest deduction?

How will anybody decide about their charitable contributions if they don't know that the tax system is going to allow that as a deduction? That is the point.

This is not the thing to do. The chairman of the Finance Committee said so and many, many others around the country, including the President, said so.

Let us strike this provision and replace it with the language I have suggested that supports the mortgage interest deduction, the charitable deduction, and others in the current code. We can improve the current code, and we should, but we ought not allow this provision to stay in the Budget Act.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from New Mexico has 1 minute.

Mr. DOMENICI. Mr. President, could we have order?

The PRESIDING OFFICER. Please, could we have order in the body.

Mr. DOMENICI. Mr. President, I compliment the occupant of the Chair, the distinguished Senator from Kansas, and I compliment the distinguished Senator from Arkansas, Senator HUTCHINSON. They have given us an opportunity to see to it that we reform the Tax Code of the United States. It has been talked about for so long and nothing ever happens. They have devised a way where they are saying to the committees of the U.S. Congress, and to the President, let us get on with it. And here is the leverage: If you do not, we will not have a Tax Code in the year 2001.

I believe this is the only way you are going to get tax reform when those who are in charge of the job—with all the special interests gobbling them up not wanting any change. I think the only way it will occur is if this sense-of-the-Senate proposal becomes law. It is not law today when we approve of it. It will become law when a committee sends a bill to the President. But we ought to go on record saying we want reform, we want major reform of a broken down code, and we want it soon, not 15 more years of debate.

If I have any additional time, I yield it.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. HUTCHINSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

NAYS—1

Faircloth

NOT VOTING—1

Helms

The nomination was confirmed.

Mr. LEAHY. Mr. President, I move to reconsider the vote by which the nomination was confirmed.

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

The motion to lay on the table was agreed to.

NOMINATION OF MICHAEL P. MCCUSKEY, OF ILLINOIS, TO BE UNITED STATES DISTRICT JUDGE FOR THE CENTRAL DISTRICT OF ILLINOIS

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

The bill clerk read the nomination of Michael P. McCuskey, of Illinois, to be United States District Judge for the Central District of Illinois.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Michael P. McCuskey, of Illinois, to be United States District Judge for the Central District of Illinois?

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

The PRESIDING OFFICER. Is there a sufficient second?

There is not a sufficient second.

Mr. LEAHY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LEAHY. 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. LEAHY. Mr. President, I withdraw the request for the yeas and nays.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Michael P. McCuskey, of Illinois, to be United States District Judge for the Central District of Illinois?

The nomination was confirmed.

Mr. LEAHY. Mr. President, I move to reconsider the vote by which the nomination was confirmed.

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

The motion to lay on the table was agreed to.