

those that the department itself recently proposed, undermine planned efficiencies that would improve both quality of life and training for Army forces who will remain in Germany. Currently, the department and the combatant commanders are working closely to create a comprehensive, integrated presence and basing strategy and to identify a new set of military construction requirements for the next decade. Moving forward, we must ensure that our decisions regarding military construction overseas support these future requirements so that we continue to support our servicemen and women to the best of our abilities.

Mr. President, I believe that the bill we have before us makes some positive steps toward improving the readiness of our Armed Forces, and I commend it to my colleagues.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WARNER. 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 President, I ask unanimous consent that the order for the quorum call be rescinded.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. WARNER. It is my understanding that the Senate, at the hour of 5 o'clock, will proceed to a rollcall vote and that the vote will be held open for the period of 1 hour, until 6 o'clock; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. WARNER. My distinguished colleague, the ranking member, and I hope Members could come up to see either of us, if we are here—and if we are not here, both staffs will be here—and indicate the possibility that they may have amendments that will be forthcoming and the time, say tomorrow, that would be convenient for them to bring up those amendments.

Tonight we will be addressing some amendments after 6 o'clock. We will resume with amendments in the morning. We have gotten excellent cooperation from those desiring to offer amendments. But by midday tomorrow, we should, at our respective caucuses, be able to give the Senate some idea during the caucuses of the progress of this bill and the likelihood of when final passage could be achieved. Am I not correct on that, I ask my colleague?

Mr. LEVIN. The Senator from Virginia is, of course, correct.

I join with him in asking Senators to share with us or our staffs at the 5 to 6 o'clock hour what amendment they would expect to be offering either tonight or tomorrow.

I also point out, I believe—I want to make sure I am correct—the vote that occurs at 5 will be the only vote today. I ask the Chair, is that correct?

The PRESIDING OFFICER. The Senator is correct—the Senator will suspend for a moment.

Mr. LEVIN. I thought that had already been agreed to. Am I incorrect on that?

Mr. WARNER. In any event, Mr. President, there have been some rumors to that effect.

Mr. LEVIN. I withdraw that. I thought an announcement had been made and it would be, of course, inappropriate for anyone other than the majority leader to make that announcement.

The PRESIDING OFFICER. A vote will occur at 5 o'clock.

Mr. WARNER. There is nothing in the RECORD as to post-6 o'clock as to further votes tonight. That is the case until we hear from the majority leader; is that correct?

The PRESIDING OFFICER. There is no order concerning votes.

Mr. WARNER. I yield the floor.

Mr. MCCONNELL. Mr. President, let me confirm the vote that will be between 5 and 6 is the only vote tonight.

Mr. WARNER. I thank our distinguished assistant leader.

Mr. LEVIN. The distinguished whip came to the floor just in time to save my reputation. I very much appreciate that.

Mr. WARNER. With respect to amendments, I urge colleagues to look at the daily calendar in which the reference is made, on the covering page, to the order with regard to this bill and the proviso:

Provided, That all first degree amendments be relevant and that any second degree amendment be relevant to the first degree amendment to which it is offered.

There are restrictions on the subject matter. We want to cooperate with our colleagues. But it is very clear that this is the order that has been adopted by the Senate.

I yield the floor.

EXECUTIVE SESSION

NOMINATION OF S. MAURICE HICKS, JR., OF LOUISIANA, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF LOUISIANA

The PRESIDING OFFICER. Under the previous order, the Senate will go into executive session to consider the Executive Calendar order No. 172. The clerk will report.

The legislative clerk read the nomination of S. Maurice Hicks, Jr., of Louisiana, to be United States District Judge for the Western District of Louisiana.

Mr. MCCONNELL. 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 S. Maurice Hicks, Jr., of Louisiana, to be United States District Judge for the Western District of Louisiana?

The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from Utah (Mr. BENNETT), the Senator from Idaho (Mr. CRAIG),

the Senator from Alaska (Ms. MURKOWSKI), the Senator from Oregon (Mr. SMITH), the Senator from Missouri (Mr. TALENT), and the Senator from Wyoming (Mr. THOMAS) are necessarily absent.

Mr. REID. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Illinois (Mr. DURBIN), the Senator from North Carolina (Mr. EDWARDS), the Senator from Florida (Mr. GRAHAM), the Senator from Hawaii (Mr. INOUE), the Senator from Massachusetts (Mr. KERRY), the Senator from New Jersey (Mr. LAUTENBERG), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

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

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

The result was announced—yeas 86, nays 0, as follows:

[Rollcall Vote No. 184 Ex.]

YEAS—86

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

NOT VOTING—14

Bayh	Graham (FL)	Murkowski
Bennett	Inouye	Smith
Craig	Kerry	Talent
Durbin	Lautenberg	Thomas
Edwards	Lieberman	

The nomination was confirmed.

Mr. DASCHLE. Mr. President, I move to reconsider the vote, and move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the President will be notified of the Senate's action.

Mr. HATCH. Mr. President, I am pleased today to rise in support of S. Maurice Hicks, who has been confirmed to be a nominee to the U.S. District Court for the Western District of Louisiana.

Mr. Hicks has had a distinguished legal career. Upon graduation from Louisiana State University Law School, he worked for the Louisiana Legislative Council. Soon afterwards,

he began his 25-year career in private practice as an associate in a Shreveport law firm. He subsequently founded his own law firm and developed an expertise in commercial and insurance-related litigation in State and Federal courts, including general aviation accidents, automobile accidents, product liability, lender liability claims, construction disputes, intellectual property claims, and insurance coverage questions, as well as oil and gas accident and contamination claims. He also has a great deal of experience representing individuals on a wide variety of personal matters including estate planning, personal injury claims, contract negotiations, copyright issues, and general legal matters. All told, he has tried an estimated 150 cases to judgment, acting as sole or lead counsel in the vast majority of them. He has also devoted time in his legal career to pro bono work, including preparing wills for the elderly and working with adjudicated juveniles.

He is a member of the Louisiana State Bar, the American Bar Association, and the Shreveport Bar Association.

I am confident that Mr. Hicks's extensive litigation experience will make him an excellent addition to the Federal bench.

Mr. LEAHY. Mr. President, the Senate has confirmed the nomination of Maurice Hicks to be a United States District Court Judge for the Western District of Louisiana. Maurice Hicks has spent 25 years as a litigator in Shreveport, LA, where he has appeared frequently in State and Federal courts. He comes to us with the support of his home State Senators. Mr. Hicks is the seventh nominee of President Bush to be confirmed to the Federal courts in Louisiana. Just this year, the Senate already confirmed Dee Drell and Patricia Minaldi to the United States District Court for the Western District of Louisiana. With these confirmations, there are no longer any current vacancies in the Federal courts in Louisiana.

Under my chairmanship last Congress, the Senate Judiciary Committee held the first hearing for a Fifth Circuit nominee in 7 years. Judge Edith Brown Clement of Louisiana was promptly given a hearing in October 2001 and confirmed in November 2001, despite the fact that three of President Clinton's Fifth Circuit nominees never received a hearing, including H. Alston Johnson of Louisiana. The Democrats turned the other cheek on past obstruction by the Republicans in order to move forward. In fact, with Democratic support, the Senate recently confirmed another nominee to the Fifth Circuit Court of Appeals, Judge Edward Prado, despite the fact that President Clinton's Hispanic nominees to that court, Enrique Moreno and Jorge Rangel, never received a hearing or a vote.

With the confirmation of Mr. Hicks, the Senate will have confirmed 25 of President Bush's judicial nominees so

far this year and 125 overall. So far this year we have confirmed more judicial nominees of President Bush than the Republican majority was willing to confirm in the entire 1996 session when President Clinton was in the White House. That entire year only 17 judges were confirmed all year and that included none to the circuit courts, not one. In contrast, already this session, 5 circuit court nominees, including several highly controversial nominees, have been confirmed among the 25 judges the Senate has approved to date. Those confirmations—including two that had more negative votes than the required number to be filibustered but who were not filibustered never get acknowledged in partisan Republican talking points.

We are also almost 6 months ahead of the pace the Republican majority set in 1999 when it considered President Clinton's judicial nominees. It was not until October that the Senate confirmed as many as 25 judicial nominees in 1999.

In the 17 months when I chaired the Judiciary Committee, we were able to confirm 100 judges and vastly reduce the judicial vacancies that Republicans had stored up by refusing to allow scores of judicial nominees of President Clinton to be considered. We were able to do so despite the White House's refusal to work with Democrats on circuit court vacancies and many district court vacancies.

With Mr. Hicks' confirmation, the Senate will have succeeded in reducing the number of Federal judicial vacancies to the lowest level it has been in 13 years. The 110 vacancies that I inherited in the summer of 2001 have been more than cut in half. In the 17 months that I chaired the Judiciary Committee we not only kept up with attrition, but reduced those vacancies from 110 to 60 and with Mr. Hicks's confirmation we will only have 46 vacancies for the entire Federal judiciary. I congratulate Mr. Hicks and his family on his confirmation.

Republican talking points will likely focus on the impasse on 2 of the most extreme of the President's nominations rather than the 125 confirmations and the lowest judicial vacancy rate in 13 years. They will ignore their own recent filibusters against President Clinton's executive and judicial nominees in so doing and their own delays in considering some of this President's judicial nominees.

I continue to be disappointed that the Republican leadership has not found time to proceed to the nomination of Judge Consuelo Callahan to the United States Court of Appeals for the Ninth Circuit. This is another of the judicial nominees that Senate Democrats has strongly supported and whose consideration we had expedited through the Judiciary Committee weeks ago.

Just as Senate Democrats cleared the nomination of Judge Edward Prado to the United States Court of Appeals for

the Fifth Circuit without delay, so, too, the nomination of Judge Callahan, another Hispanic nominee to another circuit court, was cleared on the Democratic side. All Democratic Senators serving on the Judiciary Committee voted to report this nomination favorably. All Democratic Senators had indicated that they are prepared to proceed to this nomination and, after a reasonable period of debate, vote on the nomination. I am confident this nomination will be confirmed by an extraordinary majority—maybe unanimously.

It is most unfortunate that so many partisans in this administration and on the other side of the aisle insist on bogging down consensus matters and consensus nominees in order to focus exclusively on the most divisive and controversial of this President's nominees as he continues his efforts to pack the courts. Democratic Senators have worked very hard to cooperate with this administration in order to fill judicial vacancies. What the other side seeks to obscure is that effort, that fairness and the progress we have been able to achieve without much help from the other side or the administration. Judge Callahan's nomination has been delayed on the Senate Executive Calendar unnecessarily in my view. It is time to act on this nomination and make progress.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2004—Continued

The PRESIDING OFFICER (Mr. CHAMBLISS). The Democratic leader.

AMENDMENT NO. 689

Mr. DASCHLE. I have an amendment at the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows: The Senator from South Dakota [Mr. DASCHLE] proposes an amendment numbered 689.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To ensure that members of the Ready Reserve of the Armed Forces are treated equitably in the provision of health care benefits under TRICARE and otherwise under the Defense Health Program)

On page 157, strike line 8 and all that follows through "time of war," on line 14, and insert the following:

"(f)(1) At any time after the Secretary concerned notifies members of the Ready Reserve that the members are to be called or ordered to active duty,

On page 157, line 19, strike "'(2)'" and insert the following: