all levels of local, State, and Federal Governments. Of the many gracious comments I have heard about Phil, none characterize him better than a statement made by the managing partner at his firm. ''He's a very gracious fellow . . . a very likable person. He's a gentlemanly character.''

In Federalist Number 78, Alexander Hamilton wrote that Judges are the guardians of the constitution, ''The courts must declare the sense of the law; and if they should be disposed to exercise will instead of judgment, the consequence would equally be the substitution of their pleasure to that of the legislative body.''

Phil Figa is the guardian we need on the bench of the District Court for the District of Colorado. He will serve our Nation with the utmost of respect to our country and our constitution, and for this, I urge my colleagues to vote favorably on his confirmation.

Phillip Figa is somebody who has been reviewed by his peers in Colorado. He has been reviewed by the American Bar Association. He will be a very good individual for the bench and he has bipartisan support.

I yield the remainder of our time.

Mr. LEAHY. Mr. President, I yield the remainder of my time.

Mr. HATCH. Mr. President, I am pleased today to speak in support of Phillip Figa, who has been confirmed to the United States District Court for the District of Colorado.

Mr. Figa graduated from Cornell Law School in 1976. He then entered private practice with Sherman & Howard, where he primarily worked on commercial litigation, general business matters and municipal bond work.

In 1980, Mr. Figa became a partner at Burns & Figa, P.C. The firm maintained a boutique litigation practice emphasizing complex commercial litigation, especially antitrust, contract, real estate and other business-related disputes. Mr. Figa's practice also included representing lawyers and law firms in a variety of malpractice, ethics, attorney fee and disciplinary contexts. Since 1991, Mr. Figa has broadened his practice areas to include environmental litigation, trademark, oil and gas, health care and employment litigation. Mr. Figa has also served as an expert witness in the areas of legal ethics, standard of care of lawyers, conflicts of interest, malpractice and attorneys fees.

Mr. Figa enjoys the strong support of his home state senators, and I am pleased to join them in support of his nomination.

The PRESIDING OFFICER. All time has expired.

The question is, will the Senate advise and consent to the nomination of Phillip S. Figa, of Colorado, to be United States District Judge for the District of Colorado?

The nomination was confirmed.

Mr. STEVENS. Mr. President, I move to reconsider the vote, and I 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 motions to reconsider are laid on the table, and the President shall be immediately notified of the Senate's action.

Mr. LEAHY. Mr. President, tonight we voted unanimously to confirm four district court nominees: William Hayes and John Houston to be U.S. District Judges for the Southern District of California, Robert Clive Jones to be a U.S. District Judge for the District of Nevada, and Phillip Figa to be a U.S. District Judge for the District of Colorado.

I commend the Republican leadership for finally bringing the nominations of William Hayes and John Houston of California to the floor. These two nominees will be filling vacancies on the busiest district court in the nation. The two seats which these men will fill have been created to address the growing crisis to the border court in San Diego—the federal court with the highest caseload per judge in the nation. It is too bad that the Republican leadership chose to move nominees from Oklahoma and Texas ahead of these California nominees who are desperately needed by the people of the Southern District of California due to the high caseload of that court.

I would also note that the way in which these nominees have come forth should be used as a model for the White House to emulate in other States and circuits. Senator DIANE FEINSTEIN and Senator BARBARA BOXER worked hard to establish a bipartisan commission in California which has recommended these individuals for the Southern District of California. I am happy to be able to join the two California Senators in confirming these two new judges.

At the conclusion of the confirmation votes tonight, a total of 64 judicial nominees of President Bush will be confirmed this year. Adding that to the 100 confirmations during 17 months of the Democratic majority in the Senate, 164 of President Bush's judicial nominees have been confirmed thus far. This number of confirmations, 164, is significantly higher than Republicans allowed by the third year of President Clinton's second term, the most recent presidential term, when they allowed 135 judicial nominees of that president to be appointed from 1997 through the end of 1999.

It also should be noted that when I became chair of the Judiciary Committee on July 10, 2001, the Democrats inherited 110 vacant seats in the Federal judiciary. In the 17 months of Democratic control, we significantly reduced the vacancy rate by confirming 100 of President Bush's judicial nominees. Today, there are only 41 vacancies on the Federal courts. This is the lowest level reached in 13 years. Had we not created 15 new seats this year, that number would be even lower—down to 26.

In just the past week, Senate Democrats have worked with the Republicans to confirm 10 district court judges and 1 circuit court judge. There are a lot of accusations of delay being thrown around but the truth is in these plain numbers. With more full-time Federal judges on the bench today than any other time in U.S. history, the confirmation process is moving forward and judges are being confirmed expeditiously with support from Democrats on the Judiciary Committee and in the full Senate.

LEGISLATIVE SESSION

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

Mr. DASCHLE. Mr. President, we have been discussing the schedule. Everyone now has agreed Senator DODD will offer an amendment. It is our understanding he will require about 20 minutes to make his presentation. The manager of the bill wants 5 minutes to respond. It is our expectation a vote will occur on the Dodd amendment in about 25 minutes. My preference is to ask unanimous consent to lock it in so this does not get extended to 15 or 20 minutes more.

I propound that request, that a vote occur on or in relation to the Dodd amendment at 7:40.

Mr. WYDEN. My understanding is we will have the Dodd amendment, a vote on that, and right after that vote we have a vote on the Collins-Wyden amendment, which we hope will go on voice.

Mr. STEVENS. Yes.

Mr. DASCHLE. I renew my request.

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

CONDITIONAL ADJOURNMENT OR RECESS OF THE SENATE

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Con. Res. 71, the adjournment resolution.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 71) providing for a conditional adjournment or recess of the Senate.

There being no objection, the Senate proceeded to the consideration of the concurrent resolution.

Mr. FRIST. I ask unanimous consent that the concurrent resolution be agreed to and the motion to reconsider be laid upon the table.

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

The concurrent resolution (S. Con. Res. 71) was agreed to, as follows:

S. CON. RES. 71

Resolved by the Senate (the House of Representatives concurring), That when the Senate recesses or adjourns at the close of business on Friday, October 3, 2003, on a motion