

amendment—which beyond the guaranteed access to prescription contraceptives provides information about emergency contraceptives for women and doctors, access to emergency contraceptives for sexual assault victims and finally, access to health care for pregnant uninsured women—we will bear the burden of putting women's lives and health at risk by substituting the judgement of politicians for the judgement of medical doctors. And that just isn't right.

The bottom line is, women should have control over their reproductive health—whether it be through access to contraceptives, access to health care when they are pregnant or through preserving the right to choose which should include the right to terminate a pregnancy post-viability if a doctor determines that continuance of the pregnancy would result in a grievous injury to the woman's physical health.

After all, allowing women to decide what is in their best interests serves not only the woman's overall health, but their children's and their future children's health. This goal will be furthered by the amendment offered by Senator MURRAY and other amendments expected to be offered later this week by others which will ensure that we are following the guidelines laid out for us in the landmark *Roe v. Wade* decision ensuring that a woman's physical health is paramount in these decisions.

In the meantime, I urge my colleagues to join us in supporting this important amendment.

#### EXECUTIVE SESSION

#### NOMINATION OF WILLIAM D. QUARLES, JR., OF MARYLAND, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF MARYLAND

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nomination, which the clerk will report.

The assistant legislative clerk read the nomination of William D. Quarles, Jr., of Maryland, to be U.S. District Judge for the District of Maryland.

Mr. LEAHY. 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.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of William D. Quarles, Jr., of Maryland, to be U.S. District Judge for the District of Maryland. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The senior assistant bill clerk called the roll.

Mr. FRIST. I announce that the Senator from Missouri (Mr. BOND), the

Senator from New Mexico (Mr. DOMENICI), the Senator from Kentucky (Mr. MCCONNELL), and the Senator from Oklahoma (Mr. NICKLES) are necessarily absent.

Mr. REID. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from North Dakota (Mr. CONRAD), the Senator from South Dakota (Mr. DASCHLE), the Senator from North Carolina (Mr. EDWARDS), and the Senator from Massachusetts (Mr. KERRY) are necessarily absent.

I further announce that, if present and voting, the Senator from North Carolina (Mr. EDWARDS) and 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 yeas and nays resulted—yeas 91, nays 0, as follows:

#### [Rollcall Vote No. 50 Ex.]

#### YEAS—91

Akaka	Dorgan	Lugar
Alexander	Durbin	McCain
Allard	Ensign	Mikulski
Allen	Enzi	Miller
Baucus	Feingold	Murkowski
Bayh	Feinstein	Murray
Bennett	Fitzgerald	Nelson (FL)
Bingaman	Frist	Nelson (NE)
Boxer	Graham (FL)	Pryor
Breaux	Graham (SC)	Reed
Brownback	Grassley	Reid
Bunning	Gregg	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
Cornyn	Kyl	Sununu
Corzine	Landrieu	Talent
Craig	Lautenberg	Thomas
Crapo	Leahy	Levin
Dayton	Levin	Lieberman
DeWine	Lieberman	Lincoln
Dodd	Lincoln	Lott
Dole	Lott	

#### NOT VOTING—9

Biden	Daschle	Kerry
Bond	Domenici	McConnell
Conrad	Edwards	Nickles

The nomination was confirmed.

The PRESIDING OFFICER. The President will be notified of the Senate's action.

#### LEGISLATIVE SESSION

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

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

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

#### PARTIAL-BIRTH ABORTION BAN ACT OF 2003—Continued

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

#### UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR NOS. 36, 52, AND 54

Mr. SANTORUM. Mr. President, as in executive session, I ask unanimous consent that on Thursday, following the cloture vote with respect to the Estrada nomination, regardless of the outcome, the Senate proceed to the consideration of Executive Calendar No. 36, Jay S. Bybee, to be U.S. Circuit Judge for the Ninth Circuit; provided further that there be 6 hours for debate equally divided in the usual form, and that following the use or yielding back of the time, the Senate proceed to a vote on the confirmation of the nomination. I further ask consent that immediately following the vote, the Senate immediately proceed to a vote on the confirmation of Executive Calendar No. 52, the nomination of William Steele, to be U.S. District Judge for the Southern District of Alabama, to be immediately followed by a vote on the confirmation of Executive Calendar No. 54, the nomination of J. Daniel Breen to be U.S. District Judge for the Western District of Tennessee; provided further that following those votes, the President be immediately notified of the Senate's action, and the Senate then resume legislative session, with all the above occurring without intervening action or debate.

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

The Democratic whip.

#### COMPLETING ACTION ON S. 3

Mr. REID. Mr. President, if everyone uses all the time, tomorrow will be a long day. We do not know how much time everyone will use, but at least we have completed this very difficult legislation today. We have a circuit judge the leader has been asking for, and we have two more district court judges. So I think we have accomplished quite a bit this week.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. I thank the Senator from Nevada. Through this entire week, he has been working with this side in good faith to move forward this legislation. He did an outstanding job, in my opinion, in helping us proceed through this process. I want to thank him for the excellent work and for his willingness to move at times this heated and controversial discussion on the bill to this process where we are now poised to pass this legislation tomorrow morning. Hopefully, it will pass by a very strong vote, and we will get the bill into conference and get it back. I think the House will bring this up in a