

Mikulski	Roth	Stevens
Moynihan	Santorum	Thomas
Murkowski	Sarbanes	Thompson
Murray	Schumer	Thurmond
Nickles	Sessions	Torricelli
Reed	Shelby	Voinovich
Reid	Smith (NH)	Warner
Robb	Smith (OR)	Wellstone
Roberts	Snowe	Wyden
Rockefeller	Specter	

NOT VOTING—2

Baucus                      McCain

The bill (H.R. 1883), as amended, was passed.

Mr. LOTT. 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.

EXECUTIVE SESSION

UNANIMOUS CONSENT AGREEMENT

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to executive session for the consideration of Executive Calendar No. 407, Kermit Bye to be a United States Circuit Judge, and further, that a vote occur on the nomination, immediately to be followed by a vote on Calendar No. 409, George Daniels to be a United States District Judge, and following those back-to-back votes, the President be notified of the Senate's action and the Senate then resume legislative session.

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

Mr. LOTT. Mr. President, I ask unanimous consent that it be in order for me to ask for the yeas and nays en bloc on these confirmations.

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

Mr. LOTT. Mr. President, I know there are a number of Senators who wish to speak in morning business. After we have this en bloc vote, we will put in a time for morning business. I see Senator SPECTER, and Senator STEVENS wants to speak, and probably Senators on the other side do. We will put in probably an hour, from 12:30 until approximately 1:30, so Senators can speak on a number of subjects.

Mr. LEAHY. Mr. President, if the majority leader will yield, after the votes on the judges, may it be in order that Chairman HATCH and I be recognized for a couple minutes on the nominations that had been voted on?

Mr. LOTT. Is Senator HATCH here?

Mr. LEAHY. I was asking for myself, but I thought as a matter of courtesy I should include the chairman.

Mr. LOTT. I think that is a reasonable request. We need to have the vote as soon as we can. Senators are prepared to vote.

Mr. President, I amend my request and ask unanimous consent that we have 2 minutes for the chairman and 2 minutes for the ranking member following votes. I note that Senator INHOFE will probably have some com-

ments on these nominations, and he indicated he would make those after the vote.

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

Mr. REID. Mr. President, if the leader will yield, is the leader agreeable to extending morning business until 2 o'clock?

Mr. LOTT. Absolutely. I have no problem with that.

Mr. REID. I thank the majority leader.

Mr. LOTT. Mr. President, I ask for the yeas and nays on the nominations.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

NOMINATION OF KERMIT BYE, OF NORTH DAKOTA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE EIGHTH CIRCUIT

The PRESIDING OFFICER. The nomination will be stated.

The assistant legislative clerk read the nomination of Kermit Bye, of North Dakota, to be a United States Circuit Judge for the Eighth Circuit.

Mr. CONRAD. Mr. President, I rise today to recommend the confirmation of Kermit Bye for the Eighth Circuit Court of Appeals, and I ask my colleagues to join me and Senator DORGAN in supporting his nomination.

Kermit Bye is a native North Dakotan. He was born in the middle of a North Dakota blizzard, in a railroad section house in Hatton, North Dakota. He has distinguished himself in his career, and is widely recognized as one of the best trial lawyers in our state. Kermit Bye will be an excellent addition to the federal judiciary, and he has my strong support.

Kermit Bye would bring a wide range of experiences to the bench. Before receiving his law degree from the University of North Dakota in 1962, he worked as a milk truck driver, a radio advertising salesman, and in catalog sales at Montgomery Wards.

Soon after completing law school, Mr. Bye worked as North Dakota Deputy Securities Commissioner, and later served as Assistant United States Attorney for the District of North Dakota.

Since 1968, Mr. Bye has worked for the Vogel Law Firm and was named President of the firm in 1981. Mr. Bye has over 30 years of experience in Federal and state trial and appellate litigation. His long and distinguished career includes representing individual and corporate clients. He has tried more than 100 cases, representing both plaintiffs and defendants. He has also argued numerous appeals, including more than 20 before the Eighth Circuit. Mr. Bye has served on the Board of Governors and as the President of the State Bar Association of North Dakota.

Through his broad experience and success he has earned an excellent rep-

utation. As an experienced litigator, Mr. Bye also has a full understanding of the appropriate role of the judiciary.

My colleague, Senator DORGAN, and I have heard from individuals across our home state, from both sides of the aisle and from all sections of the legal community, recommending Mr. Bye for this position. According to his colleagues and fellow bar members, Mr. Bye is a man of great character and qualifications.

One of his supporters is Judge Frank Magill, who Mr. Bye has been nominated to succeed on the Eighth Circuit. Judge Magill has been on senior status since April 1, 1997, and was appointed to the Eighth Circuit by President Reagan in 1986. He states in a letter to Senator HATCH: "I have had a longtime professional association with Kermit Bye. His professional competence and integrity are of the highest order. He has several decades of trial experience. I know from personal experiences that he will be an easy fit for your criterion of judicial temperament."

Mr. President, I am confident that Mr. Bye will be an outstanding addition to the federal bench. I support his confirmation and yield the floor.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Kermit Bye, of North Dakota, to be a United States Circuit Judge for the Eighth Circuit? 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 Arizona (Mr. MCCAIN) is necessarily absent.

Mr. REID. I announce that the Senator from Montana (Mr. BAUCUS) is necessarily absent.

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

The yeas and nays resulted—yeas 98, nays 0, as follows:

[Rollcall Vote No. 13 Ex.]

YEAS—98

Abraham	Dorgan	Kyl
Akaka	Dubin	Landrieu
Allard	Edwards	Lautenberg
Ashcroft	Enzi	Leahy
Bayh	Feingold	Levin
Bennett	Feinstein	Lieberman
Biden	Fitzgerald	Lincoln
Bingaman	Frist	Lott
Bond	Gorton	Lugar
Boxer	Graham	Mack
Breaux	Gramm	McConnell
Brownback	Grams	Mikulski
Bryan	Grassley	Moynihan
Bunning	Gregg	Murkowski
Burns	Hagel	Murray
Byrd	Harkin	Nickles
Campbell	Hatch	Reed
Chafee, L.	Helms	Reid
Cleland	Hollings	Robb
Cochran	Hutchinson	Roberts
Collins	Hutchison	Rockefeller
Conrad	Inhofe	Roth
Coverdell	Inouye	Santorum
Craig	Jeffords	Sarbanes
Crapo	Johnson	Schumer
Daschle	Kennedy	Sessions
DeWine	Kerrey	Shelby
Dodd	Kerry	Smith (NH)
Domenici	Kohl	Smith (OR)

Snowe	Thompson	Warner
Specter	Thurmond	Wellstone
Stevens	Torricelli	Wyden
Thomas	Voinovich	

NOT VOTING—2

Baucus McCain

The nomination was confirmed.

**NOMINATION OF GEORGE B. DANIELS, OF NEW YORK, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF NEW YORK**

The PRESIDING OFFICER. The clerk will now report the second nomination.

The legislative clerk read the nomination of George B. Daniels, of New York, to be United States District Judge for the Southern District of New York.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of George B. Daniels, of New York, to be United States District Judge for the Southern District of New York? On this question, the yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. McCAIN), is necessarily absent.

Mr. REID. I announce that the Senator from Montana (Mr. BAUCUS), is necessarily absent.

The result was announced, yeas 98, nays 0, as follows:

The result was announced—yeas 98, nays 0, as follows:

[Rollcall Vote No. 14 Ex.]

YEAS—98

Abraham	Feingold	Lugar
Akaka	Feinstein	Mack
Allard	Fitzgerald	McConnell
Ashcroft	Frist	Mikulski
Bayh	Gorton	Moynihan
Bennett	Graham	Murkowski
Biden	Gramm	Murray
Bingaman	Grassley	Nickles
Bond	Gregg	Reed
Boxer	Hagel	Robb
Breaux	Harkin	Roberts
Brownback	Hatch	Rockefeller
Bryan	Helms	Roth
Bunning	Hollings	Santorum
Burns	Hutchinson	Sarbanes
Byrd	Hutchison	Schumer
Campbell	Inhofe	Sessions
Chafee, L.	Inouye	Shelby
Cleland	Jeffords	Smith (NH)
Cochran	Johnson	Smith (OR)
Collins	Kennedy	Snowe
Conrad	Kerrey	Specter
Coverdell	Kerry	Stevens
Craig	Kohl	Thomas
Crapo	Kyl	Thompson
Daschle	Landrieu	Thurmond
DeWine	Lautenberg	Torricelli
Dodd	Leahy	Voinovich
Domenici	Levin	Warner
Dorgan	Lieberman	Wellstone
Durbin	Lincoln	Wyden
Edwards	Lott	
Enzi		

NOT VOTING—2

Baucus McCain

The nomination was confirmed.

The PRESIDING OFFICER (Mr. BUNNING). Under the previous order, the Senator from Vermont is recognized for 2 minutes.

Mr. MOYNIHAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. I ask unanimous consent to speak for 20 seconds in advance of the Senator from Vermont.

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

Mr. MOYNIHAN. Mr. President, I rise to express great appreciation on my part to my revered friend and colleague, Senator SCHUMER, and to Senator LEAHY, Chairman HATCH, Senator LOTT, Senator DASCHLE, and all Senators for their vote confirming the nomination of Judge Daniels unanimously. It is much appreciated. I assure you, he will perform a service to the Republic for many years ahead.

I yield the floor.

Mr. SCHUMER addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. I ask unanimous consent to address the body for 30 seconds.

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

Mr. SCHUMER. Mr. President, I join in the thanks given by my esteemed, wise, senior colleague, Senator MOYNIHAN, to Senators LOTT, HATCH, and LEAHY. This is an outstanding jurist who will make us all proud. I thank the Senate for confirming him.

**LEGISLATIVE SESSION**

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

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. LOTT. If the Senator from Vermont will withhold briefly, I would like to go ahead and make this request. I believe we have a leadership Senator here.

I would like to first ask, what is the pending question?

The PRESIDING OFFICER. We are in morning business until 2 o'clock.

**AFFORDABLE EDUCATION ACT OF 1999—Resumed**

Mr. LOTT. Mr. President, I believe we did not actually get morning business put in place. But I ask unanimous consent the clerk report the bill on education savings loans.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1134) to amend the Internal Revenue Code of 1986 to allow tax-free expenditures from education individual retirement accounts for elementary and secondary school expenses, to increase the maximum annual amount of contributions to such accounts, and for other purposes.

Mr. LOTT. Mr. President, before I put forward this request, we have been working to develop an agreement as to how to proceed on this legislation. I think we are close to getting that done, but we may still need a little more time to work on it. In that effort,

I ask unanimous consent that all amendments be relevant to the subject matter of education and/or education-related taxes.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Reserving the right to object, I say to the leader, we appreciated very much the minority having the opportunity yesterday to speak about education. We believe this is a time we should be talking about education; it is that important to the American people. But this is the first amendable vehicle we have had this session. I respectfully suggest to the majority, on behalf of the minority let's have the opportunity to have a vehicle we can amend.

We hope that very shortly the majority will understand we are trying to move education along. We have no great plan in mind to move off education into some other area. But we would like to do that. If the leader believes that cannot be done, we are willing to continue working to see if we can come up with some reasonable effort to move forward on this legislation.

Mr. LOTT. Mr. President, I understand there will be an objection.

Mr. REID. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. LOTT. We will continue to work to get an agreement developed. Certainly amendments on education or education-related taxes would be something we would want to have and with which we would have no problem. We were hoping it would not run far afield to all kinds of unrelated issues that would delay a bill that has overwhelming support.

The support for this idea of being able to save a little for your own children's education—up to \$2,000 per year per child, kindergarten through the 12th grade—has a lot of support, especially when you realize we can do it for our children's college education but not for our children's needs in the 4th grade. I hope we can work it out. I think maybe we can. We will keep working on that.

I now ask unanimous consent, after Senator LEAHY has spoken, the Senate proceed to a period of morning business, with the first 8 minutes under the control of Senator THURMOND, the succeeding 30 minutes under the control of Senators TORRICELLI and SPECTER, the following 10 minutes under the control of Senator CAMPBELL, the following hour under the control of Senators CLELAND and ROBERTS, and following that time the Senate resume consideration of the pending legislation and I be immediately recognized.

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

Mr. LOTT. I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.