

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)