

making this nomination. I thank the Chamber of Commerce for showing that business supports the confirmation of Tim Dyk to fill this vacancy on the Federal Circuit and for not playing politics with this nomination. The nature of the Federal Circuit's caseload merits a full complement of judges as authorized by Congress so that its intellectual property docket can get the attention that it deserves and that our economy requires.

Mr. KENNEDY. Mr. President, at long last, the Senate is considering the nomination of Timothy Dyk for the U.S. Court of Appeals for the Federal Circuit. Mr. Dyk is an exceptional nominee who has waited far too long for action by the Senate. He is a nationally known and respected attorney who has been approved by the American Bar Association and was well received by the Senate Judiciary Committee. He deserves confirmation by the Senate by an overwhelming bipartisan majority today.

Mr. Dyk is an honors graduate of Harvard College and Harvard Law School, where he was a member of the Law Review. After graduation, he served as a Supreme Court law clerk for Chief Justice Earl Warren, as well as for Justices Stanley REED and Harold Burton. He served in the Justice Department for a year in the early 1960's and has spent the last 37 years as a distinguished and highly respected attorney in private practice in Washington, D.C.. He has argued cases before the Supreme Court and in numerous federal courts of appeals, including five cases before the Federal Circuit. He clearly has the qualifications and ability to serve on that Circuit with great distinction.

Mr. Dyk's nomination is supported by a variety of corporations and organizations, including the U.S. Chamber of Commerce, the National Association of Manufacturers, the National Association of Broadcasters, the Labor Policy Association, the American Trucking Association, Kodak, and IBM. He is also supported by the American Center for Law and Justice and has been described by that group as "an exceptional advocate," who "would be a fine jurist on the Federal Circuit."

For a number of years, Mr. Dyk served as lead counsel for the Lubrizol Corporation in a number of patent litigations. Lubrizol's Chairman and CEO has written,

Mr. Dyk was exceptionally effective in briefing and arguing the several appeals in the Federal Circuit that occurred in those cases and demonstrated the ability to provide exceptional service on the federal bench. He also performed an instrumental role in ultimate disposition of those cases through mediation, which he urged on the parties and skillfully guided through extensive and difficult negotiations.

Mr. Dyk is also an active member of numerous bar organizations, and he has served as Chair of the D.C. Circuit Membership Evaluation Committee of the American Academy of Appellate Lawyers. In addition, he is an active

participant in the community. In every respect, he is well-qualified for appointment to the Federal Circuit. He should have been confirmed long ago, and I urge my colleagues to approve his nomination today.

Mr. CAMPBELL. 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 Timothy B. Dyk, of the District of Columbia, to be United States Circuit Judge for the Federal Circuit?

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from Delaware (Mr. BIDEN) is necessarily absent.

The PRESIDING OFFICER (Mr. SESSIONS). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 74, nays 25, as follows:

[Rollcall Vote No. 109 Ex.]

YEAS—74

Abraham	Feinstein	Mack
Akaka	Fitzgerald	McCain
Baucus	Frist	Mikulski
Bayh	Gorton	Moynihan
Bennett	Graham	Murray
Bingaman	Grams	Nickles
Bond	Hagel	Reed
Boxer	Harkin	Reid
Breaux	Hatch	Robb
Bryan	Hollings	Rockefeller
Burns	Hutchison	Roth
Byrd	Inouye	Santorum
Campbell	Jeffords	Sarbanes
Chafee, L.	Johnson	Schumer
Cleland	Kennedy	Smith (OR)
Collins	Kerrey	Snowe
Conrad	Kerry	Specter
Daschle	Kohl	Stevens
deWine	Landrieu	Thompson
Dodd	Lautenberg	Torricelli
Domenici	Leahy	Voinovich
Dorgan	Levin	Warner
Durbin	Lieberman	Wellstone
Edwards	Lincoln	Wyden
Feingold	Lugar	

NAYS—25

Allard	Gramm	Murkowski
Ashcroft	Grassley	Roberts
Brownback	Gregg	Sessions
Bunning	Helms	Shelby
Cochran	Hutchinson	Smith (NH)
Coverdell	Inhofe	Thomas
Craig	Kyl	Thurmond
Crapo	Lott	
Enzi	McConnell	

NOT VOTING—1

Biden

The nomination was confirmed.

VISIT TO THE SENATE BY MUGUR ISARESCU, PRIME MINISTER OF ROMANIA

Ms. LANDRIEU. Mr. President, visiting us is the Prime Minister of Romania, Mugur Isarescu.

RECESS

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the Senate stand in recess to greet the Prime Minister appropriately.

There being no objection, the Senate, at 4:09 p.m., recessed until 4:13 p.m.;

whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. SESSIONS).

NOMINATION OF GERARD E. LYNCH, OF NEW YORK, TO BE A UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF NEW YORK

The PRESIDING OFFICER. The clerk will report the next nomination.

The legislative clerk read the nomination of Gerard E. Lynch, of New York, to be a United States District Judge for the Southern District of New York.

Mr. BURNS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The question is, Will the Senate advise and consent to the nomination of Gerard E. Lynch, of New York, to be a United States District Judge for the Southern District of New York? The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from Delaware (Mr. BIDEN) is necessarily absent.

The result was announced—yeas 63, nays 36, as follows:

[Rollcall Vote No. 110 Ex.]

YEAS—63

Akaka	Fitzgerald	Moynihan
Baucus	Graham	Murray
Bayh	Gordon	Reed
Bennett	Graham	Reid
Bingaman	Harkin	Robb
Boxer	Hatch	Rockefeller
Breaux	Hollings	Roth
Bryan	Inouye	Sarbanes
Byrd	Jeffords	Schumer
Chafee, L.	Johnson	Shelby
Cleland	Kennedy	Smith (OR)
Collins	Kerrey	Snowe
Conrad	Kerry	Specter
Daschle	Kohl	Stevens
Dodd	Landrieu	Thompson
Domenici	Lautenberg	Thurmond
Dorgan	Leahy	Torricelli
Durbin	Levin	Voinovich
Edwards	Lieberman	Warner
Feingold	Lincoln	Wellstone
Feinstein	Lugar	Wyden
	Mikulski	

NAYS—36

Abraham	DeWine	Kyl
Allard	Enzi	Lott
Ashcroft	Frist	Mack
Bond	Gramm	McCain
Brownback	Grams	McConnell
Bunning	Grassley	Murkowski
Burns	Gregg	Nickles
Campbell	Hagel	Roberts
Cochran	Helms	Santorum
Coverdell	Hutchinson	Sessions
Craig	Hutchison	Smith (NH)
Crapo	Inhofe	Thomas

NOT VOTING—1

Biden

The nomination was confirmed.

NOMINATION OF JAMES J. BRADY, OF LOUISIANA, TO BE UNITED STATES DISTRICT JUDGE FOR THE MIDDLE DISTRICT OF LOUISIANA

The legislative clerk read the nomination of James J. Brady, of Louisiana,