

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	Hutchinson	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	Hutchinson	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,

to be United States District Judge for the Middle District of Louisiana.

The PRESIDING OFFICER (Mr. BUNNING). The question is, Will the Senate advise and consent to the nomination of James J. Brady, of Louisiana, to be United States District Judge for the Middle District of Louisiana?

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

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 83, nays 16, as follows:

[Rollcall Vote No. 111 Ex.]

YEAS—83

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

NAYS—16

Allard	Helms	Nickles
Bunning	Hutchison	Roberts
Enzi	Inhofe	Smith (NH)
Gorton	Kyl	Thompson
Gramm	Mack	
Grams	McCain	

NOT VOTING—1

Biden

The nomination was confirmed.

NOMINATION OF MARY A. McLAUGHLIN, OF PENNSYLVANIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF PENNSYLVANIA

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

The legislative clerk read the nomination of Mary A. McLaughlin, of Pennsylvania, to be United States District Judge for the Eastern District of Pennsylvania.

Mr. KOHL. Mr. President, I rise in strong support of the nomination of Mary McLaughlin to the U.S. District Court for the Eastern District of Pennsylvania. Those of us on the Judiciary Committee know Ms. McLaughlin from her outstanding work as Special Coun-

sel for our Terrorism Subcommittee during the Ruby Ridge investigation in 1995. During those hearings, Ms. McLaughlin demonstrated precisely the qualities we want in a federal judge—she is intelligent, fair-minded, tough, possesses a judicial temperament, and is deeply committed to the cause of justice. Once we put her on the bench, she is going to be a terrific federal judge.

Our Ruby Ridge subcommittee ran the ideological gamut. Yet Ms. McLaughlin gained the respect and admiration of all of our colleagues from both parties who worked with her—Senators SPECTER, THOMPSON, ABRAHAM, THURMOND, LEAHY, FEINSTEIN, GRASSLEY, and CRAIG—for the skill and professionalism she brought to her work. Let me make special mention of how tough and persistent Ms. McLaughlin was when the Justice Department was “less than enthusiastic” about supplying us with documents. Largely as a result of her efforts, we obtained the information that we needed, and our investigation went on to become a true model of bipartisan cooperation.

Beyond her service to the U.S. Senate, Ms. McLaughlin has stellar credentials for a judgeship. She is a senior partner in the leading Philadelphia law firm of Dechert, Price and Rhoads, where her practice has concentrated in a myriad of complex litigation matters. She was a recipient of a 1998 “Women of Distinction” Award from the Philadelphia Business Journal, the National Association of Women Business Owners, and The Forum of Executive Women. Her career has also included teaching at the law schools of Vanderbilt University, the University of Pennsylvania and Rutgers University. In addition, Ms. McLaughlin served for four years as an Assistant U.S. Attorney for the District of Columbia where, Mr. President, she put criminals behind bars. Not surprisingly, given this stellar record, she was unanimously rated “well qualified” by the American Bar Association.

Unfortunately, a few outside groups have raised questions about her candidacy based on a small portion of Ms. McLaughlin’s pro bono work. While it is true that she is a person of strong convictions, none is stronger than her dedication to the Rule of Law. In other words, I am confident that she will in all cases apply the law, not make it.

I wouldn’t say that about everybody who has been nominated for a federal judgeship in recent years.

Mr. President, Ms. McLaughlin deserves the type of strong, bipartisan support from the entire Senate that she has already obtained from those of us who worked with her on Ruby Ridge. “There’s something about Mary’s” record of distinguished public service, her professional experience, her legal talents, and her personal integrity that will make her an outstanding Judge on the Eastern District bench. I urge my colleagues to swiftly confirm her.

Mr. STEVENS. 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 Mary A. McLaughlin, of Pennsylvania, to be United States District Judge for the Eastern District of Pennsylvania? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 86, nays 14, as follows:

[Rollcall Vote No. 112 Ex.]

YEAS—86

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

NAYS—14

Allard	Fitzgerald	Nickles
Brownback	Gramm	Roberts
Bunning	Grams	Smith (NH)
DeWine	Helms	Voinovich
Enzi	Inhofe	

The nomination was confirmed.

EXECUTIVE CALENDAR

The PRESIDING OFFICER. Under the previous order, the nominations enumerated in the order are confirmed en bloc, the motions to reconsider are laid upon the table, the President will be notified of the Senate’s actions, and the Senate will return to legislative session.

The nominations considered and confirmed are as follows:

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

Christopher C. Gallagher, of New Hampshire, to be a Member of the Board of Directors of the Corporation for National and Community Service for a term expiring October 6, 2003.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

Amy C. Achor, of Texas, to be a Member of the Board of Directors of the Corporation for National and Community Service for a term expiring October 6, 2003.

THE JUDICIARY

James D. Whittemore, of Florida, to be United States District Judge for the Middle District of Florida.

DEPARTMENT OF THE TREASURY

Jay Johnson, of Wisconsin, to be Director of the Mint for a term of five years.