

EXECUTIVE SESSION

NOMINATION OF ARTHUR J. SCHWAB, OF PENNSYLVANIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF PENNSYLVANIA

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to executive session to consider Calendar No. 963, Arthur Schwab to be U.S. district judge; that the Senate vote immediately on the nomination; that upon the disposition of the nomination, the motion to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and statements thereon be printed in the RECORD as though read and that the Senate resume legislation session, with the preceding all occurring without any intervening action or debate.

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

The clerk will report.

The assistant legislative clerk read the nomination of Arthur J. Schwab, of Pennsylvania, to be United States District Judge for the Western District of Pennsylvania.

Mr. REID. Madam President, I ask for the yeas and nays on the nomination.

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 Arthur J. Schwab, of Pennsylvania, to be United States District Judge for the Western District of Pennsylvania? 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. REID. I announce that the Senator from Hawaii (Mr. AKAKA), the Senator from Georgia (Mr. MILLER) are necessarily absent.

Mr. NICKLES. I announce that the Senator from Mississippi (Mr. COCHRAN), the Senator from North Carolina (Mr. HELMS), the Senator from Alaska (Mr. MURKOWSKI), the Senator from New Hampshire (Mr. SMITH), the Senator from Oregon (Mr. SMITH), and the Senator from Kansas (Mr. ROBERTS) are necessarily absent.

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

The result was announced—yeas 92, nays 0, as follows:

[Rollcall Vote No. 216 Ex.]

YEAS—92

Allard	Bunning	Conrad
Allen	Burns	Corzine
Baucus	Byrd	Craig
Bayh	Campbell	Crapo
Bennett	Cantwell	Daschle
Biden	Carnahan	Dayton
Bingaman	Carper	DeWine
Bond	Chafee	Dodd
Boxer	Cleland	Domenici
Breaux	Clinton	Dorgan
Brownback	Collins	Durbin

Edwards	Johnson	Reid
Ensign	Kennedy	Rockefeller
Enzi	Kerry	Santorum
Feingold	Kohl	Sarbanes
Feinstein	Kyl	Schumer
Fitzgerald	Landrieu	Sessions
Frist	Leahy	Shelby
Graham	Levin	Snowe
Gramm	Lieberman	Specter
Grassley	Lincoln	Stabenow
Gregg	Lott	Stevens
Hagel	Lugar	Thomas
Harkin	McCain	Thompson
Hatch	McConnell	Thurmond
Hollings	Mikulski	Torricelli
Hutchinson	Murray	Voinovich
Hutchison	Nelson (FL)	Warner
Inhofe	Nelson (NE)	Wellstone
Inouye	Nickles	Wyden
Jeffords	Reed	

NOT VOTING—8

Akaka	Miller	Smith (NH)
Cochran	Murkowski	Smith (OR)
Helms	Roberts	

The nomination was confirmed.

The PRESIDING OFFICER. The motion to reconsider is tabled. The President will be immediately notified of the Senate's action.

Mr. DASCHLE. Madam President, I yield such time as the Senator from Pennsylvania may require to make a brief statement.

Mr. SPECTER. Madam President, I thank the majority leader.

I have sought recognition to comment very briefly on the nomination of Arthur J. Schwab of Pittsburgh, PA. Mr. Schwab is an outstanding lawyer and will make an outstanding judge. His credentials include: Graduating cum laude from Grove City College; Order of Coif from the University of Virginia Law School; an extraordinary litigation record as a trial lawyer, appearing in some 22 States, in addition to Pennsylvania; in the Federal courts in Pennsylvania, he argued appeals in the Third, Fourth, Fifth, Sixth, Seventh, Eighth, Ninth, and Eleventh Circuit Courts. He has an extraordinary litigation background and will make an outstanding judge.

I ask unanimous consent to have printed in the RECORD the qualifications of Arthur J. Schwab.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Arthur J. Schwab graduated cum laude from Grove City College in 1968. He then attended the University of Virginia law school, where he graduated Order of the Coif in 1972. After law school he was an assistant district attorney with the District Attorney's Office of Allegheny County. He then became a partner in the law firm of Mansmann, Beggy, McVerry & Baxter, later named McVerry, Baxter & Cindrich, from 1970 to 1988. He has also been Of Counsel to the law firm of Tucker Arensburg, a shareholder of Grogan, Graffam, McGinley & Lucchino, P.C. Currently, Mr. Schwab serves as the chief counsel and chair of litigation at Buchanan Ingersoll, P.C., in Pittsburgh, Pennsylvania.

Over the past 20 years, Mr. Schwab has developed a practice in the areas of trade secrets, confidential information, employment agreements, software copyright infringement, trademark, unfair competition, and diversion of corporate opportunities. He has tried cases in state and federal courts in more than 22 different states, as well as in the Courts of Common Pleas of the Commonwealth of Pennsylvania and in the United

States District Court for the Western District of Pennsylvania. Mr. Schwab has also been responsible for cases involving appeals to the United States Courts of Appeals for the Third, Fourth, Fifth, Sixth, Seventh, Eighth, Ninth, and Eleventh Circuits.

Mr. Schwab is also actively involved in his local community, including serving as the co-chair of the Senator John Heinz Level of Giving Division of the United Way of Allegheny County. From 1979 to 1988, Mr. Schwab began an extensive pro bono project concerning Child Advocacy for the Allegheny County Bar Association that produced, with the assistance of 60 Reed Smith attorneys, over 3400 hours of representation of indigent children.

Once again, I believe that Arthur Schwab will be an excellent addition to the federal bench and I urge my colleagues to vote for his confirmation. Thank you.

Mr. LEAHY. Madam President, today the Senate has confirmed its 76th and 77th new judges since the change in majority last summer, with the vote on Arthur Schwab, who is nominated to the Eastern District of Pennsylvania and the vote earlier this morning on Jose Martinez, who is nominated to the Southern District of Florida. In less than 15 months we have confirmed more judges than the Republican majority confirmed in its final 30 months in the majority. We have been more than twice as productive as they were and Republicans are nonetheless complaining that we have not worked three or four times as fast as they did to fill vacancies their inaction perpetuated.

The Senate has now confirmed more judges than were confirmed in all of 1989 and 1990, the first two years of the first Bush Administration, and almost 40 percent more confirmations than in the first 15 months of the Reagan or Clinton Administration, both of which were cooperating with a Senate majority of the same political party.

Another stark comparison would be between how we have proceeded this year and how the recent Republican majority proceeded in the years they were in the Senate majority but the President was a Democrat. In the 1996 session for example, the second full year in which the Republican majority was in control of progress on President Clinton's judicial nominees, the Republican majority allowed only 17 judges to be confirmed the entire year. Not a single circuit court judge was confirmed that entire session all year—not one. By contrast, just since January, in this the second session of this Congress, this Democratic Senate has already confirmed 180 percent more judges than were confirmed in the second year of the Republican majority. We have also already confirmed seven judges to the circuit courts, which is seven more than were confirmed in the 1996 session.

LEGISLATIVE SESSION

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