

be Senator BYRD on a 30-minute time-frame, 20 minutes for Senator BYRD and 10 minutes for myself; that will follow the 10 minutes of debate on the circuit court judge and the vote on that confirmation.

I, again, renew my request for unanimous consent that following the disposition of those amendments and the circuit judge this bill be read for the third time and the Senate vote on final passage of the Defense appropriations bill with no further intervening action or debate.

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

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. STEVENS. I ask unanimous consent that the scheduled rollcall vote previously ordered on the confirmation of Calendar No. 294 be vitiated and we now have a vote on the confirmation of the other nomination.

The PRESIDING OFFICER. Is there objection?

Mr. LEAHY. Reserving the right to object, the distinguished senior Senator from Alaska is referring to the district court judge; is that correct?

Mr. STEVENS. The district court judge, yes. There will be a vote scheduled on the confirmation of the circuit court judge, Allyson Duncan. I ask that we vitiate the rollcall on the district judge and have a rollcall vote on the circuit judge. There will be 10 minutes equally divided on the circuit judge.

Mr. LEAHY. Reserving the right to object, the district judge is strongly supported by both the Senators, Democrat and Republican Senators, of the nominee's State. After appropriate consultation, we have no objection to a voice vote.

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

EXECUTIVE SESSION

NOMINATION OF ALLYSON K. DUNCAN, OF NORTH CAROLINA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE FOURTH CIRCUIT

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nomination, which the clerk will report.

The assistant legislative clerk read the nomination of Allyson K. Duncan, of North Carolina, to be United States Circuit Judge for the Fourth Circuit.

The PRESIDING OFFICER. Under the previous order, there will be 10 minutes equally divided between Senator DOLE and Senator EDWARDS.

Mr. LEAHY. Mr. President, I ask for the yeas and nays on this nominee.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from North Carolina.

Mrs. DOLE. Mr. President, I am pleased tonight we are confirming two of President Bush's judicial nominees from my home State of North Carolina, Allyson Duncan to the Fourth Circuit Court of Appeals and Louise Flanagan to the Eastern District of North Carolina. Our free society is based on reasoned, dispassionate judgment of the men and women of our judicial branch of our Government who share a sense of honor and duty to our country and to our Constitution. Every indication is that these two talented and experienced individuals will provide just that.

Judges interpret and apply the laws that govern our Nation, including our fundamental rights and liberties protected in the Constitution. However, on the Fourth Circuit Court of Appeals, there is a North Carolina vacancy that is the longest on the entire Federal bench. It dates back nearly a decade to July 31, 1994. In fact, North Carolina has had no representation on the Fourth Circuit Court in nearly 4 years, though we are the largest State in the circuit. Two seats have stood empty on North Carolina's Eastern District Court for 2½ and 5½ years, respectively.

I am pleased the Senate has stepped up and fulfilled its duties for these to nominees, taking steps to fill these vacancies to address the disparity for North Carolina.

This vote is historic in more ways than one. Allyson Duncan is the first woman from North Carolina to serve on the Fourth Circuit Court of Appeals. She is also the first African-American woman to serve on the Fourth Circuit Court. Ms. Duncan's résumé is most impressive, marked with numerous positions of significant responsibility in both the public and private sectors. Currently, an attorney with the Raleigh law firm of Kilpatrick Stockton, Ms. Duncan is the president of the North Carolina Bar Association, and an active member of the North Carolina Association of Women Attorneys. Prior to that, she was a judge on the North Carolina Court of Appeals, and a professor of law at North Carolina Central University.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. EDWARDS. Mr. President, I rise to enthusiastically express my support for the nomination of Allyson Duncan for the Fourth Circuit Court of Appeals and Louise Wood Flanagan for the U.S. District Court for the Eastern District of North Carolina.

This is a historic day for my home state of North Carolina. Once confirmed, Allyson Duncan will be the first North Carolinian to join the Fourth Circuit Court of Appeals in 23 years. North Carolina is the only State in the Union with no judges on a Federal appellate court. And we have the longest-standing vacancy in the Federal appeals court system.

I was very proud to support Judge Duncan's nomination and it was my pleasure to introduce her during her confirmation hearing. She will restore the voice of North Carolina to this very important Federal Court and breaks a logjam that has damaged our state for too many years.

This historic development shows what can be done when the President truly respects the advice and consent role of the Senate. In this case, President Bush did more than just pay lip service to this important responsibility. He reached out to Senator DOLE and me before he made his decision—he consulted with us—he sought our advice. In making his decision, the President selected a nominee who represents the mainstream of our state.

I commend the President for consulting with us and for making an excellent nomination. If he takes this approach to future judicial nominations we have a real opportunity to find common ground in the search for excellence on the Federal bench. When we work together, we find outstanding nominees like Allyson Duncan who represents the best of North Carolina.

As impressive as her resume is, even more telling is her steller repudiation throughout the North Carolina legal community. I have heard from folks all over the State who can't say enough about Allyson Duncan. What people keep telling me is that this is a woman of extraordinary intellect and skill, who loves the law, strives for justice and never allows politics to interfere with her commitment to fairness and equality.

When the Senate confirms Allyson Duncan—which I hope will happen soon—her confirmation will mark a number of "firsts."

She will be the first North Carolinian to join the 4th Circuit in over 20 years; she will be the first African American woman to serve on that distinguished court. And most important, I hope she will be the first in a series of bipartisan, consensus judicial nominations from our State.

I yield the floor.

Mr. HATCH. Mr. President, I rise today to express my strong support for the confirmation of Allyson K. Duncan, who has been nominated to the U.S. Court of Appeals for the Fourth Circuit.

Ms. Duncan is truly an impressive woman and has the enthusiastic support of both North Carolina senators, along with a unanimous "Well Qualified" ABA rating.

She graduated first in her class at Hampton University, a historically black college. She then attended Duke University Law School and was appointed an Earl Warren Legal Scholar, a scholarship awarded to black law students demonstrating leadership and an interest in the public interest.

Upon graduation, our nominee clerked for the Honorable Julia Cooper Mack on the District of Columbia Court of Appeals, before beginning her