

In the wake of the terrorist attacks on September 11, some of us have been seeking to join together in a bipartisan effort in the best interests of the country. For those on the committee who have helped in those efforts and assisted in the hard work to review and consider the scores of nominations we have reported this year, I thank them. As the facts establish and as our actions today and all year demonstrate, we are moving ahead to fill judicial vacancies with nominees who have strong bipartisan support. These include a number of very conservative nominees.

I am proud of the work the committee has done on nominations, and I am proud that by the end of the day we will have confirmed 21 judges. I hope that by the end of this session that total will rise to about 30 as the committee continues its work on the nominations heard this week and the Senate confirms the additional 6 nominees who were voted out of committee last week.

Mr. HATCH. Mr. President, I am pleased today we are considering the nominations of three extremely well-qualified individuals for the Federal bench.

Our circuit court nominee is the Honorable Harris Hartz of New Mexico, whom the President has selected to serve on the Tenth Circuit Court of Appeals. I have a personal interest in the confirmation of fair, qualified judges to serve on the Tenth Circuit since it encompasses the great state of Utah. In fact, there is an eminently well-qualified nominee from Utah for the Tenth Circuit, University of Utah Law Professor Michael McConnell, who is awaiting a hearing from the Judiciary Committee. His nomination has been pending for 211 days without a hearing. There are two other nominees for the Tenth Circuit who are also awaiting hearings on their nominations: Timothy Tymkovich of Colorado, who has been waiting 195 days, and Terrence O'Brien of Wyoming, who has been waiting 126 days.

Part of the holdup has unquestionably been due to lack of action by the Judiciary Committee, but the ABA must shoulder some of the blame as well. It took the ABA over 8 weeks to return its evaluation of Michael McConnell, which, incidentally, was a rating of unanimously well qualified, over 15 weeks for Timothy Tymkovich, and over 12 weeks for Terrence O'Brien. The last of these three ratings was submitted in October, so there is no excuse for any of these nominations stalling any longer. I look forward to the opportunity to consider their nominations at hearings so that the pending vacancies on the Tenth Circuit can be expediently filled.

Our consideration of Judge Hartz's nomination today is a positive step in that direction. His impressive legal career began—atypically—with a degree from Harvard College summa cum laude in physics. Later, he graduated magna cum laude from Harvard Law

School, where he was selected as Case and Developments Editor of the Harvard Law Review.

Judge Hartz's legal experience began in Albuquerque, NM, as an Assistant United States Attorney. After that, he taught for a semester at the University of Illinois College of Law, and then returned to New Mexico to work with the New Mexico Governor's Organized Crime Prevention Commission. For the following 9 years he was in private practice, primarily in civil litigation, and then he served for 11 years as a judge on the New Mexico Court of Appeals. Currently, Judge Hartz works as special counsel to the International Brotherhood of Teamsters, developing a Code of Conduct and an internal system for compliance and enforcement. As you can see, he is a highly competent and hard-working person who is eminently well qualified to serve as a judge on the Tenth Circuit.

In addition to Judge Hartz, we have the privilege of considering the nomination of two district court nominees. One of these nominees is Joe Heaton for the U.S. District Court for the Western District of Oklahoma. Mr. Heaton is a native Oklahoman with an outstanding record of legal experience and public service. After graduating from the University of Oklahoma College of Law—where he was Order of the Coif—he maintained a general civil practice with an emphasis in business and commercial matters. For 8 years, Mr. Heaton served as a member of the Oklahoma House of Representatives, including several years as Minority Leader. Then, in 1996, Mr. Heaton began serving in his current position as the First Assistant U.S. Attorney for the Western District of Oklahoma, where he has earned a good reputation while handling a wide variety of legal matters.

Our second district court nominee is Danny C. Reeves for the U.S. District Court for the Eastern District of Kentucky. He began his legal career as a law clerk for then-district Judge Eugene Siler, who now sits on the Sixth Circuit. Mr. Reeves then joined the Lexington office of Greenebaum, Doll & McDonald, where he rose to the rank of partner in 1988. Despite his busy legal career, he has served as a director of the Volunteer Center of the Bluegrass, the Kentucky Museum of Natural History, and the Bluegrass Youth Hockey Association.

Again, Mr. President, I am pleased to see such well-qualified nominees being brought before the Senate for consideration. Each of these nominees received unanimous support from the Members of the Judiciary Committee, and I expect that they will receive similar treatment from the full Senate. I commend President Bush for nominating persons who will bring honor and dignity to the Federal bench, and I urge my colleagues to join me in supporting their nominations.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The question is, Will the Senate advise and

consent to the nomination of Harris L. Hartz, of New Mexico, to be United States Circuit Judge for the Tenth Circuit? The yeas and nays have been ordered on the nomination. The clerk will call the roll.

The senior assistant bill clerk called the roll.

Mr. NICKLES. I announce that the Senator from Texas (Mr. GRAMM) is necessarily absent.

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

The result was announced—yeas 99, nays 0, as follows:

[Rollcall Vote No. 353 Ex.]

YEAS—99

Akaka	Dorgan	Lugar
Allard	Durbin	McCain
Allen	Edwards	McConnell
Baucus	Ensign	Mikulski
Bayh	Enzi	Miller
Bennett	Feingold	Murkowski
Biden	Feinstein	Murray
Bingaman	Fitzgerald	Nelson (FL)
Bond	Frist	Nelson (NE)
Boxer	Graham	Nickles
Breaux	Grassley	Reed
Brownback	Gregg	Reid
Bunning	Hagel	Roberts
Burns	Harkin	Rockefeller
Byrd	Hatch	Santorum
Campbell	Helms	Sarbanes
Cantwell	Hollings	Schumer
Carnahan	Hutchinson	Sessions
Carper	Hutchison	Shelby
Chafee	Inhofe	Smith (NH)
Cleland	Inouye	Smith (OR)
Clinton	Jeffords	Snowe
Cochran	Johnson	Specter
Collins	Kennedy	Stabenow
Conrad	Kerry	Stevens
Corzine	Kohl	Thomas
Craig	Kyl	Thompson
Crapo	Landrieu	Thurmond
Daschle	Leahy	Torricelli
Dayton	Levin	Voivovich
DeWine	Lieberman	Warner
Dodd	Lincoln	Wellstone
Domenici	Lott	Wyden

NOT VOTING—1

Gramm

The nomination was confirmed.

Mr. LIEBERMAN. I move to reconsider the vote.

Mr. NICKLES. I move to lay that on the table.

The motion to reconsider was laid upon the table.

#### EXECUTIVE CALENDAR

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to consider en bloc Executive Calendar Nos. 585 and 588.

Mr. NICKLES. May we have order.

The PRESIDING OFFICER. The Senator is correct, the Senate is not in order.

The nominations will be stated.

#### THE JUDICIARY

The legislative clerk read the nomination of Danny C. Reeves, of Kentucky, to be United States District Judge for the Eastern District of Kentucky.

The legislative clerk read the nomination of Joe L. Heaton, of Oklahoma, to be United States District Judge for the Western District of Oklahoma.

The PRESIDING OFFICER. Under the previous order, the nominations are confirmed. The President will be immediately notified of the Senate's action.

NOMINATION OF DANNY C. REEVES

Mr. BUNNING. Mr. President, I thank my colleagues for their support of the nomination of Danny Reeves to be a Federal District Judge for the Eastern District of Kentucky.

Danny is a Kentucky native. He grew up in Corbin in the eastern part of our Commonwealth, and later went to college at Eastern Kentucky University. He then graduated with honors from the Chase Law School in northern Kentucky, and clerked for one of Kentucky's leading jurists on the Federal bench, Gene Siler.

Since then, Danny has practiced exclusively at a prominent Kentucky firm, specializing in complex civil litigation. In that time, he has not only represented a number of Kentucky's leading businesses, but he has also done a great deal of community service work, focusing on title IX compliance for the Kentucky High School Athletic Association.

To be honest, I did not know Danny before I sat down earlier this year to talk with him about his interest in sitting on the Federal bench. But in the conversations we have had, it became clear that he is a bright, articulate lawyer who has the demeanor and integrity to be a fine judge. I enthusiastically support his nomination.

I thank my colleagues for voting for this nomination. Danny Reeves knows the people of eastern Kentucky, he knows the law and he knows how the Federal bench in the Eastern District works. He is going to be able to hit the ground running, and he is going to do an exemplary job. The President made a fine choice in nominating him, and the sooner the Senate can confirm him, the better it will be for justice in Kentucky.

NOMINATION OF JOSEPH L. HEATON

Mr. NICKLES. Mr. President, I am pleased the Senate has just confirmed Joe Heaton, an outstanding individual and a superb attorney, to be U.S. district court judge for Oklahoma's Western District.

President Bush could not have made a finer selection to serve our country as a district court judge. Joe Heaton is exceptionally well qualified and will prove to be a great asset to the judicial system in Oklahoma and our country.

Joe graduated from Northwestern State College in his home town of Alva, OK, in 1973. Even before his graduation, Joe's commitment to public service was already evident. While still in school, he was elected to the Alva City Council and later was elected to serve as council president. Following graduation from college, Joe attended the University of Oklahoma School of Law where he excelled, making Oklahoma Law Review and Order of the Coif. He was also on the Dean's honor roll and won American Jurisprudence Awards

in Constitutional Law and Conflicts of Law. Upon his graduation from law school Joe continued to dedicate himself to public service, this time coming here to Washington to serve as Legislative Assistant to Senator Dewey Bartlett.

Returning to Oklahoma in 1977 he practiced law with the prestigious firm of Fuller, Tubb & Pomeroy. He is respected by his colleagues as an "honorable and trustworthy leader and friend." While engaged in civil practice, Joe was elected to the Oklahoma House of Representatives where he served until 1992. In this capacity as a State legislator, Joe served as the Republican leader for 3 years. His fellow legislators have described him as possessing the qualities needed on the Federal bench.

In 1991, I was pleased to recommend Joe's appointment to serve as U.S. attorney for the Western District of Oklahoma. He joined the U.S. attorney's office as a special assistant U.S. attorney and served in that capacity until 1992 when he became the U.S. attorney. In 1993, Joe returned to private practice until 1996 when then U.S. attorney, Patrick Ryan, asked him to return to the U.S. attorney's office. For the next 2 years, Joe was acting U.S. attorney while Mr. Ryan was in Denver in connection with the Oklahoma City bombing trials of Timothy McVeigh and Terry Nichols. Once again, Joe exhibited his strong commitment to serving Oklahoma and the Nation.

Joe and his wife Dee Anne are very active in their church where Joe serves as an Elder. They are proud of their two sons, Andrew and Adam. I congratulate Joe and his family on his having earned the position for which President Bush has selected him. I thank Chairman LEAHY and Ranking Member HATCH for their work on Joe Heaton's nomination. I applaud the Senate for confirming him as he will make an outstanding judge who will work diligently to administer justice while serving as a Federal district court judge.

LEGISLATIVE SESSION

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

AGRICULTURAL CONSERVATION AND RURAL ENHANCEMENT ACT OF 2001—MOTION TO PROCEED

The PRESIDING OFFICER. Under the previous order, the hour of 12 noon having arrived, the Senate will resume consideration of the motion to proceed to S. 1731, which the clerk will report.

The legislative clerk read as follows: Motion to proceed to consider S. 1731, to strengthen the safety net for agricultural producers, to enhance resource conservation and rural development, provide for farm credit, agricultural research, nutrition, and related programs, and to ensure consumers abundant food and fiber.

The PRESIDING OFFICER. The Senate will be in order. Under the previous order, the motion to proceed is agreed to. The motion to reconsider is laid upon the table.

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2002

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of H.R. 3338, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 3338) making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes.

The Senate proceeded to consider the bill, which had been reported from the Committee on Appropriations with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

DIVISION A—DEPARTMENT OF DEFENSE APPROPRIATIONS, 2002

*That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2002, for military functions administered by the Department of Defense, and for other purposes, namely:*

TITLE I

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

*For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Army on active duty (except members of reserve components provided for elsewhere), cadets, and aviation cadets; and for payments pursuant to section 156 of Public Law 97-377, as amended (42 U.S.C. 402 note), to section 229(b) of the Social Security Act (42 U.S.C. 429(b)), and to the Department of Defense Military Retirement Fund, \$23,446,734,000.*

MILITARY PERSONNEL, NAVY

*For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Navy on active duty (except members of the Reserve provided for elsewhere), midshipmen, and aviation cadets; and for payments pursuant to section 156 of Public Law 97-377, as amended (42 U.S.C. 402 note), to section 229(b) of the Social Security Act (42 U.S.C. 429(b)), and to the Department of Defense Military Retirement Fund, \$19,465,964,000.*

MILITARY PERSONNEL, MARINE CORPS

*For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Marine Corps on active duty (except members of the Reserve provided for elsewhere); and for payments pursuant to section 156 of Public Law 97-377, as amended (42 U.S.C. 402 note), to section 229(b) of the Social Security Act (42 U.S.C. 429(b)), and to the Department of Defense Military Retirement Fund, \$7,335,370,000.*

MILITARY PERSONNEL, AIR FORCE

*For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements),*