

Mr. WYDEN. Reserving the right to object.

The PRESIDING OFFICER. Is there objection?

Mr. WYDEN. Reserving the right to object.

The PRESIDING OFFICER (Mr. DAYTON). The Senator from Oregon.

Mr. WYDEN. Mr. President, I want to be clear as to what the Senator from Florida is asking. Senator BROWNBACK and I intend to be very brief. Is it the understanding of the Senator from Florida that we can dispose of that very quickly and then go back?

Mr. GRAHAM. As I understand it, if this unanimous consent agreement is accepted relative to the farm bill, the Senator from Oregon would be first, the Senator from Arizona would be second, and then consideration of the Smith-Torricelli amendment would be third.

Mr. WYDEN. I withdraw my reservation.

Mr. WARNER. Have the yeas and nays been ordered on the defense authorization conference report?

The PRESIDING OFFICER. The conference report has not yet been put before the Senate. The yeas and nays are not in order at this point.

Is there objection? Without objection, it is so ordered.

Mr. DASCHLE. Mr. President, prior to the time we move to the conference report, there is one other housekeeping matter. It is always in keeping with our practice that the intelligence authorization and the defense authorization are considered jointly. I am told that I need to make the following request: That the conference report to accompany H.R. 2883, the intelligence authorization, be considered agreed to, the motion to reconsider be laid upon the table, with no intervening action or debate, provided that H. Con. Res. 288, the concurrent resolution providing for a technical correction in the enrollment of S. 1438, be considered agreed to, and the motion to reconsider be laid upon the table without intervening action or debate.

I would just say, for the information of all my colleagues, this is done as we take up the Defense authorization bill. I made this request earlier, and I am simply repeating it now for the colloquy.

Mr. President, I ask unanimous consent when the Senate considers the Executive Calendar nominations, the first vote occur on Calendar No. 590, to be followed by Calendar No. 589 and Calendar No. 592, and that their consideration occur following this next vote.

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

#### NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2002—CONFERENCE REPORT

The PRESIDING OFFICER under the previous order, the clerk will report the conference report.

The legislative clerk read as follows:

The committee on conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1438) "to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes," having met, have agreed that the Senate recede from its disagreement to the amendment of the House, and agree to the same with an amendment, and the Senate agree to the same, signed by a majority of the conferees on the part of both Houses.

(The report is printed in the House proceedings of the RECORD of December 12, 2001.)

Mr. LEVIN. 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 on agreeing to the Conference report. The clerk will call the roll.

Mr. REID. I announce that the Senator from Washington (Mrs. MURRAY) is necessarily absent.

I further announce that, if present and voting, the Senator from Washington (Mrs. MURRAY) would vote "aye."

Mr. NICKLES. I announce that the Senator from New Mexico (Mr. DOMENICI) is necessarily absent.

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

The result was announced—yeas 96, nays 2, as follows:

[Rollcall Vote No. 369 Leg.]

#### YEAS—96

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

#### NAYS—2

Byrd McCain

#### NOT VOTING—2

Domenici Murray

The conference report was agreed to. Mr. WARNER. I move to reconsider the vote and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

#### INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2002—CONFERENCE REPORT

The PRESIDING OFFICER. Under the previous order, the clerk will report the conference report.

The legislative clerk read as follows:

The committee of conference on disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2883) "authorizing appropriations for fiscal year 2002 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes," having met, have agreed that the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment, signed by a majority of the conferees on the part of both Houses.

(The report was printed in the House proceedings of the RECORD of December 6, 2001.)

The PRESIDING OFFICER. Under the previous order, the conference report on H.R. 2883, the intelligence authorization bill, is adopted, the motion to reconsider is laid on the table; and H. Con. Res. 288, correcting the enrollment of S. 1438, is adopted and a motion to reconsider that action is laid upon the table.

#### EXECUTIVE SESSION

#### NOMINATION OF FREDERICK J. MARTONE, OF ARIZONA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF ARIZONA

The PRESIDING OFFICER. The Senate will now go into executive session and proceed to the nomination of Frederick J. Martone, of Arizona, which the clerk will report.

The legislative clerk read the nomination of Frederick J. Martone, of Arizona, to be United States District Judge for the District of Arizona.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, this nominee has the support of both Senators from his home State. Blue slips have been returned by both of them. We have had the hearing. He did very well.

The Senator from Arizona, Mr. KYL, is a valued member of the Judiciary Committee, and I would like to yield to him, as he is one of those who has proposed and supported this nominee.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, I thank the Senator from Vermont, the chairman of the committee, and thank him for having Justice Fred Martone as one of the judicial nominees we will be voting on this evening. I understand the only rollcall vote will be on Justice Fred Martone.

Why do I call him Justice Fred Martone, when we are going to be voting on his confirmation to become a

Federal district judge? The answer is, because he currently is one of the five justices on the Arizona Supreme Court, the highest court in the State of Arizona. He is a graduate of Holy Cross, Notre Dame Law School, and has an advanced degree from Harvard, and is an exceptionally fine jurist.

I thank the chairman and members of the committee who unanimously approved him for consideration by the full Senate. I would appreciate the support of the full Senate for his confirmation.

Mr. HATCH. Mr. President, I am pleased that the Senate is considering this afternoon three extremely well-qualified nominees for important positions in the Federal judiciary. I have no doubt that they will do great service for the citizens of this country upon confirmation.

The Honorable William Johnson has been nominated to be a Federal judge in the District of New Mexico. Born and raised in Roanoke, VA, Judge Johnson attended Virginia Military Institute and law school at Washington and Lee University. He began his career practicing law in Houston, TX, and then moved to Roswell, NM, where his practice included commercial litigation, bankruptcy cases, and oil and gas litigation. Since 1995, he has served as a State district judge hearing domestic relations, child support enforcement, civil, criminal, and administrative agency cases. With such wide-ranging judicial experience under his belt, Judge Johnson comes to the Federal bench ready to hit the ground running.

Like Judge Johnson, the Honorable Frederick J. Martone is no stranger to the bench. Justice Martone currently serves on the Supreme Court of Arizona. Before then, he served as a judge on the Superior Court in Maricopa County. Although he has spent his professional life in Arizona, Justice Martone was educated further east: He graduated from Holy Cross College, from Notre Dame Law School, and earned an LL.M. from Harvard Law School. His demonstrated experience and judgment will make him a fine addition to the Federal district court for the District of Arizona.

Clay D. Land, our nominee for the Middle District of Georgia, has had an impressive career blending private practice and public service. Upon graduating *cum laude* from the University of Georgia law school, Mr. Land returned to his home town of Columbus, GA, where he has maintained a successful general civil practice ever since. His legal practice has not dampened his commitment to public service, however. In 1993, he served as chairman of the Georgia Indigent Defense Council, which is responsible for oversight of the funding and implementation of the State's indigent criminal defense programs. From 1993 to 1994, he served on the Columbus City Council. And from 1995 to 2000, he served as a Georgia State senator.

I want to commend President Bush on his selection of such outstanding candidates for the Federal judiciary. Each of these nominees was unanimously approved by the Judiciary Committee, and I expect that they will receive similar treatment from the full Senate. I urge my colleagues to join me in supporting their nominations.

Mr. LEAHY. Mr. President, the nominee is supported by both the Senator from Utah and myself; and we had a unanimous rollcall vote in support of the nominee in the committee. And I strongly urge a unanimous rollcall vote in support of the nominee here.

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 Frederick J. Martone, of Arizona, to be United States District Judge for the District of Arizona.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Washington (Mrs. MURRAY) and the Senator from Illinois (Mr. DURBIN) are necessarily absent.

Mr. NICKLES. I announce that the Senator from New Mexico (Mr. DOMENICI) is necessarily absent.

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

The result was announced—yeas 97, nays 0, as follows:

[Rollcall Vote No. 370 Ex.]

YEAS—97

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

NOT VOTING—3

Domenici Durbin Murray

The nomination was confirmed.

Mr. LEAHY. I move to reconsider the vote and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEAHY. Mr. President, what is next on the agenda?

NOMINATION OF WILLIAM P. JOHNSON, OF NEW MEXICO, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF NEW MEXICO

The PRESIDING OFFICER. The clerk will report Calendar No. 599.

The legislative clerk read the nomination of William P. Johnson, of New Mexico, to be United States District Judge for the District of New Mexico.

Mr. LEAHY. Mr. President, have the yeas and nays been ordered?

The PRESIDING OFFICER. They have not.

Mr. LEAHY. I thank the Chair.

Mr. President, I thank the distinguished majority leader, Mr. DASCHLE, and the distinguished deputy majority leader, Mr. REID, who have worked so hard to get these nominations on the calendar so we can vote on them.

William Johnson is the third Federal judge confirmed from New Mexico in just the past few weeks. We expedited the consideration of Christina Armijo in October, who was confirmed last month; likewise, Harris Hartz, President Bush's nominee to the Tenth Circuit from New Mexico. I had a hearing at the end of October, and he was confirmed last week. All three of these nominees came to us with the strong support of both Senator DOMENICI and Senator BINGAMAN.

I mention this because it is so helpful to our committee when the White House takes time to consult with both Senators from the home State and get their support. We got this kind of consensus: When we confirm Mr. Johnson, we are going to fill another judicial emergency vacancy. After that, we are going to another nominee, Clay Land, who has been supported by Senators CLELAND and MILLER. I mention this because if we confirm both these next 2, we will have confirmed 27 Federal judges since July, when I took over the chairmanship, and 6 court of appeals judges.

To put that in perspective, since July, in those 5 months, we have confirmed as many as we confirmed all of the first year of the last President's administration—actually, a lot more judges in the courts of appeals.

Everybody has been working very hard. I also mention to my colleagues, this morning we were finally able to get a quorum in the Judiciary Committee. We had 10 nominations go through, 5 of them judges, 5 other nominations from the Department of Justice, all of which will go now on the calendar.

Mr. REID. Will the Senator yield for a question?

Mr. LEAHY. Of course.

Mr. REID. When did the Senator take over as chairman of the Judiciary Committee?

Mr. LEAHY. I had a fully constituted committee I think it was in late July.

Mr. REID. It is my understanding that following September 11, the Senator and his staff literally worked night and day for how long before the