

on the Commission on Trial Court Appointments for Pima County, and on the disciplinary committee for the State Bar of Arizona. In addition, Mr. Bury often serves as an arbitrator and has been a guest lecturer for legal and medical organizations throughout his career.

I have every confidence that David Bury will serve with distinction on the Federal District Court for the District of Arizona.

Thank you, Mr. President.

I yield the floor.

The ACTING PRESIDENT pro tempore. The question is, Will the Senate advise and consent to the nomination of David C. Bury, of Arizona, to be United States District Judge for the District of Arizona? On this question, the yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. REID. I announce that the Senator from Arkansas (Mrs. LINCOLN) and the Senator from Georgia (Mr. MILLER) are necessarily absent.

Mr. NICKLES. I announce that the Senator from Kansas (Mr. BROWNBACK), the Senator from Montana (Mr. BURNS), the Senator from Idaho (Mr. CRAIG), the Senator from Tennessee (Mr. FRIST), the Senator from North Carolina (Mr. HELMS), the Senator from Arizona (Mr. MCCAIN), the Senator from Kentucky (Mr. MCCONNELL), and the Senator from Texas (Mrs. HUTCHISON) are necessarily absent.

I further announce that if present and voting the Senator from Montana (Mr. BURNS) would vote "yea".

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 90, nays 0, as follows:

[Rollcall Vote No. 51 Ex.]

YEAS—90

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

NOT VOTING—10

Brownback	Helms	McConnell
Burns	Hutchison	Miller
Craig	Lincoln	
Frist	McCain	

The nomination was confirmed.

Mr. REID. Madam President, 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. MCCAIN. Madam President, due to my absence, I was unable to vote today on the confirmation of David C. Bury as a judge for the United States District Court for the District of Arizona, Tucson Division.

Had I been present today, I would have voted "yea" on Mr. Bury's nomination with whole-hearted enthusiasm for a man of outstanding character and tremendous legal talent.

Without question, Mr. Bury is well-qualified for this position. His reputation precedes him. In the State of Arizona, he has always been a well-respected and highly competent trial attorney. His unblemished 34 years in the practice of law have proven his commitment to the legal profession. Not only does he bring to the Federal bench extensive experience in civil litigation, he will bring to the bench the requisite qualities of patience, fairness and the highest ethical standards. In short, Mr. Bury will be an outstanding Federal judge for our great state of Arizona.

I congratulate him, his wife Debby and his three children on his nomination to the Federal court. They are undoubtedly proud of him not only for this high honor, but also for the rest of his professional accomplishments and his personal commitment to them.

I am very confident that Mr. Bury will be a top-notch public servant who will bring to the Federal judiciary the highest level of professionalism, leadership and dedication. He will make the people in Arizona proud. And for his public service, I thank him.●

LEGISLATIVE SESSION

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now return to legislative session.

NATIONAL LABORATORIES PARTNERSHIP IMPROVEMENT ACT OF 2001—Resumed

The ACTING PRESIDENT pro tempore. The clerk will report the pending business.

The legislative clerk read as follows:

A bill (S. 517) to authorize funding for the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes.

Pending:

Daschle/Bingaman further modified amendment No. 2917, in the nature of a substitute.

Feinstein amendment No. 2989 (to amendment No. 2917), to provide regulatory oversight over energy trading markets.

Kerry/McCain amendment No. 2999 (to amendment No. 2917), to provide for increased average fuel economy standards for passenger automobiles and light trucks.

Dayton/Grassley amendment No. 3008 (to amendment No. 2917), to require that Federal

agencies use ethanol-blended gasoline and biodiesel-blended diesel fuel in areas in which ethanol-blended gasoline and biodiesel-blended diesel fuel are available.

Bingaman amendment No. 3016 (to amendment No. 2917), to clarify the provisions relating to the Renewable Portfolio Standard.

Lott amendment No. 3028 (to amendment No. 2917), to provide for the fair treatment of Presidential judicial nominees.

Mr. MURKOWSKI. Madam President, during this lull in the debate of the energy bill I would like to take a moment to thank the Senator from New Mexico and his staff for all of their hard work and cooperation on the Alaska gas pipeline title of this bill.

Mr. BINGAMAN. I thank the Senator for those kind words. This is an important energy policy initiative for the nation. I thought we had a good beginning with the amendments that were offered and debated last week.

Mr. MURKOWSKI. I agree, it was a good start. However, we still have a fair piece to go before we reach the end of this trail. If the Senator would recall during last week's debate I mentioned that there were a number of additional items that would need to be addressed before we completed our legislative effort on this important issue.

These additional items include crafting language that sets procedures in place for allocating initial gas capacity of the pipeline and for any subsequent expansions that might be warranted based on new discoveries or additional needs in Lower 48 markets.

Mr. BINGAMAN. Yes, I do recall the Senator's remarks and I am aware that there are several additional items that are being worked on at the staff level. I particularly hope we will be able to make some improvements that will assist in lowering the overall risk associated with this \$20 billion project.

These include enhancing the ability of the Pipeline Coordinator created in the gas pipeline title to keep the numerous Federal and State agencies that will be involved in this project working in a cooperative and coordinated fashion and providing for clear and expedited procedures for resolving legal challenges that might arise during permitting and construction of the pipeline. Streamlining the permitting process will help reduce the risks of delay and added costs to the project.

Mr. MURKOWSKI. I do indeed understand what my friend from New Mexico is saying. This point is especially true when you recall that the oil and gas producers who hold the leases on the Prudhoe Bay gas have stated publicly that the project as it now stands is uneconomical. Any legislative language that adds risk or cost to the project will simply make it impossible to build the Alaska gas transportation system—and this will deny the American consumers with access to a dependable,