

for adding \$6 million to the DOE's request for IGCC programs and \$15 million for transportation fuels and chemicals programs. This additional funding will ensure that ongoing programs like the ITM Oxygen and ITM Syngas are fully funded in fiscal year 2003. I look forward to working with both the Senator from West Virginia and the Senator from Montana as they conference with our colleagues in the House of Representatives to ensure that \$6.5 million is provided for ITM Oxygen and ITM Syngas is funded at \$5.5 million.

HOMELAND SECURITY ACT OF  
2002—Continued

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 5005) to establish the Department of Homeland Security, and for other purposes.

AMENDMENT NO. 4534 WITHDRAWN

Mr. LIEBERMAN. Mr. President, on behalf of the Senator from Florida and myself, I withdraw the pending amendment to the Thompson amendment.

The PRESIDING OFFICER. The Senator has that right. The amendment is withdrawn.

The Senator from Tennessee is recognized.

AMENDMENT NO. 4513

Mr. THOMPSON. I urge the adoption of the pending Thompson amendment, No. 4513.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 4513) was agreed to.

Mr. THOMPSON. Mr. President, I move to reconsider the vote.

Mr. LIEBERMAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. REID. It is my understanding, under the order previously entered, the Senator from West Virginia is now in order to offer an amendment; is that the order?

The PRESIDING OFFICER. The Senator is correct.

Mr. REID. Mr. President, I ask the Senator from West Virginia if he intends to do that tonight or tomorrow.

Mr. BYRD. Mr. President, I would rather not do it tonight.

Mr. REID. I say to the two managers of the bill, Senator BYRD, who has been involved in the Interior bill all day, indicated he would rather that he lay it down in the morning, when we get back on the bill tomorrow.

I ask the two managers, is that appropriate?

Mr. LIEBERMAN. Mr. President, I have no objection whatsoever. We will look forward to a good, hearty debate on Senator BYRD's amendment tomorrow.

Mr. THOMPSON. I have no objection, Mr. President.

Mr. REID. Mr. President, I suggest the absence of a quorum—I withhold that request.

Mr. BYRD. Mr. President, I thank both Senators.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I also need to get home. My wife is recuperating from an appendectomy and doing very well. I think I need to go home. I thank both Senators for their understanding and consideration.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. DAYTON). Without objection, it is so ordered.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to a period of morning business until 7 o'clock with Senators allowed to speak therein for up to 5 minutes each.

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

Mr. THOMPSON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. REID. Mr. President, we are in morning business until 7 o'clock; is that right?

The PRESIDING OFFICER. The Senator is correct.

TRIBUTE TO VICE ADMIRAL  
NORBERT ROBERT RYAN, JR.

Mr. LOTT. Mr. President, I rise today to honor Vice Admiral Norbert Robert Ryan, Jr., United States Navy, who will retire on Sunday, December 1, 2002, after 35-years of faithful service to our Nation.

Hailing from Mountainhome, PA, Vice Admiral Ryan graduated from the U.S. Naval Academy in 1967. Following graduation he attended flight training and was designated a Naval Aviator in 1968. After completing additional technical training, he spent three years with Patrol Squadron EIGHT conducting antisubmarine warfare patrols during the height of the Cold War.

Returning to the Naval Academy from 1972 to 1975, Vice Admiral Ryan helped shape future Navy leaders while serving as a Company Officer and Mid-

shipman Personnel Officer. While at the Academy he concurrently attended graduate school, earning a Master of Science degree in Personnel Administration from George Washington University.

In 1975, Vice Admiral Ryan returned to the fleet, commencing a period of nine straight years of sea-duty assignments in which he served on a Carrier Group Commander's staff and flew P-3 Orion aircraft in three different Patrol Squadrons, including service as the Commanding Officer of Patrol Squadron FIVE. From 1984 to 1986, he was assigned as the Operations Officer on the staff of Commander, Patrol Wing ELEVEN and then as Force Operations Officer for Commander, Patrol Wings, Atlantic.

After serving two years as the Administrative Assistant to the Chief of Naval Operations, Vice Admiral Ryan completed studies at the John F. Kennedy School of Government, Senior Officer National Security Program, enroute to command of Patrol Wing TWO.

From 1991 to 1993, Vice Admiral Ryan served as Executive Assistant to the Vice Chairman, Joint Chiefs of Staff. During the period of 1993-1995, he was assigned to the Bureau of Naval Personnel, first as Director for Total Force Programming and then as Director for Distribution.

Vice Admiral Ryan returned to the fleet as Commander Patrol Wings Pacific/Commander Task Force 12 and then to the Pentagon where he performed superbly as the Navy's Chief of Legislative Affairs, serving in that important post from 1996 to 1999.

In November 1999, Vice Admiral Ryan assumed duties as Chief of Naval Personnel/Deputy Chief of Naval Operations, Manpower and Personnel. In this position, he distinguished himself through exceptionally meritorious service as he expertly developed and executed a visionary Navy personnel strategy, dynamic assignment system placement improvements, intelligent manpower allocations and many carefully crafted quality of life initiatives. His relentless efforts directly provided an unprecedented level of personnel readiness throughout the Navy.

A leader by example, Vice Admiral Ryan fostered creative concepts for taking care of people by applying focused mentoring and one-on-one leadership with the individual Sailor foremost in mind. He was the driving force that positioned the Navy's human resource organization for optimum support of the Service's needs. A true visionary, he supported manpower reform, new Fleet personnel requirements, and innovation in personnel management and manpower preparation for new operational platforms and weapons systems.

During his tenure as Chief of Naval Personnel, Vice Admiral Ryan oversaw unprecedented success in quality of life enhancements for all Navy men and

women and their families. These enhancements included the establishment and improvement of cost-efficient and extremely effective recruiting and reenlistment incentives, implementation of the Thrift Savings Plan, expansion of life insurance benefits to active duty family members and improvements to the process by which Sailors receive housing allowances. His actions maintained sensitivity to Fleet requirements while being ever mindful of our most vital asset - the Sailor.

Vice Admiral Ryan's leadership, intelligent stewardship and exceptional commitment to all naval personnel stand to ensure the success of our Navy well into the 21st Century. He is an individual of uncommon character and his professionalism will be sincerely missed. I ask my colleagues on both side of the aisle to rise with me to thank Vice Admiral Norb Ryan for his honorable service in the United States Navy, and to wish him and his family fair winds and following seas as he closes his distinguished military career. We also wish Norb Ryan and his wife, Judy, success, happiness, and good health as he takes the helm as President of The Retired Officer's Association.

#### JUDICIAL NOMINATIONS

Mr. LEAHY. Mr. President, last week, the Senate confirmed the 74th, 75th, 76th, and 77th judicial nominations from President George W. Bush. We have confirmed more of President Bush's nominees in less than 15 months than were confirmed in the last 30 months that a Republican majority controlled the Senate and the pace of judicial confirmations. We have done more in half the time. We have also already confirmed more of President George W. Bush's judicial nominations since July 2001, than were confirmed in the first two full years of the term of his father President George H.W. Bush.

We are recognizing Hispanic Heritage Month and this week I understand that the Congressional Hispanic Caucus has a number of meetings and events planned. It seems a good time to take stock of where we are with regard to judicial nominees who are Hispanic.

I am informed that out of all of President George W. Bush's judicial nominations less than 10 are Hispanic or Latino; indeed, the percentage of nominees who are Hispanic is approximately 6 percent, which is, of course, less than half of the percentage of Hispanics in the population of the United States. Earlier this year the Puerto Rican Legal Defense and Education Fund issued a report "Opening the Courthouse Doors: The Need for More Hispanic-American Judges." The report urged the President to take action to address the persistent problem of Hispanic under-representation in Federal judgeships by nominating "qualified Hispanic candidates who have also had a demonstrated interest and a meaningful involvement in the work

and activities of the Hispanic community." I regret that the President has not heeded this recommendation.

President Clinton nominated more than 30 Hispanic candidates for judicial vacancies. Unfortunately, some of them were denied hearings and votes during the years in which a Republican majority controlled the Senate process. Qualified, mainstream Hispanic nominees such as Christine Arguello of Colorado, Enrique Moreno of Texas, and Jorge Rangel also of Texas, who were nominated to circuit courts and Anabelle Rodriguez of Puerto Rico and Ricardo Morado of Texas, who were nominated to district courts, were defeated without a hearing or a vote. Others, such as Judges Rosemary Barkett of Florida, Sonia Sotomayor of New York, Carlos Lucero of Colorado, Jose Cabranes of Connecticut, Kim Wardlaw of California, Fortunado Benavides of Texas, and Richard Paez of California who were nominated to the circuit courts were eventually confirmed, many after lengthy delays by Republicans and Republicans' efforts to vote down their nominations.

For example, three of President Clinton's first 14 judicial nominees were Hispanic. One of them, Judge Barkett of Florida, who was nominated to the Eleventh Circuit, was targeted by Republicans for defeat based on their claims about her judicial philosophy or ideology. Despite numerous procedural efforts by Republicans, then in the minority, to delay and defeat her nomination, Judge Barkett was eventually confirmed. Although she had received a unanimous "Well Qualified" rating from the ABA, 36 Republicans voted against her confirmation.

Once Republicans took over the Senate in 1995, they slowed down the confirmation process dramatically, especially for circuit court nominees. They delayed the confirmation of Judge Sotomayor to the Second Circuit and tried to defeat her nomination because the Republican leadership feared she could be elevated to the Supreme Court. Even though Judge Sotomayor, like Judge Barkett, received a unanimous "Well Qualified" rating from the ABA, 29 Republicans voted against her confirmation on grounds of judicial philosophy or ideology. Republicans also delayed the confirmation of Judge Richard Paez for over 1,500 days, and after numerous procedural efforts to defeat his nomination through delay, Republicans mustered 39 votes against his confirmation.

Others Hispanic nominees, like Judge Fuentes who was nominated to the Third Circuit, had to wait a year to be confirmed. This was not because Republicans were busy confirming other circuit court nominees. In the 15 months after he was nominated, Republicans allowed only seven circuit court nominees to be confirmed. In contrast, the Democratic-led Senate has confirmed 13 of this President's circuit court nominees in less than 15 months, and two others are awaiting a vote on the floor.

President Clinton also appointed Judge Ricardo Urbino to the District Court in D.C., Judges Daniel Dominguez, Salvador Casellas, and Jay Garcia Gregory to the District Court in Puerto Rico, Judge Victor Marrero to the District Court in the Southern District of New York, Judges David Briones, Orlando Garcia, and Hilda Tagle to the District Courts in Texas, Judges Mary Murguia and Frank Zapata to the District Courts in Arizona, Judge Carlos Murguia to the District Court in Kansas, and Judge Adalberto Jordan to the District Court in Miami. Republicans delayed on a number of Hispanic nominees to the District Courts, including Judge Tagle who waited more than 30 months to be confirmed while Ms. Rodriguez waited more than 30 months to never be confirmed during the period of Republican control of the Senate.

In contrast, rather than reflecting the growing Hispanic population and increasing numbers of qualified Hispanic lawyers who are potentially judicial nominees, the Bush Administration's nominations have resulted in very few Hispanic judicial nominees compared to the Clinton Administration. President Bush has chosen only 8 Hispanics out of the 128 judicial nominations he has made. That is most regrettable.

Since the change in majority, we have moved quickly on the few Hispanic nominees who have been forwarded by this White House. Judge Christina Armijo was confirmed in May, 2001. Judge Phillip Martinez was confirmed last September. Judge Randy Crane was confirmed in March. Judge Jose Martinez was confirmed last week. Magistrate Judge Alia Ludlum, who was nominated in July and whose ABA peer review was recently received, is participating in a confirmation hearing this week. Unfortunately, because the White House nominated Judge James Otero and Jose Linares in July and August and has changed the 50-year tradition regarding ABA peer reviews, the ABA peer reviews on these recent nominees have not been received or they, too, would have had hearings. Each of the other Hispanic nominees to federal trial courts participated in a confirmation hearing within 60 days of having a completed file. In addition, I am planning another confirmation hearing to include Miguel Estrada.

Thus, Democrats will have held hearings on every Hispanic judicial nominee submitted by the President who has a completed file. The Democratic majority has proceeded to vote to confirm every Hispanic district court nominee who has had a hearing. Moreover, we have proceeded without the years of delay that used to accompany consideration of minority judicial nominees.

In "Justice Held Hostage," the bipartisan Task Force of Federal Judicial Selection of the Citizens for Independent Courts, co-chaired by Mickey