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, or 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 Rodriquez 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

Edwards and Lloyd Cutler, reported that during the period of Republican control of the Senate judicial nominees who were ethnic minorities or women took longer to get considered by the Senate, were less likely to be voted on and less likely to be confirmed—if they were considered at all by the Republican-controlled Senate Judiciary Committee.

I recall all too well the months and years it took for the Republican-controlled Senate to confirm Hispanic judicial nominees like Judge Sotomayor, Judge Paez, and Judge Tagle, in addition to other women or minorities like Judge Margaret Morrow, Judge Marsha Berzon, Judge Ann Aiken, Judge Margaret McKeown, and Judge Susan Oki Mollway. I also recall the numerous women and people of color who were nominated to the federal bench by President Clinton but who were never given hearings by the Republicans, like Judge Roger Gregory, Judge Helene White, Jorge Rangel, Enrique Moreno, and Kathleen McCree Lewis. Judge White of the Michigan Court of Appeals waited over 1,500 days but was never given a hearing or a vote. Still others, like Bonnie Campbell, were given a hearing but never given a vote on their nominations. These are just a few of the women and minorities whose confirmations were delayed or defeated through delay.

President Clinton worked hard to increase the diversity of the federal bench and 12 percent of his appointments to the circuit courts were Latino. It would have been closer to 16 percent if all of his Hispanic nominees to the circuit courts had been accorded hearings and votes. By contrast, President Bush has nominated only one Hispanic to the dozens of circuit court vacancies that have existed during his term. Thus, as of today, 3 percent of this President's circuit court nominees are Hispanic. Between the circuit vacancies that were blocked by Republicans and the new ones that have arisen during the past 15 months, President Bush has had the opportunity to choose nominees for 41 vacancies on the circuit courts—13 of these have already been confirmed. This President has chosen only one Hispanic to fill any of these 41 vacancies, and none to any of the following vacancies: the four vacancies in the Tenth Circuit, which includes Colorado and New Mexico, among other States; the three vacancies on the Fifth Circuit, which includes Texas; the six vacancies on the Ninth Circuit, which includes California and Arizona, among other States; none to the three vacancies in the Second Circuit, which includes New York; and none to the three vacancies on the Third Circuit, which includes New Jersey and Pennsylvania.

If this White House had looked a little harder and were not so focused on packing the circuit court bench with a narrow ideology, it could have found many qualified nominees, like Enrique Moreno, Jorge Rangel, Christina Arguello and others to fill these vacancies. Instead, President Bush did not choose to re-nominate these individuals who had been unfairly blocked by members of his party, and he also withdrew the nomination of Enrique Moreno to the Fifth Circuit, a nomination that the ABA had rated ''Well Qualified.''

So when Republicans try to take credit for President Clinton's Hispanic nominees and try to blame Democrats for the lack of Hispanic nominees by President Bush, they should be confronted with the facts and asked why they opposed so many of President Clinton's qualified Hispanic nominees and why so many of them voted against Judge Paez and Judge Sotomayor and Judge Barkett, and why so many Hispanic nominees were delayed for years and why so many were never given hearings or votes. Of course the facts have not prevented unfounded accusations by critics of the Democratic majority. The Republican press conference accusing Senate Democrats of being anti-Hispanic was an example of such inflammatory and baseless accusations.

As the Congressional Hispanic Caucus meets this week with Hispanic leaders from across the country, I welcome their views on the few Hispanic judicial nominees sent to the Senate by the President and their help in encouraging this White House to work more closely with Senators from both political parties to nominate qualified, mainstream Hispanic nominees to the federal bench.

Our diversity is one of the great strengths of our Nation, and that diversity of background should be reflected in our federal courts. Race or ethnicity and gender are, of course, not substitutes for the wisdom, experience, fairness and impartiality that qualify someone to be a federal judge entrusted with lifetime appointments to the federal bench. White men should get no presumption of competence or entitlement. Hispanic and African American men and women should not be presumed to be incompetent. All nominees should be treated fairly, but no one is entitled to a lifetime appointment to preside over the claims of American citizens and immigrants in our federal courts. We must, of course, carefully examine the records of all nominees to such high offices, but we know well the benefits of diversity and how it contributes to achieving and improving justice in America.

VOTE EXPLANATION

Mr. BUNNING. Mr. President I was necessarily absent for the vote in executive session on September 9, 2002. Therefore, I did not formally vote on the nomination of Kenneth A. Marra, of Florida, to be United States District Judge for the Southern District of Florida. Had I been present for that vote, I would have voted ''yea'' to confirm Mr. Marra for this position.

CBO COST ESTIMATE—S. 1971

Mr. BAUCUS. Mr. President, the Committee on Finance filed a report on S. 1971 without the Congressional Budget Office cost estimate. I ask unanimous consent that the CBO cost estimate be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

S. 1971—National Employee Savings and Trust Equity Guarantee Act

Summary: S. 1971 would make several changes to both the Internal Revenue Code and the Employee Retirement Income Security Act of 1974 (ERISA) that would affect the operations and taxation of private pension plans. These include changing the requirements for diversification options, providing information to assist participants in making investment decisions, and changing the premiums paid to the Pension Benefit Guaranty Corporation (PBGC). In addition, S. 1971 would modify the tax treatment of certain executive compensation and make other changes.

The Joint Committee on Taxation (JCT) estimates that the bill would increase governmental receipts by $437 million over the 2003–2007 period, and by $221 million over the 2003–2012 period. Most of the revenue increase would occur in 2003 ($578 million), and the bill would result in a loss of revenue from 2005 through 2010.

CBO estimates that the bill would increase direct spending by $36 million over the 2003–2007 period and by $89 million over the 2003–2012 period. Discretionary spending would also increase by $4 million over the 2003–2007 period, assuming appropriation of the necessary amounts. Because S. 1971 would affect revenues and direct spending, pay-as-you-go procedures would apply.

JCT has determined that the revenue provisions of the bill do not contain any mandates. CBO has determined that the other provisions contain no intergovernmental mandates, but they do contain several mandates on sponsors, administrators, and fiduciaries of private pension plans. CBO estimates that the direct cost of those new requirements on private-sector entities would exceed the annual threshold specified in the Unfunded Mandates Reform Act ($115 million in 2002, adjusted annually for inflation).

Estimated cost to the Federal Government: The estimated budgetary impact of the bill is shown in the following table.

	By fiscal year, in millions of dollars—				
	2003	2004	2005	2006	2007
CHANGES IN REVENUES					
Executive compensation provisions	182	95	68	40	19
Change in interest rate for calculating plans' funding requirement	397	−54	−119	−97	−65
Voluntary early retirement incentive plans	−1	−4	−7	−10	−10