where, as the Good Book says, we should come and reason together, work out our differences, achieve consensus, and try to help govern the Nation in a way that the people would want the Nation governed.

So, too, as many other things, including in the faith-based arena, we find deep schisms and we find a difficulty in people coming together. We have seen that, unfortunately, throughout the history of man. So often religion has been the dividing factor that has called people to war, to hate, and to kill. We see that among a faith that ought to be a unifying case in Northern Ireland. Yet because one group calls themselves Protestant and another Catholic, they have chosen the path of war. We see that now where the United States has so much interest in central Asia as a result of one religion playing off against another, people attacking us because of religion.

In the Scriptures, from the ancient Scriptures in the Old Testament through to the New Testament, we find the true word of the Lord was that He wanted people to love one another, to bring people together, to be reconcilers instead of dividers. I share that little glimpse into history which was taught in the Old Testament. Clearly, the message of Jesus of Nazareth was: Love God, and love others as yourself. That was the sum of all the law that had been handed down.

I share this little religious history lesson as I proudly introduce my friend, Jim Henry. He found himself in a position where he had to be a reconciler, a healer, someone who brought people together in the midst of a storm. I am very honored that our guest Chaplain today has been the Reverend Jim Henry from the First Baptist Church of Orlando.

I yield the floor.

EXECUTIVE SESSION

NOMINATION OF PERCY ANDERSON, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE CENTRAL DISTRICT OF CALIFORNIA

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now go into executive session and proceed to the vote on Executive Calendar Nos. 776 and 781.

The legislative clerk read the nomination of Percy Anderson, of California, to be United States District Judge for the Central District of California.

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

The bill clerk called the roll.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS) is necessarily absent.

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

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

[Rollcall Vote No. 85 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	Gramm	Reed
Brownback	Grassley	Reid
Bunning	Gregg	Roberts
Burns	Hagel	Rockefeller
Byrd	Harkin	Santorum
Campbell	Hatch	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	Voinovich
DeWine	Lieberman	Warner
Dodd	Lincoln	Wellstone
Domenici	Lott	Wyden

NOT VOTING—1

Helms

The nomination was confirmed.

NOMINATION OF JOHN F. WALTER, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE CENTRAL DISTRICT OF CALIFORNIA

The PRESIDING OFFICER. The clerk will report the nomination of John F. Walter, of California, to be United States District Judge for the Central District of California.

The senior assistant bill clerk read the nomination of John F. Walter, of California, to be United States District Judge for the Central District of California.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of John F. Walter, of California, to be United States District Judge for the Central District of California? The yeas and nays were previously ordered on this nomination. The clerk will call the roll.

The senior assistant bill clerk called the roll.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS) is necessarily absent.

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

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

[Rollcall Vote No. 86 Ex.]

YEAS—99

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

NOT VOTING—1

Helms

The nomination was confirmed.

STATEMENTS ON THE NOMINATIONS OF PERCY ANDERSON AND JACK WALTER

Mr. LEAHY. Madam President, today, the Senate is voting on the 47th and 48th judicial nominees to be confirmed since last July when the Senate Judiciary Committee reorganized after the shift in the Senate majority. With today's votes on Percy Anderson and Jack Walter to the U.S. District Court for the Central District of California, the Senate will have confirmed its 38th and 39th district court judges in the less than 10 months since I became chairman this past summer. This is addition to the 9 judges confirmed to the Courts of Appeals. So the total number of Federal judges confirmed since the change in Senate majority will now be 48. Moreover, with the confirmations of these nominees, the Senate will have resolved 9 judicial emergencies since we returned to session and helped fill 16 emergency vacancies since I became chairman this past summer. The confirmation of these nominees today demonstrates, again, the speed with which President Bush's nominees are receiving consideration by the Judiciary Committee and the Senate.

Percy Anderson, is a nominee to the U.S. District Court in the District of California. He is filling a judicial emergency vacancy that has been pending for more than 1,360 days. Mr. Anderson was nominated to fill the vacancy left by the elevation of Kim McLane Wardlaw in 1998. I recall that President Clinton nominated Frederic Woocher to fill this judicial emergency vacancy on May 27, 1999. Mr. Woocher was one of those who received a hearing before the Judiciary Committee but was never placed on the agenda to receive a vote. He was one of the lucky judicial nominees who got a hearing, with the support of his home-state Senators, but his nomination was ultimately frustrated by never being considered by the Judiciary Committee. Like Allen Snyder of the District of Columbia, Bonnie

Campbell of Iowa, Clarence Sundram of New York, Anabelle Rodriguez and others, he was never allowed Judiciary Committee consideration and never received a vote. After 19 months, his nomination was returned to President Clinton, without receiving a vote in the Judiciary Committee at the time the Senate adjourned at the end of 2000.

Jack Walter, a well-qualified nominee to the Central District of California with excellent federal court experience, is nominated to fill the vacancy left by the retirement of Judge John G. Davies in 1998. That seat is a judicial emergency vacancy that has been vacant for more than 1,370 days—almost 4 years. I recall that President Clinton nominated Dolly M. Gee to fill this judicial emergency vacancy on May 27, 1999. Her nomination was returned to President Clinton, without any action by the Senate, at the end of 2000. After 19 months, that nomination, which was supported by both home-State Senators was returned to the President without a hearing or any consideration and was one of the scores of nominees on which the Senate did not take action over the 6½ years that preceded the shift in majority.

Federal court vacancies rose from 63 in January 1995 to 110 in July 2001, when the Senate majority shifted back to the Democrats and the Judiciary Committee was reassigned Members for this Congress. For example, the Central District in California currently has six vacancies. Today we are acting to fill two of those vacancies on this important Court. I can certainly understand the interest of Chief Judge Marshall of that District and why she attended the committee hearing on these nominations 2 weeks ago to support these nominees. I say to Chief Judge Marshall, help should be on the way very soon. I commend Senator FEINSTEIN and Senator BOXER for their efforts to get these vacancies filled with qualified nominees.

I recall that in the 6½ years that preceded the shift in Senate extensive delays attended even those nominations that were ultimately successful. That is, in spite of the strong support of the two Senators from California, judicial nominations for the District Court that serves Los Angeles, one of the fastest growing areas in the nation with a staggering caseload, were greated delayed if considered at all. We are trying to change that practice. During the years of a Republican Senate majority nominees such as Judge Virginia Phillips, Judge Christina Snyder, and Judge Margaret Morrow were delayed for months and months.

Virginia Phillips was first nominated back in May 1998 to fill a judicial emergency vacancy on the District Court and was not confirmed until November 1999. Christina Snyder was first nominated to the District Court in May 1996 and was not confirmed until November 1997—542 days after her initial nomination. The case of Judge Margaret Morrow is particularly egregious—she was pending before the Senate for 16 months, had to be reported favorably on two occasions by the Judiciary Committee, was held up by an anonymous hold on the Senate floor calendar over a period of more than 7 months, and was not confirmed until 644 days after the date of her initial nomination.

In contrast, the Democratic-controlled Judiciary Committee is moving expeditiously to fill the judicial emergency vacancies in the Central District of California. Mr. Anderson and Mr. Walter were not nominated until late January this year. They promptly received a hearing on their nominations on April 11, 2002, once the paperwork on their nominations was received and within three weeks of the Committee having received their ABA peer review ratings. Had the Administration not taken action that resulted in delaying the ABA peer reviews, the time might well have been even faster.

Senator HATCH noted at their hearing that both of these nominees were first nominated in the last year of the Administration of President George H.W. Bush and did not have hearings before the end of that Senate session in October 1992. I recall that 66 judges were confirmed during the last year of the Bush administration, which set a record, but I do not know why these nominations were not considered. For anyone to try to assert that these nominations have been pending for over 10 years, however, would be extraordinarily unfair and wrong. They were not confirmed in 1992, and not renominated for 10 years, until January 2002. These nominations were not sent to the Senate until this January and the files were not completed until late March. Indeed, for them to have been pending for 10 years the Republican Senate majority that controlled judicial nominations from January 1995 through July 2001 would be at fault. I would not make that criticism of the Senate Republicans of my predecessor as chairman of the Judiciary Committee.

The confirmation of these nominees today demonstrates our commitment promptly to consider qualified, consensus nominees. Mr. Walter and Mr. Anderson participated in bipartisan selection processes, and they are the first two nominees who have emerged from a bipartisan selection process that Senators FEINSTEIN and BOXER established last year with the administration. Both Mr. Anderson and Mr. Walter received unanimous support from the bipartisan commission and appear to be well-qualified. Both come to the Senate with more than 25 years' experience as trial attorneys. I would like to commend Senators FEINSTEIN and BOXER for their efforts to establish the bipartisan commission which has produced such fine nominees.

The Senate's consideration of these nominations illustrates the effect of the reforms to the process that the Democratic leadership has spearheaded, despite the poor treatment of too many Democratic nominees in the past. There have been no anonymous holds and other obstructionist tactics employed with regard to these nominees even though such tactics were employed with the nominations of Judge Morrow, Judge Snyder, Judge Phillips, Mr. Woocher and Ms. Gee.

As our action today demonstrates, again, we are moving at a fast pace and confirming conservative nominees. Since the change in Senate majority, the Democratic majority has moved to confirm President Bush's nominees at a faster pace than the nominees of prior Presidents. The rate of confirmations in the past 10 months actually exceeds the rates of confirmation in the past three presidencies. It took 15 months for the Senate to confirm 46 judicial nominees for the Clinton administration. We have exceeded that number of confirmations today and in five fewer months. Also, in 1993, President Clinton had a Senate led by his own party, and we are considering Republican President George W. Bush's nominees at a faster pace in the Democratic-led Senate. The pace at the beginning of the Clinton administration amounted to the confirmation of 3.1 judges confirmed per month.

In the first 15 months of the George H.W. Bush administration, only 27 judges were confirmed. The pace at the beginning of the George H.W. Bush administration amounted to 1.8 judges confirmed per month. In President Reagan's first 15 months in office, 54 judges were confirmed. The pace at the beginning of the Reagan administration amounted to 3.6 judges confirmed per month. By comparison, with today's confirmations, in the less than 10 months since the shift to a Democratic majority in the Senate, President Bush's judicial nominees have been confirmed at a rate of 4.8 per month, a faster pace than for any of the last three Presidents.

During the preceding 6½ years in which a Republican majority most recently controlled the pace of judicial confirmations in the Senate, 248 judges were confirmed. Some like to talk about the 377 judges confirmed during the Clinton administration, but forget to mention that more than one-third were confirmed during the first two years of the Clinton administration while the Senate majority was Democratic and Senator BIDEN chaired the Judiciary Committee. The pace of confirmations under a Republican majority was markedly slower, especially in 1996, 1997, 1999, and 2000.

During the 6½ years of Republican control of the Senate, judicial confirmations averaged 38 per year—a pace of consideration and confirmation that we have already exceeded under Democratic leadership in fewer than 10 months, in spite of all of the challenges facing Congress and the Nation during this period and all of the obstacles Republicans have placed in our path. We have confirmed 48 judicial nominees in

less than 10 months. This is almost twice as many confirmations as George W. Bush's father had over a longer period—27 nominees in 15 months—than the period Democrats have been in the Senate majority.

Our Republican critics like to make arguments based on false rather than fair comparisons. They complain that we have not done 24 months of work in the less than 10 months we have been in the majority. That is an unfair complaint. A fair examination of the rate of confirmation shows, however, that Democrats are working harder and faster on judicial nominees, confirming judges at a faster pace than the rates of the past 20 years.

I ask myself how Republicans can justify seeking to hold the Democratic majority in the Senate to a different standard than the one they met themselves during the last 6½ years. There simply is no answer other than partisanship. This double standard is most apparent when Republicans refuse fairly to compare the progress we are making with the period in which they were in the Senate majority with a President of the other party. They do not want to talk about that because we have exceeded the number of judges they confirmed per year.

They would rather unfairly compare the work of the Senate on confirmations in the less than 10 months since the shift in majority to full, 2-year Congresses. I say that it is quite unfair to complain that we have not done 24 months of work on judicial vacancies in the less than 10 months since the Senate reorganized. These double standards asserted by the Republicans are wrong and unfair, but that does not seem to matter to Republicans intent on criticizing and belittling every achievement of the Senate under a Democratic majority.

The Republican critics also refuse to recognize the fact that we are making progress with respect to Court of Appeals vacancies, as well. With this week's vote on Jeffrey Howard to the Court of Appeals for the 1st Circuit, the Senate confirmed its 9th judge to our Federal Courts of Appeals. In less than 10 months since I became Chairman this past summer, the Senate has confirmed 9 judges to the Courts of Appeals and held hearings on two others, with another circuit judge hearing scheduled for tomorrow. This is more circuit judges than were confirmed in all 12 months of 2000, 1999, 1997, and 1996, 4 of the 6 years of Republican control of the Senate during the Clinton administration. It is triple the number of circuit judges confirmed in 1993, when a Democratic Senate majority was working with a President of the same party and received some cooperation from the Clinton administration. It exceeds the number of Court of Appeals judges confirmed by a Republican Senate majority in the first 12 months of the Reagan administration and it equals the number of circuit judges confirmed in the first 12 months of the first Bush administration.

The Republican-controlled majority averaged only seven confirmations to the Courts of Appeals per year. Seven. In the less than 10 months the Democrats have been in the majority, we have already exceeded the annual number of Court of Appeals judges confirmed by our predecessors. In an entire session of the 105th Congress, the Republican majority did not confirm a single judge to fill vacancies on the Courts of Appeals. That year has greatly contributed to the doubling of vacancies on the Courts of Appeals during the time in which the Republican majority controlled the Senate.

The Republican majority assumed control of judicial confirmation in January 1995 and did not allow the Judiciary Committee to be reorganized after the shift in majority last summer until July 10, 2001. During the period in which the Republican majority controlled the Senate and in which they delayed reorganization, the period from January 1995 through July 2001, vacancies on the Courts of Appeals increased from 16 to 33, more than doubling.

When members were finally assigned to the Judiciary Committee on July 10, we began with 33 Court of Appeals vacancies. That is what I inherited. Since the shift in majority last summer, 5 additional vacancies have arisen on the Courts of Appeals around the country. With this week's confirmation of Jeffrey Howard, we have reduced the number of circuit court vacancies to 29. Rather than the 38 vacancies that would exist if we were making no progress, as some have asserted, there now remain 29 vacancies. That is more than keeping up with the attrition on the Circuit Courts.

While the Republican Senate majority increased vacancies on the Courts of Appeals by over 100 percent, it has taken the Democratic majority less than 10 months to reverse that trend, keep up with extraordinary turnover and, in addition, reduce circuit court vacancies by more than 10 percent overall, from 33 down to 29, or 12.1 percent. This is progress. Rather than having the circuit vacancy numbers skyrocketing, as they did overall during the prior 6½ years—more than doubling from 16 to 33—the Democratic-led Senate has reversed that trend. The vacancy rate on the Courts of Appeals is moving in the right direction—down.

Despite claims to the contrary, under Democratic leadership, the Senate is confirming President Bush's Circuit Court nominees more quickly than the nominees of other Presidents were confirmed by Senates, even some with majorities from the President's own party. The number of confirmations to the Circuit Courts has exceeded those who were confirmed over 10-month time frames at the beginning of past administrations. With the confirmation of Jeffrey Howard, 9 Circuit Court nominees will have been confirmed in less than 10 months. This number greatly exceeds the number of Court of Appeals confirmations in the first 10 months of the Reagan administration (three), the first Bush administration (three), and the Clinton administration (two). This is three times the number of Court of Appeals nominees confirmed in the comparable 10-month periods of past administrations. With nine circuit judges confirmed in the less than 10 months since the Senate reorganized under Democratic leadership, we have greatly exceeded the number of circuit judges confirmed at the beginning of prior presidencies. Our achievements also compare quite favorably to the total 46 Court of Appeals nominees confirmed by the Republican majority in the 76 months during which they most recently controlled the Senate. Their inaction led to the number of Courts of Appeals vacancies more than doubling. With a Democratic Senate majority, the number of circuit vacancies is going down.

Overall, in little less than 10 months, the Senate Judiciary Committee has held 16 hearings involving 55 judicial nominations and we will have our 17th hearing this week. That is more hearings on judges than the Republican majority held in any year of its control of the Senate. In contrast, one-sixth of President Clinton's judicial nominees—more than 50—never got a committee hearing and committee vote from the Republican majority, which perpetuated longstanding vacancies into this year. Vacancies continue to exist on the Courts of Appeals in part because a Republican majority was not willing to hold hearings or vote on more than half—56 percent—of President Clinton's Court of Appeals nominees in 1999 and 2000 and was not willing to confirm a single judge to the Courts of Appeals during the entire 1996 session.

Despite the newfound concern from across the aisle about the number of vacancies on the circuit courts, no nominations hearings were held while the Republicans controlled the Senate last year. No judges were confirmed during that time from among the many qualified circuit court nominees received by the Senate on January 3, 2001, or from among the nominations received by the Senate on May 9, 2001. Had the Republicans not delayed and obstructed progress on Court of Appeals nominees during the Clinton administration, we would not now have so many vacancies. Had the Republicans even reversed course just this past year and proceeded on the circuit court nominees sent to the Senate in January, the number of circuit court vacancies today could be in the low 20's, given the pace of confirmation of circuit nominees since the shift in majority last summer.

I do not mean by my comments to appear critical of Senator HATCH. Many times during the 6½ years he chaired the Judiciary Committee, I observed that, were the matter left up to us, we would have made more progress on more judicial nominees. I thanked him during those years for his efforts. I know that he would have liked to have

been able to do more and not have to leave so many vacancies and so many nominees without action.

I hope to continue to hold hearings and make progress on judicial nominees. In our efforts to address the number of vacancies on the circuit and district courts we inherited from the Republicans, the Committee has focused on consensus nominees for all Senators. In order to respond to what Vice President CHENEY and Senator HATCH now call a vacancy crisis, the Committee has focused on consensus nominees. This will help end the crisis caused by Republican delay and obstruction by confirming as many of the President's judicial nominees as quickly as possible.

Most Senators understand that the more controversial nominees require greater review. This process of careful review is part of our democratic process. It is a critical part of the checks and balances of our system of government that does not give the power to make lifetime appointments to one person alone to remake the courts along narrow ideological lines, to pack the courts with judges whose views are outside of the mainstream of legal thought, and whose decisions would further divide our nation.

The committee continues to try to accommodate Senators from both sides of the aisle. The Court of Appeals nominees included at hearings so far this year have been at the request of Senators GRASSLEY, LOTT, SPECTER, ENZI and SMITH from New Hampshire five Republican Senators who each sought a prompt hearing on a Court of Appeals nominee who was not among those initially sent to the Senate in May 2001. Each of the previous 46 nominees confirmed by the Senate has received the unanimous, bipartisan backing of the committee.

Some on the other side of the aisle have falsely charged that if a nominee has a record as a conservative Republican, he will not be considered by the Committee. That is simply untrue. Senator HATCH has emphasized that Mr. Anderson and Mr. Walter were nominated by the George H.W. Bush Administration and the current Bush Administration. I do not think that either President Bush thought he was nominating liberals to the bench. I do not think so either. These are two more examples of conservative nominees being strongly supported by Democrats on the Judiciary Committee and throughout the Senate.

Another recent example is the nomination of Jeffrey Howard. Just 2 years ago, he campaigned for the Republican nomination for Governor of New Hampshire and he has been a prominent figure in Republican politics in New Hampshire for many years. Thus, it would be wrong to claim that we will not consider President George W. Bush's nominees with conservative credentials. We have done so repeatedly. The next time Republican critics are bandying around charges that the Democratic majority has failed to consider conservative judicial nominees, I hope someone will ask those critics about the many other conservative nominees we have proceeded to consider and confirm.

The nominees being voted on today participated in bipartisan selection processes and appear to be the type of qualified, consensus nominees that the Senate has been confirming expeditiously to help fill vacancies on our Federal courts. I am proud of the tremendous work we have done since the change in the majority and the way the committee and the Senate have considered nominees fairly and promptly.

Mr. HATCH. Madam President, I rise to support the nomination of Percy Anderson to be U.S. District Judge for the Central District of California.

It should be noted that the first President Bush nominated Mr. Anderson to the U.S. District Court for the Central District of California in 1992, but regrettably, the Democratic Senate did not hold a hearing for him. After reviewing Mr. Anderson's distinguished legal career, I can tell you that he is a fine jurist who will add a great deal to the Federal bench in California. Following graduation from UCLA School of Law in 1975, Percy Anderson served as a Directing Attorney and Staff Attorney with San Fernando Valley Neighborhood Legal Services, representing indigent clients in civil matters.

In addition, he helped less experienced lawyers with trial preparation and courtroom presentation in matters before the Superior and Municipal Court in Los Angeles. He then acted as a consultant for the Legal Services Corporation in the District of Columbia, before taking a position as an Assistant U.S. Attorney of the Criminal Division in Los Angeles.

For the next 6 years, he served as First Assistant Division Chief, supervising other attorneys and managing criminal division affairs in the absence of the Division Chief. He joined the Bryan Cave law firm in 1985, specializing in white collar criminal defense and aviation litigation, particularly products liability. In 1996, Mr. Anderson became a partner with the Los Angeles firm of Sonnenschein Nath & Rosenthal. He focuses his practice on trial and appellate litigation in the areas of commercial matters, intellectual property, products liability, false claims, and white collar criminal defense work. Mr. Anderson has home State support and my support. He will make an excellent Federal judge in California.

Mrs. FEINSTEIN. Madam President, it is my pleasure to rise in support of the nominations of Percy Anderson and Jack Walter for the District Court of the Central District of California.

Mr. Anderson and Mr. Walter are the first nominees to come out of California's new bipartisan Judicial Advisory Committee, which Senator BOXER and I established with the cooperation and agreement of the White House. It is testament to the qualifications of both Mr. Anderson and Mr. Percy that each of these nominees was unanimously endorsed by the bipartisan advisory committee. Moreover, the Judiciary Committee unanimously approved their nominations.

The process that led to these nominations is representative of how the system can work, and should work, to produce highly qualified judicial candidates. This process should serve as an example to other states as they too, work with the White House to develop nominating systems. Now, I would like to describe the nominees.

Mr. Anderson, a resident of Inglewood, CA, has spent his entire 25-year legal career practicing law in southern California including a 6-year stint as an Assistant U.S. Attorney and 15 years in private practice. He is currently a partner at the firm of Sonneschein, Nath, and Rosenthal, where he specializes in commercial litigation and criminal defense. Judges and private practitioners in the Los Angeles area consistently praise Mr. Anderson for his legal acumen, high ethical standards, and professionalism.

The other nominee we will vote on this morning is Jack Walter, a resident of Pacific Palisades, CA. Mr. Walter's credentials are equally outstanding. Since 1976, Mr. Walter has practiced criminal and civil litigation in a firm he co-founded, Walter, Firestone & Richter in 1976. Over the years, Mr. Walter has represented over 75 indigent defendants who were charged with crimes in Federal court.

Mr. Walter has also served as a judge pro tempore in the Santa Monica Municipal Court for over 5 years. Mr. Walter has legions of supporters in the legal community, including Customs Commissioner Robert Bonner.

The ABA rated Mr. Walter as ''Well-Qualified,'' its highest rating.

Before concluding, I want to stress to the Senate how urgent it is to fill these vacancies in the Central District of California. With six vacancies, the Central District has one of the most acute shortages of unfilled judgeships of any court in the country. The Administrative Office of the U.S. Courts has designated four of these vacancies as ''judicial emergencies.'' With the nominations of Percy Anderson and Jack Walter, we are taking a much-needed step forward to alleviate the vacancy crisis in the Central District.

In conclusion, I want to thank Senator LEAHY for his expedited review and fair handling of these nominees.

Mr. HATCH. Madam President, I rise to support the nomination of John Walter to be U.S. District Judge for the Central District of California. It should be noted that in 1992 Mr. Walter was nominated to the same position by the first President Bush, but regrettably, he was not given a hearing by the Democratic Senate. Still, as was the case 10 years ago, I have every confidence that John Walter will serve

with distinction on the Federal District Court for the Central District of California. After reviewing Mr. Walter's distinguished legal career, I have no doubt that he will be an asset to the Federal bench.

Mr. Walter's solid experience in private practice and government service deserves attention here. Upon graduation from Loyola University of Los Angeles School of Law in 1969, Mr. Walter joined the Los Angeles, CA, firm of Kindel & Anderson as a civil litigation associate. Mr. Walter later served as an assistant U.S. Attorney in the Criminal Division's Fraud and Special prosecutions Unit, where he prosecuted numerous Federal criminal cases, including the then-largest bank burglary in the United States. He returned to Kindel & Anderson in 1972 and remained there as a civil litigator until 1976. Since that time, Mr. Walter has been a partner at the Los Angeles firm of Walter, Finestone & Richter.

Mr. Walter exemplifies an attorney who gives back to the community. As a member of the Federal Indigent Defense Panel, Mr. Walter has represented more than 75 indigent defendants charged with federal crimes in Federal court and devoted thousands of pro bono hours to these cases. He has served as a judge pro tempore in the Santa Monica Municipal Court and as an arbitrator for the L.A. Superior Court Judicial Arbitration Program. He provides approximately 75 to 100 hours a year in the latter position.

I am very proud of this nominee, and I know he will make a great judge.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is laid upon the table, and the President will be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will return to legislative session.

NATIONAL LABORATORIES PARTNERSHIP IMPROVEMENT ACT OF 2001—Resumed

The PRESIDING OFFICER. The clerk will report the bill.

The assistant legislative clerk read as follows:

A bill (S. 517) to authorize funding 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.

Murkowski/Breaux/Stevens amendment No. 3132 (to amendment No. 2917) to create jobs for Americans, to reduce dependence on foreign sources of crude oil and energy, to strengthen the economic self-determination of the Inupiat Eskimos, and to promote national security.

Feinstein amendment No. 3225 (to amendment No. 2917) to modify the provision relating to the renewable content of motor vehicle fuel to eliminate the required volume of renewable fuel for calendar year 2004.

Feinstein amendment No. 3170 (to amendment No. 2917) to reduce the period of time in which the Administrator may act on a petition by one or more States to waive the renewable fuel content requirement.

Durbin amendment No. 3342 (to amendment No. 2917) to strike the nonbusiness use limitation with respect to the credit for the installation of certain small wind energy systems.

Harkin amendment No. 3195 (to amendment No. 2917) to direct the Secretary of Energy to revise the seasonal energy efficiency ratio standard for central air-conditioners and central air-conditioning heat pumps within 60 days.

Carper amendment No. 3198 (to amendment No. 2917) to decrease the U.S. dependence on imported oil by the year 2015.

Reid (for Bingaman) amendment No. 3359 (to amendment No. 2917) to modify the credit for new energy-efficient homes by treating a manufactured home which meets the energy star standard as a 30-percent home.

Reid (for Boxer) amendment No. 3139 (to amendment No. 2917) to provide for equal liability treatment of vehicle fuels and fuel additives.

Reid (for Boxer) amendment No. 3311 (to amendment No. 3139) to provide for equal liability treatment of vehicle fuels and fuel additives.

The PRESIDING OFFICER. The Senator from California.

AMENDMENT NO. 3311

Mrs. BOXER. Mr. President, I understand that under the unanimous consent agreement, I am to call up my amendment No. 3311 at this time.

The PRESIDING OFFICER. That amendment is already pending.

Mrs. BOXER. Mr. President, I would like the clerk to read the amendment, and after that I am going to yield briefly, without the time coming off my time, to several colleagues who want to lay down some amendments; also, that I would not lose my right to the floor, as they will make clear when they speak.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the amendment.

The senior assistant bill clerk read as follows:

In lieu of the matter proposed to be inserted, insert the following:

''(1) IN GENERAL.—Notwithstanding any other provision of federal or state law, a renewable fuel, as defined by this Act, used or intended to be used as a motor vehicle fuel, or any motor vehicle fuel containing such renewable fuel, shall be subject to liability standards no less protective of human health, welfare and the environment than any other motor vehicle fuel or fuel additive.

''(2) EFFECTIVE DATE.—This subsection shall be effective one day after the enactment of this Act.''

Mrs. BOXER. Mr. President, I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mrs. BOXER. Mr. President, now I will be happy to yield, with the understanding I will not lose my right to the floor, to several of my colleagues.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, will the Senator from California yield for a unanimous consent request?

Mrs. BOXER. I will be happy to yield.

AMENDMENT NO. 3326 TO AMENDMENT NO. 2917

Mrs. MURRAY. Mr. President, I ask unanimous consent that the pending amendment be set aside and amendment No. 3326 be called up, and that immediately after it is reported, it be laid aside and the Senate resume consideration of Senator BOXER's amendment No. 3311.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Washington [Mrs. MURRAY], for herself and Ms. CANTWELL, proposes an amendment numbered 3326 to amendment No. 2917.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To modify the specifications for a fuel cell power plant eligible for the extension of the energy tax credit)

In Division H. beginning on page 103, line 19, strike all through page 104, line 7, and insert the following:

''(i) generates at least 0.5 kilowatt of electricity using an electrochemical process, and

''(ii) has an electricity-only generation efficiency greater than 30 percent.

''(B) LIMITATION.—In the case of qualified fuel cell property placed in service during the taxable year, the credit determined under paragraph (1) for such year with respect to such property shall not exceed an amount equal to the lesser of—

''(i) 30 percent of the basis of such property, or

''(ii) $500 for each 0.5 kilowatt of capacity of such property.''

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM. Mr. President, I ask unanimous consent that the pending amendment be set aside and amendments Nos. 3370 and 3372 be brought up, and that immediately after they are reported, they be laid aside and the Senate resume consideration of Senator BOXER's amendment No. 3311.

The PRESIDING OFFICER. Is there objection?

The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, we have a problem. We are not going to be able to finish this bill. We have a number of Senators in the queue waiting to call up their amendments. I am concerned, and I would like to discuss this matter a little further. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator does not have the floor. Does the Senator object?

Mr. MURKOWSKI. The Senator does object.

The PRESIDING OFFICER. Objection is heard.

The Senator from California.