

I think we can do better. We ought to help our school systems do that. The Senator from Washington and a number of us, including the Presiding Officer, are working on some proposals that would allow us to empower school systems to receive funds with a minimum of restrictions as long as they have a firm plan that they know will work in their community to actually improve education.

We need to give the people elected to run our school systems more authority and give them the money so they can use it of the Federal money we are spending on schools, we know now only 65 cents out of every Federal dollar for education actually gets down to the classroom. We need to get our dollars to the classroom. We need to get that money down to the people who know our children's names. They need the money, not Washington. We cannot be a super school board for America. That would be so silly.

#### CUTS IN HOME HEALTH CARE FUNDING

Mr. SESSIONS. Mr. President, I sat here and listened with great interest when the Senator from Maine and the Senator from Kansas were talking about the home health care. I realized early that was going to be a problem in Alabama. It has had a dramatic and devastating impact on the State. Mr. President, 15 percent cuts consistently are really devastating the home health care agency.

Senator SHELBY, the senior Senator from Alabama, and I, right after this bill passed—without hearings, by the way, as part of a conference committee report—along with other people, when it was voted on, did not realize its significance. But pretty soon we realized that, so we called the top officials of HCFA into our office to discuss with them what we could do. We had proposed and offered an amendment to the effect we would delay the implementation of these changes until we had hearings to analyze their impact. We could tell it was going to be very bad. HCFA refused. They would not join us in that effort. That amendment we sought to have agreed to over a year ago was not agreed to.

It is, to my way of thinking, a situation that cannot continue. We are going to have to fix it. It was seen early. It was a matter that came up in an attempt to make some changes they thought would work, and Congress ought to pass laws to help effectuate that. But there was not an understanding of how bad it was going to be.

The agency in charge of the management of the home health care, HCFA, is responsible and ought to be helping us in a more effective way to deal with this. It is true, as the Senator from Maine said, even under the containment of costs provided in the legisla-

tion that passed at that time, HCFA has cut substantially more than that.

It is expected to produce only about one-third of the savings that actually occurred. They squeezed that program for \$46 billion over 5 years. That is about three times what was actually planned to be cut. We have a crisis that does require attention. I thank the Senator from Maine for leading the effort.

#### DEFENSE APPROPRIATIONS CONFERENCE REPORT

Mr. KYL. Mr. President, Congress has no greater responsibility than to ensure that our Armed Forces—the guardians of the freedoms which all Americans cherish so dearly—are given the resources they need to carry out their mission. Consequently, the Defense Appropriations bill is one of the most important pieces of legislation that we pass each year.

As others have expressed, this is by no means a perfect piece of legislation. There are a number of items contained in this bill that do not meet the most urgent needs of the Armed Forces. At a time when the men and women who serve in uniform are being called upon to serve the interests of the United States in a growing number of places—Bosnia, Kosovo, Haiti, Iraq, and the list goes on—Congress must ensure that the most critical needs of the Armed Forces are met first.

However, I believe that the strengths of this conference report outweigh its faults. The report does contain funding to address a growing number of readiness and quality-of-life issues currently challenging our military. Our men and women in uniform need to know that their Congress supports them, and voting for this conference report is one way to demonstrate that support.

So, Mr. President, although I believe that Congress can always do a better job of directing defense dollars where they are most needed, I also I believe that there is much in this conference report that addresses critical needs of the military, and that is why I voted in favor of the report.

#### IN THE AFTERMATH OF THE RONNIE WHITE VOTE

Mr. LEAHY. Mr. President, this Chamber is where 50 years ago this month, in October 1949, the Senate confirmed President Truman's nomination of William Henry Hastie to the Court of Appeals for the Third Circuit, the first Senate confirmation of an African-American to our federal district courts and courts of appeal. Indeed, today is the 50th anniversary of that historic event. This Senate is where some 30 years ago the Senate confirmed President Johnson's nomination of Thurgood Marshall to the United States Supreme Court. And this is

where last week, the Senate wrongfully rejected President Clinton's nomination of Justice Ronnie White. That vote made me doubt seriously whether this Senate, serving at the end of a half century of progress, would have voted to confirm Judge Hastie or Justice Marshall.

For the first time in almost 50 years a nominee to a Federal district court was defeated by the United States Senate. There was no Senate debate that day on the nomination. There was no open discussion—just that which took place behind the closed doors of the Republican caucus lunch that led to the party line vote. On October 5, 1999, the Senate Republicans voted in lockstep to reject the nomination of Justice Ronnie White to the Federal court in Missouri.

For many months I had been calling for a fair vote on the nomination, which had been delayed for 27 months. Instead, the country witnessed a partisan vote and a party line vote as the 54 Republican members of the Senate present that day all voted against confirming this highly qualified African-American jurist to the Federal bench.

Tuesday of last week the Republican Senate caucus blocked confirmation of Justice Ronnie White. It is too late for the Senate to undo the harm done by that caucus vote, although I would hope that some who voted based on inaccurate characterizations of Justice White and his record would apologize to him. What the Senate can do and must do now is to make sure that partisan error is not repeated. The Senate should ensure that other minority and women candidates receive a fair vote. We can start with the nominations of Judge Richard Paez and Marsha Berzon, which have been held up far too long without Senate action. It is past time for the Senate to do the just thing, the honorable thing, and vote to confirm each of these highly qualified nominees.

Likewise, we should be moving forward to consider the nomination of Judge Julio Fuentes to the Third Circuit. His nomination has already been pending for over seven months. He should get a hearing and prompt consideration. He should be accorded a fair up or down vote on his nomination before the Senate adjourns this year.

The bipartisan Task Force on Judicial Selection of Citizens for Independent Courts recently recommended that the Senate complete its consideration of judicial nominations within 60 days. The Senate has already exceeded that time with respect to the nomination of Judge Ann Williams to the Seventh Circuit. When confirmed, she will be the first African-American to serve on that court. We should proceed on that nomination without further delay.

Likewise, the Senate should be moving forward to consider the nomination of Judge James Wynn, Jr. to the

Fourth Circuit. When confirmed, Judge Wynn will be the first African-American to serve on the Fourth Circuit and will fill a judicial emergency vacancy. Fifty years has passed since the confirmation of Judge Hastie to the Third Circuit and still there has never been an African-American on the Fourth Circuit. The nomination of Judge James A. Beaty, Jr., was previously sent to us by President Clinton in 1995. That nomination was never considered by the Senate Judiciary Committee or the Senate and was returned to President Clinton without action at the end of 1998. It is time for the Senate to act on a qualified African-American nominee to the Fourth Circuit.

In addition, early next year the Senate should act favorably on the nominations of Kathleen McCree Lewis to the Sixth Circuit and Enrique Moreno to the Fifth Circuit. Mr. Moreno succeeded to the nomination of Jorge Rangel on which the Senate refused to act last Congress. These are both well qualified nominees who will add to the capabilities and diversity of those courts. In fact, the Chief Judge of the Fifth Circuit has this month declared that a judicial emergency exists on that court, caused by the number of judicial vacancies, lack of Senate action on pending nominations, and overwhelming workload.

I have noted the unfortunate pattern that the Republican Senate has established by delaying consideration of too many women and minority nominees. The recent Republican caucus vote against Justice Ronnie White is the most egregious example, but the treatment of Judge Richard Paez and Marsha Berzon show that it is, unfortunately, not an isolated example.

Filling these vacancies with qualified nominees is the concern of all Americans. The Senate should treat minority and women nominees fairly and proceed to consider them with the same speed and deference that it shows other nominees. Let us start the healing process. Let us vote to confirm Judge Richard Paez and Marsha Berzon before this month ends; Judge Julio Fuentes before the Senate adjourns in November; and Judge Ann Williams, Judge James Wynn, Kathleen McCree Lewis, and Enrique Moreno in the first weeks of next year.

#### MOTHERS AND NEWBORNS HEALTH INSURANCE ACT

Mr. BAUCUS. Mr. President, I rise today in support of the Mothers and Newborns Health Insurance Act, a bill that I have introduced along with my colleagues Senators BOND, BREAUX, LINCOLN, and MCCAIN.

As you know, Mr. President, in 1997 Congress passed the Children's Health Insurance Program, or CHIP. CHIP is a joint Federal-State program, designed to ensure that children of low-income

working families have access to health insurance. I'm proud to have worked on the Senate Finance Committee to establish CHIP, and I remain committed to its guiding principle: that all children should have access to the medical care they need to stay healthy and strong.

In fact, just 13 days ago, the Montana CHIP program went into effect. So as I speak, children in my state are already benefitting from this program.

But while CHIP is important, it is not without imperfections. Most notably, States are not allowed to extend CHIP funds to low-income, pregnant adult women. This just doesn't make sense. If pregnant women go uninsured, they are far less likely to receive prenatal care. And if they don't receive prenatal care, their babies face a much higher risk of having health problems, from premature birth to birth defects. We should make sure that these babies are healthy and strong from the very start, by allowing states to offer health insurance to low-income pregnant women under CHIP.

A second problem with CHIP is that, just like the Medicaid program, we've had a hard time getting the word out about it. Right now, there are 358,000 pregnant woman and fully 3 million children who are eligible for Medicaid, but are not enrolled in the program. The same holds true with CHIP: across the United States, low-income, uninsured kids cannot benefit from the program, because they aren't enrolled.

Mr. President, our bill is aimed at solving these problems, and making CHIP an even stronger, more effective program. First, it would give States the freedom to extend CHIP funds to low-income, pregnant mothers above the age of 19. This is a critical step toward empowering our States to provide health care to those who need it most, when they need it most. As many as 45,000 pregnant women could benefit from this change every year—and bare in mind, that means that 45,000 babies could benefit as well.

And let me add, Mr. President, that this does not create a new Federal mandate. To the contrary, this provision would only increase the freedom of the States to direct these Federal health care resources as they see fit.

Second, our bill would assist States in reaching out to their uninsured citizens. When Congress passed the welfare reform bill in 1996, we also created a \$500 million fund that States could use to let uninsured folks know if they were eligible for Medicaid. The problem is, most of this money has gone unused. And in just a short while, most states will lose their 3-year window of opportunity to use these funds. Our bill will eliminate this 3-year deadline, to allow continued access to these funds. It will also allow states to use the funds to reach out to both Medicaid and CHIP-eligible women and children.

By making this change, we can help ensure that CHIP and Medicaid function as they are supposed to—and that the mothers and children who need health insurance coverage will get it.

Mr. President, most of my colleagues, liberal and conservative alike, agree that CHIP is a step in the right direction toward solving the growing problem of the uninsured. Let's act now to make CHIP even stronger.

#### CTBT VOTE

Mr. KYL. Mr. President, I want to take a few minutes today to correct some misconceptions about the reasons why the Senate voted to reject the Comprehensive Test Ban Treaty Wednesday, and the impact its rejection will have on efforts to control the spread of nuclear weapons.

Some have asserted that the Senate acted to reject the treaty for partisan political reasons. At the same time, they threatened grave political consequences for those who opposed the treaty. Obviously, there is a lot more politics in the aftermath of the treaty's rejection (by supporters) than in its not popular, but principled rejection. Simply put, Senators voted to defeat the treaty because it jeopardized our nation's security by undermining the U.S. nuclear deterrent that has served our country so well for the past 50 years.

Nor was this evidence that Republicans are isolationist, as the President charged. It is Republicans who support free trade agreements (rather than the President's party, which is dominated by labor union isolationism). And Republicans strongly supported NATO expansion.

Our distinguished colleague, Senator LUGAR, summed up the case against the CTBT quite well stating,

I do not believe that the CTBT is of the same caliber as the arms control treaties that have come before the Senate in recent decades. Its usefulness to the goal of non-proliferation is highly questionable. Its likely ineffectuality will risk undermining support and confidence in the concept of multilateral arms control. Even as a symbolic statement of our desire for a safer world, it is problematic because it would exacerbate risks and uncertainties related to the safety of our nuclear stockpile.

The majority leader and other opponents of this treaty never asked Members to vote against it for reasons of party loyalty. Rather, Senators were persuaded to reject the treaty by the facts about its effect on our security. In fact, Republican Senators were on both sides of this issue, while Democrats paradoxically, voted lockstep, except for Senator BYRD, who voted present.

Unfortunately, the President and the Democratic leader have asserted that the process for consideration of the treaty was unfair, and have implied they were forced to vote on the treaty.