

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