

The audience gives you the speech before you can deliver it. Then they ask the most important question: If you know all this, why haven't you done anything? Why hasn't this Congress enacted a prescription drug benefit under Medicare? The truth is that the pharmaceutical companies have come to the Congress with their special interests and powerful lobbyists and they have stopped us cold. The Republican leadership in the House and the Senate has basically tried to keep the pharmaceutical companies happy and the insurance companies happy and have said they will trust the insurance companies to provide protection to American families. Well, I can't even say that with a straight face in Illinois because families there know that when you leave it up to insurance companies and it comes to medical care, you don't get the best decisions; you get decisions driven by the bottom line for the profit margin.

So those of us on the Democratic side want to give our friends on the Republican side one last chance before the election to vote for a meaningful prescription drug benefit under Medicare that is universal, which will apply to everybody, as Medicare applies to everybody. Instead, of course, the Republicans want to talk about an estate tax break for the wealthiest Americans—a tax cut of a trillion dollars; and, 40 percent of it or more will go to those making over \$300,000 a year. After you have spent the trillion dollars on a tax cut for the wealthy, there is not much left to take care of prescription drug benefits under Medicare. There is very little, if any, money left to help families pay for college education.

I was at several universities across Illinois talking about a proposal on the Democratic side—one that Vice President GORE supports—to give a college tax credit or a deduction for families. That is what families talk about.

"It is a lovely baby. He looks like his dad. He has been sleeping all night. How are we going to pay for his college?" That is what you hear when you go to a nursery and look at a new infant. It is a legitimate concern.

We on the Democratic side of the aisle believe that if we are going to have any tax cuts, we should target them to the needs of American families—the need to pay for college education and for training. The deductibility of \$12,000 a year in tuition and fees can have a dramatic impact on families.

The Republican leadership just doesn't buy it. They think if there is to be a tax cut, it has to go to the wealthiest people in America. I think it should go to the hardest working people in America—those who deserve it the most, not the least. Those are the families who get up and go to work every day to try to put their kids through school and who try to make this a better country.

That will be the debate you will hear over the next several weeks. If it sounds reminiscent of what you are hearing from the Presidential campaign trail, it is because there is a clear difference between the two major candidates for President. There is a clear difference between the parties on the floor.

We on the Democratic side are going to plead with the Republicans to give us four or five votes so we can pass a prescription drug benefit under Medicare, and targeted tax cuts to pay for college education expenses so people can have a deduction—so when they have long-term care for an aging parent, they can take care of that parent or grandparent, and an additional tax credit for day care so people going to work can leave their kids in a safe environment.

These are the real family issues. The Republicans have not really listened closely.

I hope that Republicans, as they left the Philadelphia convention in August and watched what happened in the national debate at the Presidential level, understand that we really face a serious need in this country in helping families. It is not enough anymore to argue that the wealthy are getting wealthier. Working families want help, too, so their parents and grandparents can pay for prescription drugs and take care of the necessities of life.

I yield the remainder of my time.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

#### EXTENSION OF MORNING BUSINESS

Mr. ROBB. Mr. President, I ask unanimous consent that the period for morning business be extended for not to exceed 10 minutes and that I be permitted to speak during that period.

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

Mr. ROBB. Thank you, Mr. President.

#### JUDICIAL NOMINEES

Mr. ROBB. Mr. President, in these last few weeks of this Congress, there is much to be done. I would like to focus this morning on our constitutional responsibility to confirm judges.

Virginia is one of the five states covered by the Fourth Circuit for the U.S. Court of Appeals. Today, one third of the seats on the Fourth Circuit are vacant. One seat on the bench has been vacant for ten years—longer than any other seat in the country. The U.S. Judicial Conference has called filling that seat a "judicial emergency," and Chief Justice William Rehnquist has warned that "vacancies cannot remain at such high levels indefinitely without eroding the quality of justice that traditionally has been associated with the federal judiciary."

One reason for the high number of vacancies on the Fourth Circuit is the claim that the appellate court doesn't need any more judges. Those who oppose filling the vacancies argue that having more judges will make decision-making more cumbersome and difficult, and that keeping the number small leads to more efficient deliberations.

The problem with this argument is that it substitutes "efficiency" for "justice" in our judicial system. Certainly it would be more efficient to have criminal cases decided by one juror instead of twelve, but our Founding Fathers wisely determined that a variety of views in the jury room would be more likely to yield a result that was "right," and "fair". It's the same reason our Supreme Court is made up of nine jurists, instead of one. And it is difficult to believe that justice is being served fully in a circuit that hears oral argument on only 23 percent of its cases—the lowest percentage of any other circuit—and dismisses 87 percent of its appeals in brief, unsigned opinions according to the Washington Post. While efficiency is laudable, justice is the goal.

On June 30, 2000, the President nominated Roger Gregory to fill the vacancy on the Fourth Circuit that has been open for a decade. Roger Gregory is a highly qualified and well respected attorney from Richmond, Virginia. He graduated summa cum laude from Virginia State University and received his J.D. from the University of Michigan. He has an extensive federal practice, is an accomplished attorney, and was described by *Commonwealth Magazine* as one of Virginia's "Top 25 Best and Brightest."

When he is confirmed, Roger Gregory will fill the longest-standing vacancy in the nation. He will bring energy and insight to the Fourth Circuit. In addition, as an African-American, he will bring much-needed diversity to the bench.

The Fourth Circuit Court of Appeals does not look like America, and it never has. No African-American has ever served on the Fourth Circuit. In fact, it is the only circuit court in the nation without minority representation.

This should trouble all of us. Justice cannot be served without a diversity of views and experiences expressed in the rooms where decisions are made.

As the Supreme Court noted when it barred discrimination in the selection of juries, the exclusion of minorities or women from the deliberative process removes "qualities of human nature and varieties of human experience, the range of which is unknown or perhaps unknowable."

The absence of minority representation on the Fourth Circuit is especially troubling, however, since the Fourth Circuit has the largest percentage of