

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 women 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. With all due respect, these assertions strike me as nothing more than sour grapes. Let's review the history that brought us to the vote yesterday.

For 2 years, the President and other supporters of the CTBT called on the Senate to take up the treaty.

In his State of the Union Address in 1998, President Clinton called for it to be taken up "this year."