happen. If it happens on this nomination, it will happen on the next nomination.

What we have said to Mr. Estrada is, answer the questions. We have submitted a list of things he refused to answer that others have routinely answered. We said: Release the information from your term working in the Solicitor's office. Others have done that. Mr. Estrada is not a judge so we do not have much of a record to go on regarding how he thinks and how he approaches his responsibilities.

He should, and I hope he will, decide to meet the basic requirements of providing information to the Senate. When he does that, in my judgment, I think we ought to proceed. Until he does, in my judgment, we ought not proceed under any circumstance.

Our job is to give advice and consent on a lifetime appointment. Anyone who treats that lightly does not understand the responsibility under article II of the Constitution.

Let me finish by saying I take no pleasure in saying that Mr. Estrada has additional requirements in front of him. But it is he himself who has visited that upon this Senate. Had he answered the questions and provided the information, we would not be in this situation. But we are in this situation of requiring this nominee, before he is voted upon, to provide the basic information that we have requested in consideration of whether he ought to receive a lifetime appointment on the second highest court in this country. If and when he provides that information, I will be happy to vote and make a judgment on Miguel Estrada.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. TALENT. Mr. President, I rise first of all in support of the Estrada nomination and to say a word or two about it. Mr. Estrada's qualifications are excellent. I reviewed them the other day and it struck me that the man is so smart it is almost scary: Harvard Law School, Phi Beta Kappa graduate, clerk of the court of appeals, clerked on the Supreme Court, argued numerous cases before the Supreme Court.

I clerked on a court of appeals, and I mean no disrespect to the members of the Federal judiciary when I say I wish every Judge had Mr. Estrada's qualifications when he or she went on the bench. Mr. Estrada is competent, qualified, honest, and he deserves to be on the court of appeals.

I regret the filibuster that is currently underway to prevent his confirmation. It is unfair to him. It is bad for the country. Worst of all, it introduces a note of discord into the Senate that makes me discouraged about our ability to do the other things we need to do for this country—to pull together behind a prescription drug plan, behind a jobs bill, behind a strong defense that will protect our men and women in uniform, protect our country, create jobs in Missouri and around the country. It will also inhibit our ability to accomplish what we need to do in health care for small business.

HEATH CARE INSURANCE

I will take a few minutes and talk now about what could be the most significant measure that we could pass to expand the cause of access to health insurance for people who work for small businesses in this country.

I chaired the Small Business Committee in the House for two terms, and from the time I did that, I made it my point to interact with small business people around the country and especially around Missouri. They have a number of problems they are confronting: Taxes are too high; in many cases they face regulations that do not make any sense, that inhibit them and hurt them and burden them and accomplish nothing in terms of environmental quality or worker safety or any of the social goals we want to achieve. Many small businesses have difficulty getting access to the capital they need to grow, to expand, to create jobs.

Those are all problems. We need to work on all those problems. But the No. 1 problem facing small business in this country today is the rising cost of health insurance premiums. I have seen it all over the State of Missouri. I have been in places in Cape Girardeau, in Columbia, in Joplin, where small business owners report to me premium increases of 25 percent in 1 year or premiums doubling over 3 years. The effects of this are incalculable. Small business people cannot compete effectively for employees. They have to buy poor quality health insurance, and in some cases have to drop their health insurance altogether, or else the high premiums suck up money they want to put in wage increases or to expand the business. The high premiums are tremendously unfair to them, very bad for the country and, most importantly, very bad for the people who work for small businesses. Of the 41 million people in the United States who are uninsured today, almost two-thirds of them own a small business or work for a small business or are dependents of somebody who owns a small business. The impact on them is enormous.

And think of the impact on the rest of the health care system. Just because these folks are uninsured doesn't mean they don't get sick. At a certain point, when they get sick enough they go to the emergency room or they go to the hospital. Since, those costs are currently unsponsored, they have to be shifted to the rest of the population or hospitals have to eat those costs. What a difference it would make to the people of this country and the small business sector and to the economy if we could introduce and pass a measure that would help cover folks who currently are uninsured. We can do that.

I have talked about the bad news. The good news is that we have an idea that can fix this problem very substantially. It is an idea that passed in the House of Representatives two terms in a row. It is time tested. It is supported on a bipartisan basis in the House. It has the broad support of the small business community. It would not cost the taxpayers of this country a dime. I am talking about association health plans.

Let me explain what association health plans are. The best way to think of them is that they would simply empower small businesspeople of whatever kind to get health insurance on the same terms that big companies already can. AHPs would reduce the cost of health insurance to small businesses by 10 percent to 20 percent. This is how they would work. We need to pass a law empowering or enabling the major trade associations, the Farm Bureau, the Chamber of Commerce, the NFIB, the medical associations, to sponsor ERISA health care plans, including self insured plans, the same way big companies can.

Then, if you joined the trade association, the association would have to offer you coverage under the plans. They would have to offer it to you. They would have to carry you. So if you were a small business you could join the trade association and it would be as if you were becoming a little division of a big company. It would be as if your small business had been bought by a bigger company and all of a sudden you were part of a large national pool of people without having to pay the marketing costs or the profit margins of big insurance companies, and with much reduced administrative costs. One of the big reasons small businesses have to pay more for health insurance is that the administrative cost for small businesses is so much greater.

As I said, this would not cost the taxpayers a dime. It is not a Government program. It just allows small businesses to pool together to help themselves and their employees. It is not a revolutionary change, but the impact would be revolutionary on people who work for small business who would have access to health insurance. The number of uninsured would be reduced by millions of people.

We have gone years without really good news in the health care sector, and association health plans have the potential to be that good news. As I said, the bill has a history already, at least in the House. It was introduced first in the 104th Congress 6 or 7 years ago by my good friend, then-Congressman Harris Fawell. We passed it twice 2 years running in the House. It had strong bipartisan support. I think the bill when we introduced it originally in the House had 85 Republicans and 25 Democrats, including the ranking member of the Small Business Committee in the House. It has very strong support already in this body. I am pleased to say the chair of the Small Business Committee, Ms. SNOWE, is a strong supporter. Senator BOND is a strong supporter.

There is simply no reason why we cannot pass this bill. There is nothing in this bill that implicates any of the great philosophical divisions that separate the two parties on other kinds of issues. The bill is in the mainstream of both political parties. It would make a huge difference for America, for small business, and for the people who are uninsured, and we simply ought to get it done.

That is the kind of thing I am looking forward to working on in the Senate. Let us have an up or down vote on the Estrada nomination and then move forward together.

We have to be able to create jobs. We have to do something about the health care situation in this country. We have to attend to the national defense. We should confirm the President's qualified nominees such as Mr. Estrada and then move on and pass this necessary measure for small business and for the people of the country.

I yield the floor.

The PRESIDING OFFICER (Ms. COLLINS). The senior Senator from Missouri.

Mr. BOND. Madam President, it is a great pleasure today to be able to welcome my new colleague from Missouri to this body. I think he will find, since we are not limited to 1 minute on this side of the Capitol, that remarks are not nearly as concise as they would be in the other body. But certainly his experience there will be of great value.

I have been proud and pleased to know JIM TALENT and his wonderful family for many years in the State of Missouri. I knew him when he served as the Republican leader in the legislature. I worked with him closely when he was the chairman of the Small Business Committee in the House. There was a time when the State of Missouri had double duty in small business and it was a pleasure to work with him then.

I also know his children and his wonderful wife, Brenda. They are a great family. They make a great team. This fall I got to see a lot of them. They give him the courage and the support he needs to do an excellent job.

We also were very saddened that his father, who meant so much to him, did not live to see him achieve this victory in the end of the campaign. He lost his father and, while it was quite a blow to him, he persevered. It was a mark of the man that he came through these very difficult times.

I know this body will benefit from JIM TALENT's contributions. He has been a champion for association health plans, which I think are essential for enabling small businesses to participate in the competitive marketplace, to secure health insurance for employees and their families. JIM has championed this idea on the House side. I know it is a top priority of the President and the Secretary of Labor, and it is good to have him leading this charge in the Senate now, along with Chairman SNOWE and the other members of the Small Business Committee and people who are supportive of small business in the Senate.

Obviously, as has been said, the benefit of an AHP, or association health plan, is by allowing small businesses with similar interests across State lines, across the country, to come together in one pool; they can gain the efficiencies of purchasing in volume; They can gain the advantages of administering overhead, which can be spread across many businesses. For the same reason that you pay less for soda in cans if you buy it by the case, or multiple cases, than if you buy it one at a time, buying health care is much the same. No. 1, you get efficiencies of scale. You also have an opportunity to spread the risks. Those who have taken time to study health care know that the broader the pool, the broader the actuarial component is, the more reasonable the limits will be.

I see my colleague from Massachusetts is ready to take the floor.

Mr. TALENT. Will the Senator yield for just a moment? I certainly will not delay the Senator from Massachusetts. He has been very kind in allowing me to speak, but I wanted to thank the Senator for his kind remarks about me and many kindnesses to me, and especially coming out on the floor. I also want to say, because I see the senior Senator from Massachusetts and the Senator from Nevada and the Senator from Utah, how impressed I have been and how much I feel welcomed by the many senior Members of this body who took a moment to come over on their own and say hello to me. I am just grateful for that. It is a real mark of the congeniality of the Senate. I appreciate it.

I thank my friend and colleague from Missouri for yielding.

Mr. BOND. I thank my colleague. I appreciate the indulgence of the Members on the floor.

I yield the floor.

Mr. HATCH. Madam President, if I may ask my colleague from Massachusetts for a moment of privilege, I want to personally praise my colleague from Missouri for his maiden speech today and for the excellent job he has been doing ever since he began here. I just wish we had him on the Judiciary Committee as well because we know the great lawyer he is, and we also know about the terrific experiences he has had over in the House and also in private practice.

I just want him to know how much we appreciate having him in the Senate and how proud I am of him every day.

I thank my colleague from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Madam President, I join with my colleagues in drawing attention to the remarks of our new colleague from Missouri speaking on the issue of health insurance, the uninsured and the challenges which are out there for the small business community. This is, as he has very well stated, an extraordinary problem for the reasons he has outlined.

It is amazing to me that the small businesses in this country continue to try to provide coverage. As we know, in his State as well as mine, they are all paying about 30 percent more in terms of the premiums than larger companies, and in many instances they have a rapid turnover in terms of the companies that are available to them.

This really is an extremely significant part of the whole crisis in terms of the uninsured. There are a number of different proposals to which we will have a chance to give focus. But I certainly welcome the fact that he selected as his maiden speech the whole issue and question about the uninsured and the challenges that businesses, and small businesses, face. We may have some difference in just how to deal with the issue, but I certainly look forward to working with him and others to see how we can make progress.

I thank him for his statement and for the fact that he is focusing on an issue that is of such importance to our fellow citizens; that is, the question of the uninsured and how we are going to continue to provide insurance for small businesses.

Madam President, one of our most important responsibilities as Senators is the confirmation of federal judges. These are lifetime appointments. Long after we have served our Senate terms, the judges nominated by the President will continue to interpret the Constitution and federal laws. A President's nominees are an enduring legacy that will affect the life of our country and the lives of our constituents for many years to come.

The important work we do in Congress to improve health care, reform public schools, protect workers rights, and ensure enforcement of civil rights means less if we fail to fulfill our responsibility to provide the best possible advice and consent on judicial nominations. Tough environmental laws mean little to a community that can't enforce them in our federal courts. Civil rights laws are undercut if there are no remedies for disabled men and women. Fair labor laws are only words on paper if we confirm judges who ignore them.

For all of these reasons, we must carefully review the qualifications of federal judges, particularly nominees to the DC Circuit. Because the supreme Court hears relatively few cases, the appellate courts are frequently the courts of last resort for millions of Americans. And, of those appellate courts, the DC Circuit is one of the most important. It has a unique and prominent role among the Federal courts, especially in interpreting administrative law, and it has exclusive jurisdiction over many laws affecting the workplace, the environment, civil rights, and consumer protection. For the most vulnerable among us, the DC circuit is often the final stop on the road to justice.

Given its location and jurisdiction, the D.C. Circuit has often decided important cases involving separation of powers, the role of the federal government, the responsibilities of Federal officials, and the authority of Federal agencies. In the 1960s and 1970s, the DC Circuit had a significant role in broadening public access to agency and judicial proceedings, expanding civil rights guarantees, overseeing administrative agencies, protecting the public interest in communications regulation, and strengthening environmental protections.

In the 1980s, however, the DC Circuit changed dramatically because of the appointment of conservative judges. As its composition changed, it became a move conservative and activist court—striking down civil rights and constitutional protections, encouraging deregulation, closing the doors of the courts to many citizens, favoring employers over workers, and undermining federal protection of the environment.

In the 1960s and 1970s, the DC Circuit expanded public access to administrative proceedings and protected the interests of the public against big business. For example, the court enabled more plaintiffs to challenge agency decisions. It held that a religious group—as members of the listening public—could oppose the license renewal of a televisionstation accused of racial and religious discrimination. It held that an organization of welfare recipients was entitled to intervene in proceedings before a Federal agency. No longer would these agencies be able to ignore the interests of those they were supposed to protect.

But in the 1980s, with the ascent of conservative appointees, the DC Circuit began denying access to the courts. It held that a labor union could not challenge the denial of benefits to its members—a decision later overturned by the Supreme Court. It held that environmental groups are not qualified to seek review of EPA Standards under the Clean Air Act. These decisions are characteristic of the DC Circuit's flip-flop in the 1980s. After decades of landmark decisions allowing effective implementation of important laws and principles, the DC Circuit is now creating precedents on labor rights, civil rights, and the environment that will set back these basic principles for years to come.

In the 1970s and early 1980s, the DC Circuit advanced the cause of environmental protection. In this period, the court interpreted the Clean Air Act in ways consistent with Congress' intent. In Lead Industries Associations v. EPA, the court held that the EPA cannot consider economic costs to industry in setting air quality standards, because Congress had made health the paramount concern in setting these standards.

Decisions in leaded gasoline cases also significantly advanced the effort to reduce air pollution and protect people—particularly children in cities, from the harmful effects of automobile exhaust. In addition, the court took strict action when it upheld the ban on the manufacturer and sale of the pesticides DDT, heptachlor and chlordane.

But in the mid-1980s, conservative judges on the DC Circuit began cutting off access to the courts for environmentalists and injected an anti-environmental point of view into decision after decision, regardless of even Supreme Court precedents. In American Trucking Associations v. EPA in 1999, the DC Circuit issued a harsh decision denying the EPA the authority to establish health standards for smog and soot. That decision was unanimously reversed by the Supreme Court. In another notorious decision, Sweet Home Chapter of Communities for a great Oregon v. Babbitt, it struck down habitat protections for endangered species. This decision also was reversed by the Supreme Court.

When Congress passed the National Labor Relations Act, it guaranteed workers the rights to join a union without discrimination or reprisal by employers, and to bargain with employers over the terms and conditions of employment. The National Labor Relations Board interprets and enforces the act and reviews appeals of decisions by administrative law judges. NLRB decisions are appealable to the circuit court, where the unfair labor practice is alleged to have occurred, or here the employer resides or transacts business, or in the DC Circuit. As a result, the DC Circuit is always available as a forum to challenge decisions of the board.

In 1980, the DC Circuit fully enforced the board's decision 83 percent of the time, and at least partly enforced the board's decision in all the other cases. By the year 2000, when the court had a 5-to-4 Republican majority, including a solid majority of Reagan/Bush appointees, the DC Circuit enforced in full only 57 percent of NLRB cases and enforced at least part of the board's decisions just 70 percent of the time. These enforcement statistics put the DC Circuit significantly below the national average of an 83.4 percent enforcement rate for the board in all the courts of appeals.

Given these statistics, it is not surprising that the DC Circuit has become the circuit of choice for employers trying to overturn NLRB decisions. In 1980, the DC Circuit heard only 3 percent of the NLRB appeals heard by the circuit courts. The DC Circuit ranked next to last of all the circuits. Only the Tenth Circuit heard fewer cases.

As the Reagan/Bush effect on the DC Circuit took hold, the court became increasingly attractive to industries, and the court;'s share of NLRB cases steadily rose. By the year 2000, the DC Circuit ranked first among all circuit courts in the percentage of NLRB cases herd by those courts. Almost one in five cases—18 percent—were filed in the DC Circuit, and employers brought by far the largest number of these cases.

The DC Circuit's willingness to overturn National Labor Relations Board decision is deeply troubling because of the precedents being established. In Freund Baking Co. v. NLRB, it reversed the NLRB and set aside a union election because the court felt that a wage and hour lawsuit brought on behalf of several workers shortly before the election interfered with a fair election.

In Macmillan Publishing. Co. v. NLRB, the board had overturned a union representation election, finding that a company prevented a fair election by distributing a leaflet telling employees to vote against the union or risk losing a previously announced wage increase. The DC Circuit reversed the board's action.

The DC Circuit's hostility to the NLRB, to the detriment of workers and their unions, is also illustrated in other cases dominated by Reagan Bush appointees. In International Paper Co. v. NLRB, the court overturned the board's decision and held that the company's permanent subcontracting of employees' job during a lockout was an unfair labor practice. In Detroit Typographical Union v. NLRB, the court overturned the NLRB's determination that Detroit News and Free Press had committed an unfair labor practice when it unilaterally implemented a merit pay proposal immediately prior to the beginning of a 19-month strike by newspaper employees. In Pall Corp. v. NLRB, the court overturned the board's determination that it was an unfair labor practice for an employer to unilaterally revoke a contract provision on ways for the union to obtain recognition at other facilities.

The DC Circuit also vacated a decision by the board to include handicapped workers at a Goodwill production facility in the same bargaining unit as other employees. The court held that the handicapped workers were not employees. And in C.C. Eastern v. NLRB and North American Van Lines v. NLRB, the court overturned the board's ruling that truck drivers are employees. Instead, the court held that the drivers are independent contractors unprotected by the National Labor Relations Act.

Immediately after Congress passed the Occupational Safety and Health Act of 1970, the DC Circuit issued major decisions that protected workers from job-related hazards. The DC Circuit issued a landmark ruling in United Steelworkers of America v. Marshall, which upheld OSHA's standard on lead in the workplace. This case continues to be important, because it upheld basic principles and protections that the agency went on to use in many other workplace safety standards.

The DC Circuit also held the OSHA Administrator to a high standard in implementing the law. In 1983, the court ordered OSHA to expedite rulemaking on ethylene oxide, a highly toxic substance used to sterilize medical equipment. In a subsequent case,

the court sent an ethylene oxide standard back to OSHA for failure to adopt a short-term exposure limit that would have made the standard more protective.

In 1987, after unacceptable delay by OSHA, the court ordered the agency to issue a field sanitation standard requiring toilets and drinking water for farmworkers, to protect them from disease.

Today however, employees no longer see the DC Circuit as a court in which to bring worker safety and health actions. Despite the court's earlier willingness to hold OSHA to its statutory mandate to protect workers, workers are turning elsewhere for relief, and big business is counting on the DC Circuit for assistance. It is no accident that the National Association of Manufacturers and other trade associations who filed a lawsuit to overturn OSHA's ergonomics standard chose the DC Circuit to bring their petitions for review.

In decades past, the DC Circuit was in the forefront of upholding Federal protections for minorities and women. One of the most notable cases on racial discrimination was a 1969 decision upholding measures to end the overcrowding and segregation of schools in the District of Columbia. In another important decision, the court held that a written examination had a disparate impact on African Americans applying for positions in the police department. The court held that unless the test had sufficient relationship to job performance, it violated the Constitution.

The DC Circuit also contributed important precedents for women seeking justice and equality. In Laffey v. Northwest Airlines, female flight attendants were assigned to the all-female ''stewardess'' classification, while men who performed essentially the same job were paid more and called ''pursers.'' The female flight attendants sued Northwest Airlines for sex discrimination. The district court held that Northeast Airlines had violated Federal law, and the DC Circuit upheld the argument that the Equal Pay Act extended to identical jobs, and held that it required equal pay for ''substantially equal'' jobs.

This principle was emphasized in Thompson v. Sawyer, involving a claim of sex discrimination by employees of the Government Printing Office. The court held that jobs may be ''substantially equal,'' even it they involve work on different machines or equipment, as long as the skills, effort, responsibility and working conditions are the same.

All of these decisions are advancing the cause of equal pay for women in the workplace, enormously important decisions. Because of these decisions, we see further compliance by other companies, knowing that this is the law and it has to be respected.

In the late 1970s and mid 1980s, in the area of sexual harassment, the court held in a series of cases that sexual harassment in the workplace violates title VII even when there has been no loss of tangible job benefits. The court also held an employer can be held liable for sexual harassment by a supervisor, even if the employee is unaware of the supervisor's actions.

These cases were all important steps on civil rights, enormously important to the kinds of conditions in the workplace, particularly for women on equal pay and also in terms of the issues on sexual harassment. This was major progress in decisions made by the DC Circuit.

People say: Why are we so concerned about this particular nominee? I have been trying to review for the Senate, this afternoon, these various areas. Whether we are talking about the environment, whether we are talking about worker safety, whether we are talking about issues on women's rights—equal pay, freedom from harassment—all of these judgments and decisions that have been made by the DC Circuit have advanced the cause of greater protection and greater equality for the citizens in the workplace.

These cases were all important steps on civil rights. But when more conservative judges were appointed, the tide began to change. In 1973, the DC Circuit had required the Federal Government to take steps to end segregation in educational institutions receiving Federal funds. But a decade later, by a 6-to-4 vote, the DC Circuit held in Adams v. Richardson that the plaintiffs could not obtain judicial review of the Federal Government's settlement with higher education institutions, despite the Government's abandonment of its own desegregation criteria.

The workers and the firms affected by such decisions are well aware that the DC Court of Appeals is a powerful court. This fact is not lost on the current administration. For over two decades, Republican administrations have worked diligently to reshape this court and other courts. Current judicial nominees are clearly being chosen for their ideological beliefs.

None of us should have any doubt that the Bush administration is intensely pursing this goal today.

The President's nominees to the circuit courts are among the most conservative lawyers and judges in the country. This administration is doing all it can to reshape the Federal judiciary for a generation or more to come in its own conservative image. In doing so, the administration is undermining the enforcement of important environmental, labor, worker safety, immigration, and civil rights laws while advancing harsh new policies.

If this administration has its way, we will soon be drilling in the Arctic National Wildlife Refuge, developing and exploiting wetlands and waterways protected by the Clean Water Act, and undermining policies that protect our environment.

If this administration has its way, employees will have fewer labor and workplace protections. If this administration has its way, we will see the continued erosion of civil rights laws.

It is obvious that Mr. Estrada has been nominated to a court that is overturning important precedents and moving farther and farther to the right—a court that disregards congressional intent and the letter and spirit of the law it has a duty to respect—courts like the current administration, more interested in serving big business than in serving justice.

As I reviewed just briefly why this nominee is so important, we get asked why is this particular nominee so important? As I mentioned, it is the DC Circuit. It is making and has made these judgments time and time again in protecting individuals and the environment and protecting workers. We have seen a significant shift in recent times. What we are trying to find out is what the nominee's views are in the general areas I have mentioned in which this court has such important jurisdiction.

We could get no answers on the issue of workers rights, no answers on the issue of civil rights, no answers on the issue of the environment, no answers on the issue of the broad sweep of different questions that come in terms of administrative agencies and the importance, what kind of precedence, what kind of latitude they give to administrative agencies. No, we are not entitled to those answers at all. Absolutely none. We just are denied any kind of opportunity to hear any response as to a court of this importance. We are entitled to hear the nominee, not for his specific outcomes of a particular case but to show an understanding and a grasp and an awareness of the importance of the laws and a sense of the type of commitment he has in terms of fundamental constitutional protections.

I urge my colleagues to heed the warnings of the many Latino organizations and leaders who have raised concerns about Mr. Estrada's nomination. As 52 Latino labor leaders have written:

> America's working families look to the federal courts to protect our rights at work, to stop unfair labor practices by employers, and to ensure that employers respect laws regarding fair pay and equal treatment on the job.
>
> Of all the federal courts, none—other than the U.S. Supreme Court—is more important to working people than the U.S. Court of Appeals for the District of Columbia Circuit. It is in this court that the legal rights of working people are won and lost. After a careful review of Mr. Estrada's record, on behalf of the working families of America, we have decided to oppose the nomination of Miguel Estrada.

These concerns are shared by the United Steelworkers of America, the UAW, Community Rights Counsel, Defenders of Wildlife, Earth Justice, the Endangered Species Coalition, the Environmental Defense Fund, the Environmental Working Group, Friends of the Earth, the Sierra Club, the Wilderness Society, the Mexican American

Legal Defense Fund, the Puerto Rican Legal Defense Fund, the Congressional Hispanic Caucus, the Congressional Black Caucus, and many other organizations.

Earlier today we had meetings with the leaders of the Hispanic Caucus. They reviewed with us how they have interviewed various nominees over recent years, how they were able to get some kind of a sense, and the degree of support they had given to many other nominees who they had a particular interest in, who had a Hispanic background, and how they interviewed this nominee.

I will take some time tomorrow to review in some detail with the Senate their conclusions and their observations. They are the ones who speak for the Hispanic community. They are the ones who understand the hopes and dreams of so many of our Hispanic brothers and sisters. They are the ones who have, through life experience, a keen awareness and understanding about the importance of justice.

But some of the statements they made this afternoon, which I found so compelling, were the fact that when the dust settles on the Presidency, whether it is one party or the other, when the final action is taken in the appropriations and the legislative branch, the one place the Hispanics have historically been able to look to and have a sense of confidence has been the American judicial system. They consider it sacrosanct in terms of the types of challenges they are facing daily in our society. They challenge us to preserve that kind of equality.

They reviewed in careful detail, not just for us but for Americans, in the form of our meeting this afternoon with the press exactly why they are so strongly opposed to this nominee.

I stand with these groups and the millions of Americans they represent and urge the Senate to reject the nomination.

EDUCATION FUNDING

Mr. President, I see my friend and colleague from New Mexico. I would like to, if I may, proceed for about 3 or 4 more minutes on a different subject, but one I know he is very much interested in. I think it is important to bring to the attention of the Senate. That is the outcome of the omnibus 2003 budget in the area of education.

We are going to have the final budget conference report in the next several hours, but there are a number of parts of it that effectively have been closed. It is important, since it affects the families in this country who are concerned about education, that we take a moment to review the positive outcome that has taken place in the omnibus 2003 budget that marks a victory for parents and teachers and principals and schoolchildren across the Nation.

When the omnibus 2003 spending bill is reported out of conference later tonight, it will include an education budget increase that is eight times President Bush's request. For the second time in 4 weeks the Congress will reject President Bush's inadequate education budget and insist on increased resources to carry out school reform. And for the second time in 4 weeks, Republicans and Democrats in Congress will reject the administration's ongoing drive to divert scarce public school funding to private school vouchers.

I see the Senator from Maine who, with our friend and colleague from Connecticut, during the authorization spoke so eloquently about the importance of funding of title I. We made important progress in including approximately 500,000 more children who would be eligible for title I as the result of the omnibus bill.

The final year budget which effectively will provide resources that will be available to the school systems this spring will provide 3.2 billion in education over the previous year and 2.8 billion over President Bush's budget. Title I, the key school reform program, the No Child Left Behind, would be increased by $1.4 billion, helping half a million more needy children to be fully served. In my State of Massachusetts, 46,000 more children will be served. IDEA will increase by $1.4 billion, putting us a step closer toward fully funding the program as promised. My own State of Massachusetts will see a $32 million increase in special education funding.

Support for improved teaching quality and reducing class size will increase by $100 million—not nearly enough, but we are going in the right direction. We will improve the quality of 24,000 more teachers across the country. Programs that help English language learners master English will increase by $25 million and will help 37,000 more children learn English.

We have made strong steps toward meeting the promises of full funding outlined in No Child Left Behind and NIDA. But it is not enough. Teachers and students need more support. Teacher shortages are getting worse, class sizes are increasing, State deficits are skyrocketing. So we have a good deal of work to do. But as a result of the decisions that have been made recently in the Senate and in the conference report, there is some good news on the way.

I thank my friend and colleague from New Mexico for permitting me to finish.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. BINGAMAN. Madam President, let me first thank my colleague from Massachusetts for his eloquent statement on the Estrada nomination and also his other statement about the level of funding for education contained in the omnibus appropriations bill. I know how hard he has worked on that issue for many years. I commend him for the progress that has been made, and I agree with him that much more progress needs to be made.

I want to say a few words about the Estrada nomination and also talk about another aspect of the President's proposed budget to us, with which I have found serious concern.

First, on the Estrada nomination for the DC Court of Appeals, Miguel Estrada has been nominated for that position, and, frankly, the concern I bring to this issue is that many of my good friends and people whom I respect in the House of Representatives, in the Hispanic Caucus, have indicated that they oppose his nomination. When I said many, I should have said all. They had quite a discussion and quite a period of investigation of this nomination, and they concluded unanimously that the Hispanic Caucus of the House of Representatives would oppose the nomination. I have been contacted by several members of that caucus and urged to resist the nomination in the Senate. As I say, I have not taken the time to look into it in detail myself, but I have great respect for these gentlemen and women who have worked hard on this issue, and their strong opposition is of concern to me.

I am also concerned that not a single Democratic member of the Senate Judiciary Committee determined to support the nominee after hearing the nominee's answers to questions before the committee. I share my colleagues' concerns as expressed by many of those members on the Judiciary Committee that we simply do not have enough information about this nominee at this time to cast an informed vote. During his confirmation hearing, he was not willing to answer many basic questions that were propounded to him. He was evasive when asked about his judicial philosophy. He refused to provide samples of his work from the time he served in the Solicitor General's Office. There have been requests for information made that, in my view, have been reasonable.

As I understand it, the chairman and ranking Democrat on the Judiciary Committee and Senator DASCHLE are continuing to request additional information before any vote is cast on that nomination.

Some have attempted to turn this debate into a debate about the nominee's ethnicity. I don't believe that is the issue. I have supported many Hispanic candidates. In my State, I had the great honor to recommend to President Clinton, our previous President, and he in fact appointed a Hispanic nominee to our Federal court in New Mexico. But that support was based on having a full record regarding the candidate's qualifications in each case. We do not have a full record as to this nominee at this point. I hope when we attain it, then we can move forward with the vote at sometime in the future.

THE PRESIDENT'S PENSION PROPOSAL

Madam President, I want to talk for a few minutes about a set of proposals the administration has made related to pension coverage that I think are of serious concern. You might say, where does that fit into the other major issues being discussed here? As I see it,