compromise version that had been worked out over a long period of very difficult work.

So we have a choice: We can have issues or we can have solutions. It just takes the two sides getting together and moving forward.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. DURBIN. Mr. President, I ask unanimous consent to speak for 5 minutes in morning business.

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

THE SENATE'S RESOLVE

Mr. DURBIN. The Senate and House will be returning to business this week in Washington, DC. The important question is, What did we learn in August?

As we went home to our States and spoke to families across Illinois and other States represented in this body, the question was whether the Members of the U.S. Senate will return with the resolve to do something.

You see, for the last several years, the Senate has done virtually nothing when it comes to the important issues facing working families across America. The families I met in Illinois during the month of August were, I guess, almost unanimous in their belief that this Congress should waste no time in enacting a meaningful prescription drug benefit under Medicare. I no longer have to give the speech about Medicare and prescription drugs. The audience gives it to me. They say: Senator, did you know if you cross the border and go into Canada, you can buy the same drugs at half the price? I say: Yes, I was about to tell you that. They say: Did you know people are paying more if they are elderly or disabled than virtually any other group in America? I say: Yes, I was about to tell you that, too.

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 African-Americans of any circuit in the nation. In our circuit, twenty-three percent of our population is African-American. Yet not one of the judges on the Fourth Circuit is African-American. Mr. President, it's time for a change. In fact, it's past time.

There have been several efforts in the past to integrate this circuit, but these efforts have been blocked. The Administration has tried since 1995 to integrate this circuit, but the ''blue slips'' for these nominees simply weren't returned, effectively thwarting those nominees.

I have argued for years that Virginia deserves another seat on the bench. Finally late last fall, we in Virginia were given an opportunity to fill one of the vacancies. We seized the opportunity and after an extensive and thorough search and vetting process—including time-consuming ABA screenings and FBI background checks—Roger Gregory was nominated by the Administration. We now have a chance to correct this gross inequity on the Fourth Circuit. Roger Gregory has the support of both Senators from Virginia.

There is time to move this nominee. Immediately before we began our August recess, the Judiciary Committee held a hearing and three judges were voted out of the Committee just six days after they were nominated. Of the last 12 judges confirmed by the Senate, 11 were confirmed within three months of nomination.

In 1992, another presidential election year in which the White House was controlled by one party and the Senate by another, Senate Democrats confirmed 66 nominees to the federal bench. Eleven of those were Circuit Court judges, and six of the Circuit Court judges were confirmed later than July of that year. Three were confirmed in August, two in September, and one in October.

And presidential candidate George W. Bush has called on the Senate to approve judicial nominees within 60 days. The sixty days for Roger Gregory passed on August 30. It is time to grant Mr. Gregory the courtesy of a hearing.

The late, renowned Judge Spotswood Robinson integrated the D.C. Circuit in 1966. He, too, came from Richmond, Virginia. It is time for another Richmonder, Roger Gregory, to break another barrier. We have already waited too long.

I urge the Judiciary Committee to move the nomination of Roger Gregory, and grant him a hearing.

I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate will now stand in recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 12:40 p.m., recessed until 2:18 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. ENZI).

TO AUTHORIZE EXTENSION OF NONDISCRIMINATORY TREATMENT TO THE PEOPLE'S REPUBLIC OF CHINA—MOTION TO PROCEED

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the postcloture debate on H.R. 4444, which the clerk will report.

The assistant legislative clerk read as follows:

A motion to proceed to the bill (H.R. 4444) to authorize extension of nondiscriminatory treatment (normal trade relations treatment) to the People's Republic of China, and to establish a framework for relations between the United States and the People's Republic of China.

The PRESIDING OFFICER. Under the previous order, the Chair recognizes the Senator from North Carolina.

Mr. HELMS. Mr. President, with deep respect, I ask unanimous consent to yield first to the distinguished chairman, Mr. ROTH.

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

Mr. ROTH. Mr. President, I thank the distinguished Senator from North Carolina for his usual courtesy.

Mr. President, I rise today to encourage my colleagues to support the motion to proceed to H.R. 4444 and to pass this legislation without amendment. Our vote on normalizing trade relations with China will mark the most significant vote we take in this Congress. Indeed, it will be one of the most important votes we will take during our time in the Senate.

At the outset, I want to be clear—because of PNTR's significance and because we have so little time left before the 106th Congress adjourns, I will oppose all amendments to PNTR, regardless of their merit.

The House bill takes the one essential step that we must take to ensure that American workers, American farmers and American businesses reap the benefits of China's market access commitments.

There is nothing that we can add to this bill that will improve upon its guarantee that our exporters benefit from the agreement it took three Presidents of both parties 13 years to negotiate with the Chinese.

I ask my colleagues to join me in adopting this approach because the risks of going to conference on this bill, in this political season, are too great. Bluntly, a vote to amend is a vote to kill this bill and, with it, any chance that U.S. workers, farmers, and businesses will benefit from China's accession to the WTO.

The significance of this vote is due both to the economic benefits that will flow from opening China's market to our exports and the broader impact that normalizing our trade will have on our relationship with China. I want to address each of those points in turn.

Let me clarify, first, what this debate is about. The vote on PNTR is not a vote about whether China will get into the World Trade Organization, as some have said. I assure you that China will get into the WTO whether we vote to normalize our trade relations with China or not.

What this vote is about, as I indicated at the outset, is whether American manufacturers, farmers, service providers, and workers will get the benefits of a deal that American negotiators under three Presidents of both parties fought for 13 years to achieve. Or, will we simply concede the benefits of that deal to their European and Japanese competitors for the Chinese market?

As I explained just prior to the August recess, my reason for supporting this legislation is first and foremost because of the benefits that normalizing trade with China will offer my constituents back home in Delaware.

China is already an important market for firms, farmers, and workers located in my state. Delaware's exports to China in many product categories nearly doubled between 1993 and 1998. Delaware's trade with China now exceeds $70 million.