I think it is significant that this good brother is not just trained for the ministry and knows the ivory tower and knows the depths of theology, but he knows how it is to minister, how it is to change the human heart and help lift people from the wrong path. This is a man, as you meet with him, who can talk deep in terms of gospel principles but also knows personally what it is like to change the human heart and to set it on the course of righteousness.

Pastor Pfotenhauer is the father of Kurt Pfotenhauer, who is my friend and my former chief of staff for nearly 6 years. Dr. Pfotenhauer's wife, Carolyn, is in the audience today. We welcome her. We honor her, as well as her grandsons, Jon and Ben, and her daughter-in-law, the pastor's daughter-in-law, Kurt's wife, Nancy. They are all with him today.

We honor you, sir. We thank you for your service to us today. We thank God for your service to his children.

I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order there will now be a period for the transaction of morning business not to extend beyond the hour of 10:30 a.m. with Senators permitted to speak therein for up to 10 minutes each. Under the previous order, the first half of the floor time will be under the control of the Republican leader or his designee, and the final half of the time shall be under the control of the Democrat leader or his designee.

The ACTING PRESIDENT pro tempore. The Senator from New Mexico.

THE STATE OF THE ECONOMY

Mr. DOMENICI. The Republican leader has designated the Senator from New Mexico to control the time. I yield myself 10 minutes.

Mr. President, fellow Senators, a week ago the Federal Reserve Chairman, Alan Greenspan, testified before the Senate Banking Committee. It is important to take note of what he said at that hearing and where he thinks our economy is headed. Despite the obvious bear market which prevailed until yesterday, when we had a rather significant bull market for the day, our economy's fundamentals are strong.

Despite this bear market, our economy is not headed for another recession in the near future. Productivity growth is rapid. Inflation is low. Mortgage rates are also low, as everyone knows. That has kept the housing market very strong.

Families have been taking advantage of these low-income rates by buying homes at a record pace and refinancing old ones, thus yielding either lower payments or cash at hand which they are using to acquire what they believe they need.

Notice that those who claimed that the tax cut would lead to higher interest rates have been very quiet of late, at least on that point. The Federal Reserve sees the economy as growing at about a 3-percent rate in the second half of this year and even faster next year. The unemployment rate will probably end the year at about 5.9 percent. That is about right where it is now.

Next year, the jobless rate could drop to about 5.4 percent. This does not mean the outlook lacks uncertainty. The recent weakness in the stock market is important. The American people are worried, concerned. Lower equity prices create a negative wealth effect that will be a drag on consumer spending, as I have just indicated. Lower stock prices also make it tougher for businesses to acquire the capital they need to invest. Slow business investment continues to be our economy's weakest point. And, of course, we still face the risk of further terrorist attacks or other conflicts that could disrupt the energy market.

Chairman Greenspan also observed:

> To a degree, the return to budget deficits has been the result of temporary factors, especially the falloff of revenue, of tax take, and the increase in outlays associated with the economic downturn.

But the chairman also observed that unfortunately, despite these temporary factors impacting the deficit, he also saw signs that the underlying disciplinary mechanisms that form the framework for Federal budgets over the last 15 years have eroded.

I would say one of the most obvious ''disciplinary mechanisms,'' to borrow his words, is the adoption of a congressional budget. I have spoken in the past here on the floor about the failure to adopt a budget resolution this year. Clearly, this is the one thing we can do in the Congress to send a message to the American public and to the markets that we understand the importance of having a budget in these difficult economic times. So far we have failed as elected officials to do the most essential of our responsibilities—adopt a budget.

Clearly, the other side of the aisle, the Democrats and their leadership, bear that responsibility, the responsibility to have continued on with the budget process and to have produced a budget resolution. We know that even on this most serious of debates, with reference to prescription drugs for our seniors, the absence of a budget resolution has found its way here to the floor.

Because there is not a budget resolution that impacts for the remainder of this year, we then look to the previous year for the impacts, plus or minus impacts, on adopting a prescription drug bill. Lo and behold, we find the previous year's budget, the budget that this Senator, as chairman, helped put together, is now impacting and will through the remainder of this fiscal year be impacting on what we can do in Medicare. Clearly, it is saying we can only spend $300 billion over the next decade. That was the judgment of the Senate when it last voted in a budget resolution.

Things have not gotten better but perhaps have gotten somewhat worse during that intervening year. We are here on the floor discussing a Medicare bill that is much larger than what we talked about the year previous when we had a rather positive economy, not one that was in the red but one that was in the black.

Now the question is, What shall we do for the remainder of this year, up until October 1, when all the appropriations bills are subject to adoption in both Houses, to go to conference, come back, and then go to the President—when all the other measures on which we have been going slow, or are in conference, have to come up? Are we going to have no budget resolution nor budget statement impacts on any of those activities, the sum total of which are the budget, and determine, starting October 1, what we shall do?

It makes it difficult. Even the distinguished chairman of the Appropriations Committee, the President pro tempore, responding to a question about how not having a budget would affect the ability to work on appropriations bills, said—and I quote from The Hill magazine:

> It makes it difficult because we don't have the disciplinary mechanisms at our fingertips that would otherwise be the case if we had a budget.

The Appropriations Committee, under his leadership and that of Senator STEVENS as ranking member, is fully aware their appropriations bills, one by one, when added together are the sum total of the budget for the year starting October 1. They have recommended on one of the bills that there be a sense of the Senate that they will engage in attempting, with the Senate, to bind themselves to the numbers in the appropriations bills, saying we will be bound by those even though we do not have a budget resolution that would normally give the numbers, prescribe them to the committee.

I gather that means the Budget Committee chairman and ranking member—with that language, that sense of the Senate, saying that we will be bound by the sum total of the allocations to the subcommittees—I gather they clearly are concerned that if we do not have something, the bills eventually will be subject to whatever the Senate would vote in and have no overlying power that says you can't go over this or you suffer some kind of penalty.

Senator BYRD and Dr. Greenspan have spoken. I tried on two or three occasions on the floor to remind us, as Senator JUDD GREGG has, and some

Democrats have taken to the floor concerned about the fact that we don't have any discipline. It makes it difficult because we don't have the disciplinary mechanisms at our fingertips. That is what the distinguished chairman of the Appropriations Committee said a few days ago.

A couple of weeks ago, absent a real budget resolution, we came close to adopting at least a poor version of a budget by trying to set spending caps for the appropriations process, enforceable only here in the Senate next year, and extending with Senate enforcement tools some expiring Budget Enforcement Act provisions.

But let it be clear, this is not a budget resolution.

The PRESIDING OFFICER. The Senator has used 10 minutes.

Mr. DOMENICI. I ask unanimous consent for 5 additional minutes.

The PRESIDING OFFICER. Without objection, the Senator may continue.

Mr. DOMENICI. Let it be clear this was not a Senate budget resolution on which we voted. It was an attempt to address just a small portion of the Federal spending that indeed will take place between now and the end of next year. Let it be clear that this is not a budget resolution because it only applied to appropriations, and budget resolutions go well beyond the appropriations bills which constitute about one-third of the spending of our Nation. Two-thirds are subject to other approaches to spending, mandatory approaches—they are automatic, like Social Security, like Medicare. And the sum total of all those—Federal pensions, military pensions and on and on—the sum total of all of those mandatory, obligatory ones is two-thirds of the spending. A real budget would address the other two-thirds, that which we call generally entitlement spending.

I think we are now beginning to see firsthand what it means not to have a budget resolution as we are here on the floor debating adding new spending to one of the largest Federal entitlement programs, the Medicare Program. The process does matter. An updated budget resolution would have updated our spending estimates and we would now be debating these prescription drug amendments to the current Medicare Program in a more honest and transparent manner.

I think it is important that we listen up and we pay attention. This is a very serious situation. If in fact spending were to get out of hand, we hear Alan Greenspan warning us that one of the most significant qualities, characteristics of this American economy—one of the most serious ones would be for those who understand budgets to conclude that the fiscal policy is out of hand, that we don't know where it is going, and we don't know how much we are going to spend. I don't think that is the case.

But some who would look at what we have done and not done might conclude that we are not as committed as we were a couple of years ago when we had budgets, reserve funds, and all the kinds of things we have grown to use around here.

It is obvious we just have projections and estimates of costs based on the Congressional Budget Office and their most current projections. But because we don't have a budget resolution that is based on current estimates, the procedural points of order that lie against all of these amendments result from the fact that last year's budget resolution is the only one we have, and it was estimated using an entirely different set of projections.

What this says is we are using enforcement tools that were in last year's budget based upon where we are going to be with reference to expenditures, tax intake, and, thus, deficits, or being in the black and with a surplus.

Regardless of whose amendment one supports, not having a current budget resolution penalizes all proposals. This is not the way to consider one of the most important and probably most expensive legislative proposals to come before the Congress in years; that is, prescription drug provisions that we are debating.

We therefore see the failure to adopt a budget resolution, we see it impacting on the way the Senate can conduct business here on the floor. We are tied up in trying to consider a prescription drug bill while bypassing the Senate Finance Committee. If the majority leader chooses to proceed without waiting for, or without expecting and relying upon a bill that the Finance Committee and committee debate produces and sends to the Senate, that is his prerogative.

I believe in these particular times, with all of the facts I have just described, that it is not the best way to do it. But there are even other reasons beyond budgetary that cry out for it not being the best way to conduct business—be it an energy bill, which we did directly on the floor and didn't have language from a committee as a formal bill with the appropriate documents attendant thereto, to many others that we are taking up out of the majority leader's office and putting up here on the floor without the committee authentication which comes from the committee debate, which is a very heralded and important part of the Senate process.

Chairman Greenspan also spoke specifically about the other rules that were incorporated into the Budget Act and, thus, are in the budget. They came into being when our country had another bad time. We went out and met at Andrews Air Force Base. We came back with a series of proposals, one of which was called a pay-go, and spending caps. These are devices that helped at least provide some tools for statutory and congressional fiscal policy deliberations. These were enforced by points of order. The point of order lied. These provisions were operative—or any one of them. Then we were penalized and had to have 60 votes rather than 51.

That is wherein the drug bill lies in terms of the process. This is something we can do.

I have introduced legislation to extend the budget enforcement provisions, including the spending caps, establishing firewalls that go between the nondefense and defense, pay-go rules impacting the mandatory spending programs and tax revenues, limitations on the advanced appropriations, and other provisions that I believe are the minimum needed to maintain some semblance of statutory and congressional budget authority.

Let it be clear that this legislation is not a budget resolution, it is strictly enforcement provisions. But it is the heart and soul of budget enforcement mechanisms that would be here if we were adopting a budget under the existing budget law. It is essential that we do at least this much, and we ought to give serious consideration to doing it before this year ends.

I once again borrow the language of Dr. Greenspan when he calls all these things disciplinary mechanisms. We need to reassert them—something Chairman Greenspan and Chairman BYRD reminded us that we need. This is important to the way we conduct business and the signal it sends to the markets and the economy.

Also, my colleagues joined in other legislation that I hope we can find some way to have adopted before the new fiscal year begins on October 1. I have heretofore introduced a summary of this proposal. After getting closer and talking to more people, I put some more flesh on it. I don't want to formally introduce it, but I want to send attendant to this speech, following it, a proposal that will be called a bill. It indeed would be the proposal I have summarized that, as a minimal, we would need. I hope Senators will pay attention to it.

Perhaps by the end of the day today we can find out whether there is a genuine interest. If there is not, then obviously I believe I have done my best to call attention to it and to provide how it might be done. I submit that there is indeed a possibility that if this were to pass and the Senate were to adopt it, and since it applies only to us—the House offers it through its Rules Committee—if we were to adopt it, I have every reason to believe it would have a positive impact on those who are wondering what is our fiscal policy after this October and into a year with new so-called disciplinary functions available.

I yield the floor.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. CLINTON. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. STABENOW). Without objection, it is so ordered.

12TH ANNIVERSARY OF ENACTMENT OF THE AMERICANS WITH DISABILITIES ACT

Mrs. CLINTON. Madam President, I rise today to recognize the 12-year anniversary of an incredibly important step in America's continuing effort to expand the circle of opportunity and to realize a more perfect union.

Twelve years ago today, the Americans with Disabilities Act became law. When we think about that remarkable day in history, we remember the relentless efforts of some of our colleagues who took such leadership in this important expansion of civil rights protections. Senators HARKIN and KENNEDY used their positions of power to fight for those with little or no power. Their work opened the doors to people with disabilities in much the same way as the Civil Rights Act had done three decades earlier for other Americans.

We also remember the people who fought behind the scenes, those who tenaciously and selflessly advocated for equal access because they knew that people with disabilities were being excluded from schools, from jobs, from the most fundamental participation in our American way of life.

One such person—someone whom I was very proud to call my friend—was truly the heart and soul of the disabilities civil rights movement. That person was Justin Dart. We lost a great American and a great leader with Justin's death on June 22. But because of his lifelong commitment to ensuring the rights and dignity of every single American, we will never forget him. He was not only a great and tireless leader, he was an extraordinary human being. Anyone who ever saw him, with his cowboy hat and his infectious grin, would never forget him.

Justin Dart's passionate advocacy led many to refer to him as the Martin Luther King of the disabilities movement. So on Martin Luther King's birthday, January 15, 1998, my husband, President Bill Clinton, awarded Justin the Medal of Freedom, our Nation's highest civilian award. We also invited Justin back to the White House when we honored the 10th anniversary of the Americans with Disabilities Act. And throughout my tenure as First Lady, and since becoming a Senator from New York, I often sought his guidance on health and disabilities issues.

Justin Dart's leadership changed the way we, as a society, think about people with disabilities. We all know—those of us who have lived long enough—that at one time we presumed a disability meant a lifetime of dependence. Now we know better. We know that we have countless Americans, of all ages, with disabilities who not only want to but can lead independent lives to contribute to the quality of our lives and our Nation's prosperity. That is why, in 1998, the Clinton-Gore administration formed the Presidential Task Force on Employment of Adults with Disabilities, and then in the year 2000 expanded its mission to include young people.

This task force has been instrumental in helping us understand the challenges that still confront Americans with disabilities and in understanding, despite the extraordinary progress we have made since the ADA was passed, we still have a very long way to go.

According to a recent survey of Americans with disabilities conducted in 2000, 56 percent of 18- to 64-year-olds with disabilities who were able to go to work were employed in 2000. That is up from 47 percent in 1994.

That is progress, but we also have to recognize that 44 percent of Americans with disabilities are still not working. Justin himself eloquently expressed the status of Americans with disabilities on the 7th anniversary of the ADA when he said:

The job of democracy is far from finished. Millions and millions of people with disabilities, in America and other lands, are still outcast from the good life.

In Justin's honor, we simply have to do better.

One of the ways I will keep honoring Justin Dart's legacy is to continue the fight for equal access and full funding under the extraordinarily important legislation passed 25 years ago to provide education for children with disabilities. The Individuals with Disabilities in Education Act, known as IDEA, has literally transformed the lives of countless American children.

I have a particular connection with that law because, as a young lawyer just out of law school in 1973, I went to work for the Children's Defense Fund. We could not understand why, if you looked at census tracks and saw how many children were living in a particular area between the ages of 5 and 18 and compared that with the number of children enrolled in school, there was a discrepancy. There were children we knew living in an area but they were not in school. Where were they?

We could not understand it by just looking at the statistics so we literally went door to door to door. I was knocking on doors in New Bedford, MA, asking people did they have a child who was not currently enrolled in school. I found blind children, deaf children, children in wheelchairs, children who were kept out of school because there were no accommodations for their education.

I remember going into a small apartment that opened out on to a tiny terrace where the family had constructed a grape arbor, and it was a beautiful apartment with a small garden. A little girl was sitting in a wheelchair out on this little terrace on a summer afternoon. She had never been to school.

We then, working with many other advocates for children and people with disabilities, wrote a report and engaged in the debate which led to the passage of the Individuals with Disabilities in Education Act in 1975.

This year the HELP Committee, on which I serve, is beginning the hard work of reauthorizing this important legislation. When it was passed in the Congress in 1975, we made a promise that the Federal Government would pay 40 percent of the cost of educating children with disabilities. I thought that was a fair bargain because, clearly, educating a child who is blind or deaf or in a wheelchair and needs more help, therefore, requires more resources which is going to raise the costs for local communities. But it was another example of America doing the right thing.

It has made such a difference. Anyone who goes into schools today and sees bright young children raising their hand from their wheelchair or walking down the hallway on braces with their friends or having someone help with the reading because they are blind knows what a difference it has made, not only for the children with disabilities but for all children and for the kind of society we are.

Unfortunately, the Federal Government has never paid its fair share. That is something that has to change. That is something about which I often talked to my friend Justin Dart. He would have wanted us to keep going with the fight to ensure that all Americans are treated with dignity.

He had a very astute way of looking at life and actions in Washington. He once said:

The legitimate purpose of society and its government is not to govern people and to promote the good life for them, but to empower them to govern themselves and to provide the good life for themselves and their fellow humans.

As usual, Justin Dart summed it up. The Americans with Disabilities Act provided a firm foundation on which to build that empowerment, to ensure that every boy and girl, no matter what their physical or mental status might be, is viewed with the same respect and caring that every other human being deserves as well.

Justin Dart lived it. He advocated. He harassed. He reminded. He prodded and promoted all of us to do better. He himself was confined to a wheelchair. He lived with a great deal of pain, but that smile never left his face. With his beloved wife and family, he showed up whenever the call was sounded for his championship on behalf of people who he never forgot and for whom he never stopped fighting.

We will miss Justin Dart, but it is up to us to continue his legacy and to ensure that the work to which he gave his life continues in his honor and on behalf of the countless young Americans who might never know his name but who are given a chance to chart their own destinies because he came before.

I thank my friend Justin Dart and wish him and his wonderful family Godspeed.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.