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## Senate

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, October 2, 2002.

*To the Senate:*

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable HILLARY RODHAM CLINTON, a Senator from the State of New York, to perform the duties of the Chair.

ROBERT C. BYRD,  
*President pro tempore.*

Mrs. CLINTON thereupon assumed the chair as Acting President pro tempore.

### RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

### MEASURE PLACED ON THE CALENDAR—S. 3018

Mr. DASCHLE. Madam President, I understand that S. 3018 is at the desk and is due for its second reading.

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. DASCHLE. I ask that S. 3018 be read for a second time, and then object to any further proceedings on this bill at this time.

The ACTING PRESIDENT pro tempore. The clerk will read the bill for the second time.

The legislative clerk read as follows:  
A bill (S. 3018) to amend title XVIII of the Social Security Act to enhance beneficiary access to quality health care services under the medicare program, and for other purposes.

The ACTING PRESIDENT pro tempore. Objection having been heard, the bill will be placed on the calendar.

### 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 11:30 a.m., with Senators permitted to speak for up to 10 minutes each.

Under the previous order, the time until 10 a.m. shall be under the control of the majority leader or his designee.

Under the previous order, the first 20 minutes shall be under the control of the Senator from Vermont, Mr. JEFFORDS.

The Senator from Vermont.

### THE FORGOTTEN AGENDA

Mr. JEFFORDS. Madam President, I rise today to discuss the state of our Nation.

Our President has asked us to give him the authority to begin a war with Iraq, and I look forward to a full and frank debate on that question.

But today I want to discuss other issues, important issues that are not getting the attention they deserve, an agenda the President would rather not discuss, an agenda I fear is being obscured by gathering clouds of war.

Whether or not to go to war in Iraq is surely a grave and momentous decision, but I fear our President is neglecting other crucial matters here at home: the quiet crisis American families are facing everyday.

In Vermont and across this great land families are hurting. When they send their children to an overcrowded, underfunded school in the morning, they ask, is this the best we can do? When they go to work and see an empty desk beside them they wonder, am I next? And they ask, is this the best we can do? When they see their dwindling retirement accounts and read of endless corporate corruption, they ask, is this the best we can do? When they have to cancel their child's doctor's appointment because they

The Senate met at 9:30 a.m. and was called to order by the Honorable HILLARY RODHAM CLINTON, a Senator from the State of New York.

The PRESIDING OFFICER. Today, our prayer will be delivered by our guest Chaplain, from the other side of the Hill, the Reverend Daniel P. Coughlin, Chaplain of the United States House of Representatives.

### PRAYER

The guest Chaplain offered the following prayer:

Let us pray.

Almighty God, Lord of history and the mystery guiding our future, be present to all the Members of the U.S. Senate today. Gather them in Your Spirit for their meetings. Guide them in their deliberations as they form consensus and lead Your people in the ways of justice and peace. May the human laws enacted by this Government be based upon the dignity of the human person, rooted in Your order of creation, and achieve the destiny You have ordained for the people of this country and the community of nations at this time. May the people of this great Nation be so blessed by You that we become a blessing for the people around the world. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable HILLARY RODHAM CLINTON led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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have lost their health insurance coverage, they ask, is this the best we can do? When they send their kids out to play only to realize that the air pollution levels are dangerously high, they ask, is this the best we can do?

Is this the best we can do? Of course not. We can do better. We must do better, because American families deserve better—and they deserve better from their President. In talking about one thing only, the President is forgetting many others. And so today I call on the President to engage this Nation on this forgotten agenda.

Less than a year after this Congress and the President worked to increase the Federal role in elementary and secondary education by passing the No Child Left Behind Act, we are in danger of leaving many more children behind because sufficient dollars will not be forthcoming to see that every child in this Nation receives a quality education.

The lack of funding for our Nation's schools is a disgrace. Across our Nation, headline after headline tells the story of school districts having to cut back staff, end the school day early, and cut short the school year all because of a lack of funding.

More than 25 years ago, the Federal Government promised to pay 40 percent of special education costs for children with disabilities. Today, we only pay 18 percent of the costs. That is not just a broken promise for one of the richest nations in the world, it is an outrage.

Remember, the very reason that the Federal Government has a role in education is because the Congress realized that our national defense depended on our students leading the world in math and science. One of this country's first education bills, passed in the late 1950s, after the Soviets launched Sputnik, it was entitled the National Defense Education Act.

An even more dramatic action occurred after World War II when we passed the GI bill, vastly increasing the Federal contribution to education and narrowing the tremendous educational gap.

A similar gap exists now. Similar action is needed now.

Of the major industrial nations, the United States ranks among the lowest in terms of funding education at the Federal level, providing only 7 percent of the costs. Nations such as Turkey, Korea, Italy, the Czech Republic and Mexico put us to shame in their expenditure on education.

Recent national test scores tell us that 60 percent—60 percent—of 12th graders are below the proficiency level in reading. This is basic reading.

By neglecting education today, we are not only shortchanging our children's opportunities, we are sapping our Nation's future strength.

Right now we have over half a million foreign workers here on H1-B visas. Those are the visas we give to people from other countries to fill jobs within our borders. We shouldn't have

to import workers to fill the high skill, high wage jobs that we have. We should educate our own workers to fill them.

Our economy is faltering. The President has committed to bringing this economy out of recession. After convening an economic summit in Texas last August, which was more show than substance, he hasn't been engaged.

We learned in the last week that incomes declined and the poverty rate increased for the first time in almost a decade. The annual Census Bureau income and poverty report stated that 1.3 million more Americans slipped below the poverty line. This increase means that 11.7 percent of the United States population is defined as living in poverty.

In regard to overall income, the Census Bureau said that the median household income dropped for the first decrease since 1991. In less than 2 years more than two million private sector jobs have been lost.

Our economic growth is the weakest it has been in 50 years.

And for the workers who don't need to worry about their jobs, they are worrying about their savings. More than 50 percent of Americans have investments in the stock market—and they have seen the value of those investments decline by over \$4.5 trillion since last January.

Now is the time to restore confidence in the economy. Now is the time to show leadership—but this administration's economic leadership has been lackluster.

On environmental issues, I fear we are moving backward instead of forward under the Bush administration. The statistics are startling.

Right now in America there are about 30,000 premature deaths related to power plant pollution, about 160 million people breathing unhealthy air, and significantly higher risks of cancer and developmental problems in urban areas from toxic tailpipe pollution.

Think about this: 2,500 Americans face premature death from power plant pollution each month. That's like suffering casualties from Pearl Harbor every 30 days.

Parents are thinking twice before telling their kids to go outside and get some fresh air. First, they have to check on the air pollution alerts.

If global warming proceeds as scientists expect, weather will become increasingly more hostile and difficult to predict.

I was proud to work with the first President Bush on the Clean Air Act amendments of 1990. He called our work, "a new chapter in our environmental history, and a new era for clean air."

Now, this President Bush insists on moving us backward—undoing his father's legacy and our Nation's environmental policy.

This is a dangerous time. We face many threats. They require all of our best judgment and careful deliberation.

Threats of war dominate our headlines. If we were to ignore those threats we would do so at our peril.

So, too, if we ignore the quiet, steady erosion of economic opportunity and well-being here at home.

If we take action in Iraq, Saddam Hussein will rue the day he defied the international community and the world's greatest power. But our greatness rests on more than our military strength. It rests on our ability to meet great challenges whenever and wherever they arise. Great challenges have arisen here at home.

Our men and women in uniform wherever they are—whether they are helping to bring order in Kabul or awaiting orders in Kuwait—deserve more than our pride and our support. They deserve to come home to a nation that is not only free but strong and prosperous.

We have got to address all the problems facing this Nation. Right now we are not. The drumbeat of war cannot and must not drown out the needs of our families, our children and our environment.

I call on President Bush to lead this Nation. One person can make a difference—and change only comes one person at a time.

It would be nice if the world were as simple as foreign and domestic, good and bad—or even Democrat and Republican. But the world is not a simple place and problems do not come along one at a time. Now is the time for leadership, collective will and individual action.

In a rush to solve problems overseas, we must not ignore the problems here at home. They are real, and they deserve our attention.

There has never been a problem that America could not solve if we come together. That is exactly what we need to do, what we should do, what we must do now.

I yield the floor, not with happiness or good feelings but with concern and deep hope that we can work together to save this Nation.

Mr. REID. Madam President, 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.

Mr. NELSON of Florida. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. NELSON of Florida. May I inquire, since the Senator from Vermont has finished his major address on the economy, is it appropriate and do we have the time at this point to continue the comments from this side of the aisle?

The ACTING PRESIDENT pro tempore. The majority controls the time until 10, and the Senator may speak for up to 10 minutes.

The Senator from Florida.

## A STRENGTHENED ECONOMY

Mr. NELSON of Florida. Madam President, yesterday I had occasion to begin some remarks, thinking I could make them within 10 minutes, with regard to the economy. There were others waiting in line at the end of my 10 minutes. I rise to continue those comments, pointing out that as we discuss these highly important, weighty decisions we have to make about war and peace and about homeland security, the Nation's military strength is undergirded by its moral strength and its economic strength.

It is due to the lack of that economic strength, as evidenced in an economy that has been in the tank, as evidenced by so many different indicators—unemployment going up, the stock market going down, the weakness of retail sales, the laying off of people, the poor earnings reports of companies all over America—that it is incumbent upon the Senate to bring its attention not only to the highly important matters of war and peace but that if we are to continue this war against terrorism, and if we are to do something about the developing of weapons of mass destruction in Iraq, for us as a Nation to be able to successfully prosecute these wars, we need to have a strengthened economy, a solid foundation in our economy.

There are a number of things we can do. Yesterday, I pointed out that we were faced with, about a year and a half ago, the beneficence, the wonderment of a surplus that was projected over the next decade that not only was going to allow us to accommodate a huge tax cut and spending increases on such things as we anticipated then, such as increased defense spending—this was before September 11—there were other high-priority items such as modernizing Medicare with a prescription drug benefit, increased spending to recognize and honor the veterans, the protection of the environment, a much larger investment in education; that we could accommodate not only a major tax cut along with those spending increases, but then we would also be able to save a part of that surplus—particularly the surplus that was generated in the Social Security trust fund—and that the surplus, in effect, over the next decade, was going to be able to pay down the national debt, and thus save us the sum of \$250 billion to \$280 billion a year that we are paying in interest.

But that did not occur. What occurred was that the projections for the surplus over the next 10 years were way too rosy. How many of us stood on this floor and said exactly that—not only this Senator from Florida but the Senator in the chair from New York said we ought to be conservative in our estimates of what this is going to be so we do not overobligate ourselves. We also said that when we enact a tax cut—and we want to—it ought to be a balanced approach so the tax cut doesn't absorb all of the surplus so that you can do

these other things. The other things were increasing defense expenditures—and we said that before September 11. How true was that prophetic statement. But it didn't happen that way. Now we are running deficits in this year to the tune of about \$150 billion. We have deficits that are projected over the next decade.

When you take into consideration that we are now borrowing out of the Social Security trust fund surpluses—something every one of us in the election of 2000 said we were not going to do—we were going to fence off the Social Security trust fund and it wasn't going to be touched. As a result of that, the surpluses were going to pay down the national debt.

Well, that did not occur because we were not wise and balanced in our approach to the Federal Government. It is a major contributor right now to the stock market being in the tank, and it doesn't make any difference that the stock market went up 350 points yesterday. The two previous days it went down that much. It is still sort of rocking along below 8,000.

What is that? That is a reflection of the lack of American investor confidence in American corporations. Why? In part, it is because the Federal Government has returned to deficit financing on an annual basis—that is, borrowing money to pay expenditures; therefore, it is deficit financing—when we said we had the opportunity to get out of that.

I had a little experience in this back in 1981 as a Member of the House of Representatives. I voted for a big tax cut and it took us not once, not twice, but three times to undo that tax cut in order to get the fiscal house in order.

I said I was for a big tax cut. I voted for a version on this floor last year to the tune of \$1.2 trillion over a decade. But that wasn't what we enacted. What we enacted was \$1.35 trillion—which is what it was billed at—but it really wasn't because, when you consider the 10th year that the tax cut was suddenly reverted to the present tax law, it was, in effect, a \$2 trillion tax cut, which has usurped all of the available surplus.

In my speech yesterday, I pointed out the percentages; the biggest part was taken up by the tax cut. The recession, certainly, was a part of that. The projections were another major factor; they ended up being way too rosy.

Our economy at this time is still continuing to be sluggish, and although most analysts remain optimistic that we will pull out of this recession eventually, the path is not rising very fast. I think we ought to be conservative in how we approach this fiscal house to see if we can get it in order.

The economic indicators are disturbing. Last week those economic indicators dropped for a third month in a row and Nasdaq hit a 6-year low. Of course, most people know about the Dow Jones—it is really in the tank. Since the beginning of 2001, 2 million

jobs have been lost—the first decline in the number of private sector jobs in half a century. The U.S. poverty rate rose last year for the first time in 8 years. Last year's administration's spending and tax cut plan is part of the reason it has resulted in today's collision course of more deficits, more debt, higher economic insecurity, higher interest rates, lower economic growth, and lower employment.

I come back to the floor of the Senate to again say to my colleagues what some of us in the moderate sphere of politics were trying to say last year as we were going through these budgetary discussions—that we ought to use moderation and we ought to use balance and take an approach that ultimately would get the fiscal house in order of stopping the annual deficit spending and fulfilling the promise that we made that the Social Security trust fund surpluses would not be used for other spending but, rather, would be fenced off and left so their surpluses could start paying down the national debt.

I appreciate the ongoing dialog about this impending war, but we also need to pay attention to the battles that we are already waging in order to keep a strengthened national economy, to help support the necessary battles that we are fighting in terrorism around the world.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Michigan is recognized.

## THE EMERGENCY UNEMPLOYMENT COMPENSATION ACT

Mr. LEVIN. Madam President, the decline of our economy in the last year and a half is truly staggering. It is absolutely critical that we in Congress, before we leave, do everything we possibly can to help Americans who have been hurt by this downturn—in particular, the people who are unemployed and having trouble getting back into the workforce. That is why it is essential that before we leave we extend unemployment benefits and adopt the Emergency Unemployment Compensation Act of 2002, which has been introduced by Senator WELLSTONE, Senator CLINTON, myself, and others.

Over 8 million Americans are unemployed. Since January of 2001, the national unemployment rate has risen from 4.2 percent to 5.7 percent. According to the Center on Budget and Policy Priorities, between May and July of this year, approximately 900,000 workers exhausted all of the additional weeks of Federal unemployment benefits that they received as a result of the economic stimulus legislation that passed the Congress last March. By the end of this year, that number will swell to 2.2 million workers having exhausted their unemployment benefits.

We have lost more than 2 million private sector jobs since January of 2001. For the first time in 50 years, the number of private sector jobs has actually

declined in this country. Now, the rate of increase in those jobs has gone up and down over the last 50 years but never in the last 50 years has there been an actual decline in the number of private sector jobs until this last year.

The legislation introduced last week would do something about these problems by providing all States with an additional 13 weeks of temporary extended unemployment benefits. It would also authorize States with the highest levels of unemployment to get funds for an additional 7 weeks of benefits on top of the 13.

This is especially important to my home State of Michigan. Michigan has one of the higher unemployment rates nationwide, currently 6.2 percent.

The PRESIDING OFFICER (Mr. JOHNSON). The time controlled by the majority has expired.

Mr. LEVIN. Mr. President, I notice a number of our colleagues are in the Chamber, and my time has expired. I ask unanimous consent that I be given an additional 3 minutes to complete my remarks.

The PRESIDING OFFICER. Is there objection?

Mr. INHOFE. Reserving the right to object, I am sorry, I did not hear the Senator's question.

Mr. LEVIN. I ask unanimous consent that I be given an additional 3 minutes to complete my remarks.

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

Mr. LEVIN. I thank my friend from Oklahoma.

Mr. President, the legislation we introduced last week would do something about these problems by giving all States an additional 13 weeks of temporary extended unemployment benefits and would authorize States with the highest levels of unemployment to get funds for an additional 7 weeks of benefits above the 13 weeks.

As I indicated, my home State has one of the highest unemployment rates in the Nation, currently 6.2 percent. That is the seventh highest in the Nation, and it is almost a full percentage point higher than it was just a year and a half ago. More than 60,000 workers in Michigan currently receive Federal unemployment benefits, with an additional 50,000 Michigan workers having already exhausted their benefits.

Michigan's median household income fell by 4.1 percent last year. Only four other States fared worse. In the country as a whole, median household income fell 2.2 percent last year, the first drop since 1991. So this legislation is crucial for Michigan's hard-pressed workers and their families, as well as for workers across the land.

This is not just doing what is fair and what is right and what is equitable. Those reasons ought to be sufficient. In addition to that, providing additional benefits is a good stimulus for our ailing economy. The money we are talking about is money that will be spent. Those eligible to receive these benefits

are people trying to make ends meet on a day-to-day basis, people who need money to put food on the table, to buy a prescription drug, to make a car payment, to pay rent, or to pay a mortgage. They spend this money.

According to a 1999 Department of Labor study, every dollar invested in unemployment benefits generates \$2.15 in gross domestic product. This bill extending unemployment benefits will put money into the hands of people who need it, people who will spend it, and that is good for our economy, as well as for them, because it sustains the jobs other people still have.

There may be Members who will argue we cannot afford to extend unemployment benefits. Obviously, we should be concerned about our current budget situation. The 10-year surplus projection has declined by \$5.3 trillion, or 94 percent, since January of 2001. But our budget problem does not come from extending desperately needed benefits to out-of-work Americans.

The major problem is last year's \$1.5 trillion tax cut which provides more benefits to the top 1 percent of all taxpayers than it does the bottom 80 percent of taxpayers combined. According to analysts who reviewed the CBO numbers, last year's tax cut is the single largest cause for our evaporated surplus.

September 11 and its aftermath had an enormous impact on an economy that was already sputtering. The economy has not recovered. There are signs that it will not recover for a while longer. The tax cut has blown a hole in our budget, yet it is not just the centerpiece of the administration's economic policy, it appears to be the only economic policy we hear about from the administration.

Since Congress passed a bipartisan extension of unemployment benefits in March, nearly 2 million people have exhausted those benefits without finding new jobs. The ability for them to receive additional benefits has expired. Yesterday, Senator WELLSTONE attempted to pass this bill by unanimous consent, but was prevented from doing so. This issue should be one of our top priorities. We should not leave this year without extending these benefits for America's unemployed. I am hopeful that Democrats and Republicans in Congress will be able to come together as we have done in the past and support the Emergency Unemployment Compensation Act of 2002.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. LEVIN. I thank the Chair.

The PRESIDING OFFICER. Under the previous order, the next 1 hour shall be under the control of the Republican leader or his designee.

The Senator from Oklahoma.

#### THE ECONOMY

Mr. INHOFE. Mr. President, it is my intent today to make a few comments about someone I hold in such high es-

teem, perhaps in higher esteem than anyone else I can think of at this moment. Before doing that, I am compelled, however, to respond to some of the statements that have been made concerning the economy.

I think we all recognize our economy started turning south about 3 years ago. We did see this coming. I really do not like people saying—because I am always afraid someone is going to believe it—that somehow when we reduce tax burdens on individuals that is going to automatically reduce the revenues that would have otherwise come from those taxes.

History tells us just the opposite. In fact, yes, we are going to have a deficit. We understand that. We are currently in a war, and we understand even though the amount of additional money, some \$48 billion, that went into the war effort is totally inadequate, it is going to have to be more, and we are going to see deficits.

The other factor causing deficits is a downturn in the economy. We all know for every 1 percent drop in economic activity, that translates into \$24 billion of lost revenue. Turning that around, for every 1 percent increase in economic activity, revenue will increase by \$24 billion. It has been proven over and over throughout the history of this country that every time we have had the opportunity and the courage to reduce taxes, not raise taxes, it has resulted in increased revenues.

The best evidence of this is 1980. My colleague from Florida talked about the decade of the eighties, but let's look at what happened in the decade of the eighties.

In the 1980s, the total amount of money that was raised from marginal rates was \$244 billion. In 1990, that same figure was \$406 billion. We can see in a 10-year period revenue almost doubled, and that was the 10-year period when we had more reductions in marginal rates and in capital gains taxes and other taxes than any other 10-year period in this Nation's history.

Is this a Republican idea? No, it is a conservative idea. Liberals do not like to think we can return money to the people. They do not understand this adds to our economy. I hate to think of where we would be today if we had not had the tax cuts because they have, in fact, had a positive effect on the economy.

This is not a Republican idea. I remember a great President of the United States in the sixties. It was President Kennedy. President Kennedy felt Government needed to do more for the Great Society. He said we are going to have to have more revenues. He said: The best way to increase revenues is to decrease taxes. So President Kennedy decreased taxes and revenues increased.

Mr. President, I say to my liberal friends, I know they do not believe the private sector and individuals left with freedom in their hands can operate as well as Government can. They are wrong.

NATIONAL 4-H YOUTH  
DEVELOPMENT PROGRAM WEEK

Mr. INHOFE. Mr. President, my wife and I have four kids and 11 grandkids. My youngest daughter Katie is the chairman of the Jesse Helms Fan Club. Katie, who looks like she is about 14 or 15 years old, is in her thirties. She just had her second baby. She has, I say to my good friend, Senator HELMS, prominently framed as you walk in to her home a picture of Senator HELMS holding her first baby, Baby Kate. You see, I have a wife named Kate, a daughter named Kate, and a granddaughter named Kate. The picture is prominently displayed in her living room.

She talks about this wonderful, gentle man in Washington who is different than anybody else we have known in Washington. She says he has to be the most lovable man in the history of Washington, DC.

Jesse, I say to you, that is not just one little girl talking. She speaks for so many people.

Since one of the programs that Senator HELMS has always held up and said is the greatest program because it does not involve Government dollars, it involves putting into the hands of young people in America the ideals that made this country great, I thought it would be appropriate if we adopt S. Con. Res. 143, which is the 4-H resolution. The Senator from North Carolina has been such a prominent part and one of the first cosponsors of this resolution. So let's adopt this resolution on Jesse Helms Appreciation Day.

My resolution, S. Con. Res. 143, designates next week, October 6 through 12, as the "National 4-H Youth Development Program Week."

The 4-H Youth Development Program sponsors clubs in rural and urban areas in every county throughout the Nation. As neighbors and colleagues, 4-H members and volunteers are making a difference by pledging the four Hs: their "heads" to a clearer thinking, "hearts" to greater loyalty, "hands" to larger service, and "health" to better living for the club, the community, the country, and the world.

In an era when education is recognized as more important than ever, 4-H offers a variety of training through its diverse programs. Young people gain experience and citizenship and civic education, communications and expressive arts, consumer and family sciences, environmental education and earth sciences, healthy lifestyle education, personal development and leadership, plants and animals, and science and technology; and it goes on.

4-H has grown to over 5 1/2 million annual participants from all ethnic backgrounds, ranging from ages 5 to 19. 4-H clubs strengthen families and communities and foster leadership and volunteerism for youth and adults.

I will say something about my State of Oklahoma. Turning to a survey of 22 counties in Oklahoma, 4-H members and volunteer leaders participated in 4 million hours of community service.

No Government program told them to do that. They just did it out of their hearts because they had leadership they could look up to, the ultimate leader being Senator HELMS in this case.

Whitney Ferris, a 4-H club member and student at the Oklahoma State University, is one example of someone who has given back to her community. She has used skills she has developed through 4-H to conduct leadership development classes for Native Americans in the Chickasaw Nation. As a result of her efforts, Whitney is now working with other Native American tribes in Oklahoma to help them establish development workshops in order to learn skills that will make them tomorrow's leaders.

That is what we are really talking about: tomorrow's leaders. We would like to produce more JESSE HELMSes for this world.

Other OSU students, who are also 4-H members, have won the prestigious Truman Scholarship for their outstanding academic and leadership skills.

Recently, I supported 4-H by requesting funding for a national civic education program to be conducted by the National 4-H Council. This program is aimed at involving young people from all socioeconomic backgrounds in public policy and community involvement, with a special focus on community governance and leadership skills.

I have also requested funding for an innovative Rural Health Outreach Program, which will be administered through the 4-H Youth Development Program.

This program will develop, implement and evaluate an overall youth health promotion and awareness strategy designed to target youth and their families, particularly in rural America. It will also devise strategies to reach minority and disadvantaged youth and their families.

4-H is changing the lives of America's youth for a brighter, better tomorrow and I am proud to recognize this important program.

Congratulations, 4-H, on your good work and your centennial.

I conclude by saying we have hundreds of thousands of kids around this country who are participating today and have participated in this program. I think that each one of them would look up to the top and see one person who really sets an example for what truly makes America great, and that would be our good friend JESSE HELMS.

I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Con. Res. 143 and the Senate then proceed to its immediate consideration.

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

The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 143) designating October 6, 2002, through October

12, 2002, as "National 4-H Youth Development Program Week".

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mrs. CLINTON. Mr. President, I rise today in support of this resolution to designate next week as National 4-H Youth Development Program Week. 4-H is a wonderful organization that promotes volunteerism and leadership among this country's youth. With the participation of over 415,000 youth in New York State, 4-H is a wonderful organization devoted to enhancing the citizenship, leadership, and entrepreneurial abilities of youth.

4-H educates the young people in our country by giving them the opportunity to learn by doing. 4-H empowers our youth in their local communities, and encourages them to be active and to give back to their community.

In New York State, there are many 4-H clubs that are doing incredible things to help educate and shape our youth.

In New York City young people learn more about science through the education programs of 4-H. In the middle of an urban area, they can learn about agriculture and the source of their food through horticulture and hydroponics projects.

In Syracuse 4-Hers are participating in an Urban Delight program where young people participate in a farmers' market. They learn about where their food comes from and develop their entrepreneurial skills as vendors at the market.

The Genesee County 4-H offers a Government internship program. Young people are paired with county legislators to learn more about local government. 4-Hers see first-hand the process of decisionmaking that occurs in their local government.

On Long Island, afterschool 4-H programs are enriching the minds of young people through science and technology education. 4-Hers spend time in computer labs, learning about technology. 4-Hers are also participating in a science program that taken a hands-on approach to learning chemistry by doing projects on topics such as water quality, oil slicks, and clothing fibers.

In New York's North Country, 4-H is alive and well. Youth have developed their entrepreneurial skills through operating a fish hatchery. They also enrich their communication skills by choosing a topic of interest and making presentations at local, regional, and State events.

4-H has made a commitment to be present on every military base. In particular, Jefferson County 4-H has partnered with the Army at Fort Drumm to provide educational opportunities to young people there. Members have access to national curriculum to provide them with the materials and information to pursue their interests.

4-H is a strong link between a State academic research institution, Cornell

University, and the youth of New York. When West Nile Virus was detected in New York State, 4-Hers working with horses and other equine projects were concerned for the health of their animals. Because of 4-H, information from the researchers at Cornell University was disseminated to these young people to better educate them on the disease and how to care for their animals.

4-H does incredible things for the 415,000 youth involved in New York State. But it also provides incredible opportunities for adults to interact with young people. Over 22,000 adults have volunteered to help guide the young people and make 4-H programs so successful.

I congratulate 4-H on 100 years of helping to shape this country's youth in a positive manner. With my colleagues, I am pleased to request that October 6-12 be designated as National 4-H Youth Development Program Week.

Mr. JOHNSON. Mr. President, I rise today to congratulate the youth organization 4-H for its achievement in developing leadership among our youth for 100 years. I have always been impressed by the leadership and enthusiasm shown by members of the 4-H Program. More importantly, I have always been a firm believer in the goals and directives of the 4-H Program. Through participation in fairs and shows, camps, gatherings, conferences, Character Counts, and the international youth exchange, the 4-H Program helps young people develop important life skills, self-confidence, and a better sense of the world around them.

I was proud to cosponsor the National 4-H Program Centennial Initiative, which President Bush signed into law. This bill authorizes a grant to the National 4-H Council to conduct a program of discussions through meetings, seminars, and listening on a national, State, and local level on strategies for youth development. I can't think of a better way to commemorate the 4-H Centennial than enacting this legislation and looking ahead to the youth of our future.

The 4-H Centennial Initiative is a wonderful example of a public-private partnership to develop new strategies for youth development. As our economy becomes increasingly global and technology-oriented, we must ensure that our Nation's youth are well-prepared for the ever-changing demands and challenges they will most certainly face. The 4-H Program has long been a developmental foundation for South Dakota youth, and I am pleased that this initiative will honor the celebration of the 4-H Centennial and enhance this program for the 21st century.

Each time a young person recites the 4-H pledge, "I pledge my head to clearer thinking, my heart to greater loyalty, my hands to larger service, and my health to better living for my club, my community, my country, and my world," it reflects the important values

and characteristics that guide 4-H members through their daily activities. These principles have helped 4-H become strong over the last 100 years, and they will set the course for 4-H in the future. It is with great honor that I have this opportunity to recognize such an outstanding youth organization. On behalf of all past and present members of 4-H, I congratulate the organization for its dedication, achievements, and continued success.

Mr. THOMAS. Mr. President, I would like to take this opportunity to acknowledge the 100th anniversary of the 4-H Youth Development Program and express my support for the "National 4-H Youth Development Program Week."

Since its inception, 4-H has played an integral role in extending agricultural education to young people all over the country, particularly in rural areas like Wyoming. Being a former 4-H member has given me an even greater appreciation of one of America's longest serving youth development organizations. The four H's—head, heart, hands, and health—are precepts I have never forgotten. I still remember as a high school student traveling away from home for the first time to the National 4-H Congress and the positive impact this organization has had on my life.

Today, there are over 60 million 4-H alumni world-wide, and the organization has expanded to meet new challenges of the 21st century. For example, 4-H provides a number of educational projects and activities in the areas of animal science, home economics, natural resources, handcrafts, as well as leadership and citizenship. Through these programs, young men and women have the opportunity to meet new friends, build self-confidence, learn to set and achieve goals, and develop a sense of pride as they "learn by doing." These types of activities underscore the importance of personal development, as well as encouraging our youth to become involved in their community. I am pleased to note that more than 8,000 young people from the State of Wyoming have chosen to make 4-H a part of their lives.

The motto of 4-H is "To Make the Best Better." I know that the organization will continue to do just that and I commend their efforts to provide an even greater service to our country's most valuable natural resource, our young people. I am pleased to join Senator INHOFE and many of my other Senate colleagues in support of 4-H and this Concurrent Resolution.

Mr. ROBERTS. Mr. President, I rise today to speak on behalf of the resolution that Senator INHOFE of Oklahoma, myself, and others today offer to designate next week, October 6-12, 2002, "National 4-H Youth Development Program Week".

I thank my colleague from Oklahoma for initiating this well-deserved tribute to 4-H for being such a positive influence on tomorrow's leaders—as it has done so well for the past century.

Throughout the years I have met with many of Kansas's finest young people. Many of whom I have recommended for scholarships and awards, had the honor to nominate to one of the service academies, or had the chance to meet and visit with in person. I am impressed with the caliber and character that the young leaders in my state possess. Mr. President, I am equally impressed with the high percentage of these leaders who happen to also be members of 4-H.

4-H is an organization that strives to "Make the Best Better." I commend them for their efforts in providing tomorrow's leaders with the opportunity to apply the valuable leadership skills that they develop as 4-H members.

Although 4-H began in rural America over a century ago and has grown to nearly 7 million members nation-wide, it has remained consistent in its focus of being a positive and motivating influence in the lives of America's youth.

There is a reason that so many of the young leaders from my state happen to also be 4-H members. 4-H has given them the guidance, the resources, the support, and most importantly the courage to face all the challenges and responsibilities that being a leader involves.

The events of September 2001 have taught us that tomorrow's leaders will continue to face new and difficult challenges. Therefore, Mr. President, I will also, in addition to offering well-deserved praise to 4-H on a 100 years of success, issue 4-H the serious challenge to continue to work hard to keep the youth of today involved in their clubs and their communities, so that they may be prepared to assume the responsibility of leadership when they are called to do so.

Mr. President, I'd like to again congratulate 4-H on a century of service to our nation's youth and I wish them another 100 years of success. I thank my colleagues. Mr. President, I yield the floor.

Ms. STABENOW. Mr. President, today I rise to celebrate the 100th anniversary of the 4-H Youth Development Program and to thank my colleagues for their support a resolution introduced by Senator INHOFE and myself last month. The resolution designates the week of October 6, 2002 as "National 4-H Youth Development Program Week" and it was adopted by unanimous consent today.

Those who participate in 4-H pledge their heads for clearer thinking, their hearts to greater loyalty, their hands to larger service, and their health to better living for the club, the community, the country and the world.

I have been a member, a leader and an employee of 4-H. The skills and talents I learned with 4-H are ones I still use today. When I was a girl I learned to raise small animals, like rabbits. I also learned photography, sewing, cooking and public speaking. Most importantly, 4-H gave me self confidence.

This important program also taught me that adults need to share their

skills and knowledge with children, and I was happy to share what I had learned later as a 4-H leader. Eventually, I went to work for 4-H and set up an urban 4-H program in the south side of Lansing, MI where I learned organizational skills. We went door to door recruiting children to join as members and identified adults who were willing to volunteer and share their knowledge and skills with the children. Soon we had a number of groups on topics like auto mechanics, carpentry, sewing and gardening, as well as a sports program.

I am proud that 4-H is celebrating its 100th anniversary. It is a pleasure to be one of the lead cosponsors of the bill designating a week in honor of 4-H. I wish this organization many more years of success, and I know that future generations of children and families will have a better quality of life because of 4-H.

Mr. INHOFE. Mr. President, I ask unanimous consent that the resolution and preamble be agreed to; the motion to reconsider be laid upon the table; and that any statements regarding this matter be printed in the RECORD.

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

The concurrent resolution (S. Con. Res. 143) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 143

Whereas the 4-H Youth Development Program celebrates its 100th anniversary in 2002;

Whereas members of the 4-H Youth Development Program pledge their Heads to clearer thinking, their Hearts to greater loyalty, their Hands to larger service, and their Health to better living for the club, the community, the country, and the world;

Whereas the 4-H Youth Development Program sponsors clubs in rural and urban areas throughout the world;

Whereas 4-H Clubs have grown to over 5,600,000 annual participants ranging from 5 to 19 years of age;

Whereas 4-H Clubs strengthen families and communities;

Whereas 4-H Clubs foster leadership and volunteerism for youth and adults;

Whereas 4-H Clubs build internal and external partnerships for programming and resource development;

Whereas today's 4-H Clubs are very diverse, offering projects relating to citizenship and civic education, communications and expressive arts, consumer and family sciences, environmental education and earth sciences, healthy lifestyle education, personal development and leadership, plants, animals, and science and technology; and

Whereas the 4-H Youth Development Program continues to make great contributions toward the development of well-rounded youth: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring), That Congress—*

(1) recognizes the 100th anniversary of the 4-H Youth Development Program;

(2) commends such program for service to the youth of the world;

(3) designates October 6, 2002, through October 12, 2002, as "National 4-H Youth Development Program Week"; and

(4) requests that the President issue a proclamation calling on the people of the United States to observe "National 4-H Youth Development Program Week" with appropriate ceremonies and activities.

The PRESIDING OFFICER. The Republican leader.

Mr. LOTT. Mr. President, parliamentary inquiry: Are we now in a period of time that has been set aside for the appropriate recognition of the great service of Senator HELMS?

The PRESIDING OFFICER. The Republican leader is correct.

TRIBUTES TO JESSE HELMS

Mr. LOTT. Mr. President, it is with a great deal of pleasure but also sadness that I come today to pay tribute to the great Senator from North Carolina—sadness because I have enjoyed so much knowing him and working with him over the last 30 years, watching him in the Senate and in North Carolina and across America, loving him in so many ways and being inspired by him.

I remember when I first came to the Senate, he said: Thank goodness the cavalry is arriving.

I said: Senator HELMS, we will be glad to be the light cavalry for your heavy artillery any day.

So it is a moment of sadness but also of celebration of a great life, a great Senator, a lovely wife and a great family. Dot Helms is just the sweetest woman in the world. We come today to wish them much happiness and many years of enjoying their grandchildren and their beloved home in North Carolina in the years ahead. So it is with mixed emotions.

When the Duke of Wellington peered through his spyglass and saw Napoleon astride his white charger crossing the field of Waterloo, he turned to an aide and said, "The wave of his hat is worth 40,000 men on the field."

For me, and many others, that is the way it is when JESSE HELMS walks on to the floor of the Senate. Like his mentor Richard Russell, a Democrat, JESSE HELMS transcends his times. He is the Senator's Senator.

To many of us, JESSE HELMS is a hero of almost mythic proportions. To those of us from the South, he exemplifies what we were taught in Sunday school and aspired to be—the true gentleman, soft spoken, innately fair, unfailingly courteous, and a man to whom his word is his bond. That is the JESSE HELMS that so many of the staffers and so many of us know on a personal basis. It is not necessarily the one that one has seen portrayed sometime in the media, but that is the one we really know, an incomparable gentleman.

For 30 years, he has combined the rare qualities of humility and vision; love of country and statesmanship; and a faith in God and freedom that made him a legend across many parts of America and around the world.

Senator HELMS believes that the most sublime word in the English language is "duty"—duty to God, to country, to the Constitution, and to family.

As I noted, if one reads some of the national media, they get a completely different impression. He long ago was

labeled "Senator No," and they condemned him to the liberal version of purgatory. I think what really made him mad was that Senator HELMS was the one politician who never really cared too much about what the chattering classes had to say. After all, he had been one of them. He pays attention to the English language. He was a journalist. He had higher commitments on which he was focused.

What counts to JESSE HELMS in the end is what people say in Monroe, Rocky Mount, Dunn, the larger cities and hundreds of small towns and churches across the "Old North State," as they call it in North Carolina.

JESSE likes to tell a story recounted to him by another great North Carolinian, the late Senator Sam Ervin, also a Democrat. When "Senator Sam" picked up a copy of the Charlotte Observer one day and read what it had to say about him, he shook his head in disgust. The fellow selling the paper was an old man named Lum Garrison. Senator HELMS liked to talk about Lum Garrison.

When Lum saw how upset the Senator was, he said: Don't worry, Sam. The Charlotte Observer don't know nothing and they got it mixed up.

Incidentally, it was JESSE's friend Sam Ervin who walked out of his home in Morganton, NC, when Senator HELMS was in the political fight of his life in 1984, faced down the news media and endorsed JESSE HELMS for reelection. Senator Ervin bucked his own party and his Governor when he said there are many intelligent people in public life but few of them are courageous. JESSE HELMS is courageous. That was from Sam Ervin.

If we listen to what some people say, we would not know that JESSE is the son of a small town sheriff, and that he and his beloved wife of 60 years, Dorothy—or "Dot"—have three children, one of them adopted, and seven grandchildren. We would not know that JESSE HELMS was the father of the United Cerebral Palsy Telethon and that he never lost an election, whether it was for the Raleigh city council or the Senate. We would not know it was JESSE HELMS who defied a sitting Republican President to rescue the moribund candidacy of a former actor and Governor of California in the 1976 North Carolina Republican primary, thus laying the groundwork for the Reagan revolution 4 years later. We would not know that the positions he championed singlehandedly for so many years, the sanctity of life, smaller government, lower taxes, welfare reform, prayer in schools, and an American-centered foreign policy are now in the mainstream of American political thought.

Senator HELMS is an uncompromising foe of the enemies of freedom. When some politicians were trying to make peace with communism, accepting the "inevitability of history," JESSE jeered the Soviet Union and its acolytes, echoing Winston Churchill's words,

"We will have no parley with Communists or the grisly gang who worked their wicked will." He gave inspiration to Margaret Thatcher and Alexander Solzhenitsen and freedom fighters throughout the world. He was a friend of Sadat and Begin and championed the cause of the American military when that cause was in some ways out of favor.

In the 1970s, when some people would say freedom was in retreat, no one was as fearless or courageous in crusading for liberty as JESSE HELMS. When he spoke, the Kremlin and Castro trembled.

The great English Prime Minister William Gladstone noted that the Senate was one of the most remarkable political institutions invented by the mind of men.

This place has been witness to some great giants, men and women, who have made a difference. Obviously, we all think about Webster and Clay and Calhoun and Russell. When JESSE HELMS retires to North Carolina with Dot, he will join this rollcall of American heroes and take with him the thanks of a grateful Nation.

We won't see his like again anytime soon. You have earned, Senator HELMS, as you leave this institution, the recognition of having done the job, having completed the race.

Mr. HELMS. Thank you.

Mr. LOTT. "Well done, my good and faithful servant." Thank you so much for what you have done for all of us.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I wish to join my colleagues today in thanking Senator HELMS for his extraordinary service to our Nation.

When I was younger, in my college days, going through my early experience in government in New Hampshire—which tends to be in the more liberal bastions of the regions of our Nation, dominated by those on the left—in the press, with whom JESSE HELMS has dueled for so many years, Senator HELMS was characterized sometimes in not all that flattering a manner by the news outlets to which I had recourse, such as the Boston Globe or New York Times or even the national media.

But you could sense, cutting through all that clutter, this was an individual of courage and purpose, a man who stood for what he believed in and was willing to carry those beliefs forward, even when they were not popular.

His direction, his willingness to stand up and say what he believed was right, is the essence of what it takes to be an effective member of a legislative body, in my opinion. But, more important even than that—maybe not more important but equally important as his commitment to his purpose and his cause, was the fact that he did it in such a gentlemanly way. I do not believe there has been an individual who has passed through this body since I

have been here—and I haven't been here that long—who has been as courteous and as generous and as kind as he dealt with people around him. He is the true gentleman.

Two of my children had the opportunity to serve here as pages. In comments to me after their days working here, there were some instances where people had not necessarily been all that kind to them. But the one comment that always came through was that Senator HELMS was the most interested in them, the kindest person, the person who always took the extra time to come down and talk with the pages. That reflected his attitude towards all of us. When I first arrived in the Senate, he made an extra effort to make me feel comfortable as a new Member. It is that courtesy which really defines his nature so well. So we are going to miss him immensely. He is, has been, and I am sure will continue to be a spokesperson for many of the causes in which I believe and which he has done so effectively.

We will miss him because he brought grace, decency, and courtesy to this body. So it is a pleasure for me to rise and thank him, with my colleagues, for his exceptional service to our Nation.

Mr. HELMS. Thank you.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, today we bid farewell in an official sort of way to our friend and colleague from North Carolina, whose career has, indeed, been extraordinary. As Senator LOTT and Senator GREGG have said, if you took a poll around here of people who actually work in the Capitol—the pages, the staff, and the Senators—Senator HELMS would win hands down as the nicest man in the Senate.

There is an extraordinary disconnect between the JESSE HELMS that we know and love and the one portrayed in the media, an incredible disconnect, because nothing could be further from the real JESSE HELMS than the one frequently portrayed by the fourth estate.

How did that come about? I think it came about for this reason, as was said of our friend JESSE by Fred Barns, one of the most respected conservative columnists and commentators around town:

Helms has gained respect, not as many conservatives have, by moving left. Helms has earned it the hard way, by not moving at all.

By not moving at all. There are convenience politicians and politicians with conviction. JESSE HELMS is the most conspicuous example in the Senate today of a politician who acts on conviction. So as a result of that, he enjoys wide respect throughout the Senate, both left and right, because we know when JESSE speaks he is speaking from the heart. He is doing exactly what he thinks is in the best interest of his State and in the best interest of America.

There is an enormous temptation once you come here, even if you think

you are somewhat conservative, to try to please your critics; to pick up the editorial page of the New York Times or Washington Post every morning and just move in that direction because there is a tendency on the part of everyone, and I think particularly those in public life, to want to be liked. They want to be appreciated. Senator HELMS has resisted that temptation.

After I first came to the Senate—of course, I had admired him for many years—I went by his office to see him, and I looked up on his wall and there was a vast collection of cartoons. I am sure Senator HELMS will agree with me, not many of them were complimentary. It struck me instantly that this was a man who really delighted in confounding his critics; in not yielding to those kinds of attacks. That, it seems to me, is a man of principle and of conviction.

JESSE and I had one other thing in common. That was the burden of dealing with a particular agricultural commodity that is quite common in our two States. I might say to my friend, Senator HELMS, I had a chief of staff one time who said you ought to get combat pay for working for a Kentucky Senator because on the agenda every week, of course, we had the tobacco issue, America's most politically incorrect activity. So as soon as I got to the Senate in 1985, I was immediately thrown into one of the many crises. It seems as if we have nothing but crises in the tobacco area. But indeed the crisis of the day in 1985 was the Tobacco Reform Act. I had a chance to get to know JESSE up close and personal very quickly after getting to the Senate because we had a common interest in trying to protect the income and the livelihood of thousands of tobacco growers in our State who make a living raising a legal crop.

These are Godfearing, honest people engaged in a legal activity who have been under assault certainly for as long as I have been here, and I know it started before I got here. So JESSE and I had a bonding experience trying to deal with the politics of tobacco, a situation in which tobacco growing is popular in two States and which is widely looked down on in 48 others. Those are some of the challenges we have shared over the years.

I also have particularly appreciated Senator HELMS' strength and conviction in the foreign policy area, an area to which you have devoted an enormous amount of your time during your service here. There is no question you have made an enormous difference through your leadership as both chairman and ranking Member of the Foreign Relations Committee. We all look up to you. We admire your work.

As others have said, and as others will say after I sit down, you will be missed around here. We love you and we love Dot. It won't quite seem the same with you not around. But I know that you will go back home and enjoy North Carolina and enjoy your family.

I am confident you will keep up with what we are up to, and, if you disapprove of anything we are doing, I expect you will call us. We will look forward to receiving your advice.

Let me say good-bye in an official sort of way to your tenure here in the Senate. I quoted *Washingtonian Magazine* which recognized JESSE HELMS as "The Nicest Senator."

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

#### EXTENSION OF MORNING BUSINESS

Mr. REID. Mr. President, we have an order for morning business until 11:30.

The PRESIDING OFFICER. That is correct.

Mr. REID. There appears to be a number of people who wish to speak for Senator HELMS, and we are happy about that. We also want to make sure we have our half hour from 11 a.m. until 11:30. I think it would be in everyone's best interest to extend morning business until 12:30—an additional hour—and equally divided between both sides. I ask unanimous consent that be the case.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, this is a happy day in the Senate. We are here to talk about our buddy, JESSE HELMS. It is a sad day in that we talk about JESSE HELMS leaving. Other than the Senator from Alaska, there is no one who has served longer with JESSE HELMS than I have. We came here during the same election cycle, and we came here the same day. We started off with a rocky start. I was a 30-year-old kid who had only been in this Senate once before in my life. That was when I came on the floor of the U.S. Senate while spending a weekend at Georgetown University. Back in those days, you didn't have all the guards and all the security. I came in Saturday morning. I was mesmerized by this magnificent place. I walked in the back doors. They were open. I walked right through. The Senate had been in on Saturday. I was unaware it had been in session. By the time I got here, it had gone out of session. I literally walked onto the floor of the Senate. I was absolutely, as kids used to say, blown away. I stood there in awe. I literally stood at that door. I walked up there. No one was here. I stood where the Presiding Officer was. The next thing I knew, this guy grabbed me by the shoulder and put me under arrest. He was a Capitol policeman. He took me downstairs.

Most people do not know there is a Capitol police office in the basement of the Capitol. He took me down there, and he was going to arrest me for trespassing. He realized I was just a college kid who was in awe. They didn't do

anything. They just said do not do it again.

The next time I was on the floor of the U.S. Senate, and the first time I really spoke spontaneously on the floor, was to my friend JESSE HELMS. I remember he was a junior Senator with immense experience. He had been an administrative assistant to one of the leading Senators in the U.S. Senate. He knew the place. He knew the system. He was standing at the desk, if I recollect, in that quadrant in the back. He was on the floor. There was another Senator from Kentucky named Marlow Cook who was standing on the floor. He was moving what is the most thankless job in the U.S. Senate for any Senator other than being on the D.C. Committee; that is, he had the responsibility of moving the legislative appropriations bill.

I walked onto the floor to see what was going on. I was literally walking through. We had a committee meeting which had ended. I walked over to see what the state of play was. I was aware of the junior Senator from North Carolina. My seat used to be in the very back corner. I walked onto the floor through that door, walked across, and stopped where the junior Senator from North Carolina was. There was a heated debate going on between the junior Senator from North Carolina—Sam Ervin was the senior Senator—and Marlow Cook, the Senator from Kentucky. It was about either staff pay or Senators' pay, or whatever it was, and the Senator from North Carolina, as usual, was making a very compelling case as to why we should be basically not paying anything.

I am only kidding, JESSE. It was close to that.

I stood there on the floor, and as I have done many times in my 30-year career in the U.S. Senate, I did not listen to the admonition I am told you used to be given by the Speaker of the House, Sam Rayburn. I am told in his board-of-education way he used to say to new Members of the House back in the 1950s, if you can say nothing, say nothing; if you can nod, don't speak; if you don't have to nod, don't do anything or something to that effect, meaning keep your mouth shut.

I have often broken that rule, unfortunately. I stood there listening to this debate, and I spoke up. I made the mistake of taking on the Senator from North Carolina.

He won't remember this.

The result was I ended up with a black-box editorial—literally, an editorial on the front page of the *New Hampshire Manchester Union Leader* with a big black box around it, which used to be done by Mr. Loeb in those days, talking about the audacity of the young Senator from Delaware taking on the point being made by the Senator from North Carolina. That was my first encounter of debating the Senator. It warranted me a front-page article in the *Manchester Union Leader* that was not flattering at all, which taught me

two things. No. 1, if you are going to debate the Senator from North Carolina, come prepared with the facts. No. 2, understand that his reach goes far beyond North Carolina.

It did even then as a new U.S. Senator, a freshman U.S.

Senator, the Senator from North Carolina, walked on this floor. From the day he arrived, he had an impact. I do not think that can be said of anyone, I say to Senator HELMS, in our class. We had a big class. There were, I think, 13 new Members that year. Far and away, the man who stood out was the Senator from North Carolina. He has stood out every day since then.

It is no surprise to anyone here the Senator from North Carolina, Senator HELMS, and I have not always seen eye to eye. We come from different political points on the spectrum. We have had some heated debates. The Senator advocated some positions I would fight to my dying day to defeat as he would things I proposed which he feels in principle are not the way to go.

One of the magic things about this place I learned from Senators with whom Senator HELMS and I served when we first got here—Senators such as Goldwater, Humphrey, and Kennedy—is you can have serious disagreements on this floor about the direction of this Nation, but that is no excuse to be personally disagreeable.

I can remember—as my friend from North Carolina can, as can my friend from New Mexico, who came the same year, and as can the Senator from Alaska, who was here before us—the day when Hubert Humphrey walked on the floor literally dying, and we watched Barry Goldwater walk up to him, embrace him, and put his arms around him in that well, and both of them cried. These were men of opposite sides of the political spectrum of the day—two leading figures in American politics representing the left and the right, and they stood in that well and embraced. They embraced in an emotional moment no one could misunderstand the meaning of. It was real. It was genuine. It was deep.

It is, in my view, the unique and, I think, single most endearing feature of this body, the U.S. Senate.

If we serve here long enough, and if we are smart enough, we understand that it is not appropriate to question the motivation of a Senator for what he or she is proposing. It is totally appropriate to question their judgment. It is totally appropriate to question whether they are right. It is totally appropriate to disagree. But it is inappropriate to question the motivation of a Senator because the men and women who come here are men and women of honor. They come here because they care deeply about the fate of their Nation. They care deeply about specific issues, and some intensely on some issues.

The thing that I think the Senator from North Carolina embodies most is that tradition that no matter how intensely you disagree on the issue, the

Senator from North Carolina, speaking for myself, has never, ever questioned my motive, never, ever questioned my desire to do good, whether or not he thought what I was proposing would, in fact, "do good."

We have not agreed on a lot of things, but we have also agreed on an awful lot of things. I can tell you that I will miss Senator HELMS.

Let me tell you, with, as they say in this body, a point of personal privilege, a few stories about Senator HELMS.

There are two figures remaining in the Senate who are, for either political extreme, left and right—left of the Democratic Party and right of the Republican Party—who are lightning rods. It is Senator HELMS in the Republican Party and Senator KENNEDY in the Democratic Party. They are sort of the icons of both parties. They are men who are revered in their parties. They are both nationally known.

I can say what a lot of people don't know about the Senator from North Carolina: For all the intensity with which he takes on issues, for all the depth of his feelings about issues that are so socially highly charged—left and right—this is a man who has a very, very soft side.

I had gone to the Senator, when I was the ranking member of the Foreign Relations Committee, and indicated to him—not even asking but lamenting—the fact that I did not have enough staff allowance to hire certain people. And the Senator from North Carolina said: Take my money. The Senator from North Carolina said: Who do you need? What do you need? OK.

He did not have to do that, by the way. Many other committees around here fight tooth and nail over exactly who is going to get to be the doorman to whether or not you have to sign off to get stationery. Not the Senator from North Carolina, not the Senator from North Carolina.

When I was ill, it was the Senator from North Carolina who was on the phone immediately checking to talk to my doctors to make sure he thought I had the right doctors, and checking at Walter Reed regularly to see how I was doing.

If you want to understand something about Senator HELMS, you ought to meet Mrs. Helms.

If you met Mrs. Helms, who is one of the finest, most decent women I have ever met—she is the definition of a lady—you would understand the depth of JESSE HELMS. For a woman of her grace, a woman of her compassion, a woman of her depth, to love and be devoted to this man as deeply as she is, you know, you know, you know there has to be something awfully, awfully, awfully good about JESSE HELMS.

My mom has an expression. She says: If my children love somebody, I love them, too, because I know how good they are and they could not love unless there was something there.

Dot Helms adores JESSE HELMS, as he adores her. Those of us who have had

the privilege to serve with JESSE up close and personal for a long time have seen some of what Mrs. Helms has seen and what a lot of the world does not see. They see the gentlemanly side of him. They see the courtly side of him. They appreciate him. But they do not fully understand the depth of the compassion, the depth of the friendship, the depth of the loyalty that resides in that man JESSE HELMS.

There was a guy named Bud Nance. If you knew Bud Nance, you knew JESSE HELMS. If you knew how Bud Nance adored JESSE HELMS, that would be the second piece of evidence you would know of what a fine man this man JESSE HELMS is.

JESSE, I love you. I think you are dead wrong on the issues, still. I disagree with you completely. As you said, when I cast my 10,000th vote, you congratulated me as the youngest man in history to have cast 10,000 votes, and lamented it would have been better had I cast some of them the right way. And I understand. We both feel that way about each other's voting record.

But I want you to know how I personally feel about you and how I think the vast majority—anybody who has gotten to work with you as closely as I have—feels about you. I am going to sincerely miss you, JESSE. And we are going to miss your courtly manners. We are going to miss the fact that whenever there is a crunch, one of the first guys to step up to offer help is JESSE HELMS.

But I have no doubt you will still be there for me. I have no doubt you will still be there for the rest of us. We need you.

Some think JESSE HELMS and I could not possibly see eye to eye, that we come from opposite points on the political spectrum. There is no denying that is true.

Senator HELMS has advocated some positions I would fight to my dying breath to defeat but he also represents the best of this institution. He is a friend, an honorable Senator who holds boldly to his values, and yet has always held to the civility of debate in the pursuit of comity.

Some said he and I couldn't possibly work together on the Foreign Relations Committee.

In fact, I think we have worked very well together and I think he would agree.

We may not have agreed on many of the important issues that have faced this Nation. In fact, we probably haven't agreed on most of them.

But I can say this: I will deeply miss Senator HELMS. I will miss his voice in this Chamber. I will miss his counsel. I will miss his genuine kindness. His devotion to his duty and the dignity with which he unfailingly performs it.

I will miss his brand of leadership. That determined, dedicated, forceful, committed leadership, that leadership that comes from a deep and abiding concern for this Nation and from deeply held values and beliefs which he fights to uphold.

And, yes, I will miss his warmth. Though some might not always see it, it is there, I can assure you.

Some of my more combative Democratic friends might be skeptical of me for saying these things, but they don't know JESSE HELMS like I do.

They don't know that even if you find yourself precariously balanced on your side of the political spectrum, in the heat of a debate, whether it is on foreign aid, on issues of war and peace, civil rights, equal rights, constitutional law, whatever the issue, Senator HELMS may disagree with you and point out the holes in your argument, but you can count on him to hold out his hand.

He holds strong views, but he is exceedingly respectful—a gentleman committed to his position but willing to listen to yours.

He is, in the truest sense, a man of honor and considerable decency. And, quite frankly, there are no qualities more important to this Chamber.

Few Senators in my tenure have played as significant a role in the affairs of this Nation as JESSE HELMS.

But the most remarkable thing about this man is that, notwithstanding his impeccable conservative credentials, when confronted with new facts and new ideas, he has always been at least willing to listen.

A perfect example was his leadership in reconciling and restoring the position of the United States at the U.N.

And, while chairman of the Foreign Relations Committee, he directed and accomplished the most significant reorganization of the State Department in recent memory.

Having served with JESSE HELMS for almost 30 years, I can tell you, on a personal level, he is one of the most thoughtful, considerate, and gracious Senators to grace this Chamber.

If you knew Mrs. Helms, his beloved Dot, you would know why he is this way.

Senator HELMS and I arrived here the same day and took the oath together.

Before he came, he served in the Navy in World War II. As a broadcaster and journalist, Senate staffer, editor of a banking publication that he made the largest in the Nation, a broadcaster CEO, editorial writer, city councilman, a Baptist deacon, a Sunday school teacher, and a U.S. Senator, JESSE HELMS has served with distinction.

These 30 years have passed all too quickly. But I am honored to have known him. I am proud to have worked with him, especially over these last 6 years.

I have learned much from him, and will continue to seek his counsel and his advice.

William Penn said, "A good friend . . . advises justly, assists readily, adventures boldly, takes all patiently, defends courageously, and continues a friend unchangeably." JESSE HELMS has been a good friend, and I expect to continue our friendship as well as our debate long after he leaves this Chamber. He will, indeed, be missed.

I thank my colleagues for the extended time. I could talk for an hour about what a good man JESSE HELMS is.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. EDWARDS. Mr. President, it is an honor for me to be able to come down this morning and speak to my colleague and on his behalf, a colleague who I have now had the privilege of serving with for 4 years in the Senate.

I say, first, to Senator HELMS, and to Dot, his wife, thank you for the extraordinary kindness you have shown to myself, my wife, and my family. Senator HELMS knows—and Jimmy Broughton is sitting beside him, and other members of his staff are on the floor—he also has an extraordinary group of people working with him, not just here in Washington but also back in North Carolina, because our folks in North Carolina have had the privilege of working with Senator HELMS' staff in North Carolina.

As I said—and I am sure Senator HELMS heard while he was off taking care of his health—his office ran very smoothly. Sometimes I think, Senator HELMS, both of our offices run more smoothly when we are not there. But they did a terrific job in your absence. I know you are not surprised to hear that, but we are proud of the work they did. I know you are proud of the work they did then and have always done on your behalf.

I have had the privilege of going around my State for the last 4 years now, talking to people about what they need, the problems they are faced with—whether it is farmers, whether it is textile workers who have lost their jobs, people trying to get a relative a visa, whatever it is—and you cannot hardly move in North Carolina without finding people who Senator HELMS has touched over the time he has been in the Senate.

The people of North Carolina will never forget the work and the kindness and the personal attention that he has given to them. He has been a relentless advocate for the people of our State and all the problems they face.

The people here in Washington and around the rest of the country see a certain side of Senator HELMS. Senator BIDEN just mentioned this. Senator HELMS knows well he and I do not agree about a lot of things, but there is a side of him that most people here in Washington do not get to see, at least not publicly—the people who work in the Senate see it—which is the extraordinary kindness and friendship that he shows basically to anyone who touches him.

We had a meeting of Senators a few weeks ago to talk about how we should deal, as publicly elected officials, with people who we represent who are faced with a tragedy of one kind or another. And I used Senator HELMS as the best example I could ever imagine for someone who knows how to deal with those kinds of problems, having had a per-

sonal experience with Senator HELMS on that level. I say here, as I have said to him before, myself, my wife, my family, we will never forget—as long as I am alive—the way Senator HELMS treated us during that time.

It meant an unbelievable amount to us, Senator.

I thank him on our behalf. I thank him on behalf of all of the people of North Carolina for whom he has done so much for so long, the many lives that he touched, in a very positive way, below the radar screen, in ways that people don't see or don't hear but, more importantly, they know about. I thank him personally for being my friend during the time I have been in the Senate.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. Mr. President, I join with my colleagues rising not to bury JESSE HELMS but to praise him. We can take Shakespeare and turn him on his head for just a moment.

I find it interesting that there are some people in the press gallery. That is not very often the case in this situation, in this circumstance in the Senate. I welcome the presence of reporters who will pay attention now as Senators talk about JESSE HELMS, because the press, for JESSE'S entire political career, has made a caricature of this man, outlined him as some kind of a demon, some kind of an anti-intellectual, some kind of a throwback to an earlier time, and that the body politic would be best served if somehow he could be removed from it.

He has demonstrated his appeal to the voters of his State and has stoutly resisted the attempts of those to remove him from politics. Now he has decided that the time for retirement has come. He is leaving at the top of his game and on his own terms.

I listened to the stories being told by those who have served with JESSE for a long period of time. I have not had that privilege because I have not been here that long. I have my own story to add, which demonstrates a side of JESSE that needs to be on the record and, once again, people in the press need to understand about this man.

My story arose from the fact that I, too, disagree with JESSE HELMS on occasion. The issue on which I disagree with JESSE HELMS has to do with the National Endowment for the Arts. I have been dedicated to support for the arts all of my life. I have been enriched by association with the arts. In my home, food was a necessity, but music lessons for the children were almost as big a necessity, at my wife's insistence. We have supported the symphony, operas, things of that kind, all of our lives.

So when the Gingrich revolution occurred in 1994 and the House sent us an appropriations bill that would have eliminated the National Endowment for the Arts, I found myself in that battle. We came to a late night session

where the fight was rising as to what would happen in this situation. I had expressed myself on one side of that issue and had not realized what I had done by virtue of that expression because as we were in the Republican cloakroom that late night, someone said to Senator Dole: What about the NEA? As he walked through these doors on to the floor, leaving us all behind, he said: BENNETT is going to handle that.

I suddenly realized I had a responsibility I hadn't known about. I took up what could only be called Kissingerian shuttle diplomacy between the Republican cloakroom, between JESSE HELMS and TED KENNEDY and PAT LEAHY on the other side, and back and forth. Finally, I arrived at a deal. I thought I understood the terms of the deal and took it back to the Democratic cloakroom: If you will allow this, JESSE will allow that. We will get it all done.

Grumbling and complaining a little, the Democrats said: All right, we will at least keep the NEA alive. We will give JESSE his pound of flesh. We don't like it, but this is where we are.

I reported that to Slade Gorton, chairman of the subcommittee handling the appropriations. He said: It is too late at night.

My memory is, this was about 10:30 or 11.

He said: It is too late tonight. We will do it first thing in the morning.

The next morning came. I went to Slade and repeated the terms of the deal as I had understood them. He said: Fine, let's go ahead.

JESSE was in the cloakroom, and I went to the cloakroom to tell him we were about to implement this deal. He looked at me—a very young, new, fresh Senator—and he said: Senator, that is not my understanding. That is not what I agreed to.

My heart fell. I didn't know what to say. Here was this pillar of the Senate who had staked his reputation on this particular fight, and he said: If I agree with that, that means that I have agreed to vote against my own amendment. I can't do that.

I looked at him in great agony, and I said: Senator, this will set off a whole filibuster, a whole disaster on the other side. I have told the Democrats that this is what it would be.

That is what I had understood. I didn't have any solution. I was just there trying to figure out where I had gone wrong in going back and forth.

JESSE HELMS looked at me, and he said: Senator, that is not my understanding of what we agreed to last night. But if that is your understanding and you have pledged your word to the other side that that is what you will deliver, I will honor your agreement.

There are not many around here who would do that, not many Senators who would take a position that was contrary to that which they had publicly espoused for decades, to keep an agreement, when the Senator believed the

agreement was not what he had agreed to. There are not many senior Senators who would defend the honor of a junior Senator to make sure that the junior Senator was not embarrassed.

I have told that story a lot. I have told that story to the supporters in the NEA, both in my home State and in Washington. I have said to them: You need to understand JESSE HELMS. Yes, you will disagree with him. You believe that he is a philistine when it comes to the arts; you don't understand how he can possibly hold the position. But you need to understand the integrity of this man, the compassion of this man, and the willingness of this man to keep alive important personal relationships to see to it that the Senate works.

This was an action on his part to see to it that the Senate worked. I am grateful to have had the experience. I am grateful for the opportunity of repeating it to those who might not understand this man. And like those who have spoken before, I will miss him.

I pay whatever tribute I can in my humble way to the public service and the public integrity and the example of JESSE HELMS.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, in an era when courtly manners are seldom observed or practiced, my friend JESSE HELMS has embodied the spirit of a true southern gentleman. For almost 30 years, Senator HELMS has provided a model of gentlemanly bearing for a younger generation that is used to much more casual conduct. His old-fashioned gentility will be sorely missed in these Halls.

The two of us have been together a great many long nights in the Senate. Despite his gentle southern drawl, it has never been difficult to figure out where JESSE HELMS stands. He has held passionately to his convictions and has worked hard for what he believes are the best interests of the people of our Nation and North Carolina.

As a member of the Foreign Relations Committee, JESSE HELMS has dealt with international issues of deep importance which have had global impact.

As I have worked with others here on defense matters over these long years, there has been no greater patriot for this country on this floor than JESSE HELMS. He has always supported the men and women who wear our uniform. He has been a true stalwart in fighting for national defense.

JESSE HELMS is a tough guy. He hasn't let aches or pains, which have sidelined some folks, stop him from performing his responsibilities as a Senator. When our daughter, Lily, now a senior at Stanford, was a toddler and used to visit the Senate Halls, she could always count on JESSE for a smile and for making her feel special and welcome. She told me she has great memories of those days and JESSE HELMS. Like STROM THURMOND, Lily looks on JESSE HELMS as one of her uncles, and we are proud of that.

Mr. President, saying farewell to my friend that I have known for these three decades is difficult. There aren't many of us left, JESSE. We are going to miss you, and we are going to miss Dot. Dot's happy smile and her energy has been a great support for JESSE, and as we wish him Godspeed, we want to include Dot, too, because they are a team.

As they enter this new phase of their lives, we thank them for their dedication and hard work, for the elegant manners they have brought to the Senate, and for all that you have done to earn what we are saying today.

You deserve every word I have heard today, JESSE. You are a great friend, a great patriot, and I hate to see you go.

Thank you very much, Mr. President.

The PRESIDING OFFICER (Mr. NELSON of Nebraska). The Senator from Nebraska, Mr. HAGEL, is recognized.

Mr. HAGEL. Mr. President, I rise this morning to join our colleagues in recognizing a part of an institution that unto himself is an institution.

Senator HELMS will retire this year after five distinguished terms in the Senate. He has had a remarkable 30 years of service in the Senate.

Senator HELMS began his service to our country in the U.S. Navy during World War II. He has always been a supporter of a strong U.S. military and the need for a forward thinking National Security Policy. After his military service, Senator HELMS had a colorful career as an editorial commentator in radio, television and print media. He also served as Administrative Assistant to United States Senators Willis Smith (D-NC) and Alton Lennon (D-NC) in the early 1950's. His interest in serving the public continued to grow as he served on the Raleigh City Council from 1957 to 1961 while working in the banking industry. Beyond his extensive list of leadership positions in numerous organizations, Senator HELMS has filled his life with philanthropy. He has been active in research on cerebral palsy and is one of the founders and directors of Camp Willow Run for youth in Littleton, North Carolina.

Senator HELMS is a member of the Committee on Rules and Administration; a member and past Chairman of the Committee on Agriculture, Nutrition and Forestry; and the Ranking Minority member and past Chairman of the Committee on Foreign Relations. I have had the privilege to serve with Senator HELMS on the Foreign Relations Committee for the past 6 years. We will miss his common sense and strong perspective on foreign affairs. I am grateful for his many courtesies to me and his constant help and support. I will miss him.

Senator HELMS will celebrate his 81st birthday this month. We wish him a happy birthday and thank him and his dear wife, Dot, for their years of devotion to our country. I am proud to have served with him.

Mr. President, as you know, I am a very junior Senator here and so I do

not have the depth of relationship with Senator HELMS as do many who have gone before me this morning. But I have served with JESSE HELMS for 6 years, 4 of those under his tutelage as chairman of the Senate Foreign Relations Committee. I don't know of a Senator with whom I have served in my short term in this body who has been more fair, more direct, and more complete than JESSE HELMS. I think that is in itself a great testament to the man, yes, and to the Senator.

I have not always agreed with Senator HELMS, but he has always afforded me the courtesy of not only an opportunity to explain my position but encouraged me to explain my position, even when he disagreed. That, too, is a measurement of the man and of the Senator.

You especially, Mr. President, know that west of the Missouri in the land on the prairie called Nebraska, we have fallen on dark times. I don't speak of the drought but of our football team. I never thought I would be in a position to be envious of the football team of the senior Senator from North Carolina, but I am this morning. I, of course, attribute his leadership and inspiration to their great football team this year.

His wife Dot has been mentioned this morning, and I wish also to acknowledge Mrs. Helms, for it is Mrs. Helms, as much as any one individual who has shaped and molded this fellow from North Carolina, this individual who not only has given 30 years of his life to the Senate, but has given a great majority of his almost 81 years to this country.

Some of us who have had the honor of serving our Nation in uniform more recently than Senator HELMS occasionally get more attention for that service. This has always struck me about the World War II generation, of which JESSE HELMS is a part. He served in the U.S. Navy in World War II. They never talk about that service. My father was in World War II in the South Pacific for 3 years in the Army Air Corps. I have always admired World War II veterans for many reasons, but one in particular; that is, they came back, never asked for recognition, never asked for special breaks. They saw their service as only part of being a responsible citizen—their responsibility. And it is that way to this day in the Senate, where we have few World War II veterans left.

When we lose a World War II veteran in this body, we lose a very significant part of America. That is a dimension of JESSE HELMS that is not often talked about.

Let me conclude, because others wish to speak about this very unique Senator and man. I don't know of an individual who has fulfilled the commitment of his own value system and his own standards, or lived it, like JESSE HELMS has. You either can agree with those commitments and standards and policies and values and positions or not, but none can deny that Senator

HELMS has indeed lived what he has said. That in itself, after almost 81 years, is rather unique.

I wish Senator HELMS a happy birthday this month. I know it will be a happy occasion. We are glad to have you back in this body, JESSE, for these last few months, and we are also particularly pleased with your recovery. Senator HELMS will be known to many of us—certainly this Senator from Nebraska—forever as “Mr. Chairman.”

Mr. Chairman, I salute you and thank you for your service and your many courtesies and kindnesses. You are an inspiration to me.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. WELLSTONE. Mr. President, I thought maybe I could jump ahead of the Senator from New Mexico for just 2 minutes.

Mr. DOMENICI. Mr. President, I thought the agreement was that we got our time.

Mr. WELLSTONE. I will follow the Senator from New Mexico.

The PRESIDING OFFICER. The time is controlled by the Republican leader.

Mr. DOMENICI. Mr. President, I will yield 2 minutes to the Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I thank the Senator.

I come here to the floor to announce that I have been in agreement with Senator HELMS on just about every issue since he has been here—not quite, but I will say this. I think one of the ways you judge a person is just the way you watch them treat people. I don't know if this has been said, but when I watch the way Senator HELMS treats the pages here and the elevator operators and the support staff, I don't think there is anybody in the Senate who treats them with more grace and is kinder and more appreciative. In fact, I think there have been surveys that have put him at the very top.

I thank him for the way in which he has treated staff. I wish to tell him, though we have not agreed on the issues, I have appreciated getting to know him. I hope it is mutual.

I wish you, Senator HELMS, and my wife wishes you the very best. We wish you well.

Mr. President, there is going to be another time before the Senator from New Hampshire, Mr. SMITH, leaves when I wish to talk about him because there is much positive to say about him from the point of view of somebody who stood up for what he believes. I think it has to be part of the RECORD. I look forward to doing that.

Senator HELMS, I wish you well.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, first, I bring regards from my wife Nancy to both you and Dot. She asked me today—it was written on my calendar—if I would say that for her, and I do.

I do not think all Senators know that 30 years ago, a class of new Senators numbering nine arrived in the Senate.

I was one of those nine, Senator Sam Nunn, Senator Bennett Johnston, Senator BIDEN, myself, and our wonderful JESSE HELMS. That group saw Senator HELMS as being the father of all of us. We thought we were youngsters, and then we met JESSE, and we said: We do have some wisdom and some experience with us. It has been a sheer joy to serve with him.

The whole group that came together has left of their own accord, and that is good. It speaks well of them; it speaks mightily of the class and the capacity they had.

JESSE, as I saw you get sick and then get well, I was truly hopeful that whatever the good Lord had in store for you, you would leave here on your own, saying goodbye to the Senate with your own capacity, and that nothing would be the cause of taking you from us.

That is why it is a good day, because you have lived through it all, and you have been, from what outsiders know, the absolute opposite of what people say you are. They judge you by your record, and if they do not like the record, they have things to say that are totally without the character of JESSE HELMS.

My friend who just spoke clearly put it right when it comes to kindness. Senator HELMS truly believes that everybody, no matter how little, how poor, how vintaged, what seat they occupy, deserves a kindness from him. He does not walk by anyone to whom he does not say hello. If he knows they have been sick, he will stop and talk with them and ask them about their relatives. In a way, for some of us, we are amazed at how he can do that. For that, I say I am glad I shared that experience with Senator HELMS.

What really made me come down here today, I say to Senator HELMS, is that he has been very decent and nice to me. I think now, looking back on occasions on the floor when I had a budget to handle that was particularly difficult or I had to make a speech that was particularly difficult—he did not sit very far from me—almost invariably, Senator HELMS would call me to his desk and congratulate me. He even told me how I was changing as a Senator: You are getting better; you are getting to be as good as there is; you are responding; that was a great speech.

I do not know how many of those remarks Senator HELMS passed on to me. I believed it, so it helped me. I do not know if it was true, but it was true as he saw it, and that was enough for me to leave with just a little more hop in my step because somebody I really wanted to note what I was doing apparently had.

For that, I wish to tell Senator HELMS, that means an awful lot to a Senator, especially as he is getting started. I was thrilled with it, even in the last 4 or 5 years when he continued to do that. I thank him for that.

The Senate will miss this man. The truth is, there are many people from

the outside who criticize JESSE HELMS, but nobody questions whether he believes what he says. Nobody questions that he says what he believes. I do not think one can have either a better friend, a better servant, or a better patriot than one who knows what he believes and believes what he knows. That is what our friend is. That is the essence of him. One does not have to second-guess Senator HELMS. For that class of Senators of 30 years ago, there are now three of us left. When Senator HELMS leaves, there will be two. I will be running, and so will Senator BIDEN. If we come back, the marvelous class will be getting smaller, and Senator HELMS will have left us this year. I am sorry to see him leave. I thank him very much.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I rise to join with my colleagues in saying thank you to Senator HELMS for his 30 years of service to the Senate and to the country.

I have had the pleasure of serving with Senator HELMS for 22 years, and the last several years I had the pleasure of sitting right in front of him or, conversely, having him at my back. I like that. I moved over to Senator THURMOND's desk so I can look at Senator HELMS when I make these remarks.

I pointed out to Senator WELLSTONE when he was complimenting you on your demeanor, politeness, kindness to our fellow employees, that was my first recollection of JESSE HELMS. The character of Senator HELMS was one of this pretty tough Senator. In my career of 22 years, I have never known a kinder, gentler, more polite Senator than Senator JESSE HELMS.

I say that because he has been kind to me. Obviously, he was kind to Senator DOMENICI. He has been kind to every Senator, Democrat and Republican—Senator WELLSTONE mentioned it—but also to every single staff member, to every single elevator operator and security officer. I am amazed at the number of people he calls by their first name. I have tried to emulate that and have not done it very well. I have tried to emulate Senator HELMS in many ways. Senator HELMS will never know how many people he has inspired in the Senate.

I say that because of his kindness. I say that because of his politeness. I say that because he says grace before meals and he does it today. I say that because he has shown such courage and conviction on so many issues. His ability to be courageous and kind at the same time is a very unusual special talent that very few have been able to do, and Senator HELMS has done it well for so many years.

The word “patriot” was used. If anybody ever defines “patriot,” Senator HELMS' name comes to mind. Standing at STROM THURMOND's desk, patriot comes to mind when I think of STROM THURMOND, and it comes to mind when

I think of JESSE HELMS. We are losing two patriots in the Senate in this retirement, and I hate to see that happen, but I am so grateful to have had the privilege of having Senator HELMS as a mentor, as a colleague, as a confidant, as a teacher.

I remember in my early career, we had battles. I served in the Senate for 22 years, and he served in the Senate for 30 years. Prior to his service in the Senate, Senator HELMS served as administrative assistant to a couple of Senators.

During that time, he learned the Senate rules. I remember some of our earlier battles having Senator HELMS help me learn the Senate rules. I was amazed that someone would go to that trouble. But he used the Senate rules both politely and correctly, and in the process made the Senate a better institution.

I realize this goes all the way back to Richard Russell. It goes back to some of the greats in the Senate, and how this tradition is passed on is truly amazing—and with a whole lot of fond memories.

I remember, Senator HELMS, when you taught me some of the rules, I believe it was in 1983, when we had the little battle on the 5-cent-per-gallon gasoline tax, that most of the Senate was for, including the majority leader at the time, our very good friend Senator Baker. President Reagan, I believe, was in favor at the time, but we were sort of opposed to it, thinking it should be left to the prerogative of the States. It was rather a difficult time because it was right before Christmas. It was a pretty protracted and extended debate, one that required cots in the back. Our colleagues' tempers were short because we were getting closer to the holiday season and most everybody wanted to vote and get out of here.

I remember going into your office one night when things were kind of difficult, and we talked about it. You said: I have an idea. We will just pray about it. Let's call Rev. Billy Graham. Well, I was awestruck that we were calling Rev. Billy Graham, and impressed. I will not forget that conversation.

I also will not forget another thing that you said. If it was not that night, it was the next night—we had two or three nights of this little battle—and I remember you telling me a story which I have never forgotten. In fact, I think about it all the time when I fly at night. I do not even know if you will remember it but I bet you do. You relayed to me how you were flying over North Carolina at night. And if any of my colleagues have been with Senator HELMS for any period of time, they know he has a great love for his State of North Carolina, and vice versa. It is a mutual love, respect, and admiration.

You relayed to me, Senator HELMS, that while flying over North Carolina at night you see all these lights, and you realize how big Raleigh is and you

realize how remote small towns and some rural areas are, a light here and there. I remember you told me you were flying over there somewhat in awe but also thinking about individuals who live in those areas, and every one of those homesteads represent some of your constituents. You wondered if they really thought anybody in Washington, DC, cares about them living in that little rural area or maybe living in the city.

There you are, flying over their State and you are thinking about them. I think that was one of the guiding principles of your public service and career. I will never forget that. You were thinking about them when we were fighting over that nickel-a-gallon gasoline tax. You have been fighting for them. Whether talking about a strong national defense or about giving them some tax relief, you were thinking about your constituents, those people in the rural areas that probably never gave two thoughts about who their Senator was. Maybe they do not know, maybe they do not vote, but you cared about them.

I can tell you cared about them because of the way you have served this Senate and the way you have served your State, the way you have talked to individuals on the floor, the way you talk to employees, whether they are the lower level employees or people just starting out, or whether it is my daughter who was working as an intern one summer. You were so kind to her. She loves Senator HELMS. I saw her last night and she wanted me to say thank you, Senator HELMS.

You have inspired more people than you will ever know. I see some of your employees are in the Chamber and you are sitting with one of the best, Mr. Broughton, but I wonder how many of those employees, who have launched their career under your tutelage, have very bright futures. They are going to make outstanding contributions. Some of them are in the State Department. Some of them are working in very high level positions. Some of them are on the Federal bench because you got them started. They are some of the best people in the country. I think of them as expanding good government, and you have made that contribution.

I wanted to say thank you on behalf of Oklahomans, and on behalf of all Americans for your 30 years of service in the Senate. I have had the privilege of working with you for 22 years, getting to know you and Dot Helms. I think the world of both of you. God has truly blessed all of us for your service to our country and we thank you for it.

Mr. HELMS. Thank you.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, it is an honor to pay tribute today to the senior Senator from North Carolina, JESSE HELMS.

The son of a police chief from Monroe, NC, JESSE HELMS has been part of the fabric of the United States Senate

for nearly three decades. Upon his retirement after five terms of service, it is fitting that we pay tribute to his leadership and commitment to the people of North Carolina and this country.

Senator HELMS has served in the Senate during the administrations of seven Presidents, from the Vietnam War, through the launch of the war on terrorism.

His views have enlivened the debate on the editorial pages of newspapers in his home State and throughout the country. He defines the term "sticking to your guns."

From 1960 until he ran for the Senate in 1972, Senator HELMS delivered some 2,700 editorials on WRAL-TV in Raleigh, NC. Those opinions also appeared in more than 200 papers across the Nation and on 70 radio stations, making JESSE HELMS a household name.

He built that name on the principles of free enterprise, representative democracy and conservative values—ideals he holds true today.

He has always stood on principle. He does not waiver or falter, and is not easily persuaded, a fact to which many of my colleagues can attest.

Senator HELMS has never forgotten the people he represents while in Washington. An editorial about his retirement in the Charlotte Observer observed, "People who can't stand his views go to the voting booth every 6 years and push the button next to his name. Maybe he helped their mama get Social Security. Maybe he kept their farm alive. Maybe they just like the idea of a North Carolina boy going to Washington and raising hell."

He's always had a place in his heart for the youth of our Nation. In his retirement speech, he calculated that he has met with more than 100,000 young people during his tenure in the Senate. He always took the time to talk with them about what an honor it was to serve America.

The issues that have driven his Senate career have varied from the minute to the global. He has left an indelible mark on American foreign policy from his service on the Senate Foreign Relations Committee and his tenure as chairman. From favoring the lifting of the arms embargo on Bosnia to his opposition of U.S. military intervention in Haiti, he has consistently fought to keep our Nation focused on U.S. interests abroad.

On February 24, 1996, when Cuban Mig-29 fighter jets shot down two Cessna 337s in the Florida Straits, killing four members of the humanitarian group "Brothers to the Rescue," JESSE HELMS demanded that the U.S. call Fidel Castro to account for his actions.

His time as a Navy recruiter during World War II gave him insight into the importance of supporting our military troops. He has vigorously fought to strengthen the U.S. armed forces and ensure that our men and women in uniform are deployed only when clear U.S. interests are at stake.

On behalf of the American taxpayer, he demanded and received greater accountability at the United Nations for

the funds America pays as part of our dues. He was one of the chief architects responsible for dramatically reshaping and reorganizing the Department of State.

Indeed, no matter what the cause, whether it affects a North Carolina farmer or textile worker, or the U.S. relationship with the U.N., JESSE HELMS has stood his ground.

He has always done so without rancor and has always been a gentleman when the fight was over. He is stubborn, he is committed to his cause, and he fights vigorously, but he is also one of the most gentle and kind men in the Senate.

For years he sat next to the late Senator John Chafee on the Senate floor. They were two Republican colleagues who didn't agree on a great deal, yet were best of friends and spoke affectionately of each other. When John died, JESSE made it his first order of business to visit his office and personally comfort the Senator's grieving staff. There are hundreds of similar stories of JESSE's graciousness and caring nature. Each of us has been touched at one time or another by his kindness.

His conviction, his determination and his passion will be missed. As JESSE leaves Washington to join his beloved wife, "Miss Dot," at home in North Carolina, we wish him well.

The 108th Congress will be a different place without JESSE HELMS. The set from North Carolina will be filled, but it will never be the same.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SMITH of New Hampshire. Mr. President, over the course of our lives, many of us have role models. Role models mold and shape us as human beings. Who we choose for role models can leave an indelible mark on our character.

As a young boy, I had several role models. When I was 3 years old, I had a dad who lost his life at the end of the Second World War. He was certainly a role model for me. My mother worked very hard to try to keep the family together; she never remarried. She was a Navy widow who kept my brother and me and the family together all of those years. I had a granddad who worked hard to try to keep us on the straight and narrow, helping my mother. They were all my heroes and role models.

Politically, Barry Goldwater and Ronald Reagan come to mind as role models, as well as former Gov. Mel Thomson of New Hampshire, who once told me you stand for something or you stand for nothing, which brings me to JESSE HELMS. He is a man who has been a treasured friend, a confidant, a great Senator, and my role model for all the years I have been in the Senate. His steadfast example has helped shape who I am as a Senator and as a person.

I remember talking to Senator Gordon Humphrey of New Hampshire, your former colleague. I asked him one time: What is JESSE HELMS like? And

he said: JESSE HELMS is the nicest person in the Senate. He was right; you are. Others have said that about you as well, including the elevator operators and pages and so many people you are nice to. I have seen you on so many occasions talking to students and posing for pictures with people who were not always from North Carolina. You would stop and say, Where are you guys from? And then you would talk to them. And I would hear them after you walked away and the things that they said. It really is a shame that all Americans do not know you personally, Senator HELMS, because you are one fine man. You have a long, distinguished record of service to your country and service in so many areas before you came to the Senate, and you did a lot of charitable work after you came to the Senate.

Since he was first elected to the U.S. Senate by the people of North Carolina nearly 30 years ago, Senator HELMS has tirelessly served the people of North Carolina and this nation.

Before that, the Senator's tenure of service to the United States of America began in the 1940's. Serving in the U.S. Navy during the second world war, Senator HELMS pledged his loyalty and love to the United States. I lost my own father in WWII and understand and respect the passion that the men and women of the Greatest Generation has and still have for the United States. No one embodies these ideals better than the senior Senator from North Carolina.

Upon returning from battle in WWII, Senator HELMS got his first taste of Washington politics by serving as an administrative assistant to both Senator Willis Smith and Senator Alton Lennon. Senator HELMS took his experience in the Senate and began his own historical career in his home State of North Carolina.

Before going to Washington Senator HELMS served the people of his community and home State in many ways. He served his community for two 2-year terms on the Raleigh city council, as well as being the president of both the Raleigh Rotary Club and the Raleigh Executives Club. As a man full of compassion for his fellow man, Senator HELMS further served his State as the director of the North Carolina Cerebral Palsy Hospital in Durham, the Director of the United Cerebral Palsy of North Carolina, and the Director of the Wake County Cerebral Palsy and Rehabilitation Center in Raleigh. As a man who cares deeply for the future generations of this country, Mr. HELMS has served as a deacon and a Sunday School teacher, sat on the Board of Trustees of Meredith College, John F. Kennedy College, Campbell University and Wingate College.

The thing I am going to remember is that you used your life experiences and your faith, and they were your guiding principles in the Senate. The kind of person you are is the kind of Senator you are. You were a veteran and you

used that in your capacity as the chairman and ranking member of the Senate Foreign Relations Committee. You have been an unflinching proponent of a principled foreign policy throughout the world for so many years. There is no greater supporter of human rights, no more steadfast defender of American sovereignty, no stronger advocate for our national interest than you, Senator HELMS.

I have been in so many meetings—and I see the assistant leader in the Chamber as well, Senator NICKLES, who can vouch for this. So many times in meetings we have said: Senator HELMS, do you think maybe we could have your support to let this nominee go through, and Senator HELMS would never raise his voice but he would say, no, can't do it. It was always disagreeing without being disagreeable. That is why you have so much respect, and that is why there are so many people here to honor you.

When faced with a policy that you feel is counter to your values, you are like a rock. Even your opponents marvel at your fortitude. You are the irresistible force for justice and human liberty. You are an immovable object against big spending and immorality. You are not afraid to stand up on the floor time after time—and I am proud to have stood with you on many occasions, Senator HELMS. You are a man of great personal faith. This has led you to be a crusader for the lives of the unborn. Not too many people come down to talk about that issue these days, but you inspired me to weigh in on this. This, I believe, will be the defining moral issue. This will be the slavery issue of the 20th century and perhaps even the 21st century. You were right to defend the unborn. History will judge you as being right, and I am proud to follow in those big shoes of yours, Senator HELMS.

Being a conservative Republican has led Senator HELMS to fight for the rights of taxpayers, small businessmen, and the constitutional rights of all Americans.

Most importantly, Senator HELMS has used his experience as a husband, a father, and a grandfather, to promote strong family values and to guide this country over the last 30 years.

You have never shied away from controversy. You always do what is right, never even considering the political consequences to yourself. Whether you are fighting for the right of students to pray in school, the right of the Boy Scouts of America to organize and inspire young boys to join, or the right of the taxpayers not to have their hard-earned money wasted, you do not worry about the opponents or distorted reports by the news media. You follow your heart.

I have always admired Senator HELMS' dedication to his conservative values. The example that Senator HELMS sets is something that we all as conservatives need to follow. There has been no senator as outspoken on the

conservative agenda over the past three decades. JESSE was recognized in 1980, 1981, and 1983 as the "Most Admired Conservative in Congress". He also received the "Conservative Caucus 97th Congress Statesman Award" in 1983.

It will be one of the fondest memories in life to know I sat here and served with you in this body.

The news media used to call him "Senator No," because he never compromised his values or beliefs, and that is something for him to be proud of and the rest of us to admire. While Senator HELMS, always full of humor, embraced the reputation, I think those of us who know him understand that the media did not tell the whole story.

I believe they should have called him "Senator Yes." Because when Congress was trying to waste the taxpayers' money, JESSE HELMS stood up and said "yes" to the taxpayers.

When the unborn were being threatened, he said "yes" to human life.

While some were saying "no" to human rights, to personal freedom, to limited Government, to morality, to family values, JESSE HELMS always stood up with a resounding "yes."

And even when his more ardent opponents in the Senate will vouch for the fact that there is not a more decent human being in the entire Senate. Always a smile on his face, always time for schoolchildren, always courteous, always a friend.

As an American, I am truly grateful for JESSE HELMS' patriotic service to his country. But, personally, what I will most treasure is 12 years of friendship.

JESSE, you were always there for me, and while I bid you a fond farewell as we both part from our Senate service, I will always stay in touch. I will always consider you one of my best friends.

Senator HELMS has pledged a lifetime of loyalty, love and service to the United States. The senator is a patriot in every sense of the word. Thank you, Senator HELMS, for serving this country as you have over the past three decades.

May God bless you and your family.

I want to close on a couple of points. The news media gave you a name, and I know you had some fun with it. For those of you who have not been in Senator HELMS' office, it is just plastered with all these cartoons. Some of them are pretty rough. But they always called him "Senator No." There are two ways to look at that because you never compromised on your values or your beliefs. So oftentimes you were down here voting no when others were compromising those values and beliefs. That is something of which I am going to be proud. The thing I am most proud of remembering about you—always full of humor, always embracing the reputation—but those of us who really know you understand that the media had it wrong. You were not Mr. No. You were Senator Yes because you were right. It was "yes," to try to stop

wasting taxpayers' money and stand up for them. It was "yes," the right thing to do, to stand up for the unborn. It was "yes," to stand up for human rights, personal freedom, limited Government, morality, family values. It was not Mr. No, it was Senator Yes.

Each of your most ardent political opponents in the Senate—you heard Senator WELLSTONE—will vouch for the fact that there is not a more decent human being who ever lived in the United States of America, or ever served here.

I am standing now at the desk of Daniel Webster. There are going to be a lot of people following the Senator from North Carolina, from North Carolina, who are going to be standing at the desk of Senator HELMS.

I am proud to serve with you, my friend. You are a great American, a great patriot, and I wish you the best in the years to come.

I yield the floor.

Mr. HELMS. God bless you. Thank you, BOB.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. Mr. President, I ask unanimous consent to speak as in morning business for as long as I might consume regarding the tribute to Senator HELMS, and ask for that privilege as well for the Senator from Wyoming, Mr. ENZI.

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

Mr. BROWNBACK. Mr. President, I rise today to join my colleagues in offering tribute to my friend and fellow Senator, JESSE HELMS. As my dear friend so loved to say, even a blind hog finds an acorn sometimes. So I hope my poor words may be able to rise and find the acorn here in a proper tribute to Senator HELMS for the years of service and contribution he has made to this great country and what he has given to the world.

I know today many of my colleagues are lauding him for his grit and determination, his principled stands, and his ability to always fight the good fight even if it was a lonely and sometimes frustrating fight. Senator HELMS has always done so. He has always stood firm despite the opposition and the disapproval.

We have had a number of colleagues already speak about these traits and speak of them in laudatory terms. In fact, he was known for telling his staff and his allies that it did not matter, if they stuck to principle, if they lost. What mattered was they stuck to principle. All the other things would fall by the wayside, but you have to stand by your principle and you have to fight for it regardless of whether you win or lose. That was a great lesson to me, coming to this body, of the service that we have here for the world. You fight for your principles.

There is so much to say about JESSE HELMS, my dear friend. There is much to say that is obvious. There are some things to say that are not known very

well publicly. I know from personal experience about his traits and his attributes that so many people are talking about—his determination, standing by principle. I served with the Senator when I first came to the Senate. I haven't been in this body a long time, but I served with him the entire time on the Foreign Relations Committee. I know he always treated new Members in a manner unlike most people treat new Members. He treated new Members with a great deal of respect, with a great deal of courtesy, which is the way he treats everybody—it is a true Biblical principle. You don't treat the great and the lesser any different. He always did that for new Members.

I came into the Foreign Relations Committee, the first meeting I had there, sitting way at the end of the bench. There was not a seat further away from the chairman where I could sit. They had to actually build another seat there to give me a space to sit. And then he calls on me first at the committee, which had me quaking in my boots at the time. I was ready and prepared to sit for a couple of hours and wait my turn and build up some knowledge. But it was his trait and his standard that each year when he had a new Member come in, he recognized him first at the first meeting. It was very kind of him to do that, to welcome people. That was just his nature and his characteristic, and it was always done.

It is no surprise that he has always been voted by the Washingtonian magazine as the nicest Senator, which I think is quite a tribute when we look back. I have on my wall a picture of Mother Teresa and a quote from her. She says: At the end of life we are not going to be measured by the positions that we achieved or the things we accomplished or the wealth we had. What we will be measured by is the amount of love with which we did the work we had. We will be measured that way.

It doesn't matter if you are a Senator presiding in the Senate, the President of the United States, if you work at any job anywhere—it is not the accomplishment of the physical that you do, it is not the accumulation of money you accomplish, it is not the wealth, it is the love you express in the job that you have.

Senator HELMS has expressed a great deal of love to everybody and has had a high degree of success and will be very rich in rewards.

These are the examples he has given to so many of us so constantly. It is such a beautiful tribute.

He has a robust sense of humor that many have not had the pleasure of being able to experience, although I have. One of my favorite facts about the Senator—Senator SMITH just mentioned it—is when you go into Senator HELMS' office, he has on the walls every cartoon that has ever been done about him. There are quite a few of them. They are scattered around the walls. A number of them Senator

SMITH said are not glowing in their comments, but he puts them up. I think it is quite a tribute there as well that he would show both sides, so anybody who comes into his office can see the caricature that is made by anybody. I think that is a good trait of humility. Humility is the first grace. We need much humility.

In addition, one of his prize possessions is a big rubber stamp that says "No" on it. Needless to say, he has wielded it often and with passion. But in reality it was not just saying no or being Senator No, though those working on treaties and nominees over the years may have believed so, he was actually one of the most effective compromisers in the Senate.

Yes, it is true. That is what happens when everyone knows exactly where you stand and that your word is your bond. For Senator HELMS, his word was definitely his bond. One of the facts to know about Senator HELMS, though, is what a true gentleman he always was. Several people have spoken about that. No matter how bitter a foe or how fierce a disagreement, he was always kind to his opponent. You are to love your friend and you are to love your enemy. He practiced that Biblical admonition as well if not better than anybody I have ever seen.

A foe who might be fierce in disagreement, in most cases would, afterwards, and even during the debate, admire and like his opponent. For example, he has always truly liked Madeleine Albright, Secretary of State, though most on the outside saw them as no more than simple enemies. He and Madeleine Albright had a marvelous relationship, even though they would disagree on probably the complete course of the meal, soup to nuts. But they had a wonderful personal relationship—although even that, too, is too simplistic an analysis. Clearly, not enough to really say about his character, it is a true sign of character to understand the best results come from fighting worthy opponents and to be willing to graciously acknowledge and admire these opponents. It was a lesson I took to heart, seeing how he fiercely defended his principles, yet how much he cared for and always took time to honor those he fought against and with whom even disagreed. He honored them. He did love his opponents.

He took almost as much care in those cases as he did with his own staff—many of whom are here, as was noted. Senator HELMS is also known for being deeply devoted to his staff, considering them his family and treating them as such, practicing an open-door policy and complete loyalty and always ensuring that he knew what was going on in each staffer's life.

As in so many areas, he did not just preach family values, he practiced them. This has been a great lesson to me as well. So many times you get busy and you feel you are just trying to suck things out of your staff—I need this information; I need that—when

our true role is as a shepherd, to feed them, to care for them, to tend them, and to nourish them. These are people with whom we have an unusually positive relationship. Senator HELMS does that well.

One of the reasons he and I bonded was something that we share—the adoptive children we have. He has unmeasurable effort he has made for adoptive children and for adoptive parents across the country, and even around the world. He has always cared incredibly deeply about children and those less fortunate. That is just one area of many where he has truly put his energy and where his beliefs are.

There is a personal story that is just too personal to tell. But it is about his adoptive child in a red cap that Senator HELMS told me about. It is too personal to say here, but it is such a touching story, a tribute to a man adopting a child, the gift that child was to him, and the gift he was to that child.

But I think the most important things to consider when contemplating the Senator's great and illustrious career are some of the things he would probably say are his proud achievements—his long and true marriage to his beloved Dot, volunteering for the Navy right after Pearl Harbor, the Jesse Helms Foundation, his solitary action as a lone Republican stumping for a gentleman by the name of Ronald Reagan back in 1976, and his unlimited love for children. Throughout his lifetime, but especially during his career in Congress, he has never forgotten the children, including them and introducing them to worlds they may never experience; for example, inviting the pages, who are so often overlooked by all of us despite their hard and dedicated work, to his Jesse Helms Foundation dinner, assuring that all of them will be introduced to everyone attending the dinner.

Senator HELMS has often been seen as the Rock of Gibraltar, an oftentimes lonely role, yet always a steadfast defender of American and Republican principles. He is so much more than that. He is a kind and gentle soul who has brought humor, compassion, and character to this august body. He has been and always will be a role model of the true gentleman.

In his Second Epistle to Timothy, St. Paul writes: "I have fought the good fight, I have finished the course, I have kept the faith." Senator HELMS has certainly done so.

You have fought the good fight, you finished the course, you kept the faith. God bless you.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, I ask unanimous consent for a short quorum call, followed by Senator BYRD for a brief moment on the floor, followed by me, and followed by Senator SESSIONS.

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

Mr. ENZI. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. BYRD. 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. BYRD. Mr. President, I come to the floor today not entirely with sadness in my heart but, rather, a sadness that is commingled with joy, as I look back across the 30 years I have known JESSE HELMS as we have worked in this body.

I can remember him when he came to this Senate Chamber 30 years ago: tall, strong, black hair. Some things have changed about him; some things have changed about me. But there are some things that have not changed. One of those things is my respect for him.

He comes from a State which is the State in which I was born, North Carolina. I have a brother living in North Wilkesboro today. He became 89 or 90—I forget which—in August, last month.

My dear mother is buried there in an unmarked grave. She died during the great influenza epidemic. She died on the night before the armistice was signed. I have a little pillow that she made. And I know that I have been guided by my mother's prayers over these soon to be 85 years, although I do not remember ever seeing her face or ever feeling the joy of a mother's kiss. But those North Carolina hills keep her in their bosom today, as they keep my father.

The motto of the State of North Carolina is: "To be rather than to seem." What a motto: "To be rather than to seem."

I believe, based on my relationship with JESSE HELMS, that he typifies that motto: "To be rather than to seem."

I have always found him to be a gentleman. During the years in which I was majority leader, minority leader, and majority whip, I always found JESSE HELMS to be someone with whom I could work. There were differences and there were difficulties at times—for instance, difficulties in breaking through a filibuster—but this man was always what he was, not what he seemed. He was what he was. He was not a man to be intimidated. He took a stand. He was willing to take a stand even though he might stand alone. And I have seen times when he stood alone, but it was without a tremor, without any indication that he would cut his sail.

He had that sterling character that so many of the people of his generation displayed throughout their lifetimes. And the people of North Carolina are a naturally warm and gracious people, just like JESSE HELMS.

As I say, no matter what his position on an issue, no matter what his political feelings might be, he was always

one with whom I could approach and sit down and talk. And he was a man with whom I could reason when I was the leader of this body. It is not an easy job. But being the man that JESSE HELMS is, and standing for what he believes, standing against the odds—no matter what the press said, no matter what the pundits were saying, no matter, should I say, even what his colleagues were saying—he took his position and he never wavered, never wavered.

I shall always treasure my work here with JESSE HELMS. I think when JESSE HELMS goes, something goes out of this Senate that we will not see again.

I saw a lot of men like JESSE HELMS when I came to this body 44 years ago—a lot of men and one woman like JESSE HELMS. They were strong in their beliefs. They believed in the Constitution. They believed in this institution. They weren't looking for another political office. They wanted to be Senators. They were Senators. And they served their people the institution, and the Constitution well.

In all these situations—and I remember Members like JESSE HELMS—there has been a wife who sacrificed, who stood there shoulder to shoulder with that Senator and who, like him, was always a gracious person, one who loved the Senate, one who served the Senate, just as the elected entity served it.

I have great respect for JESSE HELMS and his wife Dorothy. My wife and I today join in saying we will always remember their friendship. I will always remember this man from the mountains of North Carolina.

I remember Grandfather Mountain in North Carolina. Here was a true gentleman of the Old South. A true gentleman of the Old South will leave this Senate. He won't leave my memory. He won't leave my affections. They will follow him. As Tennyson said, "I am a part of all that I have been." And wherever I go, JESSE HELMS will always be a part of me. He will go with my fondest affections.

I thank Mr. ENZI for yielding to me at this moment. I am about to yield the floor.

Let me, if I may, repeat the words of a short verse that are very appropriate in talking about JESSE HELMS:

Reputation—he raised its shaft  
In the crowded market place;  
He built it out of his glorious deeds,  
And carved them upon its face;  
He crowned its towering top with bays  
That a worshipping world supplied;  
Then he passed—his monument decayed,  
And his laurels drooped and died.  
Character—he built its shaft  
With no thought of the pillar to be;  
He wrought intangible things like love  
And truth and humanity.  
Inseparable things like sacrifice  
And sympathy and trust;  
Yet, steadfast as the eternal hills  
It stood when he was dust

North Carolina sent to the Senate one of its favorite sons, and this son of North Carolina will never forget JESSE HELMS and will never cease to respect

him. Even when I differed with him perhaps on an issue now and then, there was always great respect, knowing that here was a man who believed in serving his people and standing for what his people expected him to stand for.

May God always be with you, Senator HELMS, and with your charming wife Dorothy. May God always bless her.

I yield the floor.

The PRESIDING OFFICER (Mrs. CARNAHAN). Under the previous order, the Senator from Wyoming is recognized.

Mr. ENZI. Madam President, I thank my colleagues for allowing us to extend this period. It is not every day we get the opportunity to pay tribute to one of our heroes. I am sure Senator HELMS would object to that wording, of being a hero, but if the definition is ordinary people doing extraordinary things, he might agree with it. But he goes well beyond that.

For most of my life, I had read about JESSE HELMS. And then I got elected to this body and got the awesome opportunity to meet him and to talk to him and to learn from him. It has been a delightful journey, one I will always remember and appreciate.

In reading a little of his background, I learned that the Senator grew up 15 miles from the birthplace of Andrew Jackson, which is a breeding ground for true believers. With Jacksonian tenacity, he stuck to his early convictions—respect for elders and law and order, traditional religious faith, moral principles, and patriotism. He is here today with a lapel pin on that he has explained to me before. We are a part of the same organization. It is a Masonic pin he has been wearing since his first election. That is part of the great tradition and background of the Senator, an organization of individuals for self-improvement, and it is something he has worked on all his life and is still working on and is passing on to others.

As Senator HELMS was coming to this body, the Senator from Wyoming who had been another role model of mine, Senator Hansen, was here briefly and then left. From my mother and from Senator Hansen and Senator HELMS, I have fashioned a mission statement that is in all of the rooms of my offices where my staff and I work. It says: Do what is right. Do your best. And treat others as you want to be treated.

That is a motto Senator HELMS exemplifies in great detail. He is one of those people who never gives the impression that a Senator is special. He knows that we really are people who had special opportunities and special responsibilities. He epitomizes that.

He has had a considerable effect on events over the years. While he hasn't gotten to restore America to the state of the Monroe of his youth, he has made great strides at it, probably ones he never envisioned.

I like a quote by Fred Barnes written in the Weekly Standard: He can't be buffaloed or ignored. HELMS has gained

strange new respect, not as many conservatives have—by moving to the left. HELMS has earned it the hard way—by not moving at all.

He is a man of principle who knows where he is coming from and what needs to be done and has made dramatic improvements in America while he has followed that principle.

This year, I had the opportunity to join Senator HELMS on the Senate Foreign Relations Committee and hold a position on the International Operations and Terrorism Subcommittee. In this role I have seen and heard much of Senator HELMS' work with the United Nations. Americans and all those involved with the United Nations look at Senator HELMS as one of the strongest supporters for reform of that organization. Many still talk about the wonderful pictures of Senator HELMS sitting in the United Nations Security Council during a historic visit by the Foreign Relations Committee in 2000.

Because of his efforts, the United States remains an active member, and the United Nations has become a more efficient organization. There is, however, still more work to do. I know Senator HELMS will be sorely missed in those discussions. He has had a tremendous effect.

I conclude by mentioning that as an Eagle Scout, I am proud of Senator HELMS' efforts to protect the organization of the Boy Scouts of America. The organization makes a strong difference in the lives of many of our Nation's young men. It teaches them leadership and values. Senator HELMS should be commended for his actions and for all of the efforts he has put forth on behalf of youth, North Carolina, the country, and the education of people like me. I thank the Senator for all of his efforts at mentoring and teaching, and his long service.

This past year I had the opportunity to join Senator HELMS on the Senate Foreign Relations Committee and hold a position on the International Operations and Terrorism subcommittee. In this role I have seen and heard much about Senator HELMS' work with the United Nations. Americans and all those involved with the United Nations look at Senator HELMS as one of the strongest supporters for reform of the organization. Many still talk about the wonderful pictures of Senator HELMS sitting in the United Nations Security Council during a historic visit by the Foreign Relations Committee in 2000. Because of his efforts, the United States remains an active member and the United Nations has become a more efficient organization. There is, however, still work to do and I know Senator HELMS will be sorely missed in discussions on the next steps for reform.

I was also pleased this last year to support Senator HELMS' efforts to expand the NATO Alliance. I agree that NATO enlargement should continue to be a focus and a priority of the United States. Senator HELMS championed the effort in the Senate on the Freedom

Consolidation Act and made a meaningful statement that the Congress of the United States supports the President and supports NATO enlargement. As the NATO Ministerial meets to discuss the expansion of the alliance, I am confident Senator HELMS' work will be appreciated.

Senator HELMS has been able to balance supporting international organizations with strongly criticizing their actions when they go too far. He has fought fiercely against treaties that are not in the best interests of the United States, such as the International Criminal Court. Senator HELMS has been the lead objector to treaty that would put our American Servicemembers on trial for simply doing their work to protect Americans. His efforts have encouraged this Administration to be an active voice against the prosecution of American citizens with disregard for our protected rights.

Senator HELMS has been a leading proponent for conservative values and beliefs. He has lead floor debate to protect the lives and the future of all Americans. He has made it his personal duty to protect our rights from over-reaching laws and values not in line with the beliefs of most Americans.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. HELMS. Madam President, I want to say a word or two, and ask unanimous consent that it be in order for me to make my remarks from my seat, following the remarks of Senator SESSIONS.

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

The Senator from Alabama is recognized.

Mr. SESSIONS. Madam President, I believe that under the UC I am to be recognized next. I understand other matters are to come before the body soon.

I want to say how much I admire Senator HELMS. He is and has been a great Senator. He came here with beliefs and concerns about America and he stood up for them. He also came here with courage and convictions. He stood for those throughout his career. He has shown us all what one man can do when he stands up for his beliefs. He is a man I admire, as so many others do.

I yield the floor.

Mr. BOND. Madam President, for the youngster who is retiring from the greater Carolina delegation, I bid a fond farewell. I am delighted for him and his wife Dot, who after three decades in the Senate will get to spend some time for themselves and with their seven grandchildren.

The bad news is that there are a great number of others who will be delighted with Senator HELMS' departure. Foreign Communist officials, Fidel Castro, and others will be delighted that he will not be on the Senate floor standing tall on behalf of U.S. values, U.S. security, and human rights. Over

his many years of service, his strict observation to U.S. security interests never wavered. On matters of foreign policy and national security, he never rested. He never allowed officials at the Department of State or the United Nations to rest either. When it came to the security of free people, his philosophy has always been, keep your powder dry and keep lots of powder.

Despite his rigid reluctance to compromise, his legislative record has been extraordinary. Understanding the rules of the Senate, being willing to use the rules of the Senate, and being willing to wait as long as it takes proved to be a formula for much legislative success. To reorganize the State Department, Senator HELMS had to hold up 18 nominations for ambassadors, halted almost all committee business for six months as well as approval of two international treaties, and overcome a Presidential veto.

A big supporter of President Reagan and his conservative agenda, Senator HELMS was one of two Senators to vote against the nomination of Secretary Weinberg to be Secretary of Defense. Again, a protector of the conservative agenda, he felt the nominee was not adequately committed to the President's agenda; always brave, seldom subtle.

Over his long career, Senator HELMS has won praise and scorn for doing what he came to Washington to do, which is speak his mind and vote his convictions. He didn't mind being the only one to vote against a spending bill. He paid his constituents the courtesy of being candid. He did not need to do a poll to have an opinion. It is not his habit to "flip-flop" on political issues because with JESSE, he means what he says and says what he means.

One political commentator described the senior Senator as follows: "HELMS follows a simple formula; Implacability equals strength. It works. He can't be buffaloed—or ignored. . . . The point here is HELMS has gained strange, new respect not as many conservatives have—by moving left. HELMS has earned it the hard way—by not moving at all."

To "official Washington," Senator HELMS was referred to as "Senator No." But to his beloved constituents asking for help, he was: "Senator Yes." His first floor statement on January 11, 1973, was on behalf of "more than 182,000 families in my State [who] earn their living from the production of tobacco."

In the Senate, we will miss this true gentleman with his gentle smile, his great sense of humor, and his tireless commitment to our Nation. We wish you, your wife Dot and your family well and thank you and the good citizens of North Carolina for your service.

Mr. FRIST. Madam President. Nearly 1,900 men and women have served in this body since its inception in 1789. Yet only a couple dozen stand out in history as leaders who not only defined the times in which they lived, but

changed the course of the future. I would include the man we honor today—Senator JESSE HELMS—in those select ranks. He will be missed as a friend to us all and a leader for all America.

Although one might find it hard to believe, Senator HELMS began his career in the media. After World War II, JESSE worked as city editor of the Raleigh Times. Later he became director of news and programs for the Tobacco Radio Network and radio station WRAL in Raleigh.

The media also provided Senator HELMS' transition into politics and public affairs. In 1952, he directed radio and television for the presidential campaign of Senator Richard Russell of Georgia. One year later, JESSE became executive director of the North Carolina Bankers Association and editor of the Tarheel Banker, which he grew into the largest state banking publication in America.

As a journalist, Senator HELMS earned the respect of his readers and his peers. From 1960 to 1972, JESSE delivered daily editorials on WRAL-TV, wrote columns that appeared regularly in more than 200 newspapers nationwide, and broadcast on more than 70 radio stations in North Carolina. JESSE received the Freedoms Foundation Award for the best television editorial in America. He won the same award for the best newspaper article.

JESSE HELMS' arrival in this chamber nearly 30 years ago made history. He was the first Republican elected to the Senate from North Carolina. His star immediately began to rise. At the 1976 Republican National Convention, he was the only Senator to endorse Ronald Reagan for President. And though he asked for his name to be removed from the ballot, he won the support of 99 delegates for the nomination of Vice President of the United States.

While in the Senate, JESSE HELMS has become one of those unique leaders who combine fierce conservatism with fierce populism. His love for the principles upon which this country was founded is matched only by his love for the people he represents. He has always stood up for the people of North Carolina—for the values they hold dear, for the beauty of their land, and for the work that is their lifeblood.

JESSE has also stood up for those of the world who don't enjoy the freedoms and rights that Americans are guaranteed. He stood side-by-side with President Reagan in the battle to win the Cold War. He believed in peace through strength and still does. He also believes in the value and dignity of every human life. I know this first-hand. JESSE and I have worked hard as members of the Foreign Relations Committee to secure hundreds of millions of dollars to save young Africans from the plague of HIV/AIDS.

Always one to practice what he preaches, JESSE HELMS has served as a deacon and Sunday School teacher and a director of Camp Willow—a Christian

youth camp he helped found. He has generously given his time to combat cerebral palsy. And he has spent countless hours with the nearly 100,000 children and young adults who have stopped by his office to shake his hand. JESSE has inspired them all to be better citizens; many have even gone on to serve in public office.

I, and all of us in this chamber, will miss having JESSE HELMS in the Senate. And America will miss an impassioned leader. But our loss is the gain of his family and the great state of North Carolina to which he will return. I think we all know that JESSE HELMS won't just fade away. He'll continue spending time doing what he loves, and we'll continue loving him for it.

God bless you, JESSE.

Mr. LUGAR. Madam President, I am pleased to join with other Senators in honoring our distinguished colleague, JESSE HELMS, who will be returning to private life at the end of the 107th Congress.

For the past 26 years it has been my privilege to serve in the United States Senate with JESSE HELMS. During that time, we have shared committee assignments on the Foreign Relations and Agriculture Committees. We have worked together on innumerable issues, and I have witnessed with admiration his strong character and devotion to public service.

Senator HELMS has played an important role in the primary U.S. foreign policy accomplishment of the second half of the 20th Century—the collapse of Soviet Communism and transition of most of the world's Communist nations to democracy and market economics. In the Senate, Senator HELMS was a steadfast supporter of policies that opposed the evils of the Soviet bloc. He looked forward with confidence to a future in which Russian foreign policy would not be predicated on empire, in which Russia would practice democracy, and in which Eastern Europe and other Soviet-dominated nations would be free.

After the collapse of the Soviet Union, Senator HELMS was an important advocate for embracing the new democracies of Eastern Europe. He was and continues to be a vocal supporter of NATO enlargement within the Foreign Relations Committee and the Senate as a whole. It is fitting that as we celebrate Senator HELMS' career, we anticipate the entry of a new group of nations into the NATO fold that were once denied their liberty.

Throughout his career in the Senate, Senator HELMS' foreign policy initiatives were grounded in a fundamental faith in the power of freedom and democracy. Senator HELMS' philosophy has been devoid of the cynicism that occasionally afflicts the practice of U.S. foreign policy. Our friend never forgot that the achievement of freedom must stand as the basis for American actions in the world. He remained devoted to core American values that have undergirded our Republic, includ-

ing free and fair elections, freedom of religion, the rule of law, and market economic opportunities.

Senator HELMS has had an equally large impact on domestic policy. He will be remembered as a determined advocate for limited government. But no matter how passionately he advocated limits on government, he always understood that those limits should not reduce our human responsibilities to each other as citizens and leaders of a great nation.

In my experience, few Senators have been as quick with a smile or as certain to ask about a family member as Senator HELMS. In fact, few Senators ever had a greater appreciation for the strength and love of family.

No remarks honoring Senator HELMS would be complete without mentioning his beloved wife, Dot. A couple of years ago, I recall Senator HELMS responding to a reporter's question about whether he intended to stay in the Senate. He said "she has a vote; I have a vote; and if there is a tie, we will work it out together." All Senators know how important Dot has been to JESSE over the years. Even as we will miss seeing our friend every day, we know that JESSE will be blessed by the opportunity to spend more time with Dot and his family.

Senator HELMS leaves the Senate after 30 years, having established a legion of friendships and a memorable legacy. I am confident that he will continue to serve the public, and I join the Senate in wishing JESSE and Dot all the best as they move on to new adventures.

Mr. SESSIONS. Madam President, as I indicated earlier, Senator HELMS is a great Senator because he came to the Senate with beliefs and principles. He has personal integrity and a strong work ethic. He mastered the rules of the Senate, and fundamentally his greatness came from the fact he had the courage to act on those convictions and see them through, even in the face of criticism. He stood for traditional American values, for faith, for institutions important to our country, such as the Boy Scouts. I was an Eagle Scout, and I appreciate so much his leadership for them.

He ran for the Senate because of his beliefs and concerns about America. That is what made him choose to offer himself. He believed America was a great bastion of freedom. He defended her without apology. He was not a part of the "blame America" crowd. He would never go to a foreign country which had demonstrated a history of bad behavior throughout the world and blamed America. He would stand and say, for all our faults, America has stood for right in the world, and we ought to be proud of what we do.

He understood the history of America, its uniqueness as a Nation of freedom. He understood the importance of the United States to the world as a whole, and he clearly saw, throughout his tenure, godless communism was in-

compatible with the faith and freedom that made America great. So he stood against it, without apology.

He had the great joy, I am sure, when his good friend Ronald Reagan was President, to see the collapse of the Soviet Union, the fall of the evil empire, and see freedom begin to spread around the world. What a wonderful feeling it must have been for this patriot, who stood so long for strong national defense, who stood so long for the values of America, and contrasted them with the totalitarian governments in the communist world. And it was a battle. It was a long struggle. There were good times and bad times. People who stood with firmness, like Senator HELMS, were often attacked most aggressively in the liberal media, but he put his beliefs and his love for America first. He was prepared to take the heat, and I believe history will record he stood on the right side of that issue with consistency, integrity, and courage, and played a major role in the victory of freedom over communism.

Senator HELMS understood the necessity of American leadership in the world. He understood our unique history. He therefore defended our sovereignty. He defended the ability of the United States to stand alone, if need be, as he had to do at various times politically, to defend the interests we have. He was willing to work with the United Nations, NATO, and other groups, but he was not prepared to cede our sovereignty to that group.

Some time ago, I made the reference to the treaties and agreements so many would like to have us sign. They are much like, in my mind, the scene of Gulliver in the land of Lilliputians, being tied down by hundreds and hundreds of strings. Pretty soon the giant is not able to act and defend himself. We do not need to allow ourselves, through a rush to agreements and multilateral organizations, to be tied down from our freedom.

He provided a critical check against these trends through some difficult times, and I think he sees today the world is better off for it.

As a matter of fact, with regard to the U.N., he was exceedingly critical of the waste, fraud, and even corruption in the United Nations. He knew there was a problem; so did almost everyone sophisticated in the world today. They knew money was being wasted and spent unwisely. They knew there was corruption in programs and within the institution itself. Senator HELMS simply said, and was unmovable on the view, until there were reforms in the United Nations, he would oppose American back payments, and he got that.

Oddly, this Senator, who was not emotionally invested in the United Nations, probably has played as big a role as anyone in making that organization a better institution today. He had bipartisan support for that position before it was over.

He helped form the steering committee of the Republican caucus in the

Senate, beginning as a small group of conservatives and has grown now to over 49 members of the Republican caucus. Of Members of that steering committee I am honored to be a vice chairman and one of the leaders of it. Senator GRAMM is here today and served as chairman. Senator HELMS served as a chairman in the early days, 1981 to 1985. Now that institution does have a great voice in the affairs of this Senate.

He is a great church man, a Baptist deacon, a Sunday school teacher. He graduated from the Wake Forest University, a superb Baptist school, with a superb Baptist heritage. He is a man of faith and belief for which he never apologized. There is in the tradition of the Baptist Church a tremendous belief in the sanctity of individual human beings, a sense of democracy that is unique. Senator HELMS says that every individual human being had the same creator and the same value in the overall scheme of life.

He is a man of graciousness. He is a southern gentleman and kind and wonderful to his friends. But he was strong and courageous and firm when he believed his principles called for that. He could be unmovable, but he was also kind.

He told the story to me of his friendship with former Senator Jim Allen from Alabama. Like Senator HELMS, he was an independent man who knew the rules of the Senate and had the courage to utilize and fight for these values and use those rules effectively. He told the story about coming to Alabama for Jim Allen's funeral. They got off the airplane. Senator ALLEN was extraordinarily well respected in the State, loved throughout the State. He recalled to me seeing a sign that said "a giant has fallen," and tears came to his eyes as he told that story to me.

That shows the extent of his affection for his fellow Senators, his deep feelings of companionship. At the same time, our Senator HELMS has been a giant for American values, for American principles, and for this country. I have been honored to know him. I have been honored to know his wonderful wife, Dot, as has my wife, who so much admires her. We give them our best wishes in their future endeavors. We wish them health and vitality and many years of service and enjoyment with their family and friends. They have been served with great distinction.

Senator HELMS has been a giant in this body. It has been an honor to serve with him.

I yield the floor.

Mr. KYL. Madam President, it is with mixed emotions that I rise today to pay tribute to my colleague, mentor and friend, Senator JESSE HELMS, who is leaving this body after 30 years of extraordinary service to our country. I want to honor him and convey to people around America who do not know him, what a great person he is. Yet, I hate to see him go.

Many words come to mind when I think of JESSE HELMS: principled, stalwart, kind, patriot, American. But, when I mull his retiring from the Senate, one word keeps coming to mind: irreplaceable.

JESSE HELMS will not be, he cannot be, replaced, and that is a sad thing. His presence here has been a constant for three decades. Like few others in this body, Senator HELMS' career has achieved near-mythical proportions; it is the stuff of legend.

Why is that? I believe it's because few, if any, others can match JESSE HELMS' deep and unshakable commitment to principle. JESSE's not much of a deal maker. His vote has never been up for grabs. You always, always knew where he stood. Some agreed, others disagreed. But you didn't have to guess.

You get a glimpse of this simple yet profound approach when you walk into JESSE's office and see the large yes and no stamps on his desk. That is what it has been like to deal with JESSE HELMS. If your idea met his high standards, you got an immediate and enthusiastic "yes." If it did not, you got an amiable but unmistakable "no." And if it was "yes," he'd stick with you no matter what. Popularity was not a factor. The best interests of this country were what mattered.

It has been a great honor for me to work with Senator HELMS during my 8 years in this body. We have endeavored together to promote conservative ideas, in particular the idea that America's security is best preserved through the maintenance of our strength and the promotion of our values. But I was just following the trail that JESSE HELMS blazed. In the 1970s and 1980s, JESSE HELMS led the fight to put morality and strength back into American foreign policy. People the world over, from Louisiana to Lithuania, from Texas to Taiwan, are better off because of that.

Mark Twain said: "Always do right. This will gratify some people, and astonish the rest." I was always among those gratified by Senator HELMS' courageous stands on matters of high principle. He did right. And watching other people's astonishment at this was one of the great things about the Helms era in American politics.

We will miss you, Senator.

Mr. THOMPSON. Madam President, I rise to pay tribute to the senior Senator from North Carolina, Senator JESSE HELMS. Born in Monroe, NC on October 18, 1921, Senator HELMS has served our country over several decades and in many capacities. From 1942 through 1945, Sen. Helms proudly wore our country's military uniform as a member of the United States Navy. After World War II, he helped generate public debate as both journalist and editor.

Senator HELMS took up the mantle of public service in 1957 when he was elected to the Raleigh City Council. During his four years on the council,

he served as the chairman of the Council's Law and Finance Committee. In 1961, Senator HELMS returned to journalism, serving as the executive vice president of the Capitol Broadcasting Company. He also wrote daily editorials for television and radio on the most pressing issues of the day. His writings were so popular that they were printed in more than 200 newspapers throughout the United States.

Senator HELMS was elected to his first term in the Senate in January 1973. He has been reelected to the Senate five times and has served this body for nearly thirty years. During that time, Senator HELMS always stood firm in his beliefs. Like a rock in the midst of a raging storm, his commitment to principle has never wavered. He has been a fierce advocate for less government, reduced taxes, and greater individual freedom. For the last decade, he has served as either chairman or ranking member of the Senate Foreign Relations Committee, where he has worked to secure our country from foreign threats, protect American sovereignty in international institutions, and spread democracy to those oppressed by tyranny and injustice.

Margaret Thatcher once described the essence of accomplishment. She said, "Look at a day when you are supremely satisfied at the end. It's not a day when you lounge around doing nothing; it's when you've had everything to do, and you've done it."

Senator HELMS has certainly had everything to do, and he has done it. He has accomplished much and finished well. His decades of service to his country and his beloved State of North Carolina have been an example to us all. He is a man who deserves our tribute and our gratitude.

Mr. HOLLINGS. Madam President, I join the chorus of Senators who today are saluting our good friend of 30 years, the distinguished Senior Senator from North Carolina, Senator HELMS.

For all 30 years the two of us, representing both Carolinas, have shared the fight to keep jobs in our respective states. If I can say one thing about this man, it is that he has always, always looked out for the interests of the little guy.

Too many in this town want to forget about the people who get up every day, give an honest day's work at a textile plant, play by the rules, but lose out because of the unfair trade policies of this country. Senator HELMS always looked out for the people Washington could care less about; the people who Washington thinks we can re-train into high-tech, high-tech, but who wants a 55-year old first time computer operator? For his voice on trade issues is how this Senator will remember my friend, and it is for this voice that he has been such a great asset to this institution.

Obviously, on many issues we disagreed; but he and I would cross any and every party line to help the people of our states. In the future, no trade

debate in this body will ever be the same without the man who served as Senator from North Carolina longer than any other from that state.

My wife, Peatsy, and I congratulate Dot and JESSE, and we wish them only health and happiness in the future.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Madam President, I begin by talking about our dear colleague, JESSE HELMS. It is hard to decide what to say about this good man that virtually everybody in America knows. As expected with someone who has strong views as JESSE HELMS, they either like him or they don't like him. I like him. In fact, I am proud to say that I love the senior Senator from North Carolina.

So much has been said about him, I don't want to be repetitive, but there are a few points I want to make. It is important to look back at America and what America was like and what the Senate was like and what debate was being conducted when JESSE HELMS came to the Senate. It is fair to say JESSE HELMS was conservative before conservative was cool. When JESSE HELMS came to the Senate it was conventional wisdom in the Senate to begin every foreign policy statement with a long list of indictments, not against our would-be adversaries, but against our own country. There was a guilt about America, this doubt about our purpose and our policy.

JESSE HELMS, as a young member of the Foreign Relations Committee, started the process of changing that debate. JESSE HELMS may have had doubts about many things, but he didn't have any doubts about America. He did not have any doubts about what we stood for and stand for. He did not have any doubts about the fact there was an evil empire, that there was a cold war. He was very actively involved in the fighting and winning of that cold war.

Today, we just had a lesson on a bipartisan basis from our colleagues that rejects all of this baloney that somehow we should turn over the protection of Americans to the U.N., that unilateralism was the wave of the future. On a bipartisan basis, our colleagues said when you come down to American interests and American lives, those decisions have to be made by the American President.

That is a dramatic change from what the Senate, America, and the world were like when JESSE HELMS came to the Senate. Probably no one has done more to change that than he has.

Before JESSE HELMS came to the Senate, social conservative was a synonym for Neanderthal. People in the political arena were a little bit ashamed to talk about the role of religion in American history. Talking about religious values and God were so out of fashion that no up-and-coming Senator with big ambitions would do it. JESSE HELMS was a catalyst in changing all of that.

Whether you agree or disagree with JESSE HELMS on the role of religion in

American life, whether you agree or disagree about the importance of values in our schools, in our families, in our country, whether you consider yourself in the worn political clichés of the era to be pro-life or pro-choice, there was no spokesman for traditional American values when JESSE HELMS came to the Senate. They may have been old-fashioned to everyone else, but JESSE HELMS was comfortable espousing those values as he has always been comfortable in his own skin.

There are many stories I could relate about JESSE HELMS. I am kind of sorry that many of my young colleagues did not know JESSE HELMS in the old days. But knowing him now is a pretty good substitute for it. I will relate one story which I think brings, in one encapsulated form, JESSE HELMS.

There was a debate in the Senate—I was in the House—about a gasoline tax, and there was a broad bipartisan consensus that we ought to raise taxes on gasoline. After all, people were riding up and down the road in these pickup trucks—we didn't have SUVs to any significant degree then—but Congress, knowing that people really needed smaller cars and needed to learn to live on less, and that we were going to have to accept smaller ambitions and smaller dreams, they had it all figured out, and so Congress was going to impose a new tax on gasoline.

JESSE HELMS almost alone stood up against it. As we all know, they do not call this the greatest deliberative body in history because those of us who are in it are such great deliberators. They call this the greatest deliberative body in history because any individual Member has tremendous power. Any individual Member who feels very strongly about something can have a profound effect on it. So JESSE HELMS, almost singlehandedly, was holding up this gasoline tax. They wanted to adjourn, and everybody was unhappy.

We all are familiar with peer group pressure. It is something you are born subject to, and it never goes away until they lower you in the grave. We all want to be loved, we all want to be accepted, which is why so many of us bend with the wind.

But HELMS was not doing any bending that day. So on the debate went on. Finally, the Senate adjourned. No gasoline tax.

So, JESSE is feeling kind of down and unloved as he is driving back to North Carolina, and he goes into a restaurant and orders a sandwich, and he is sitting there, and this guy over in the corner says: That's JESSE HELMS.

And everybody in the restaurant stood up and applauded.

So his views were out of fashion in the Senate. However, he was a positive impediment. He was a throwback to the era when people did not understand that the Senate and the Government had all the wisdom. They knew what Americans needed, and he was just standing in the way; a man from another age, another era. But in that

truck stop restaurant where real people were eating, where people were there who were going to be affected, JESSE HELMS was a hero.

What a great blessing it has been to the country that JESSE HELMS came to serve here. I am proud to call him my friend. I am proud of his great service. I will always remember serving with him.

Mr. WARNER. Madam President, there are many traditions in the southland, where I am proud to have my roots. I represent the Commonwealth of Virginia. We have the saying "a Virginia gentleman." Time will tell as to whether I will ever be able to earn that title. But the great Senator to my right in this Chamber, JESSE HELMS, has earned many times over the title "a gentleman from North Carolina" and a "gentleman of the Senate."

I have had the privilege of working with him throughout my 24 years in this Chamber. He has been a leader and an inspiration. He has helped me and other Senators as we have joined in this magnificent Chamber time and time again to work our will, to represent our constituents, and he always reminds us that we are here for the whole Nation as United States Senators.

JESSE HELMS is a man of unquestioned integrity, honesty, character, wit, and wisdom. And now with his lovely wife Dorothy, they seek other challenges in life. I never think of my colleague as retiring. He is going on to other challenges, where he will apply the same passion, the same vigor, the same energy, and the same insight into those issues about which he feels so strongly.

We were never in doubt as to where the senior Senator from North Carolina stood on an issue. To his everlasting credit, he learned every day he was in the Senate. I have seen him on two major issues learn more and then have the willingness and the courage to stand here and look us in the eye and say, "I am going to change my position."

For years, he was concerned—and rightfully so—about the United Nations. But then he decided that he would lead the effort in the Senate, with his Democrat colleagues on the Foreign Relations Committee, to see that this Nation lived up to its financial obligations and in other ways gave support to the United Nations. I never thought I would witness JESSE HELMS going to the United Nations. He asked me to go with him. I said to myself this will be a moment in history, and off we went with several other colleagues. We had a series of meetings in which we freely discussed the issues and, step by step, some of those financial problems have been resolved because of the leadership of this fine man.

On the subject of Africa, there was no prejudice in his heart. There was concern about whether we could expend funds for that very troubled continent, that troubled population, afflicted by

disproportionate levels of disease and poverty and AIDS. Senator HELMS decided he was going to do what he could to help those people, and that he did, particularly with regard to AIDS. It takes a big man, a giant in the Senate, to do the things he has done.

I will close with this recollection. I remember one year being in session up to the eve of Christmas. I cannot remember the exact day, but Christmas was coming. Tempers in this Chamber were flaring. There was Alan Simpson, a marvelous Senator from Wyoming. Suddenly, he and JESSE HELMS had a bit of a disagreement. As a younger Senator, I was way back there. The disagreement occurred somewhere right in here. I watched HELMS and I watched Simpson. Simpson was noted for his humor. But those two went at it. But the bounds of dignity were always maintained when those two Senators—this time of the same party—had such a strong disagreement. And many times I followed this great Senator as we were leaving the Chamber to go back to our offices, and I watched him stop and talk to the pages, those who provide the infrastructure in this institution, who work with their hands, who do other jobs. He would always find time for those to share with him a thought and he would share with them kind words and kind gestures. My dear friend and his lovely wife and family have many wonderful years ahead of them.

I yield the floor.

Ms. LANDRIEU. Madam President, I wish to express, as have many of my colleagues today who joined the tribute to Senator JESSE HELMS, my appreciation of working with Senator HELMS. Particularly, I have enjoyed working with him, and the people of Louisiana have truly benefitted and have been truly grateful for this man's work, in the area of child welfare and adoption.

As you might know, when Senator HELMS chaired the Foreign Relations Committee several years ago, he had many grave matters under his jurisdiction including several important treaties. Many people asked for his support to call up a number of issues, but, of course, he could not champion them all.

Again, so many things competed for his attention, yet he managed to put the treaty for the international adoption of children on the table and to a vote. This is the first treaty of its kind in the world. Every treaty is important, and everybody who is interested, particularly the groups affected, thinks theirs is the most important. I would be pressed to find a group more vulnerable in the world than orphans. Consider this—orphans really have no one. They do not have any parents. They do not have immediate relatives to look after them to protect, feed, clothe, and educate them. Orphaned minors are a class with no vote. They might live in countries where, even if they are adults, they have no voice or vote. They are often just lost wanderers trying to raise themselves.

Senator HELMS, with all he could have done, took the time of his committee to push forward a resolution that was not without controversy. The treaty said something profoundly beautiful: That we believe a child deserves at least one caring, responsible, and loving parent; that the governments of the world should break down barriers, should do more to see that children are attached to grownups, that children should not raise themselves on the street or should not have to sell themselves into prostitution; that kids should not be abused by adults, and they should be protected by parents.

Mr. President, there are too many orphans in this world. One is too many. Unfortunately, the number is growing astronomically every day, and these children face an AIDS epidemic, war, and famine. In our own country, we have thousands of orphans. People do not believe we have orphans in the United States of America, but we do. We have approximately 500,000 children in foster care, and about 100,000 of them, enough to fill up the Super Dome—every seat and the aisles in the Super Dome stadium—have no parents at all. They think no one wants them. They are all ages, shapes, colors, and creeds. They are all loveable kids. They just do not have anybody to love them and to call their own.

This Senator worked hard with many other Senators to pass this treaty. We did. It is a big deal to a lot of people in the world. It is helping pave the way for the possibility that we could establish laws and rules that would help connect orphans to parents.

If you have ever seen a child who has been adopted—I know hundreds of people who have been affected positively by adoption, including my own family, who have had wonderful outcomes. It is not what we read about in the press, the one or two adoptions that go wrong. But throughout the world, there are parents grateful for the blessing to raise children and children grateful that they have been attached to a family. As you know, that is the building block of our society. Our society cannot be strong if our families are not strong, and families can be built to be strong physically, emotionally, and spiritually through adoption. Senator HELMS knows that.

I wanted to say on this special day that we honor him, he can be honored for a lot of his work, but I think that his contributions to children and his consistent belief in children with special needs deserve to be recognized. I join my colleagues honoring him, and I am glad he is back with us in the Senate to end his long career.

Mr. ALLEN. Madam President, I join my colleagues in honoring the senior Senator from North Carolina, Mr. HELMS, who will be retiring at the end of this Congress. In his five terms in the U.S. Senate, Senator HELMS has been a distinguished leader on behalf of his home State of North Carolina and freedom-loving people throughout the world.

When I arrived in the Senate at the beginning of this Congress, Senator HELMS had already served a remarkable 28 years. It has been an honor to serve under the strong leadership of this gentleman on the Foreign Relations Committee.

Senator HELMS has been a strong advocate for those rights that Thomas Jefferson proclaimed in our Declaration of Independence are "inalienable"—life, liberty, and the pursuit of happiness.

He has led the initiative to promote a peaceful transition to democracy and respect for human rights in Cuba. Fidel Castro oppresses his people, violates workers' rights, falsely imprisons them, and denies them the freedom of religion. Castro intentionally violates internationally accepted standards of basic human rights to maintain power over the Cuban people.

In response, Senator HELMS sponsored a bill to help the people of Cuba regain their freedom and prepare themselves for the transition to democracy. I am proud to be a co-sponsor of that bill.

Senator HELMS has been a leader in reminding us to put the needs of the Cuban people before the tyrannical agenda of the dictator, Fidel Castro. Castro seeks to retain his monopoly on political power by any means possible. Under his rule, Cuba is one of seven states designated by the State Department as a state sponsor of terrorism, and Senator HELMS has not been fooled into propping up this regime with U.S. taxpayer money.

Not just with respect to Cuba, but around the world, Senator HELMS has been a champion of freedom and democracy. Senator HELMS and I have also worked together to support the people of Taiwan through the Senate Taiwan Caucus.

All the while Senator HELMS has been tackling international abuses and supporting democracy around the world, never once has he forgotten the people of North Carolina and the sovereignty of the United States.

The Senator has been a strong, dedicated advocate for farmers and people who live and work in small towns, especially when he was chairman of the Senate Agriculture, Nutrition, and Forestry Committee.

Senator HELMS and I are working together to lift the Japanese ban on U.S. poultry. We have also worked together on the Farm Bill, ensuring that peanut farmers get the highest target price possible for their peanuts. With Senator HELMS' key help, the IRS has just announced that it will treat peanut quota buyouts as capital gains, not ordinary income. This is good news for devastated peanut farmers in southeast Virginia and northeast North Carolina.

Regrettably, I have had only a couple of years to work with Senator HELMS. But it has been a true honor and wonderful pleasure. On behalf of all the good people of Virginia, I offer my best wishes to Senator HELMS and his family. And, I especially thank him for his

guidance, encouragement and friendship that I shall cherish forever.

Mr. BUNNING. Madam President, for nearly 30 years now, my good friend and fellow colleague Senator JESSE HELMS of North Carolina has been a stalwart of conservative thinking and values for this legislative body. He has represented the very best of what the Republican party has to offer and I would personally like to thank Senator HELMS for his vigor and grit. Now more than ever, it is important that this Senate and this nation realize and appreciate the work Senator HELMS has done for the people of North Carolina and the citizens of the United States of America.

Throughout his tenure in the United States Senate, Senator HELMS has been a true fighter, a heavy weight champion for America's values. He fought against communism throughout the entirety of the Cold War. He fought for and still fights for the protection of the American people against foreign and domestic threats. For 30 years, he has battled and fought against liberalism in an attempt to bring conservative values and ideas back to this nation and to this congress.

"Senator No," as he has come to be known, has developed a long list of enemies on the other side of the aisle and in certain media outlets. But let's not forget what Winston Churchill said about having enemies. "You have enemies? Good. That means you've stood up for something, sometime in your life." Whether or not you have agreed with one word or action Senator HELMS has said or taken in his 30 years as a Senator in the United States Congress, you have to agree with and admire his determination and strength. Once again, I thank Senator HELMS for being a guiding light in a sometimes dark world.

Mrs. FEINSTEIN. Madam President, I rise today to honor my colleague, Senator JESSE HELMS, and to thank him for his service to his country and the U.S. Senate. Senator HELMS is retiring after 30 years in the Senate and I wish him and his wife, Dot, all the best.

Senator HELMS and I have not always agreed on the issues. But any disagreements we may have had has never gotten in the way of a constructive and cordial working relationship. We served together on the Senate Foreign Relations Committee for several years and currently serve together on the Rules and Administration Committee.

I have admired his dedication to his views, though I may strongly disagree with them, and his commitment to his constituents in North Carolina. There were certainly several occasions when I wished I had Senator HELMS fighting on my side.

When the battle was done, there were no hard feelings. As several of my colleagues here today have mentioned, you would be hard pressed to find a nicer man in the U.S. Senate. Whether you are a page, maintenance worker,

staffer, Senator, President, Republican or Democrat, Senator HELMS treats you with the same amount of respect and courtesy. That is a fitting tribute to a man who has dedicated himself to a life of public service.

Again, I thank Senator HELMS for his time in the Senate. This body will certainly not be the same without him.

Mr. CRAIG. Madam President, allow me to add my voice to the chorus of regard for the distinguished senior Senator from North Carolina, JESSE HELMS.

There is a word we use a lot around here the word "gentleman." Perhaps as a result of the demands of Senate protocol, our colleagues frequently use the word in addressing one another. It is thrown around so regularly that it has almost become as meaningless as "mister" in modern Congressional parlance.

However, "gentleman" is more than a meaningless title in the case of Jesse Helms. I am not alone in referring to him as "the conservative gentleman of the Senate" because that is precisely what he is: an unfailingly gentle, kind, and courteous man. Even in the heat of battle, slicing through the opposition as he so often does, he maintains not just the integrity of his principles, but the integrity of his performance. Even when he establishes himself as the immovable object to block bad policy, as he also has done so often, he does it graciously.

Senator HELMS' restraint is all the more significant in view of the turbulence of the debates he has waded into. This is a man who does not back away from challenges but confronts them. His dedication to principle is unshakeable, and he is an invaluable ally in stormy political passages. As fellow skeptics of the United Nations and particularly, of the International Criminal Court, I appreciated having his support last year in preventing the United States' endorsement of that institution. Surely one of JESSE HELMS' lasting legacies will be his mark on our country's foreign policy. But that is only one small part of the profound impact he has had on our laws and our culture.

Senator HELMS' leadership and articulate championship of conservative ideals have inspired countless admirers of many generations. I can attest to the fact that the "Jesse Helms fan club" extends to my own Senate staff, who proudly display the photos they have had taken with Senator HELMS, and talk about his generosity in taking time to visit with them—visits they will remember for the rest of their lives. For my part, I consider it a privilege to have served with, and learned from, a man of his caliber.

Senator HELMS has been an extraordinary advocate for the people of North Carolina and, indeed, this Nation. His clear vision and steady guidance will be sorely missed when he leaves the Senate in the coming months. I join my colleagues today in congratulating JESSE HELMS on his distinguished ca-

reer, thanking him for the contributions he has made to the Senate and the United States, and wishing him all the best in the next chapter of his remarkable life.

Mr. HATCH. Madam President, It is always a sad day in the U.S. Senate when we prepare to bid good-bye to a dear friend and fellow Senator. But when you have been here as long as I have, and you are saying good-bye to a gentleman who was here when I arrived, and whom I first considered a senior Senator and now can also call a friend, it is particularly bittersweet.

Many of my colleagues have spoken eloquently already about the senior senator from North Carolina, my friend JESSE HELMS. I would like to associate myself with these remarks of tribute and respect. If we spent the rest of the year praising JESSE, we would still not do justice to this man.

So I would like to take a moment here to comment on the leadership JESSE HELMS assumed in his pivotal role as ranking member and chairman of the Senate Foreign Relations Committee.

Oh, the wags worried, Mr. President, when the Republicans retook the Senate in 1994. What would this mean for the country that JESSE HELMS would chair the committee that conducts the oversight over this nation's foreign policies and institutions of diplomacy? There was one cartoon I found particularly amusing: There was JESSE, scowling at his desk, on which sat a globe cut in half, with only the United States showing. The JESSE they portrayed was an isolationist, but the JESSE we know is merely an unabashed defender of the U.S. national interest.

In this very chamber, JESSE has often argued that the State Department has lost the perspective of advancing our interests. Foreign aid, the good senator from North Carolina is famous for saying, "went down rat holes."

JESSE sees foreign policy from the perspective of preserving and advancing the national interest. Call it "parochial," if you will, but JESSE is a traditional conservative: the sovereignty of the nation state was at the core of the international system, and if order is to prevail, it would remain at the core. And no sovereignty was more jealously protected than the sovereign of this country under our Constitution.

Of course, you can't be a traditional conservative without recognizing the virtues of freedom and the threats of tyranny. You can't believe in the United States and ignore that the world presents—and continues to present threats to these freedoms emanating from all forms of tyranny. And JESSE has fought against them all.

There is no stauncher anti-communist than JESSE HELMS, and I admire him for this. Whether it is Latin American communism under the Castro dictatorship or Sandinista state, or the Soviet managers of the Gulags internal and external, JESSE has stood up to them and has outlived most of them.

No man stands for freedom against communism more steadfastly than JESSE HELMS. To do so was the fundamental attribute, in my opinion, of a conscientious internationalist.

The foes of JESSE HELMS know that he is relentless. His friends know that he devoted. Small democracies around the world and I think of Israel and Taiwan have in JESSE HELMS a stalwart defender.

JESSE's internationalism, doubted by many, has transformed the world. Let me give you but a few brief examples:

After years of frustration in Washington, JESSE could no longer tolerate the waste and ideological neglect emanating from the United Nations. Building on policies of restricting funding to that body that began in this Senate in the 1980s, JESSE drafted legislation setting targets of reform and reduced U.S. contributions that most people believed the U.N. would never comply with. JESSE was anti-U.N., many charged, and wanted the U.S. to withdraw from that body into further isolationism.

This was nonsense, of course, JESSE, who was parodied as an anachronistic reactionary, is in fact an internationalist visionary. He knew that the American public would soon cease to tolerate inequitable funding requests for a broken international bureaucracy. He knew that the way to irrelevancy for the U.N. was the path it was on. JESSE cut another path, in landmark legislation that gained, ultimately the vast majority of the support of members on both sides of this aisle, to demand that the U.N. reform its bureaucracy and reinvigorate its relationship with the U.S. and the U.S. Congress.

The U.N. heard the message and responded. And it is a better organization for it. The fact that President Bush was able to address that body two weeks ago from a position of mutual respect, and that we will be able to work constructively with that body in the coming difficult months ahead, has a great deal to do with the foresight of JESSE HELMS.

In recent years, JESSE has promoted the American Servicemembers Protection Act, which I have been proud to cosponsor, to defend U.S. military from prosecution of an ill-focused United Nations International Criminal Court. Not a popular cause among the multilateralists, abroad and in our own government, but JESSE HELMS has always been about doing what's right for America, not what's popular.

This legislation was recently signed into law. And guess what, Mr. President. The European Union, the professional advocate of all things multilateral, is coming around to recognizing that the U.S. must have as a component of bilateral relations formally exclusions our servicemen who sacrifice so much for their country and should be accountable only to their country's laws and commander-in-chief. Once again, JESSE HELMS eschewed the con-

ventional wisdom, saw over the horizon, and strengthened America's position in the world.

And my friend JESSE HELMS knows that, when America's position in the world is strengthened, the security of the world is advanced. This is the kind of internationalism that I admire.

Most people are not focusing now, among the debate over Iraq, on the fact that NATO is engaging in another expansion, bringing in seven nations of central and eastern Europe into this military organization of democracies. The alliance will be stronger for this, and U.S. national security will be more secure.

This is the second enlargement after the end of the Cold War. The first was completed in 1999, when Poland, Hungary and the Czech Republic became members. In 1998, this body, where we must ratify any North Atlantic Treaty amendments, had a historic debate on whether to allow these members. JESSE HELMS shepherded that debate, and U.S. national security interests were advanced.

All of us know that there is so much to JESSE HELMS that we cannot do him justice in our remarks of appreciation. Constituents, colleagues, foreign friends—all of these know this of this man.

A few years ago, I had a meeting with an impressive songwriter named Bono, who came to my office seeking support for debt reduction in the poorest countries of the world. I was impressed with Bono and his work, and I was impressed that he wanted to work within the system, respecting economics while advocating compassion. He had my support. As he left his office, I asked where he was going. Bono told me, "I'm going to meet Senator HELMS." That will be interesting, I thought to myself.

As is now well-known, Bono and JESSE HIT IT OFF. AND TODAY JESSE HELMS is a leader in supporting the U.S. contribution to fighting that terrible pandemic in Africa.

Many have tried to define JESSE HELMS by what he opposed. I will remember him for what he supported: Freedom, human rights, and strong and independent America, free to spread its good in the world.

I thank my good friend for his years of service, for his friendship to me, for his impeccable courtesy in debates whether we agreed or not. We will never see the likes of a Senator HELMS again.

Mr. COCHRAN. Madam President, it was good today to hear the many heartfelt sentiments and compliments being expressed in the Senate about our distinguished colleague from North Carolina. I want to be counted among those who respect JESSE HELMS for his conscientious and diligent service in the Senate and for the generosity of spirit he displays and the affection he has for his fellow Senators and the staff and employees of the Senate.

If you could ask all of the Senate pages who have served here during the

time Senator HELMS has been in the Senate who their favorite Senator was, I am sure they would tell you it was JESSE HELMS. He takes time to get to know them all and to greet them each day. He really cares about them and he wants them to know they are appreciated. That is the way Senator HELMS has treated everyone in the Senate. He has a heart of gold.

When Senator HELMS was Chairman of the Agriculture Committee, I appreciated the fairness and respect he showed to all of the members of our committee. He was especially helpful to me and I will always be grateful to him for his friendship.

I wish for him much happiness and satisfaction in the years ahead.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. HELMS. Madam President, I thank all Senators who have been so kind this morning.

I have been sitting here at this desk wondering who on Earth is this Helms fellow whom my colleagues keep talking about. To be sure, there are newspaper editors in North Carolina who will tell you that any kind words uttered about Jesse Helms are, at best, exaggerations.

So it goes without saying that I am grateful for the generosity of my colleagues. It reminds me of the first time I came to Washington, DC to work in this Capitol Building, back in 1950. I had come to Washington with a remarkable Senator, Willis Smith, who had the highest and finest credentials as one of the Nation's leading and most respected attorneys.

Senator SMITH deserves a tribute all his own. He was, among other distinctions, chairman of the Board of Trustees of Duke University, and former president of the American Bar Association. I was honored that he had shown the faith in me that led him to bring me with him to Washington as his administrative assistant.

The Senate was a far less hectic place during the 2½ years I worked for Senator Willis Smith, before his tragic and untimely death in 1952. All of us who worked in the Senate at that time had the privilege to know some of the true pillars of the Senate, men who were the cornerstone of America in the 20th century, among them, a special friend of mine, Richard Russell of Georgia. Senator Russell was so kind to have taken an interest in me in those years, and I vividly remember many conversations with this remarkable American. Once, he told me something, for example, that I never have forgotten. He commented: "Jesse, a Senator who goes onto the Senate floor without knowing the rules is only half prepared. And a man who walks onto the Senate floor with command of the rules can cut Senators lacking such knowledge to ribbons."

I never imagined that more than 20 years later, in 1972, the turn of events would lead me to be persuaded to become the Republican candidate for U.S.

Senate from North Carolina. Nor did I ever expect to have the good fortune to win. But on election night 1972, at 9:17 p.m., Walter Cronkite came on the television and said, "Down in North Carolina, a fellow named Jesse Helms has got himself elected to the Senate."

So, I went off by myself and prayed for guidance. Then, after spending some time with my family, I remembered that comment by Senator Russell. I determined that I would do the best I could to learn something about rules of the Senate.

It developed as soon as I was sworn into the Senate in January 1973 that I had the great fortune to have a teacher like Senator Jim Allen of Alabama. Once a week, I would go to Senator ALLEN's office, and he would conduct an impromptu classroom in Senate procedure. Then, as often as I could, I would come to this Chamber and preside over the Senate.

So as a freshman Senator, I had a wonderful opportunity to preside over the Senate. That enabled me, working with that great man Dr. Floyd Riddick, Chief Parliamentarian of the Senate, to learn the rules backwards and forwards. True to Senator Russell's words, those rules came in handy during some spirited battles around here. And as the years went by, I won some and lost some, but I always had the comfort of knowing I had done what I thought was right in the best way I knew how.

I recall the time that I mentioned the late Senator Dick Russell in debate one afternoon. Later that evening, Majority Leader Mike Mansfield thanked me for my reference to Senator Russell. Senator Mansfield mentioned that former Senators who departed by reason of death or expiration of their tenures here were often quickly forgotten.

Senator Mansfield was right about this. As will be true in my case, most Senators who have completed their service will be forgotten, just as surely as others have faded into history.

As I approach the end of my five terms in the Senate, I realize that being remembered isn't important. What is important is standing up for what you believe to be right, hoping that you have done everything you can to preserve the moral and spiritual principles that made America great in the first place.

My father, rest his soul, was a good man who taught me many things. In my office, there is an inscription of something he told me many years ago. "Son," he said, "The Lord doesn't expect you to win. He just expects you to try."

With the remarkable Dot Helms at my side, we have done our best to live up to my father's admonition. And while we are certainly not perfect, and we certainly haven't always had all the answers, we have the comfort of feeling that we have done the best we can. Nobody can claim to have had a better life, or to be more blessed and honored by the people of North Carolina than Dot Helms and me.

Every so often, a reporter will ask me what I consider to be my legacy after 30 years in the Senate. Now "legacy" is a fancy word for the son of a small town police and fire chief, so I never know how to answer such a question.

But there is one thing I should mention that has given me particular satisfaction during my Senate career. When I was first elected, it was, as I have mentioned, a genuine surprise. I never expected to win. And one of the things I promised myself on that November night was that I would never, ever, fail to see a young person, or a group of young people, who wanted to see me.

Now the young lady who keeps track of such things in my office recently told me that I have had the chance to visit with more than 100,000 young people during my nearly 30 years in the Senate. I have been the beneficiary of the time I have spent with these young folks.

It is in them that I have seen the promise of what I regard as the "Miracle of America." They are bright, curious, thoroughly decent young folks who are committed to preserving the ideals of America as a country devoted to freedom and opportunity.

As Dot Helms and I prepare to go home—this time for good—we are grateful to young people who have visited us. Dot and I are convinced that America's future is in fine hands.

They are not my legacy; they are America's legacy, and I thank the Lord for them every day.

I thank the Chair, I thank my colleagues, and I thank the people of North Carolina for allowing me the honor of serving in the U.S. Senate.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

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#### MEASURE READ THE FIRST TIME—S.J. RES. 46

Mr. LIEBERMAN. Madam President, along with Senators WARNER, BAYH, and McCAIN, I have a joint resolution at the desk and I ask for its first reading.

The PRESIDING OFFICER. The clerk will state the joint resolution by title.

The bill clerk read as follows:

A joint resolution (S.J. Res. 46) authorizing the use of U.S. Armed Forces against Iraq.

Mr. LIEBERMAN. Madam President, I ask for its second reading and object to my own request.

The PRESIDING OFFICER. Objection has been heard.

The joint resolution will receive a second reading on the next legislative day.

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#### USE OF U.S. ARMED FORCES AGAINST IRAQ

Mr. LIEBERMAN. Madam President, along with my dear friends and colleagues, Senators WARNER, BAYH, and

McCAIN, I am proud to introduce this bipartisan resolution which would authorize the President of the United States to use the Armed Forces of the United States as he determines to be necessary and appropriate in order to defend the national security of the United States against the continuing threat posed by Iraq, and to enforce all relevant United Nations Security Council resolutions regarding Iraq.

There is no more fateful or difficult decision that we as Senators are ever called upon to make than a decision as to whether and when and how to authorize the President as Commander in Chief to put the men and women of the U.S. military into battle.

Each Member of the Senate must make this decision at this hour according to their personal conscience and their sense of what is best for the security of the people of the United States of America.

For my part, and that of my colleagues, I have made that decision. For more than a decade now, Saddam Hussein has threatened the peace and security of his region and the wider world. We went to war in 1991 to roll back his aggression—an invasion of Kuwait—because we determined across party lines that Saddam Hussein had ambitions that were hostile to America's security and the peace of the world to become the dominant power in the Arab world which, if ever realized, would be bad for the Arab world, bad for the peace and security of the broader region, and very bad for the people of the United States. We won that war in Kuwait—Operation Desert Storm—but Saddam Hussein has continued for the decade since then, notwithstanding documents that Iraq signed to conclude the gulf war, to thwart the rule of law internationally, to deceive and deny all that he had promised to do at the end of the gulf war, and all that the United Nations called on him to do in the years since then. He has continued, without question, to develop weapons of mass destruction and the means to deliver them on distant targets. He has continued to earn a dubious place on that small list of countries that the State Department considers state sponsors of terrorism.

Even today, Iraq has provided shelter for significant figures within al-Qaida who struck us on September 11, as they have fled from American military forces in Afghanistan.

President Bush has said that the hour of truth has arrived. We can no longer tolerate the intransigence and danger posed by Saddam Hussein. He has gone to the U.N. and sought support from the international community.

This resolution is our attempt to express our support of the President as Commander in Chief in seeking international backing for action against Saddam Hussein. It is also a way to strengthen the President's hand as Commander in Chief. If Saddam Hussein does not comply, or if the United Nations is not willing to take action to

enforce its orders, in my opinion, this is the last chance for Saddam Hussein but also the best chance for the international community to come together to prove that resolutions of the United Nations mean more and have more weight than the paper on which they are written.

It is also the hour for Members of Congress to draw together across party lines to support the national security of the United States. A debate will follow in the days ahead. It is an important debate that should not be rushed. It should be reflective. Ultimately, I am confident the resolution that Senators WARNER, BAYH, MCCAIN, and I are introducing will enjoy the broad, bipartisan support that our national security demands at this time.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. Madam President, I commend our distinguished colleagues, Senator LIEBERMAN and Senator BAYH, for joining my good friend, Senator MCCAIN, and myself as we introduce this resolution on behalf of the leadership in the Senate. Certainly, those leaders will join us on this.

I remember in 1991, Senator Dole, Senator MCCAIN, and I led the effort on this side of the aisle, and my good friend and colleague of these many years joined us. There was a historic debate. We will now embark this great body of deliberation on a similar debate on this extremely important resolution.

I commend our President for the leadership he has shown. This issue would not be in the forefront worldwide, the forefront in the U.N., and now in the forefront of the U.S. Congress had not this very bold and courageous President undertaken the difficult task of pointing out the perilous times in which we live with regard to terrorism and, most particularly, the threats posed not by the people of Iraq, but by Saddam Hussein and his regime.

Madam President, I wish to commend Leader LOTT. We met with him this morning. We have been meeting with him through the day. Senator MCCAIN and I and others have been a part of his working group to achieve the maximum bipartisan support obtainable on this resolution. I am confident that will be achieved. I am very confident, given the leadership of our two distinguished colleagues joining us here today, because it is important there be a solid phalanx of the House of Representatives, which will have an identical resolution, and the Senate joining together behind our President and speaking with one voice, as our President and the Secretary of State, working through the United Nations, achieving, hopefully, a resolution which will comport with the President's historic address to the United Nations, and also a resolution that will reflect the United Nations is going to stand up as an organization and live up to its charter and take on the responsibility

of bringing this question of weapons of mass destruction in Iraq to a conclusion so this world can be more peaceful.

I thank my colleagues, most particularly the four of us who are here today.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

#### EXTENSION OF MORNING BUSINESS

Mr. REID. Madam President, morning business is supposed to conclude at 12:30 p.m. I know there has been some adjustment on the time because of tributes to Senator HELMS. Since we are not going to be able to vote on the bill that would be called up, for reasons I do not understand—we are not going to be able to vote on cloture until tomorrow—I ask unanimous consent morning business be extended until 1:45 p.m. today, with Senators allowed to speak therein for a period of up to 10 minutes each.

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

Mr. REID. Madam President, there are a number of people in the Chamber wishing to speak. We have been able to offer tributes to Senator HELMS, and people are also talking about substantive issues, such as the Senator from Connecticut, the Senator from Virginia, now the Senator from Indiana, and the Senator from Arizona, who wishes to speak. If we need more time, I am sure we can do that.

The majority leader is contemplating a vote today at 2 o'clock on a nomination. We have not worked it out with the minority. We are trying to do that.

The PRESIDING OFFICER. The Senator from Indiana.

#### USE OF ARMED FORCES AGAINST IRAQ

Mr. BAYH. I thank the Chair. Madam President, I am pleased to join with my colleagues today on a bipartisan basis to authorize the President of the United States to use appropriate force to defend the national security interests of our country.

I join in this effort with a sense of regret that events have come to this. No one can contemplate the use of military force with much satisfaction, but I also approach this debate with the firm conviction that the time has come to unite, to take those steps that are necessary to protect our country, including the use of force, because all other avenues have been exhausted and seem unlikely to lead to the result of protecting the American people.

Iraq presents a very significant potential threat to our country. Saddam Hussein possesses chemical, biological, and some day will possess, if events are allowed to run their course, nuclear weapons. If there is one thing we can say with absolute certainty, it is he is developing these weapons for no benign purpose. He does not need them to re-

tain his power within Iraq, but in all likelihood will use these terrible weapons to project that power, to intimidate other states in the region, and potentially one day for use against us as well.

If there is even a 10 or 15-percent chance of smallpox or anthrax or a crude nuclear device could one day be placed in the hands of suicidal terrorists for use against the United States of America, this is a risk we cannot afford to run. We have attempted diplomacy without effect. We have attempted economic sanctions to no effect.

Regrettably, my colleagues and I have concluded the President needs the authorization to use force to protect our country from this sort of eventuality. Of course, we will continue to negotiate with the United Nations. Of course, we will gather our allies. But the time has come to unite, to do what it takes to defend our country.

I am pleased to join with my colleagues, Senators WARNER, MCCAIN, and LIEBERMAN, in giving the President the authority he needs to do exactly that.

I thank the Chair. I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Madam President, I rise today to join my three colleagues, Senator WARNER, the distinguished ranking member and former chairman of the Armed Services Committee, Senator BAYH, and Senator LIEBERMAN. I am always honored to have my name associated with these three outstanding public servants.

This resolution, we should make very clear, is the text of the resolution agreed to this morning by the President of the United States and congressional leaders. This is the exact text of a resolution that was agreed to in hopes the debate will take place on two exact resolutions in both Houses of the Congress. I believe with open, spirited debate and discussion, we will come to a consensus which is broad based, and following a debate which I think will be illuminating and educational to the American people, as well as our colleagues.

America is at war with terrorists who murdered our people one year ago. We now contemplate carrying the battle to a new front—Iraq—where a tyrant who has the capabilities and the intentions to do us harm is plotting, biding his time until his capabilities give him the means to carry out his ambitions, perhaps through cooperation with terrorists—when confronting him will be much harder and impose a terrible cost.

Saddam Hussein is in patent violation of the terms of the Gulf war ceasefire and 16 United Nations Security Council resolutions. He possesses weaponized chemical and biological weapons and is aggressively developing nuclear weapons. He holds the perverse distinction of having used weapons of mass destruction against both his own

people and his enemies—the only dictator on Earth who has done so. As our President has said, Saddam Hussein's Iraq is a grave and gathering danger, a clear threat to American security and the security of our friends in the region.

As I just mentioned, Congress must debate the question of war with Iraq. It is appropriate and right for the people of the United States to have their voices heard in this debate through their representatives in Congress. But as the President has said, the nation must speak with one voice once we determine to take a course that will most likely send our nation's young men and women to war.

The President has patiently worked with Congressional leaders to craft a resolution authorizing him to take necessary action in Iraq to defend American national security and enforce all relevant U.N. Security Council resolutions. The resolution is a product of compromise that protects both congressional prerogatives and the authority of the Commander in Chief to use whatever means he determines necessary to protect American security.

The President's authority is not absolute on these matters. But he is the Commander in Chief, and he has made clear that congressional action to tie his hands, to limit the way he can respond to threats to the security of the American people, will damage our country's ability to respond to the clear and present danger posed by Saddam Hussein's Iraq.

There is a reason why the Constitution vests shared power in the President and the Congress on matters of war. But there is also a reason why the Constitution recognizes the President of the United States as Commander in Chief. Limiting the President's ability to defend the United States, when Congress and the President agree on the nature of the threat posed to the United States by Iraq, is unwise.

No resolution tying the President's hands or limiting the President's ability to respond to a clearly defined threat can anticipate the decisions the President will have to make in coming weeks and months, with American forces deployed overseas on his orders, to defend American security. We cannot foresee the course or end of this conflict, even though to most of us the threat is abundantly clear, and the course of action we must pursue is apparent. That's why there is one Commander in Chief, not 535 of them. Restricting the President's flexibility to conduct military action against a threat that has been defined and identified makes the United States less capable of responding to that threat.

Supporting the President in his role as Commander in Chief does not necessarily mean supporting the President's policy on matters of national security. In 1995, President Clinton determined to deploy American forces to Bosnia to uphold a fragile peace in a land where many said peace was not

possible. Until that time, I had serious concerns about the administration's policy in the Balkans. But once the President made his decision, I worked with Senator Bob Dole, Senator WARNER and many of my colleagues to make sure the President—a President from the other party whom we had criticized harshly for his conduct of national security policy—had the support he needed to enforce the peace in Bosnia. I think my friend Senator Dole would agree with me that it was one of the high points of our service in the Senate.

Thanks to the President's leadership over the past few months, the Congress has been moving steadily to support the President's determination to hold Saddam Hussein accountable to the world. I urge all my colleagues to renew their efforts to come together on one resolution—to show the world we are united with the President to enforce the terms of the gulf war ceasefire and prevent Saddam Hussein from threatening our and the world's security ever again.

Again, I want to thank Senator LIEBERMAN, Senator BAYH, and Senator WARNER, and I especially would like to mention Senator LIEBERMAN and Senator BAYH have shown some courage on the floor of the Senate, as Senator WARNER and I have had to do in the past, when perhaps the majority of our party may not have been in complete agreement.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Madam President, this concludes the introduction of this matter to the Senate. I thank my friend JOHN MCCAIN for his leadership on this issue from the very beginning, as he consulted in the process with Senator LOTT and others with regard to this resolution.

If those who wish to join us would kindly indicate their expressions of support to the leaders, myself, Senator MCCAIN, and Senator LOTT. Before leaving the floor, Senator HELMS indicated his strong support, and in due course we will constitute the cosponsors of this resolution as we move forward.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

The PRESIDING OFFICER. The Senator from Vermont.

#### BIPARTISAN SUPPORT OF H.R. 2215

Mr. LEAHY. Madam President, I take a moment while the Senator from Alabama is here. I thank Senator SESSIONS for his statement yesterday in support of the bipartisan conference re-

port on DOJ authorization. I do that because I know he opposes a significant piece of it, Senator HATCH's legislation regarding automobile dealer arbitration, but I applaud Senator SESSIONS for reaching beyond that for the better bill, the overall bill.

I compliment his work on the conference report on the Paul Coverdell Forensic Sciences Improvement Grants, the Center for Domestic Preparedness in Alabama, and a number of other States.

In a hurried time, and sometimes partisan Senate, we do not take enough time to acknowledge and appreciate work done by those on the other side of the aisle. I take this moment to express my appreciation of the work of the Senator from Alabama, Mr. SESSIONS.

Mr. LEAHY. Mr. President, it is the intention of Senator HATCH and I to move to suspend paragraphs 2 and 3 of rule XXVIII of the Standing Rules of the Senate for consideration of the conference report on H.R. 2215, the Department of Justice Appropriations Authorization Act.

#### TRIBUTE TO STROM THURMOND

Mr. GRAMM. Let me also say that I put a statement in the RECORD today about STROM THURMOND. I was busy trying to deal with homeland security when we had the time to speak on STROM THURMOND. But I do want to relate one story about STROM, which is in my statement in the RECORD. When I was elected, like many new Senators do, before we went into session I brought my two sons to the Senate. I guess one of them was about 8 and one of them was about 10—or maybe 10 and 12, I lose track.

Anyway, we found my desk. So I said to my sons: Do you all want to sit in my chair? By this time they had looked around at all of the desks, and they decided they didn't want to sit in my chair. They wanted to sit in Barry Goldwater's chair and STROM THURMOND's chair.

I guess at the time, my feelings were a little hurt. But looking back, when I am sitting on the front porch of a nursing home somewhere and nobody remembers who I am or what I ever did, I am going to be able to say to myself: I knew and I served with the great STROM THURMOND. An absolutely remarkable man, not because he is 100 years old, in the Senate, but because he is forever young—not in a physical sense. My God, his physical capacities are amazing.

I remember one night, it was about 2 in the morning, we were in session. Senator BYRD was keeping us here to debate something. I was dog tired. I was talking to STROM, and he was lamenting that his brother had died because he hadn't taken care of himself and burned the candle at both ends.

I said to STROM: How old was your brother? He was 89 years old. But to STROM, that was not taking care of yourself.

The amazing thing about STROM THURMOND's eternal youth is not physical, it is mental. This is a man in his long career who could learn new lessons. This is a man who is not ashamed to say: I am not as ignorant as I used to be. This is a man who could admit to changing his mind.

We are in the only profession where people look down on you if you learn something; that somehow you are inconsistent if you thought one way one day and you acquire more information and you change your mind.

The most amazing thing about STROM THURMOND to me is that through all of his public service, from supreme court justice in South Carolina, from superintendent of schools, to general in the Army on D-Day—we all know the story about one of our colleagues going over with President Reagan and saying to STROM he should have been there at Normandy, and STROM said he was there. And he was there when it counted, on June 6, 1944—is that eternal youth, that ability to learn something new, to have a new perspective and to change that makes STROM THURMOND the most remarkable person with whom I have served.

#### HOMELAND SECURITY AND TERRORISM INSURANCE

Mr. GRAMM. Finally, seeing I have another colleague come to the floor, I want to say something about two issues that are before us that I am frustrated with, as, I am sure, are many of my colleagues. But in both cases, our problem is the power of special interests as pitted against the public interest. We are trying to do a homeland security bill, and it is not easy because to change the way Government does business is to take on a powerful political constituency, the Government employee labor unions. They are organized and they are active. We are all aware that we are having an election next month. Members are being forced to choose between national security and political security, to choose whether we are putting business as usual and work rules negotiated between the Government and unions above protecting the lives of our citizens.

It is frustrating to me that even when people's lives are on the line, powerful special interests can wield the kind of power that the Government employee labor unions have been able to bring to bear on this issue.

I had always thought when we started this debate that when we were talking about protecting the lives of Americans, we were going to give the President the benefit of the doubt. But at least to this point we have not.

A second issue is terrorism insurance. I was with the President yesterday. Many of our colleagues were there. He was talking about \$16 billion of projects, 300,000 construction hardhat jobs that we were not creating because people were afraid to build high-profile projects because they cannot

buy terrorism insurance. The President has asked us to move forward on a bill.

In October, the House had already acted on the bill and, on a bipartisan basis, Senator DODD, Senator SARBANES, Senator ENZI, and I worked out a compromise which was agreed to by the Treasury that had a compromise on the issue of: Can you sue somebody who is a victim of terrorism for punitive damages?

The President's view is very strong on the subject; that is, when somebody has been the victim of terrorism, it is like someone coming onto a hospital ship to prey on them by filing lawsuits against them. Lawsuits against terrorists is fine, but for victims of terrorism there shouldn't be punitive damages.

We worked out a compromise on a bipartisan basis. But the plaintiff's bar came out against that compromise, and, as a result, we have never been able to do anything from that point on.

Again, it is the case where there is a powerful special interest that is preventing us from promoting the public interest.

I am hopeful in the remaining days of this session—and I believe unless the end point is changed, today is Wednesday, so tomorrow is Thursday; we are probably not going to do a lot of work on Friday or Monday. Then we are planning to adjourn Thursday, or Friday, or Saturday at the latest—if we are ever going to do something on homeland security and terrorism insurance, we had better get on with it.

The amazing thing is that it is apparently going to be very easy for us to pass a resolution giving the President the power to go to war. I support that because I think American security interests are at stake. We can do that because there is no well-organized, powerful political special interest group that supports Saddam Hussein. But we can't do homeland security and we can't do terrorism insurance because there are organized, effective, powerful special interest groups that oppose what we are trying to do. I hope we can overcome that hurdle. I hope in the process we can pass these two important bills.

I yield the floor.

The PRESIDING OFFICER (Mr. EDWARDS). The Senator from Alaska.

#### TRIBUTE TO SENATOR JESSE HELMS AND SENATOR STROM THURMOND

Mr. MURKOWSKI. Mr. President, I am sorry I could not get the floor earlier. But I assume we are still in morning business, and that I may proceed with reference to a couple of our colleagues who are leaving. I was unavoidably detained in a conference meeting with the House of Representatives on the status of the energy bill.

First, I think it is important as we see our friends depart from this body to talk about what is outstanding in our own minds relative to their contributions. One could go on at great length

relative to the contributions of Senator STROM THURMOND and Senator JESSE HELMS. But one of the things outstanding in my mind is the tours that Senator THURMOND used to give when we had a social event here in the Capitol. Upon the conclusion of the event, he would offer to take at least some of the guests on a night tour of the Capitol, and he would recite instances that occurred 30, 40, 50, and almost 200 years ago relative to the sacred surroundings and the Old Chamber where the Supreme Court originally was here in the Capitol, and reflect humorous stories of who sat where and what their personal traits might be.

Looking back on my 22 years in the Senate, I treasure those moments. My wife Nancy and I often have talked about them. Unfortunately, his health does not allow him to conduct those tours anymore, but for those who were fortunate enough to share a few moments of his humor on those tours, the historical references, his magnificent memory, and the reference to the uniqueness of the Senate, and the outstanding highlights of the various careers of those who have come and gone, it was truly a memorable experience.

Today, we set aside time for Members to comment on Senator HELMS who is also leaving us. Again, it is a matter of individual impressions that Members leave you with.

Without exception, Senator HELMS' comments on this floor back in 1983 stand out in my memory as certainly the most significant, most timely, and most on target references to a frightening situation that occurred. That was the shooting down of the Korean Airlines flight 007, which was shot down by a Soviet Sukhoi 15 fighter jet on September 1, 1983. That flight was on its way from Anchorage, AK, to Seoul, Korea. There were 269 lives lost, including a Congressman, Larry McDonald.

At that time, Senator HELMS and Senator Symms, the former Senator from Idaho, were on another Korean Airlines flight that was in transit in Anchorage the same time as the Korean Airlines flight 007.

I was in the Senate Chamber when Senator HELMS delivered his floor statement on September 15, 1983. There were many who were commenting and making statements, but by far the most moving statement was Senator HELMS'. I am going to take the liberty of quoting a bit of his statement at that time. Let me quote the statement of Senator HELMS as follows:

Mr. HELMS. I was on the Korean airplane that landed in Anchorage for refueling 20 minutes after the ill-fated plane. Both planes were on the ground for more than an hour, meaning that both planes were there together for the better part of an hour. Most of the passengers on both planes went into the terminal.

It so happens that the distinguished Congressman from Georgia, Representative Larry McDonald, did not, or I did not see him. But in the lounge of the terminal I saw one of the most delightful young families

anybody could ever hope to see. A young man and his wife—the young was going to Seoul, as I understand, to head up Eastman Kodak's organization there. They had two little girls, aged 5 and 3.

The mother was sitting reading Bible stories to those two little girls when we entered. The little girl was sitting on her mother's lap and the 5-year-old was sitting on the arm of the chair. And when the mother had finished reading to the children, I went over and introduced myself.

In the conversation, he offered to take the children and read them a story while their mother went to refresh herself. They were on his lap. They were playing games—the same games he played with his own grandchildren. He said:

They were on my lap and we were playing little games that I play with my grandchildren.

If I live to be 1,000, I say to the Senator, I will never forget those two little girls, who had a right to live and love and be loved, but who will never have that right because of this criminal, brutal, premeditated, cowardly act by the Soviet Union.

I will forever remember the giggles and the laughter—they hugged my neck and they kissed me on the cheek. Finally, their plane was called, and my last sight of them as they scampered out the door was their waving "bye-bye" to this fellow and blowing kisses to me.

I tell you that you could have heard a pin drop in this body when he delivered that message. It was a tough message. But he was right on target. Those children had a right to live, a right to be loved, and it was finished—snuffed out in that premeditated act by the Soviet Union by the shooting down of Korean Airlines flight 007.

Senator HELMS is certainly known for calling a spade a spade. But that day I thought he was right on target in calling the atrocity what it was—a cold-blooded murder. I will never forget the comments the Senator made at that time, and they will live with me always.

I admire Senator HELMS, what he stands for, and the contribution he has made to this body.

#### TRIBUTES TO STROM THURMOND

Mr. SMITH of New Hampshire. Mr. President, I rise to congratulate Senator STROM THURMOND on his remarkable tenure as a U.S. Senator.

As a history teacher, I taught my students about Senator THURMOND. As a Congressman, I always admired Senator THURMOND's leadership, and his willingness to speak out for his beliefs. As a Senator, it has been an honor to serve with Senator THURMOND.

He is a true patriot, a true civil servant. He has served his country in countless ways, and in every case, he has pursued this service with vigor.

He showed his dedication to the United States by serving in the army during World War II. Senator THURMOND originally signed up for an administrative position, but he eventually went to both the European and Pacific theaters.

He served with the storied 82d Airborne Division and landed in Normandy on D-Day. His combat service earned him eighteen citations, including the Bronze Star for Valor, a Purple Heart, the Belgian Order of the Crown, and the French Croix de Guerre. He continued his military career as a Major General of the U.S. Army Reserve. He also acted as National President of the Reserve Officers Association.

It is easy to forget this heroism, because it was so long ago and he has accomplished so much since then. But, for me, as a Veteran, and as someone who lost his father in service to his country, I believe we each owe Senator THURMOND our gratitude for his courage in his military service.

Senator THURMOND was first elected to the Senate 48 years ago. It was then, in 1954, that the people of South Carolina elected Senator THURMOND by a write-in vote, the only time in history that this has ever happened.

However, Senator THURMOND had made his mark well before he was elected to the Senate. He showed his dedication to South Carolina by serving as city and county attorney, State senator, circuit judge, and Governor.

As a former teacher, coach, and school board chairman, I believe there is no more noble public service than teaching. Between heroic military service and a half century of political service, STROM THURMOND managed to set aside time to teach future generations.

He was a teacher in South Carolina. He was also an athletic coach. He later went on to serve as the Superintendent of Education for Edgefield County, SC.

As a U.S. Senator, STROM THURMOND has accomplished numerous achievements. As you all may know, in 1996 Senator THURMOND became the oldest serving Senator in history. A few months later, he became the longest serving Senator in United States history.

In 1998 Senator THURMOND cast his 15,000th vote on the Senate floor. While these milestones are significant, it is what he did with this time that makes these records important.

Senator THURMOND well remembers the great baseball Hall of Famer Lou Gehrig. They used to call him the Iron Horse. He never missed a game. He always gave 100 percent. He was the essence of sportsmanship.

STROM THURMOND is the Iron Horse of the Senate. He is the essence of statesman, of public servant. He has given 100 percent for his entire career, and those of us who are privileged to know him draw energy and inspiration from his example.

I will always remember any time I came in early in the morning to open the Senate. It was always Senator THURMOND presiding. As President pro tempore, he did not have to do that. He could appoint someone else to do it. But, that's just how STROM THURMOND is. It is part of his character.

Of course, I have always admired his dedication to his conservative values.

Throughout his life Senator THURMOND was a Democrat, a Dixiecrat, and a Republican, but most importantly he was always a patriot.

His unflinching devotion to his country manifested itself in his service and chairmanship of the Senate Armed Services Committee. Moreover, his unflagging dedication to justice was represented by another chairmanship, that of the Senate Judiciary Committee. As a Senator who has served with Senator THURMOND on both of these committees, I have had the privilege of seeing a great legislator in action.

As a veteran, I am thankful for all that Senator THURMOND has done, such as serving on the Veterans' Affairs Committee for over 30 years. As a former teacher, I commend his work with the youth of South Carolina when he was an educator. As a Senator, I admire his forthrightness and dedication to his principles. As an American, he makes me proud.

Senator THURMOND, thank you for your many years of devotion to this country and the ideals that make it strong.

Mr. GRAMM. Mr. President, when I first came to the Senate, like many members, I took my two sons onto the floor of the Senate before the session started and found my desk. I asked them if they wanted to sit in my chair. One son chose Barry Goldwater's seat to sit in, and the other son chose STROM THURMOND's seat. Looking back, that is easy for me to understand.

There are so many things you could say about STROM, but there is one thing I can say about STROM THURMOND that I am certain of and that is, someday I will proudly tell my grandchildren that I served in the U.S. Senate with STROM THURMOND. Like those happy band of brothers who fought with King Harry on St. Crispin's Day, I will tell my grandchildren how I fought with a great man, a great leader, to accomplish great deeds.

He has had a profound and lasting impact on our country. But there is something more remarkable. He is eternally young. Not just in being a 100-year-old Senator, but young in the ability to adopt new ideas, to change as circumstances change, and in the process to grow, even during the longest tenure in the Senate in history. I love STROM THURMOND. I admire him, and for my whole life, I will be proud that I was able to call him colleague and friend.

#### CONFERENCE ON ENERGY

Mr. MURKOWSKI. Mr. President, I wish to share with my colleagues an update on the conference on energy.

As we all know, our President has asked for an energy bill. The bill was reported out of the House and the Senate, H.R. 4. We have been in conference for several days, off and on. Today we took up one of the more controversial provisions; that is, the disposition of ANWR.

The House, in its offer to the Senate, proposed adding 10.2 million acres of wildernesses as an addition to the Nation's wilderness proposal. That would constitute about 72 million acres of wilderness in my State of Alaska.

Without going into a lot of detail, I think we have to ask ourselves, indeed, if the Democratic leadership really wants an energy bill. From the beginning of this process, the committee of jurisdiction, the Energy and Natural Resources Committee, was not allowed to develop a bill out of the committee but, rather, it was developed out of the leader's office.

Since that time, we have seen an effort to try to develop compromises, but clearly the presence of the majority leader has not been very evident. So I think we have to ask ourselves, on the issues in contention—whether it be climate, whether it be ethanol, whether it be electricity, whether it be the tax aspects, or the renewable portfolio standards—all of it suggests that a compromise is, indeed, possible in the sense of discussing what is certainly one of the lightning rod issues, and that is the opening of ANWR.

With the offer by the House to create an additional 10.2 million acres, as a proposal to the Senate, it causes us concern relative to a provision when the State of Alaska accepted statehood. In the terms of statehood, there was a provision that there would be a "no more" clause; that means no more land designated without the concurrence of Alaskans. Nevertheless, this offer has been made.

I hope the issue of the disposition of the energy bill does not become a political issue. We are nearing, of course, the elections. I recognize the temptation to suggest that the environmental groups, which are opposed to ANWR, are a force to be reckoned with in the coming election or the criticism of the Republicans, that they might be too close to the energy industry. I hope these arguments are not used as excuses for not getting a bill.

Our President has asked for our bill. Our constituents have asked that we pass an energy bill. We have an obligation to do what is right for America, and that is to come to grips with the reality that we are, at this time, clearly in a conflict, the nature of which we can only hope will not result in outright war with Iraq.

But the irony of that can best be associated with a quick overview of what we have been doing since 1992. We have been enforcing a no-fly zone over Iraq. In enforcing that no-fly zone, we have taken out targets in Iraq. We have endangered our young men and women in uniform who have been enforcing the no-fly zone.

We have, in turn, imported anywhere from 600,000 to 900,000 barrels of oil a day from Iraq. It is almost as if we take his oil, put it in our airplanes, and go bomb him and enforce the no-fly zone. And he takes the money we pay for the oil and develops weapons of

mass destruction, whether it be biological, chemical, or developing a nuclear capability. He develops a delivery system and aims it at our ally, Israel.

So unless we lessen our dependence on imported oil by developing more oil here at home, why, clearly, we are going to continue to have to depend on foreign sources, such as Saddam Hussein in Iraq.

For those who wonder about the merits of opening this area, I remind my colleagues that in 1995 the Senate passed an authorization to open ANWR. It was in the omnibus bill. President Clinton vetoed it. Had that been done, we would have that oil on line now, and we certainly would have an idea of the magnitude of the fields that exist in that area.

The last point I want to make is its contribution to jobs and the economy. It is estimated there would be some 750,000 new jobs associated with opening this area, including development of 19 new U.S. flag-built tankers that would be built in U.S. yards.

So I urge my colleagues to come together and recognize, in the spirit of compromise, we should resolve the issues remaining in the energy bill. We should report out the bill containing ANWR, which will reduce our dependence on imported oil, and move on with what is good for America, and that is to lessen our dependence on foreign oil, follow the recommendations of the President, and pass an energy bill.

Mr. President, 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.

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

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

#### TERRORISM INSURANCE

Mr. REID. Mr. President, every morning I get up and I read the local paper, the Washington Post. There is always breaking news in the newspaper, of course. I try to go to the sports page first because there is always some good news there, at least. I was terribly disappointed today in looking at the front section of the Washington Post. There is an ad here. If this ad were a product and not an issue, there would certainly be some type of legal action for false advertising.

I just am so disappointed in the Business Roundtable and American Insurance Association. I am not disappointed in the Chamber of Commerce because they have never done anything my entire political career to make me feel good in the first place, so this just adds to what they normally do. But I personally have worked on terrorism insurance for a year now. To have them, the Business Roundtable and the American Insurance Association, run

an ad blaming the Democrats for not having terrorism insurance is despicable. They should be ashamed of themselves. They know it is a lie, a falsehood, a travesty. President Bush gave this speech, and he is quoted here in Pennsylvania with a bunch of labor people, saying:

We need an insurance bill to cover potential terrorist acts, so that hard hats in America can get back to work. And I want a bill on my desk that says we care more about working people and less about trial lawyers.

That is wrong. If the Federal Election Commission did what they should do, they should charge this as a contribution in kind for the Bush reelection campaign. Blaming the trial bar is something that goes back to biblical times, Shakespearean times. When things don't go right, blame the lawyers.

The chronology of delay over this important legislation is well documented. That is why I am so terribly disappointed. The people who make up this Business Roundtable are from hotels, some of whom are in Nevada, and all over this country. They know this is a lie. I cannot say it any other way. It is a lie. It is false advertising.

I know the chronology. I was here trying to move this legislation forward. We asked, on many occasions, unanimous consent to go to the legislation. Finally, after months—not days or weeks but months—we got to go to the bill. Then the delay was in full view to everyone. After weeks, we forced legislation out here. We, the Democrats, tried to get it on the floor. We finally got it on the floor. This was bipartisan. Some Republicans, after it got to the floor, helped us. But they held it up; we did not hold it up. After it passed, with lots of procedural delays and efforts to slow it down, we thought, oh, boy, it is over with. Everybody wants it going to conference. But, oh, no. It took months to get a conference. They would not agree to the appointment of conferees. You know, there were a few problems. Senator DASCHLE said we will have three Democrats and two Republicans. After all, we are in the majority. No, they don't want that. We are in charge of the Senate. That is a prerogative we have. After months, Senator DASCHLE said, OK, I will make it 4 to 3. They still did not agree to it. We gave them what they wanted and they still didn't agree because it was all a big stall.

Now, finally, they agreed to a conference, but nothing happened in conference. Months have gone by. I hear on the floor: Please do something. I have a staff person assigned—not full-time but he spends a great deal of time on this legislation. Senator DASCHLE has someone who spends the same amount of time on this piece of legislation.

Meetings have been held. The person Senator DASCHLE has working is an outstanding lawyer. He was in the counsel's office in the White House. He

was the one who did all the judges for us. He is someone who knows what is going on.

We have made presentation after presentation to no avail. Senator DODD has spent weeks of his time on this issue. This is not a tort reform issue. It is an issue to allow insurance companies to sell terrorism insurance to allow construction projects to go forward in Las Vegas and other places in the country.

The insurance companies, as they are good at doing, have jacked up the prices so it is hard to get insurance. This legislation is an effort to allow them to receive some help if, in fact, there is an act of terrorism.

My office spoke with people when they complained about this: We had tremendous pressure from the White House to sign on to this advertisement. What is this all about, pressure to sign on to something that is false, misleading, untrue?

When President George Bush was campaigning, he said he was going to change the tone in Washington. I have been in Washington a long time now. I have never seen the tone this way. During the Reagan years, there were some disagreements, but what a fine person to get along with. He and his people were easy to get along with. Here we cannot get along—it is very tough. The atmosphere is extremely difficult. Change the tone? He has changed the tone, there is no question about that, but it is for the worse. I guess he just did not complete his sentence in all the debates and other statements he made. This is a very venomous environment.

Legislation is the art of compromise. I personally do not think this legislation dealing with terrorism insurance should have anything to do with tort reform, but they have forced the issue. The compromise has some tort reform in it. Legislation is a compromise. The White House has been unwilling to compromise, unwilling to meet. They are now putting pressure on lobbyists to fund full-page ads, pro-Bush ads in the Post and more pressure on congressional Republicans to do anything they can to stop this legislation.

I know, I have had friends on the other side tell me they do not want this legislation; they do not think it is necessary. But why not do it like adults? Stand up and say this is bad legislation, not have this charade.

If anyone is truly interested in the real White House strategy, read the story in the New York Times today about this legislation:

Mr. Bush's push for the measure reflects a no-lose political strategy. If Congress reaches an agreement on the measure, he can rightly claim credit for it. If it fails, he can blame Congressional Democrats, and in particular the Senate majority leader, Tom Daschle, for the failure.

That is what it is all about. I believe people of the State of Nevada deserve more; the people of this country deserve more. I have no problem when there are honest disagreements on leg-

islation, but I have been on the ground, so to speak. I have watched this; I have been right here; I have been making the unanimous consent requests. Over the month, I bet I have offered 25 unanimous consent requests right from here. There were objections to appointment of conferees and getting the bill to the floor. But to have this:

We agree, Mr. President, there's too much at stake. . . .

Congress, why the delay?

The time is now. Pass Terrorism Insurance Legislation.

Six months ago, the President in 30 seconds could have had the legislation on his desk, but this has been a big stall to make the trial lawyers look like the enemy of the American people, and that simply is wrong.

#### EXTENSION OF MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that morning business be extended until 4 o'clock today, with Senators allowed to speak therein, for a period not to exceed 10 minutes each.

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

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. LEAHY. 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. LEAHY. Mr. President, I ask that I might proceed for no more than 5 minutes as though in morning business.

The PRESIDING OFFICER. We are in morning business.

Mr. LEAHY. I thank the distinguished Presiding Officer.

#### TRIBUTE TO SENATOR STROM THURMOND

Mr. LEAHY. Mr. President, I pay tribute to a colleague of ours whose career of public service may never be matched again in the history of our country. My friend STROM THURMOND sits on the other side of the aisle of the Senate Chamber, but I consider him a friend with whom I have worked closely, and I will miss him.

I remember when I was first sworn into the Senate in January of 1975. Because of a tied vote in the State of New Hampshire that election year, it was a matter that did not get resolved until we actually went back and did the election over in the middle of the year. I was the most junior Member of a 99-Member Senate. We did not have the Hart Building at the time. We had the Russell Building and the Dirksen Building, and a couple of us very junior Members were in basement offices. Senator Garn of Utah, Senator Laxalt of Nevada, and I were down in the dun-

geons. When we were sworn in, I had a small reception down there. I invited Members of the Senate to come, not thinking that anybody would actually show up. There were far more noteworthy people being sworn in that day, some to begin subsequent terms, others newly elected.

I remember standing there with my mother and father, and one of the very first people to come through that door was STROM THURMOND, walking arm in arm with John Stennis of Mississippi. I remember STROM welcoming me to the Senate and telling my mother and father I seemed like a nice young man, and that I might actually have a career ahead of me.

I note that has been the routine of STROM THURMOND, to welcome new Senators from either party. He has done it with hundreds of Senators. This one remembers it well.

We often worked in the field of anti-trust laws. We worked together on the National Cooperative Production amendments of 1993, the very first high-technology bill signed by President Clinton, and to improve the protections against anticompetitive conduct in the Digital Performance Right in Sound Recordings Act.

Senator THURMOND has been a legislator. I must admit, when Senator THURMOND and I have worked together, it has raised some eyebrows, and when we have introduced legislation together, some have remarked that either it is brilliant legislation or one of us has not gotten around to reading it. But there are so many issues that we did join together. Of course, there have been occasions when he and I have sat on opposite sides of an issue, but even though there were issues about which we felt deeply, Senator THURMOND always conducted himself with the utmost integrity. He has always told the Senate how he felt. He has done so with the people of South Carolina first and foremost in his mind.

I recall him inviting me down to talk to the STROM THURMOND Institute at Clemson. He wanted to put on a debate on economic matters. He had an impartial moderator from the Heritage Foundation. When I walked in, I saw half the Republican party of South Carolina and the Heritage Foundation. I knew I was to be the sacrificial lamb, and I was loving every minute of it. When they stated how much time would be allotted, he stated he should have twice as much time as I because I spoke twice as fast as he did.

We had a very good meeting. I am sure I did not change his mind, or most of the minds of the audience, on a couple of issues. We walked out of there arm in arm, laughing, having a good time. I remember a couple of days later STROM coming on the floor and slapping me on the back and saying, I want to thank the king of Vermont, as he said, for going down with him.

One of the strangest meetings during that time was when we were in the Senate dining room and I introduced

him to Jerry Garcia of the Grateful Dead. It was a meeting of cultures, very different cultures.

I share with Senator THURMOND the distinction of being from a State that has provided the Senate Judiciary Committee with three chairmen over the history of the committee. South Carolina and the State of Vermont have each had three different people who have shared the Senate Judiciary Committee. With that in mind, I have always asked what I call the STROM THURMOND question at judicial hearings. He has always reminded nominees that the people and lawyers who appear before them, whatever their position in the case, whether rich or poor, white or black, man or woman, whatever their religious or political affiliation, deserve respect and fairness. He has reminded everyone of that.

I will miss my friend STROM. He has been named President pro tempore emeritus for a very good reason.

I have learned much from the senior Senator from South Carolina. Let me share one additional aspect of Senator THURMOND's legacy to the Senate as he completes this term and retires from office. In addition to all his longevity records and legislative achievements and buildings named for him, there is something else about him I will always remember.

When we hold hearings for Federal judges—and we have held a number this year—I am always careful to carry on a tradition that Senator THURMOND started. Senator THURMOND always reminded nominees for high office that it is essential to treat others with courtesy and respect. He always reminded nominees that the people and lawyers who appeared before them, whatever their position in the case, whether rich or poor, white or black, man or woman, whatever their religious or political affiliation, they are each and every one deserving of respect and fairness.

Senator THURMOND was right to remind judges—and even Senators—that that simple rule. It is another contribution he has made to all of us that will continue to serve us well. As I said earlier, I will miss STROM THURMOND. He has been named President-Pro-Tempore Emeritus for good reason.

#### 21st CENTURY DEPARTMENT OF JUSTICE APPROPRIATIONS AUTHORIZATION ACT

Mr. REID. Mr. President, before the Senator from Vermont leaves the floor, on a totally different matter, I direct some questions to the Senator.

It is 2 p.m.. Twenty-four hours ago we were fortunate to get this conference report on H.R. 2215. I assumed this matter would be out of here in a matter of 4 or 5 minutes. I thought maybe Senator LEAHY and Senator HATCH would talk about what a great piece of work was done in conference. It is 24 hours later and this legislation has gone nowhere. In fact, the majority last night learned there would not be

even a vote allowed, and we had to file cloture.

This legislation deals with combating terrorism. It is entitled: 21st Century Department of Justice Appropriations Authorization Act. The title says it all. It is true, is it not, this deals with fortifying the national border security by authorizing more than \$4 billion?

Mr. LEAHY. I say to my friend, the deputy majority leader, it does.

We realize, as the Senator from Nevada has pointed out, we have problems with our borders. We have to enhance our ability to monitor the borders and still keep the open borders of this country. But it will be expensive. We put this in.

Incidentally, we put this in with the strong support of the administration.

Mr. REID. Is it true, I ask my friend, we have funding for Centers for Domestic Preparedness throughout the country? Is it true we have legislation to improve implementation of a treaty banning terrorist financing? Does it deal with FBI, allow FBI agents who are in duty stations that are perilous to receive extra money? We have heard reports a better job needs to be done with the communications, and it covers that. It covers penalties for the criminals who use body armor.

I could go on literally for 15 minutes talking about what is in this conference report. There are other Senators who wish to speak. Can the Senator give me any reason why this most important piece of legislation for the people of Nevada, Vermont, and the rest of the country is not passing?

Mr. LEAHY. I know one reason. It passed the other body 400 to 4. It came over here. I was asked if we had any objection to moving it quickly. I said, absolutely not. We checked every single member on the Democratic side of the aisle, and they said they would vote for it, every man and woman. But we had a hold put on it from the Republican side of the aisle. They have held it up. They have delayed it. I cannot understand why.

Money laundering by terrorists is covered. President Bush, shortly after the attack of September 11 last year, took extraordinary steps to try to choke off some of the sources of financing of these terrorist groups. I applauded the President for doing that. I thought it was the right thing.

However, there are some major areas we could not pursue without further legislation, which the administration strongly supports, and which Republicans and Democrats strongly support.

That is part of this bill. I would like to turn the spigot off for terrorists' money. That is in this bill.

The President of the United States would sign this bill immediately once it got onto his desk. Why the Republicans are holding it up, frankly, I don't know. I know they are holding it up, but I don't know why, especially when the President of the United States would sign this. There is much antiterrorism in here, everything from

the authorization of Boys and Girls Clubs to hazardous duty pay for Federal law enforcement officers.

This is sort of like voting to acknowledge the sun rises in the east. I don't know what the controversy is.

Mr. REID. The reason it is being held up is the same reason our 13 appropriations bills are being held up, the same reason the election reform, conference reports, bankruptcy, terrorism, Patients' Bill of Rights, generic drugs, all these most important pieces of legislation are held up. It appears clearly they want to be able to say the Senate, controlled by the Democrats, has been unable to accomplish anything. However, we cannot accomplish anything unless we get help from the 49 on the other side. They are trying to show their strength in not allowing us to do anything.

Mr. LEAHY. The Senator is right. Unfortunately, in holding this up, they are taking from the President of the United States tools needed to fight international terrorism. They are turning their back on the law enforcement people of this country.

We have an authorization for a charter change for the Veterans of Foreign Wars, something they have all supported, we have all supported, Democrats are all for. Republicans are holding that up. There was a charter change in here for the American Legion. All 51 on this side of the aisle have supported it. It is being held up on the Republican side. AMVETS, a charter change for American Veterans. That is being held up by the other side. We support it.

This may be the kind of political posturing people think they have to have in an election year. I think it is a crying shame.

I yield the floor.

The PRESIDING OFFICER (Mr. REED). The Senator from Illinois.

Mr. DURBIN. Mr. President, before I make a few comments about the state of the economy, let me talk about the state of business in the Senate. I concur completely with the Senator from Vermont, chairman of the Senate Judiciary Committee, on which I am proud to serve. I cannot imagine what is holding up this legislation. This legislation is designed to restore law and order in this country. It is designed to fight terrorism. There are elements that are absolutely common sense.

It is the first time, I believe, in over 20 years we are reauthorizing the Department of Justice. We are establishing the Violence Against Women Act, to protect areas of domestic abuse. We are talking about drug abuse education, prevention, and treatment. We have a provision in here to provide resources to the Boys and Girls Clubs of America, which in the city of Chicago and across my State of Illinois are so successful in reaching out to young people.

Time and time again, this bill addresses things the Department of Justice needs. It is quite a commentary on

the Senate that the Republican minority has held this bill up. They will not let us bring it to a vote. They won't let us bring it to the floor. I think it is unfortunate. I think we should have a vote on it, and I think if we do it will pass overwhelmingly and the President will gladly sign it. But we are caught up in a last-minute hurry to try to finish the session, and unfortunately some of the most commonsense priorities are victims of some political agenda. I hope this does not hold up this bill any longer.

#### STATE OF THE ECONOMY

Mr. DURBIN. Mr. President, I rise at this moment to speak to the state of the economy and to call to the attention of the Senate what has transpired in America in the 2 weeks since the majority leader, Senator DASCHLE, brought to the attention of this country how sadly our economy is performing.

Earlier I came to the floor and one of my Republican colleagues came to the floor and greeted me and said: DURBIN, you have it all wrong. The economy is better. Can't you feel it? The economy is much better. I have the facts to prove it.

I am anxious to see his presentation, and I am anxious to see how many people across America would agree with him because let me tell you what has happened in news reports in the last 2 weeks. These are news reports.

First, our stock market has had its worst quarter since 1987—15 years. It is the worst month of September in the stock market since 1937, 65 years ago. It has also been reported that the number of Americans without health insurance increased by 1.4 million last year, to 41.2 million.

The trend line, which had been moving in the opposite direction with more people having health insurance, is moving in the wrong direction now—fewer and fewer Americans with the protection of health insurance. May I add for a moment, have you asked anybody about the cost of health insurance lately? Small businesses, large businesses, labor unions, workers alike, the cost of health insurance is breaking the bank at businesses across America. It is breaking the bank when it comes to labor unions that try to take care of their retirees. It is something that has not been addressed by this Congress or this President.

The poverty rate rose last year for the first time in 10 years, from 11.3 percent to 11.7 percent. The prosperity of the previous administration has finally run out. More and more people are falling into poverty.

Real median household income fell last year by \$934. The spending power of American families in real terms dropped by over \$900. That is the first drop in 9 years.

Housing starts fell 2.2 percent in August. Unemployment insurance claims remain high, the 4-week average stays

above 400,000, and the U.S. manufacturing jobs shrank in September for the first time since January.

My colleague on the Republican side says I just don't get it; things are really getting better out there. I don't think they are. I think, frankly, we are not yet into recovery. When I talk to people who are leaders in business and keep an eye on the economy, they don't think we are either. They look at numbers and the numbers are pretty compelling.

Take a look at this economic report. This is the average annual percentage change in the Standard & Poor's 500. We went all the way back to the Harding administration—Warren G. Harding, the former President—to see what had happened in the stock market. Here is what we learned.

There has only been one other time in history when we have seen such a dramatic, precipitous decline in the value of the stock market. Sadly, that was during the Great Depression under Herbert Hoover when the stock market declined some 30 percent. We are talking about the S&P 500 declining 30 percent in value. Under President Bush's current administration that same percentage has gone down 21 percent. I don't have to tell that to anybody listening to this speech because more than half of Americans own some stocks, whether it is their personal savings or college savings accounts for their kids or grandkids or their pension plans. They know what has happened here. The nest egg you put aside and counted on for the future has been diminishing over the last year and a half. The economy is not strong. Yet you wouldn't believe it when you listen to the comments that are made.

Here is a comment from the President, September 5, just a few weeks ago.

I'm optimistic about our economy. I'm optimistic about job growth.

That is the President. Vice President CHENEY, on August 7:

... there is no doubt of our nation's (economic) strength.

Paul O'Neill, Secretary of the Treasury, September 25, just a few days ago:

The latest indicators look good.

That is our Secretary of the Treasury. What is he reading? Who is he listening to? This is a man who is supposed to be charting the course of economic policy in our country and he thinks things are looking good, a chicken in every pot. I don't think so.

Take a look at the economic record of this administration. We went back to President Eisenhower to take a look at the annual growth rate of private sector jobs. Incidentally, the President said he is optimistic about job growth. Look at job growth under this administration. Every single President has had positive job growth in the private sector except one, President George W. Bush. He is optimistic. Well, he may be optimistic about the future, but a realistic view of his administration is it

has been disastrous. We have lost jobs across America and people know this. They understand the uncertainty they face.

Take a look as well at the average rate of change in the real gross domestic product. This is the sum total of the value of goods and services produced in America. We went back to President Eisenhower. Every year you see a pretty substantial growth but one—look at this. Under President George W. Bush we have the lowest economic growth in 50 years in America. The President has said, "I'm optimistic about the economy." But look at the economy. It is weak. It is an economy that has taken its toll on workers and families and businesses and on the savings of retirees.

Take a look at these jobs we have lost. More than 2 million jobs have been lost under the Bush administration. We have had 111.7 million private sector jobs when the President took office. Today we are down to 109.6 million. In the words of Secretary of the Treasury Paul O'Neill, "The latest indicators look good." I don't see it. It doesn't look good for 2 million people who have lost their jobs since this President took office.

Now take a look at what has happened when it comes to Government spending. The debt held by the public—I am almost afraid to bring up the issue of national debt and deficit with Senator HOLLINGS on the floor. This is his passion. But he knows as well as I do, the debt held by the public in 2008 had been projected, when the President took office, at \$36 billion. That projection has gone from \$36 billion to now \$3.8 trillion. We are swimming in this red ink under this administration. It wasn't the case when he came to office.

This has all transpired under this President and his watch. What does it mean in terms of our Federal interest costs? Look at this. When the President came to office, they estimated the total Federal net interest spending for 10 years would be \$620 billion. That is when President Bush took office. Today the estimate is up to \$1.9 trillion—interest paid on national debt created by deficits with which we are presently living.

We left an administration that was in surplus. We left an administration that was paying down the national debt. We are now in an administration adding to the national debt, creating deficits, causing problems across our economy.

The reason? You can look at the recession which continues. You can certainly look to the war on terrorism, which has cost us dearly. None of us will shortchange the men and women who are fighting for our Nation, and that is going to cause some spending which will come out of the Social Security trust fund. But there is a third element. The third element was President Bush's tax policy. He came forward and said to America: With this fantastic surplus that I can see for 10 straight years, it is time to give the money

back to the American people. So the average family got the \$300 check or the \$600 check and said: That is fine. I will find something to do with that.

But the net result of all of it is we are in a situation now where we are dealing with debt and deficit which we did not anticipate. The guesses and forecasts and speculation of President Bush's best advisers were just plain wrong. The surplus that was projected for 10 years has disappeared. It is totally gone. We were not prudent. We were not cautious. We were not careful. We put in tax cuts that will be in place for 10 years and we cannot pay for them and we are going in debt. No, let me take it back. We are taking money out of the Social Security trust fund to pay for it.

The PRESIDING OFFICER. The Senator has used 10 minutes.

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

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

Mr. DURBIN. The point we are making is that we are dealing with a tax cut that frankly has brought us back down into a deficit situation and increased our national debt and increased the interest on which future generations will pay. That tax cut, when you look at benefits of it—take a look. If you happen to be down making \$9,300 a year, the President's tax cut is worth \$66.

Average annual tax cut by income range: If you are making \$20,000 a year, it is worth \$375. If you are up to \$39,000 a year, it is \$600. If you are making \$56,000 a year, it is \$1,000. If you are making \$97,000 a year, it is about \$2,200. If you are making \$220,000, it is worth \$3,000 to you. But hold on tight. If you are in the top 1 percent of wage earners in America making an average of \$1.1 million a year, the President's tax cut is worth \$53,000. It is small change down here for most working families. But it is \$53,000 for people who are already making \$1 million a year.

You say, of course; they pay all the taxes; they should get the tax break. That isn't how it works. Under the President's plan, it doesn't directly track the taxes we are paying. So the people who are getting the biggest tax cut are not proportionately paying the most in terms of taxes to the Federal Government.

The Bush economic record and what it means to you is, in effect, a 10-year surplus has disappeared from \$5.6 trillion, which was projected by the President just last year. Now we are down into a deficit situation over the same 10-year period of time.

I mentioned earlier the impact of the stock market. Everybody, I think, knows this. You see what is happening to our stock market. The value of all the stocks in the stock market when the President took office was \$16.4 trillion. The value today is \$11.9 trillion, and going down. We have lost \$4.5 trillion in value—about 25 percent of the value of the stock market. Forget

about the value of the stock market. It is the value of savings, the value of pension plans, and the value of college savings accounts. Those are the things that have taken a beating.

I think the point is clear. This administration wants to talk about every issue they can think of except economic security, except the state of the economy, and except the fact that average families, average businesses, and average individuals in this country are struggling with an economy that is flat on its back.

The best the President had to offer was a meeting in August down in Texas where he called some close friends and corporate leaders and asked, What do you think? A lot of them said, Stay the course; couldn't be doing better.

We can do a lot better. We can do better with leadership—not just from the White House, but from Congress. Sadly, this Congress will not produce legislation that will address these problems. What could we do? We believe on this side the first thing we ought to do is extend unemployment insurance benefits to the people across America who are about to run out of unemployment insurance. We should extend the benefits for another 13 to 26 weeks. We did that five times under President Bush's father, the last time we had a recession. This President has refused to do it one time. That is not fair to these people or their families.

Second, we believe we need pension protection for families across America who are vulnerable; for people who are 62 years old and wanting to take their retirement, and watched their pension disappear before their eyes, and no health care. We need protection for those employees who are in that circumstance.

What about the millions of Americans on minimum wage? It has been 5 years since we raised the minimum wage. It is stuck at \$5.15 an hour. That is not going to make America stronger.

Let me also tell you when it comes to the cost of health, we should understand it is absolutely essential that we accept this as a highest priority. We heard this morning from a major union working with a major company. The people who ran the company came before them and said, Listen, we don't know what we are going to do next year. We have a \$1 billion health insurance bill. We don't know how we are going to do it.

I have heard the same thing from labor unions and small businesses. This government ignores it.

We talk about tax cuts for the wealthiest instead of tax credits for businesses that offer health insurance. We talk about tax cuts for the wealthiest instead of helping average families struggling to pay to get their kids through college. Why in the world don't we make the cost of college tax-deductible for working families before we award these great tax breaks for families making over \$1 million a year?

This is the agenda Americans face every day. After they turn off the news,

they talk about a variety of other issues. They sit down and try to figure out how to grapple with these issues. I think this is the agenda which the American people want this Congress to work on. Sadly, because of lack of leadership downtown, and because of lack of leadership here on the Hill, we have done precious little to address the real issues facing American families.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

#### ORDER OF BUSINESS

Mr. REID. Mr. President, we have a couple of Senators who wish to speak. Senator HARKIN has been on the floor. I do not know if there is anyone on the minority side who wishes to speak. I would like to get a routine set up here. Does the Senator from Missouri wish to speak today?

Mr. BOND. Mr. President, to respond to my colleague from Nevada, I was preparing to speak. The Senator from New Mexico wants to bring up the health insurance bill. I just walked in to debate another matter.

Mr. REID. We will wait until the Senator from New Mexico shows up and try to work something out. Is that OK?

Mr. BOND. That works for me.

Mr. REID. Mr. President, I ask unanimous consent that the Senator from Iowa be recognized. I don't know if Senator KENNEDY is still here. He had been waiting. I ask unanimous consent that Senator HARKIN, Senator HOLLINGS, and Senator KENNEDY be recognized in that order. Following that, we would be happy to work out whatever we can with the Senator from Missouri. We had a number of speakers here today, most of whom have been for the Republicans.

The PRESIDING OFFICER. Is there objection?

Mr. REID. I was so promptly reminded that I forgot Senator BYRD. Senator BYRD would be happy to go following Senator KENNEDY.

The PRESIDING OFFICER. Is there objection?

Mr. BOND. I didn't hear the request.

Mr. REID. We have in order Senators HARKIN, HOLLINGS, KENNEDY, and BYRD. As I indicated to the Senator from Missouri, following one of those statements from the Democrats, if Senator DOMENICI shows up, and you and he went into a colloquy, we would be happy to stick you in there.

Mr. BOND. Mr. President, reserving the right to object, might I ask if Members on my side come, we could intersperse them in the makeup?

Mr. REID. That is why I said if Senator DOMENICI, for example, shows up, we will be happy to have a Republican in between the Democrats I announced.

The PRESIDING OFFICER. Is there objection?

Mr. BOND. Mr. President, the unanimous consent request, as modified, is objected to.

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

The Senator from Iowa is recognized.

DEPARTMENTS OF LABOR,  
HEALTH AND HUMAN SERVICES,  
AND EDUCATION APPROPRIATIONS

Mr. HARKIN. Mr. President, I ask unanimous consent that the majority leader, after consultation with the Republican leader, may turn to the consideration of S. 2776, the Labor, Health and Human Services, and Education appropriations bill.

Mr. BOND. Mr. President, on behalf of the minority leader, we object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Iowa is recognized.

Mr. HARKIN. Mr. President, I thank the leader and the assistant majority leader, Senator REID, for attempting to bring forward this Labor, Health and Human Services, and Education bill. I am disappointed some in this body don't want us to move forward with this vital piece of legislation for the American people.

I invite my colleagues to take a hard look at the bill. It is a good one. It is a bipartisan bill. I invite my colleagues, especially on the Republican side, who objected to bringing this up to take a look at the cost of our inaction and what it will mean for America's school children this year.

As I have said, this is a bipartisan bill. It passed both the subcommittee and the full committee unanimously. One reason for that is the good allocation my subcommittee was provided by our chairman, Senator BYRD, and the ranking Member, Senator STEVENS. Another reason is the bipartisan partnership Senator SPECTER and I have enjoyed for many years. I thank each for their efforts.

Why can't we move forward now? Nothing is happening here. Look at the Senate. Nothing is happening. Nothing is happening, and we want to bring up our education bill to fund America's schools, and the Republicans won't let us. I ask why? Why is there an objection today to bringing up the funding bill for education?

I have heard the President pounding on the podium in cities and towns all across the country saying the U.S. Senate needs to act. I agree. It is time to act. It is time to live up to the promises the President and this Congress made on education. We are ready to act. We didn't object. The Republicans objected to bringing up our education bill.

Not incidentally, it is time to live up to the promise we made on a bipartisan basis to double the funding for the National Institutes of Health. With this bill, we would have completed that 5-year goal. Now that has been put on the back burner. With this bill, we could have completed that 5-year goal. And that is put on the back burner. It is all in jeopardy, as is the promise of the Leave No Child Behind Act.

Last year we came together on a bipartisan basis to demand more of our

public schools. We said the status quo was not good enough; we had to do better. Now, by not acting on this bill, we have passed mandates on our public schools, mandates about leaving no child behind, and now we are not coming forward with the funding to help them.

Now we are going to do a continuing resolution. That is what they tell me. What does passing a long-term continuing resolution mean? I talk about that with my constituents. I talk about a CR, a continuing resolution, and their eyes glaze over. What does that mean?

In real terms, the objection by the minority side today means \$3.2 billion less for education overall for this year, the one we are in now, and \$1.5 billion less for title I, which is most important for implementing Leave No Child Behind.

Since the objection was made on behalf of the minority leader, the Senator from Mississippi, I point out that in Mississippi that would be \$5.3 million less this year for title I if we do not get this bill through.

The ink isn't even dry on the Leave No Child Behind bill and already we are undercutting the schools. I have talked with a lot of my principals in Iowa and they are deeply concerned about what is going to happen when they have to meet their annual yearly progress standards and yet we have not given them the tools by which they can do so. It will be a cruel joke on them to have passed Leave No Child Behind and not pass the funding.

How about special education? A long-term continuing resolution, without this bill, means \$1 billion less for the Individuals with Disabilities Education Act. Again, since this objection was made on behalf of the Senator from Mississippi, I will point out that for Mississippi it means they will get \$10.7 million less this year for special education because the minority leader objected to moving to the education appropriations bill.

It is time we pass the money for special education. Last year Senator HAGEL and I came together on a bipartisan amendment to do it, but the President and the House punted and said no. And they are doing it again.

I say to colleagues, ask your principals and your school boards about their need for special education funding and you will find out how much it is needed. Because this objection was made today, \$1 billion less will be made available to our public schools in America.

For student financial aid—for those going to college—a long-term CR means \$100 less for the maximum Pell grant, and not a single dollar more for student loans and other college aid.

In my own State of Iowa, because of the downturn in the economy, we have seen a 20-percent tuition increase at our public universities. These schools are critical to helping middle-class kids climb the ladder of opportunity.

Yet today the minority leader says no to helping these middle-class kids get a college education.

The world has changed a lot from a year ago. There is no denying that. We have different priorities, as well we should. But if we cannot ensure that every child in America has the best public education, then what kind of a nation are we fighting for?

President Kennedy once said of education:

Let us think of education as the means of developing our greatest abilities, because in each of us there is a private hope and dream which, fulfilled, can be translated into benefit for everyone and greater strength for our nation.

It is the private hopes and the private dreams of the families of these kids in public schools—in elementary school and high school, and now wanting to go to college—it is their private hopes and dreams that are being stunted by the objection by the minority leader today in not going to the education funding bill.

We are here in the Senate. We are not doing a cotton-picking thing. We are just sitting around. Why? Because the minority leader will not let us do anything. They may think it is good politics. Maybe they can go out there and now argue: Well, we can't get anything done in the Senate. We can't get anything done in the Senate. Well, not because of what the Democrats are doing. We want to bring up the education funding bill. It is the minority leader who is objecting. The Republican leader is objecting.

We could bring it up. As I say one more time, this education funding bill passed the subcommittee and the full committee unanimously—unanimously. So for what possible reason would the minority leader object to bringing up the education funding bill when we are not doing anything anyway? It would seem to me we could bring it up, debate it this afternoon, and probably get it passed tomorrow, since it was supported unanimously on both sides of the aisle.

It is time for us to act to get the money out for special education, title I, for elementary and secondary education, help for our middle-class kids going to college. The minority leader today has said no. He said that politics comes first. I think our kids should come first.

Well, they have objected today, Mr. Leader. I will attempt again tomorrow to bring up the education funding bill, and every day that we are here, to bring it up to let the American people know that we, on this side, and I, as chairman of the subcommittee that funds education, want to bring it up. We want to get it through. I am just sorry that the minority leader has objected.

The PRESIDING OFFICER. The Senator from Missouri.

INACTION ON APPROPRIATIONS  
BILLS

Mr. BOND. Mr. President, on one point I agree with my colleague from

Iowa: This Senate is dysfunctional. We have not done our work. It is a new year. It has already begun. We have not passed and sent to the President a single appropriations bill.

But I have to differ very strongly with his accusation, which is totally unfounded, that the objection I raised was for political purposes. The objection is raised because this body has before it an appropriations bill. We have the Interior appropriations bill before us, and it has been stalled by my colleagues on the other side. We need to vote on that bill.

One of the reasons we are in this problem is because we have not passed a budget, the first time since 1974 we have not passed a budget. I serve on the Budget Committee. I happen to believe that the budget that was reported out by the majority, on a party-line vote, was and is indefensible. The fact that the majority leader has not brought it up tends to confirm my suspicion.

But when you do not have a budget, you have a great difficulty trying to pass appropriations bills. We have passed good bills out of the Appropriations Committee. And I happen to have not only a great interest in the Labor, Health, and Human Services bill, but in the VA-HUD and independent agencies bill. We have to get those done. And we are going to get those done. It looks as if we are going to have to wait for a new Congress to do it. We are going to get those funds out there because they are vitally needed. And we have, in all of these bills, incorporated many important projects and programs that need to be funded.

But we are stuck. We have been almost, I guess it is, 5 weeks now on Interior. Why haven't we voted on and passed out an Interior bill? Why not? Because Senators from the West—and I include myself in that; it is close; we are on the west side of the Mississippi River—want to have the same protection for our forests, for the neighbors of the forests, for the people who work in the forests—the firefighters—for the people who live by the forests, for the trees themselves, the wildlife in the forests, we want to have the same protection from devastating catastrophic forest fires.

Senators CRAIG, DOMENICI, and KYL offered an amendment which I was proud to support. Very simply, that amendment gave, with many more limitations, the same kind of flexibility to the Forest Service in other States that it has in South Dakota, which is desperately needed.

The Senator from South Dakota included a provision nobody knew about in the Defense bill that said you could go in and clean out the high-density fuel and the volatile compounds lining the floors of the forests in South Dakota, but he made it just for South Dakota.

Fires are raging in the West, in California, Arizona, Colorado, Utah. They are threatened in Missouri. We said: We

want the same protection for our forests. We want to be able to use sound forest management, which means getting the dead, diseased logs out of the forest before a spark from lightning or a manmade spark or some kind of machine sets them on fire and causes a catastrophic fire that outraces the wildlife, that burns old-growth trees, that kills people. Over 20 firefighters are dead in the West from these catastrophic fires. It is burning up property.

Do you know what the result is? The environment suffers tremendously because wildlife cannot escape from these fast-moving fires. The forest floor is baked so hard that nothing will grow for decades. What we are saying is, sound forestry management demands that you clean out the high-fuel areas to prevent catastrophic fires. It makes common sense. Except there are special interest groups, specifically the Sierra Club and others, that say you cannot vote for that bill. They have too much political clout.

If we are talking about politics, holding up the appropriations, let's look at the politics holding up the Interior appropriations bill. That is where the politics are being played. That is why people throughout the West and anywhere where there are national forests are in danger of catastrophic forest fires, because the majority refuses to make their Members vote between cleaning up the forests, preventing the fires, protecting their people, and the Sierra Club. They don't want to make that choice.

That choice is easy. If we can get a vote on it, one way or the other, you may beat us. You may have enough votes to say, no, we don't want to give you that protection. But at least we want to have a vote. Then we can pass the Interior bill. We could get to Labor-HHS. We could get to the CJS bill on which my colleague from South Carolina has worked so hard. We can get to the VA-HUD-independent agencies bill on which I have worked with my colleague from Maryland.

There is politics in the holding up of the appropriations. The politics are not on this side.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

#### THE ECONOMY

Mr. HOLLINGS. Mr. President, earlier this morning I heard a distinguished colleague on this side of the aisle refer to ending the fiscal year with a \$150 to \$160 billion deficit.

Thereafter, I was astounded to hear a colleague from the other side of the aisle say tax cuts increase revenues. If that latter statement were true, we would just come here and cut taxes every day because that is what we need, revenues. Ever since this President took office, we have run the most astounding debt of a free country. Instead of paying down the debt, there

isn't any question, when he came here he started cutting taxes. He put in an economic team headed by Larry Lindsey—the only fellow in America who thinks the economy is good.

Until you get rid of that economic team and stop this singsong about cutting taxes, and instead start paying down the debt, the economy is not going to recover.

Let me go right to what the debt is because today is October 2, two days since the end of fiscal year 2002. Under law, the Treasurer of the United States is required to publish the public debt every day. We ended the fiscal year 2002 on September 30, with a deficit of \$421 billion, and a debt of \$6.2 trillion, up from \$5.8 trillion last year.

I have been up here 36 years. This is the biggest deficit we have ever had. George the first gave us a \$402 billion deficit. He exceeded the \$400 billion mark. Now George the second, topped it with \$421 billion. The Senator from Oklahoma said that if you cut the taxes, you increase the revenues. George the first called that voodoo. This is voodoo two.

Here is how we got into this particular dilemma, because we all are guilty on both sides of the aisle and on both sides of the Capitol. It was Mark Twain who said that the truth is such a precious thing, it should be used very sparingly.

Well, not really kidding about the truth, going to the seriousness of the truth, it was never better stated than by my friend James Fallows, in his book "Breaking the News" back in 1996, when he related the debate over how you constitute and maintain a strong democratic government.

The debate was between Walter Lippmann and John Dewey, the famous educator. It was Lippmann's contention that what you really need to do is get the best of minds in the particular disciplines—the best fellow on education, the best on forestry and fires, the best fellow on health care, the best fellow on defense, and whatever it is, the experts in the fields—to sit around the table and agree on the needs of the country and their expert solution to the problem of those needs.

John Dewey, the famous educator, said: No, all we need to do is have the free press tell the truth to the American people. And out of those truths, emanating through their representatives, their Senators in Government in Washington, would come the proper programs to strengthen and maintain that democracy.

That for the first time ever gave me the understanding of Jefferson's observation that as between a free government and a free press, he would choose the latter. Obviously, of course, with that free press telling the truth, we would always maintain a strong democracy. But we haven't been telling the truth.

I have been trying for a good 20-some years now, since I was chairman of the Budget Committee, to get us to tell the

truth: Simply, how much in revenues the Government took in, and how many expenditures there were. We need to find out what the net is, so we know whether we ended up with a surplus or with a deficit. Using this technique, the fiscal year 2002 deficit, that ended just two days ago, was \$421 billion.

How many Senators, time and time again, say: We have to hold the deficit to \$165 billion, but we are not going to touch Social Security? How many Senators have said we have a \$5.6 trillion surplus, but we are not going to touch Social Security?

Let me go to the Social Security story. In 1935, under Franklin Delano Roosevelt, we passed the most formative of governmental programs. Between 1930 and 1969, we never used Social Security moneys to pay the Government's debt. However, in 1971, I was here when we had the famous expert on government finance, Congressman Wilbur Mills, and he started up into New Hampshire running for the Presidency, promising a 10-percent increase in the cost of living adjustment to the Social Security recipient.

He said that we have such a surplus in the Social Security trust fund, he would give them a full 10 percent. Of course, President Nixon came back and said in the campaign: If he gives you 10 percent, I will give you 15 percent. With that one-upmanship during the 1970s, we were drained, and the Social Security trust fund almost went into the red by 1980.

We appointed the famous Greenspan Commission, which came out with a report in January 1983 called the "National Commission on Social Security Reform." You will see under section 21—and I read from it:

A majority of the members of the National Commission recommends that the operations of the Social Security trust funds should be removed from the unified budget.

It took this Senator from 1983 until 1990—7 years—to get a vote on this. I finally got it out of the Budget Committee, but not unanimously. There was one vote by someone who said they would "chase me down like a dog in the streets" when I was recommending an increase in taxes in 1993. There was one Senator on that Budget Committee, who would surprise everybody, who said, no, he didn't want to put Social Security off budget. But when we came to a vote on the floor, 98 Senators voted for it. President George Herbert Walker Bush, on November 5, 1990, signed section 13.301 of the Budget Act into law, which states:

Notwithstanding any other provision of law, the receipts and disbursements of the Social Security trust fund shall not be counted in any budget of the United States Government.

There it is. That is the law of the land. Unfortunately, there is no penalty if you don't follow it. I tried to get a penalty saying you would forfeit your own Social Security if ever you quoted a budget including the Social Security trust funds.

I ask unanimous consent that this section be printed in the CONGRESSIONAL RECORD at this time, along with section 31 of the report.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

(21) A majority of the members of the National Commission recommends that the operations of the OASI, DI, HI, and SMI Trust Funds should be removed from the unified budget. Some of those who do not support this recommendation believe that the situation would be adequately handled if the operations of the Social Security program were displayed within the present unified Federal budget as a separate budget function, apart from other income security programs.

The PRESIDING OFFICER. The Senator has consumed 10 minutes.

Mr. HOLLINGS. I ask unanimous consent for another 10 minutes.

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

Mr. HOLLINGS. Mr. President, in 1993, that same Alan Greenspan went down to Arkansas. To meet with President-Elect Bill Clinton at an economic conference. He said what we really needed to do is pay down the debt; then President Clinton came to town, and without a single Republican vote, we cut spending and we increased taxes. That is when the Senator from Texas, Mr. GRAMM, said: If you increase taxes on Social Security, they will be hunting you Democrats down like dogs in the street and shooting you.

Well, I voted to increase taxes on Social Security. I voted to increase taxes on gasoline. I voted to increase taxes on whom? The stock crowd in New York. And the stock crowd in New York rejoiced. They turned around and said: The Government in Washington finally has gotten serious and is going to pay down the bill—that huge debt—and we are going to start investing. Then we had an 8-year economic boom.

Along comes candidate George W. Bush. When candidate Bush came on that campaign trail, I will never forget it. It was about this time, the year before last. He said he was going to cut taxes. I was watching it, being an old Budget Committee chairman and thinking, How in the world are they going to do this? They didn't have any taxes to cut. We got right into the black under President Clinton's economic plan. We were hearing about going in the absolute opposite direction and arguing now why. Everybody knows why.

Immediately after his election in November, on the Friday of that particular week, Vice President CHENEY said we were going to cut taxes. Everybody started taking him seriously. This was not just a campaign statement. Then I can tell you who pulled the plug on the economy—irrationally exuberant Alan Greenspan himself. He appeared on January 25—I ask unanimous consent this be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TESTIMONY OF CHAIRMAN ALAN GREENSPAN  
(BEFORE THE COMMITTEE ON THE BUDGET, U.S. SENATE, JANUARY 25, 2001)

OUTLOOK FOR THE FEDERAL BUDGET AND IMPLICATIONS FOR FISCAL POLICY

I am pleased to appear here today to discuss some of the important issues surrounding the outlook for the federal budget and the attendant implications for the formulation of fiscal policy. In doing so, I want to emphasize that I speak for myself and not necessarily for the Federal Reserve.

The challenges you face both in shaping a budget for the coming year and in designing a longer-run strategy for fiscal policy were brought into sharp focus by the release last week of the Clinton Administration's final budget projections, which showed further upward revisions of on-budget surpluses for the next decade. The Congressional Budget Office also is expected to again raise its projections when it issues its report next week.

The key factor driving the cumulative upward revisions in the budget picture in recent years has been the extraordinary pickup in the growth of labor productivity experienced in this country since the mid-1990s. Between the early 1970s and 1995, output per hour in the nonfarm business sector rose about 1½ percent per year, on average. Since 1995, however, productivity growth has accelerated markedly, about doubling the earlier pace, even after taking account of the impetus from cyclical forces. Though hardly definitive, the apparent sustained growth in measured productivity in the face of a pronounced slowing in the growth of aggregate demand during the second half of last year was an important test of the extent of the improvement in structural productivity. These most recent indications have added to the accumulating evidence that the apparent increases in the growth of output per hour are more than transitory.

It is these observations that appear to be causing economists, including those who contributed to the OMB and the CBO budget projections, to raise their forecasts of the economy's long-term growth rates and budget surpluses. This increased optimism receives support from the forward-looking indicators of technical innovation and structural productivity growth, which have shown few signs of weakening despite the marked curtailment in recent months of capital investment plans for equipment and software.

To be sure, these impressive upward revisions to the growth of structural productivity and economic potential are based on inferences drawn from economic relationships that are different from anything we have considered in recent decades. The resulting budget projections, therefore, are necessarily subject to a relatively wide range of error. Reflecting the uncertainties of forecasting well into the future, neither the OMB nor the CBO projects productivity to continue to improve at the stepped-up pace of the past few years. Both expect productivity growth rates through the next decade to average roughly 2¼ to 2½ percent per year—far above the average pace from the early 1970s to the mid-1990s, but still below that of the past five years.

Had the innovations of recent decades, especially in information technologies, not come to fruition, productivity growth during the past five to seven years, arguably, would have continued to languish at the rate of the preceding twenty years. The sharp increase in prospective long-term rates of return on high-tech investments would not have emerged as it did in the early 1990s, and the associated surge in stock prices would surely have been largely absent. The accompanying wealth effect, so evidently critical to the growth of economic activity since the mid-1990s, would never have materialized.

In contrast, the experience of the past five to seven years has been truly without recent precedent. The doubling of the growth rate of output per hour has caused individuals' real taxable income to grow nearly 2½ times as fast as it did over the preceding ten years and resulted in the substantial surplus of receipts over outlays that we are now experiencing. Not only did taxable income rise with the faster growth of GDP, but the associated large increase in asset prices and capital gains created additional tax liabilities not directly related to income from current production.

The most recent projections from the OMB indicate that, if current policies remain in place, the total unified surplus will reach \$800 billion in fiscal year 2011, including an on-budget surplus of \$500 billion. The CBO reportedly will be showing even larger surpluses. Moreover, the admittedly quite uncertain long-term budget exercises released by the CBO last October maintain an implicit on-budget surplus under baseline assumptions well past 2030 despite the budgetary pressures from the aging of the baby-boom generation, especially on the major health programs.

The most recent projections, granted their tentativeness, nonetheless make clear that the highly desirable goal of paying off the federal debt is in reach before the end of the decade. This is in marked contrast to the perspective of a year ago when the elimination of the debt did not appear likely until the next decade.

But continuing to run surpluses beyond the point at which we reach zero or near-zero federal debt brings to center stage the critical longer-term fiscal policy issue of whether the federal government should accumulate large quantities of private (more technically nonfederal) assets. At zero debt, the continuing unified budget surpluses currently projected imply a major accumulation of private assets by the federal government. This development should factor materially into the policies you and the Administration choose to pursue.

I believe, as I have noted in the past, that the federal government should eschew private asset accumulation because it would be exceptionally difficult to insulate the government's investment decisions from political pressures. Thus, over time, having the federal government hold significant amounts of private assets would risk sub-optimal performance by our capital markets, diminished economic efficiency, and lower overall standards of living than would be achieved otherwise.

Short of an extraordinarily rapid and highly undesirable short-term dissipation of unified surpluses or a transferring of assets to individual privatized accounts, it appears difficult to avoid at least some accumulation of private assets by the government.

Private asset accumulation may be forced upon us well short of reaching zero debt. Obviously, savings bonds and state and local government series bonds are not readily redeemable before maturity. But the more important issue is the potentially rising cost of retiring marketable Treasury debt. While shorter-term marketable securities could be allowed to run off as they mature, longer-term issues would have to be retired before maturity through debt buybacks. The magnitudes are large: As of January 1, for example, there was in excess of three quarters of a trillion dollars in outstanding nonmarketable securities, such as savings bonds and state and local series issues, and marketable securities (excluding those held by the Federal Reserve) that do not mature and could not be called before 2011. Some holders of long-term Treasury securities may be reluctant to give them up, especially those who

highly value the risk-free status of those issues. Inducing such holders, including foreign holders, to willingly offer to sell their securities prior to maturity could require paying premiums that far exceed any realistic value of retiring the debt before maturity.

Decisions about what type of private assets to acquire and to which federal accounts they should be directed must be made well before the policy is actually implemented, which could occur in as little as five to seven years from now. These choices have important implications for the balance of saving and, hence, investment in our economy. For example, transferring government savings to individual private accounts as a means of avoiding the accumulation of private assets in the government accounts could significantly affect how social security will be funded in the future.

Short of some privatization, it would be preferable in my judgment to allocate the required private assets to the social security trust funds, rather than to on-budget accounts. To be sure, such trust fund investments are subject to the same concerns about political pressures as on-budget investments would be. The expectation that the retirement of the baby-boom generation will eventually require a drawdown of these fund balances does, however, provide some mitigation of these concerns.

Returning to the broader picture, I continue to believe, as I have testified previously, that all else being equal, a declining level of federal debt is desirable because it holds down long-term real interest rates, thereby lowering the cost of capital and elevating private investment. The rapid capital deepening that has occurred in the U.S. economy in recent years is a testament to these benefits. But the sequence of upward revisions to the budget surplus projections for several years now has reshaped the choices and opportunities before us. Indeed, in almost any credible baseline scenario, short of a major and prolonged economic contraction, the full benefits of debt reduction are now achieved before the end of this decade—a prospect that did not seem likely only a year or even six months ago.

The most recent data significantly raise the probability that sufficient resources will be available to undertake both debt reduction and surplus lowering policy initiatives. Accordingly, the tradeoff faced earlier appears no longer an issue. The emerging key fiscal policy need is to address the implications of maintaining surpluses beyond the point at which publicly held debt is effectively eliminated.

The time has come, in my judgment, to consider a budgetary strategy that is consistent with a preemptive smoothing of the glide path to zero federal debt or, more realistically, to the level of federal debt that is an effective irreducible minimum. Certainly, we should make sure that social security surpluses are large enough to meet our long-term needs and seriously consider explicit mechanisms that will help ensure that outcome. Special care must be taken not to conclude that wraps on fiscal discipline are no longer necessary. At the same time, we must avoid a situation in which we come upon the level of irreducible debt so abruptly that the only alternative to the accumulation of private assets would be a sharp reduction in taxes and/or increase in expenditures, because these actions might occur at a time when sizable economic stimulus would be inappropriate. In other words, budget policy should strive to limit potential disruptions by making the on-budget surplus economically inconsequential when the debt is effectively paid off.

In general, as I have testified previously, if long-term fiscal stability is the criterion, it

is far better, in my judgment, that the surpluses be lowered by tax reductions than by spending increases. The flurry of increases in outlays that occurred near the conclusion of last fall's budget deliberations is troubling because it makes the previous year's lack of discipline less likely to have been an aberration.

To be sure, with the burgeoning federal surpluses, fiscal policy has not yet been unduly compromised by such actions. But history illustrates the difficulty of keeping spending in check, especially in programs that are open-ended commitments, which too often have led to much larger outlays than initially envisioned. It is important to recognize that government expenditures are claims against real resources and that, while those claims may be unlimited, our capacity to meet them is ultimately constrained by the growth in productivity. Moreover, the greater the drain of resources from the private sector, arguably, the lower the growth potential of the economy. In contrast to most spending programs, tax reductions have downside limits. They cannot be open-ended.

Lately there has been much discussion of cutting taxes to confront the evident pronounced weakening in recent economic performance. Such tax initiatives, however, historically have proved difficult to implement in the time frame in which recessions have developed and ended. For example, although President Ford proposed in January of 1975 that withholding rates be reduced, this easiest of tax changes was not implemented until May, when the recession was officially over and the recovery was gathering force. Of course, had that recession lingered through the rest of 1975 and beyond, the tax cuts would certainly have been helpful. In today's context, where tax reduction appears required in any event over the next several years to assist in forestalling the accumulation of private assets, starting that process sooner rather than later likely would help smooth the transition to longer-term fiscal balance. And should current economic weakness spread beyond what now appears likely, having a tax cut in place may, in fact, do noticeably good.

As for tax policy over the longer run, most economists believe that it should be directed at setting rates at the levels required to meet spending commitments, while doing so in a manner that minimizes distortions, increases efficiency, and enhances incentives for saving, investment, and work.

In recognition of the uncertainties in the economic and budget outlook, it is important that any long-term tax plan, or spending initiative for that matter, be phased in. Conceivably, it could include provisions that, in some way, would limit surplus-reducing actions if specified targets for the budget surplus and federal debt were not satisfied. Only if the probability was very low that prospective tax cuts or new outlay initiatives would send the on-budget accounts into deficit, would unconditional initiatives appear prudent.

The reason for caution, of course, rests on the tentativeness of our projections. What if, for example, the forces driving the surge in tax revenues in recent years begin to dissipate or reverse in ways that we do not foresee? Indeed, we still do not have a full understanding of the exceptional strength in individual income tax receipts during the latter 1990s. To the extent that some of the surprise has been indirectly associated with the surge in asset values in the 1990s, the softness in equity prices over the past year has highlighted some of the risks going forward.

Indeed, the current economic weakness may reveal a less favorable relationship between tax receipts, income, and asset prices than has been assumed in recent projections.

Until we receive full detail on the distribution by income of individual tax liabilities for 1999, 2000, and perhaps 2001, we are making little more than informed guesses of certain key relationships between income and tax receipts.

To be sure, unless later sources do reveal major changes in tax liability determination, receipts should be reasonably well-maintained in the near term, as the effects of earlier gains in asset values continue to feed through with a lag into tax liabilities. But the longer-run effects of movements in asset values are much more difficult to assess, and those uncertainties would intensify should equity prices remain significantly off their peaks. Of course, the uncertainties in the receipts outlook do seem less troubling in view of the cushion provided by the recent sizable upward revisions to the ten-year surplus projections. But the risk of adverse movements in receipt is still real, and the probability of dropping back into deficit as a consequence of imprudent fiscal policies is not negligible.

In the end, the outlook for federal budget surpluses rests fundamentally on expectations of longer-term trends in productivity, fashioned by judgments about the technologies that underlie these trends. Economists have long noted that the diffusion of technology starts slowly, accelerates, and then slows with maturity. But knowing where we now stand in that sequence is difficult—if not impossible—in real time. As the CBO and the OMB acknowledge, they have been cautious in their interpretation of recent productivity developments and in their assumptions going forward. That seems appropriate given the uncertainties that surround even these relatively moderate estimates for productivity growth. Faced with these uncertainties, it is crucial that we develop budgetary strategies that deal with any disappointments that could occur.

That said, as I have argued for some time, there is a distinct possibility that much of the development and diffusion of new technologies in the current wave of innovation still lies ahead, and we cannot rule out productivity growth rates greater than is assumed in the official budget projections. Obviously, if that turns out to be the case, the existing level of tax rates would have to be reduced to remain consistent with currently projected budget outlays.

The changes in the budget outlook over the past several years are truly remarkable. Little more than a decade ago, the Congress established budget controls that were considered successful because they were instrumental in squeezing the burgeoning budget deficit to tolerable dimensions. Nevertheless, despite the sharp curtailment of defense expenditures under way during those years, few believed that a surplus was anywhere on the horizon. And the notion that the rapidly mounting federal debt could be paid off would not have been taken seriously.

But let me end on a cautionary note. With today's euphoria surrounding the surpluses, it is not difficult to imagine in the hard-earned fiscal restraint developed in recent years rapidly . . .

He said that "by continuing to run surpluses beyond the point of which we reach zero, Federal debt brings to center stage the critical longer term fiscal policy issue of whether the Federal Government should accumulate large quantities of private assets. I believe that the Federal Government should eschew private assets accumulation. Of course, having the Federal Government hold the significant amounts of private assets would risk sub-optimal perform-

ance of our capital markets, diminish economic efficiency, and lower overall standards of living."

He talked of "burgeoning Federal surpluses." That was just last year, in January. He said that surpluses should be lowered by tax reductions rather than by spending increases.

He said:

The most recent data significantly raised the probability that sufficient resources will be available to undertake both debt reduction and surplus lowering.

Does anybody here need better permission than that, than to have Alan Greenspan give you the stamp of approval for cutting taxes?

Mr. President, the President talked a month later, in February, in his State of the Union, and he said:

To make sure the retirement savings of America's seniors are not diverted in any other program, my budget projects all \$2.6 trillion of the Social Security surplus for Social Security, and for Social Security alone. At the end of these 10 years, we will have paid down all of the debt. That is more debt repaid more quickly than has ever been repaid by any nation in history.

He says, going further:

My budget sets aside almost a trillion dollars over 10 years for additional needs.

I could read more. But don't come now and say we have huge deficits because of 9/11. The cost of 9/11 is under \$32 billion. The terrorism war didn't cause this huge deficit. If it did, the President said just a year ago, he had a trillion dollars ready to take care of anything unexpected.

So there you are, Mr. President. What we did is to give out some rebates. I had an amendment on the floor on this. We passed it in June and paid it out around September. It was too late; it wasn't enough. More than anything else, it didn't give the payroll taxpayers—the ones who would spend the money, the people who were pulling the wagon, paying the taxes, keeping the schools going, and everything else of that kind, working around the clock—they didn't get any particular tax cut.

So then this August I moved finally on the budget with respect to the SEC certification. If the SEC was busy asking the CEOs of America's largest companies to swear that their financial reports were in order, I thought that Mitch Daniels should do the same for the Office of Management and Budget.

Here on this chart we have listed more than 600 CEOs who complied. On August 14, the deadline day, there were only two exceptions—the CEO of the IT Group, Mitch Daniels of the United States of America. Let me scratch out the IT Group because they have since been heard from.

I wrote Mitch Daniels, the Director of the Office of Management and Budget, and I said: Are you going to also certify on August 14? The next day, the New York Times reported that Mr. Daniels said he would have a reply to Mr. HOLLINGS ready in a day or two.

That was on August 15. I still do not have a reply. I guess he wants an extension.

How are we going to get truth in budgeting? It is very interesting that we passed, in 1994, the Pension Reform Act whereby companies are not allowed to use pension money of corporations to pay off company debt. We had Carl Icahn and all of those quick artists who took money from these corporations and ran.

Unfortunately, our friend, the famous pitcher, Denny McLain in Detroit, when he headed up a corporation and took money, was convicted of a felony. I said: If you can find the jail where he is serving—I am confident he is out by now—tell him next time to run for the U.S. Senate. Instead of a jail term, you get the Good Government Award. That is what we have going on.

You cannot treat expenditures as revenues. That is exactly Kenny Boy Lay's Enron program, but Kenny Boy did not invent it. We invented it up here under voodoo Reagan and now with voodoo Bush 2, George W. He broke the Government. He has the sorriest economic team you have ever seen. He still naively does not understand the economy, asking for tax cuts. He is continuing to wreck us, and until he gets rid of that team and quits talking tax cuts and starts talking economic sense, the market will never turn around, I can tell you that right now.

Mr. President, let's please tell the truth. I ask unanimous consent that the public debt to the penny by the Treasurer of the United States, Secretary O'Neill, be printed in the RECORD showing we ended fiscal year 2002 with a \$421 billion deficit.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE DEBT TO THE PENNY

	Amount
Current: 9-30-2002 .....	\$622,235,965,597.16
Current month:	
9-27-2002 .....	6,193,334,713,434.45
9-26-2002 .....	6,195,917,334,028.10
9-25-2002 .....	6,201,863,128,192.67
9-24-2002 .....	6,202,454,383,502.58
9-23-2002 .....	6,201,634,677,013.67
9-20-2002 .....	6,199,849,505,001.03
9-19-2002 .....	6,199,158,297,617.64
9-18-2002 .....	6,203,601,028,501.77
9-17-2002 .....	6,206,073,469,907.30
9-16-2002 .....	6,198,239,142,009.48
9-13-2002 .....	6,206,509,037,316.48
9-12-2002 .....	6,207,448,344,943.44
9-11-2002 .....	6,212,731,396,360.16
9-10-2002 .....	6,206,134,982,821.32
9-9-2002 .....	6,200,848,240,187.31
9-6-2002 .....	6,203,279,922,857.50
9-5-2002 .....	6,203,621,876,964.50
9-4-2002 .....	6,201,449,286,859.25
9-3-2002 .....	6,194,089,703,019.91
Prior months:	
8-30-2002 .....	6,210,481,675,956.26
7-31-2002 .....	6,159,740,790,009.39
6-28-2002 .....	6,126,468,760,400.48
5-31-2002 .....	6,019,332,312,247.55
4-30-2002 .....	5,984,677,357,213.86
3-29-2002 .....	6,006,031,606,265.38
2-28-2002 .....	6,003,453,016,583.85
1-31-2002 .....	5,937,228,743,476.27
12-31-2001 .....	5,943,438,563,436.13
11-30-2001 .....	5,888,896,887,571.34
10-31-2001 .....	5,815,983,290,402.24
Prior fiscal years:	
9-28-2001 .....	5,807,463,412,200.06
9-29-2000 .....	5,674,178,209,886.86
9-30-1999 .....	5,656,270,901,615.43
9-30-1998 .....	5,526,193,008,897.62
9-30-1997 .....	5,413,146,011,397.34
9-30-1996 .....	5,224,810,939,135.73
9-29-1995 .....	4,973,982,900,709.39
9-30-1994 .....	4,692,749,910,013.32

THE DEBT TO THE PENNY—Continued

	Amount
9-30-1993 .....	4,411,488,883.139.38
9-30-1992 .....	4,064,620,655,521.66
9-30-1991 .....	3,665,303,351,697.03
9-28-1990 .....	3,233,313,451,777.25
9-29-1989 .....	2,857,430,960,187.32
9-30-1988 .....	2,602,337,712,041.16
9-30-1987 .....	2,350,276,890,953.00

Source: Bureau of the Public Debt.

Mr. HOLLINGS. I yield the floor.  
The PRESIDING OFFICER (Mr. CARPER). The Senator from Nevada.

ORDER OF PROCEDURE

Mr. REID. Mr. President, I ask unanimous consent that in the order of speakers already identified, Senator KENNEDY be removed from the list and that following Senator BYRD—Senator BYRD has indicated he will speak for 20 or 25 minutes—Senator ENZI then be recognized, followed by Senator DORGAN. Following that, Senators BOND, BINGAMAN, and LINCOLN will then be next recognized. They have some legislation on which they want to have a colloquy. Following Senator DORGAN, we will have a presentation by Senators BOND, BINGAMAN, and LINCOLN.

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

The Senator from West Virginia.

APPROPRIATIONS BILLS: AT AN IMPASSE

Mr. BYRD. I thank the Chair. I also extend my thanks to the distinguished Democratic whip for his help in arranging for me to speak at this moment.

Mr. President, today is October 2. In 2 days, the continuing resolution that Congress approved last week will expire. While the days flip by on the calendar, the work on appropriations bills remains at an impasse, a standstill.

As a result of White House efforts to slow down the appropriations process—and those efforts have been successful—not 1 of the 13 appropriations bills has been sent to the President as of October 1, the beginning of the new fiscal year. This is the worst record for progress in the appropriations process since 1987.

In 1987, my wife and I celebrated our 50th wedding anniversary. Here it is 15 years later, so we are now 65 years along on our journey, but how much further along are we in the appropriations process? Let me say again, this is the worst record for progress in the appropriations process since 1987.

I would be very unhappy to say this with respect to my wife's and my journey of wedding anniversaries. Fifteen of them have passed since we had our worst year in 1987 in the appropriations process. So today, 15 years later, we are as bad as we were then.

As a result of White House intransigence on total discretionary spending for this fiscal year, the other body, the House of Representatives, has not taken up a single appropriations bill on the House floor for 10 weeks—10 weeks.

God created the Earth and all of the universe and created man in 1 week—6 days and rested on the 7th. Here we are, the House has not taken up an appropriations bill on the floor for 10 weeks—10 weeks. Rather than working with the House Appropriations Committee and moderates in their own party on a level of spending that could be approved on the House floor, the House Republican leadership, at the request of the White House, simply shut the appropriations process down. That is it.

As a result, one of the most fundamental duties of the President and the Congress—namely, to make careful and responsible choices about how to spend the taxpayers' hard-earned dollars—has been put on automatic pilot.

While the days slip away, the 4 million veterans in this country who rely on the Veterans Administration for their health care will have to worry as to whether or not that care is going to be available for them.

While the days slip away, the 11,420 FBI agents who are supposed to be combating the war on terrorism will have to wonder whether they have the necessary resources to continue to fight that war. Why? Because of this administration's do-nothing policy when it comes to the appropriations process. Slow down the process. Stall.

While the days slip away, the Government's effort to root out corporate fraud would be put on hold.

While the days slip away, the President appears to be satisfied to forget his "no child left behind" promise and turn the commitment to educating America's children into another unfunded mandate, another unfulfilled promise.

The President is quick to champion homeland security on the political speech tour. Yes, he will stand out there with a backdrop of marines, a backdrop of soldiers, a backdrop of sailors, a backdrop of the National Guard, and he will say: Congress, pass my homeland security bill.

The President is quick to champion homeland security on the hustings when he is making fundraising trips, raising big dollars for the campaign. He is quick to champion homeland security, but his budget priorities reflect an entirely different agenda. The administration's adamant refusal to move off the dime in these appropriations discussions could jeopardize homeland security—and already has jeopardized homeland security.

No matter when or how or whether any new Department of Homeland Security is created, by jeopardizing the appropriations bills, the White House jeopardizes critical funds for the new Transportation Security Administration. Many of the requirements of the Transportation Security Act require large expenditures in the first quarter of fiscal year 2003. Are they going to flow?

Local airports are required to purchase explosive detection equipment to

keep bombs from being placed on airliners. To do that, the airports need help. But the administration's refusal to be more flexible in its appropriations approach means that help is not on the way.

Federal funds are also needed to hire new Federal screeners to make our Nation's seaports more secure. Is help on the way?

Help is not on the way.

The Immigration and Naturalization Service is at a critical juncture in developing a comprehensive entry and exit system to protect our Nation's borders. The Senate bill provides \$362 million for this initiative. Is help on the way? No. The administration's inflexibility means that help is not on the way.

The Customs Service is scheduled to hire more than 620 agents and inspectors to serve at the Nation's high-risk land and seaports of entry. Homeland security? The Senate provides the funding for the Customs Service. But is help on the way? No. The administration is being inflexible. Help is not on the way.

Thousands of FEMA fire grants, grants for interoperable communications equipment, grants to upgrade emergency operations centers, grants to upgrade search and rescue teams, grants for emergency responder training, and grants to improve State and local planning would be funded under the Senate's appropriations bill. Is help on the way? No. The administration is inflexible.

These are the special interests, I suppose, that the President was talking about, these firemen, policemen, and emergency health personnel who appeared before the Senate Appropriations Committee last spring in support of more money for homeland security.

So here are these special interests—the firemen, the policemen, the emergency help personnel, the people from the hospitals, and the nurses who came before our Senate Appropriations Committee and pleaded for more money for homeland security. Are these the special interests the President is talking about?

Help is not on the way.

Talk is cheap. Homeland security is not cheap. By forcing the Government to operate on autopilot, the administration wants the Nation to fight terrorism at home with one hand tied behind our backs. The President needs to come out of the White House war room long enough to focus on the situation at home. There is no need to go to Iraq, no need to go to the Middle East. The war on terrorism is being waged at home.

Is help on the way? No.

By December 31, 2.3 million unemployed Americans will be cut off from employment assistance. As the days slip away, our Nation's farmers and ranchers are left with no assistance in the face of the worst drought since the Dust Bowl days of the 1930s. I remember those Dust Bowl days of the 1930s.

I was beginning my last 4 years in high school in the 1930s. That is when mechanically sliced bread first came along. "The greatest thing since sliced bread," we hear. That goes back to the 1930s.

The promise made to America's senior citizens for an effective prescription drug benefit is left for another day. Help is not on the way.

A weakened economy and rising health care costs are the main reasons for the growth in the number of the uninsured. When people lose their jobs, they often lose their health coverage.

The number of unemployed men and women has increased by about 2 million since January 2001, so it should come as no surprise that the number of uninsured is also going up, up, up. Health insurance premiums also increased by 12.7 percent during the past year, making coverage less affordable for employers and workers.

According to the Census Bureau, the number of people with employment-based health coverage dropped in 2001 for the first time since 1993. What is the response to this situation from the Bush administration? What is the response?

What? I can't hear you. A deafening silence.

In 2001, the 30 top earning corporate executives took home \$3.1 billion, an average of \$104 million. We are talking about the 30 top earning corporate executives. What did they do to earn their money?

They bilked shareholders. The 30 top-earning corporate executives took home \$3.123 billion, an average of \$104 million.

Why be a U.S. Senator? Why be a Senator? Why be anything else? Become a corporate executive. Not all of them are like that, but there are some bad apples there.

Compared to the national median income in 2001, these 30 corporate executives earned the equivalent of 73,955 households. I would never believe it, but these 30 corporate executives earned the equivalent of 73,955 households.

What is the response to this inequity from the Bush administration? What? A deafening silence. Have I lost my hearing? What has happened? Here I am, 85 years old, and I have no ear plugs in all these years. What? A deafening silence. Deafening.

Unfortunately for the American people, it is not a record on which to look back with pride. It is a record that rejects compromise in favor of obstinance. It is a record that rejects progress in favor of partisanship. It is a record that puts politics ahead of the American people.

As for the appropriations bills, the ranking member of the full committee, the senior Senator from Alaska, Mr. STEVENS, and I have urged the administration and the House Republican leadership to move closer to the Senate levels in these bills. The 13 bills approved by the Senate Appropriations

Committee total \$768.1 billion. These bills are consistent with the committee allocation approved by a vote of 29-0 in June. The bills are consistent with the \$768.1 billion allocation that was approved by the Senate Budget Committee when it reported its budget resolution last March. The bills are consistent with the \$768.1 billion allocation that was supported by 59 Members of the Senate when the allocation was voted on during floor debate on the Defense Authorization bill on June 20.

The Senate bills do not promote an explosive growth in spending. The big growth in the bills is for the 13-percent hike proposed by the President for Defense and the 25-percent increase proposed by the President for homeland defense. The fight with the President is over the Senate's desire to provide a 2.6 percent increase for domestic programs, barely enough to cover inflation.

Clearly, a bipartisan effort in the Senate has produced good pieces of legislation. But progress on these bills is at an impasse because the House leadership, under direction from the administration, will not move beyond its arbitrary funding level of \$759 billion. Just \$9 billion between us, \$9 billion. Yet the administration will not move. On the other hand, someone asked Larry Lindsey, the President's top economic adviser, at the White House the other day: How much will the war cost? Maybe \$100 billion, maybe \$200 billion. That is nothing.

That was his response. That is nothing.

Yet we have come to a standstill because of \$9 billion that the Appropriations Committee in the House and the Appropriations Committee in the Senate believe is needed for domestic programs that benefit the Nation's families, children, and veterans.

By its calculated machinations, the administration is turning its back to the needs of the American people at the exact moment where those needs are reaching the breaking point.

This should not be about political winners or losers. This year, of all years, we should not play political games with the appropriations bills. But it seems as if the administration is more than willing to roll the dice with these important bills. And I fear that their gamble will come up snake eyes.

Time and again, the President called on Congress to pass the Defense appropriations bill before the break for the election. I agree with the President. We should pass that bill. The Senate's bipartisan Defense package is \$1.2 billion above the House-passed level. The Senate, which some claim is uninterested in defense and in the security of the Nation, provided significantly more resources for our soldiers, sailors, and airmen than the House. This Senate has answered the call and responded to the needs of the military. Congress should not pinch pennies at this time for the men and women in our Armed Forces, and I continue to urge the

House to move closer to the Senate level.

We are making progress on the Defense package, and I hope that we can conference those bills soon. But, in order to do that, we need the House Republican leadership and the administration to be more flexible in their approach. Taking such a hard line on these appropriations bills threatens the security of the country forces Congress to gut vital domestic initiatives.

The atmosphere of the White House is a heady one. It can cause even the most level-headed occupant to focus on what is important inside the Washington beltway and to forget what is important in the rest of the Nation. I, for one, do not forget what is important to America. I recognize, as do many Members of this body, the importance of these appropriations bills to the future progress and security of this Nation. I recognize the importance of these appropriations bills to the farmers, to the teachers and their students, and to the veterans. I recognize the importance of these bills to future breakthroughs in medical research and cancer treatments. I recognize the importance of these bills to our Nation's energy independence and to our transportation network. Without these bills, promises will remain unfulfilled, problems will remain unattended, and progress will be stalled.

Tomorrow, the House is expected to debate a second continuing resolution that would simply extend the first continuing resolution through Friday, October 11, and I will recommend that the Senate approve that resolution without controversy. But we should not continue to place the Government on autopilot. We should complete work on our appropriations bills.

I urge the administration and the House Republican leadership to join this Senate in passing 13 responsible pieces of legislation that respond to the needs of the Nation, at home and abroad. I urge that arbitrary budget figures be left at the door and we complete our work before adjourning this session of Congress.

The PRESIDING OFFICER. Under the previous order, the Senator from Wyoming is recognized.

#### COMPLETING THE SENATE'S BUSINESS

Mr. ENZI. Mr. President, as people can probably tell, we are getting down to the end of this session. As such, there is a lot of business that still needs to be completed. Many of my colleague have expressed their concerns that the Senate has not completed its business for this session. We all have similar concerns. Every once in a while, I am compelled to come to the floor and explain what is going on. There is not a scorecard around here. There is not a program that anyone can follow. So sometimes it is a little difficult to know what is really happening in the Senate.

I know there is a little confusion among the American public about our progress because I go back to Wyoming almost every weekend. I go out on Friday because we usually do not have votes on Fridays. I travel to a different part of Wyoming each weekend and I return to Washington on Sunday. One of the things I have learned in my 5½ years of being a Senator from Wyoming is that it is really a big State with numerous communities. Each side of Wyoming is approximately 400 miles on a side, one of those two big square States in the West. If they had not invented the square, we would not be able to exist.

Wyoming has 267 towns and one-third of those towns do not have any population. I go to those towns, too, because there actually are people who congregate at those places. There is a post office or a school or some other public facility, or a ranch that people go to discuss issues.

For example, two weeks ago, I was invited to a pork barbecue—very unusual in Wyoming. We usually have beef barbecues, but this was a pork barbecue at three ranches north of Lusk, Wyoming in Niobrara County. The population of the entire county—and it is bigger than most eastern States—is a little over 3,000 people. Most of the population lives in one town, Lusk. The ranch where the barbecue was hosted is just three ranches north near Lusk. It turned out that three ranches north is 61 miles and then you are still not there. After driving 61 miles, you turn off the highway and drive back another 25 miles on dirt roads to get to the ranch where the barbecue was being held. During the last 25 miles, I forded a creek to get to the house.

I do not know how many of my colleagues have recently forded a creek to get to some of their constituents. But when I got to the ranch, there were approximately 200 people sitting on hay bales, listening to a band, eating the barbecue, and talking about what was going to happen in their State legislative district.

Some of our State legislative districts in Wyoming are pretty long and wind around so they have enough people within the borders to qualify as a legislative district. Previously, the record for people traveling to attend one of my meetings was no more 40 or 50 miles. That is how close neighbors live next to one another out in that part of the country. At this particular meeting, we set a new record. One of the families had traveled to over 180 miles to attend my meeting. Surprisingly enough, they still live in that same house State legislative district, which gives you an idea about the number of miles that we have travel out in the West.

One of the things I have discovered during my weekly trips to Wyoming is what the people in my home State are really thinking and worrying about. I am here to tell you they have two main worries right now.

One of my constituents' worries is the drought. Wyomingites are experiencing the third year of a tragic drought. People have had to sell off their livestock. When all areas affected by this drought start to sell off livestock, it drives the prices down. It particularly drives the prices down if there is a packer concentration that sets those prices.

Packer concentration is another little problem we have in Wyoming, which coincides with our State's current drought. I am sure people in America have not noticed their beef prices going down. No, their beef prices have been increasing. But the ranchers' prices have been decreasing. It is an effect of the drought—with some phony economics built in. Nevertheless, Wyomingites are very interested in the drought. My constituents also are very interested in what is going to happen in Iraq.

I was able to travel to New York on the floor of the United Nations General Assembly when the President delivered his speech to the General Assembly. Each session, the President is allowed to appoint two people from the Congress to be United Nations delegates. President Bush appointed Senator SARBANES and me to represent the Congress at the General Assembly, giving us diplomatic status and rank. It is actually very exciting. If the Ambassador is not there, we have the right to sit in the U.S. Ambassador's seat and cast votes on United Nations resolutions. We also have the opportunity to address the United Nations.

It was interesting attending the session in which President Bush delivered his speech to the United Nations General Assembly. When the President was first introduced, the people who applauded were primarily from the United States. It was a strange situation for the President of the United States because they are used to having people stand and applaud. For the General Assembly attendees, it was not a big shock about the lack of applause because we had just heard the Brazilian head of state's speech and he did not receive applause at the beginning or end of his speech.

President Bush gave his speech, giving an outstanding delivery. It was fascinating to watch the delegates around the floor as their body language demonstrated that they were loosening up. As all of you who watched the speech know, when President Bush finished, he received applause—pretty unanimous applause. He made a point, and I have to tell you that after he finished, the other heads of state, as they gave their speeches, used the theme that the President used. They took Iraq to task and Iraq heard it. Because the heads of state have talked about Iraq—and it is still talk—Iraqi officials have talked about allowing inspectors in the country.

However, we still have a long way to go. There is more important work that we have to accomplish to show the re-

solve of the United States and that we are going to disarm Saddam Hussein. If we cannot disarm Hussein, we are going to replace him. In the next week, the Congress will be debating a resolution concerning Iraq. It was introduced in a bipartisan manner in the Senate earlier today, and it is going to be one of the really important debates of this body. It will take us at least a few days to complete.

I have to tell you that after the President's speech was over, the delegates had a little time to talk among themselves. We wandered around and met other delegates, and also overheard their conversations. I was very pleased at how well the delegates accepted the President's comments about Iraq. Again, if the United Nations does its job, sticks together and does what all of the heads of states have been saying, we can solve the Iraq problem and we can solve it within the realm of the United Nations. I am sure that would be everyone's preference.

While I am explaining what is going on in the Congress, I have to backtrack a little bit because the Congress has had a little different situation this year and we have numerous loose ends that remain out there. We have heard about why the appropriations bills are stalled out. I want to take time to explain why that has happened. Homeland security is stalled out, and I want to explain why that has happened. We also have an energy conference that is out. We have the military construction and defense appropriations, that have already passed this body and passed the House and are now being conferenced. We have terrorism insurance, which has passed both bodies and is being conferenced. We have the Patients' Bill of Rights, and other bills, for which conference committees have been selected.

We work through a committee process in the Congress. The committee process allows a select group of people who are intensely interested in a particular policy area get together as a committee and they review a bill from all of the perspectives of all committee members. It is the easiest place to work a bill because groups can drop off where they have common interests in a particular section of that bill and work out compromises easier than can be done on the floor. So I would say about 80 percent of the work that we do get done is during the committee process.

One of the reasons that people sometimes think the Senate is a divisive body is that this is the room in which we debate the other 20 percent—the 20 percent that we did not work out in the committee.

One of the things you will notice is when we complete a bill, we agree on about 80 percent, which we had originally agreed upon during the committee process. It makes us look a little divisive, but it is part of the philosophy that keeps the legislative process moving. The committee process gets things done in the Senate.

This year, we debated the energy bill for approximately 8 weeks. It did not go through committee. You were able to see the entire bill crafted and debated on the Senate floor without the flexibility found during the committee process. This occurred because the Senate Energy Committee was stopped from working on its version of the energy bill. There was some bipartisan agreement on the energy bill during the committee process, and then the committee was told to stop working on it. Consequently, it took us a long time to work through the energy bill on the Senate floor, and I do not think it is a bill that, because of the complexities of doing it with 100 votes, really reflected what could have been accomplished in committee.

We worked on prescription drugs, which is one of the most critical needs for seniors in this country. What happened on prescription drugs? It did not come out of committee. Normally the Senate Finance Committee, which has an extensive expertise on health care, Medicare, and Social Security, handles those issues. But the committee was not able to handle it. The Senate voted on three different prescription drug bills this year, which took many weeks of debate and time to discuss each one. None of them had enough votes to pass the parliamentary requirements to move forward in the Senate, even though one of them was a tripartisan bill.

There is another unique thing that has happened this year in the Senate. We are not operating with a budget. The last budget agreement ended yesterday. It presents some real complications for us to be able to get our work done. It presents even bigger complications for maintaining any kind of a balanced budget—or as close as possible—when the economy is down and a war is occurring. We need a budget, but we do not currently have a budget.

Another thing that has happened is when bills come to the Senate floor, usually each side gets to introduce some amendments. Each side is allowed to introduce and vote on their own amendments. Lately, what we have been having is a full tree. You will hear that comment around here. I need to better explain this terminology. The full tree means that one side puts in all the amendments that can be debated, so the other side is blocked from being able to offer any amendments. There were some promises in June that was not going to happen. Promises have not been kept. Once we finally were given the opportunity to put in an amendment, we have not had an opportunity to vote on it.

I mentioned earlier the extreme drought that is occurring in Wyoming. Throughout the West, we are having forest fires. The fiscal year 2003 Interior appropriations bill has an amendment that would provide for a demonstration project to show what a healthy forest could be. It does not do much, but it would allow for some dem-

onstrations to show what could be done in our forests to have the kind of forests everyone envisions. There needs to be a good debate on what we envision as a healthy forest. In the meantime, of course, the fires rage on and we are not allowed to vote on the healthy forest demonstration project.

The fire demonstration project is extremely critical to the West. About 8 million acres have burned out thus far. For people who do not deal a lot with acres, it really does not mean much to them. An acre is about the size of a football field. But that is hard to relate to 8 million acres. It is the equivalent of a four-mile-wide strip from Washington, DC, to Los Angeles that has been burned off this year. This year's fires have caused in excess of 25 deaths, and untold houses being burned to the ground. Those people who did not have their homes burned to the ground are now facing blackened stubble.

Something needs to be done about it. There are some preventive actions we can take. Outside Yellowstone Park, there is a pine beetle forest, which means pine beetles have gotten into the trees and girdled them. The beetles cut off all the nutrition to trees, and the trees die. The first year they are dead, they have rusty pine needles. Pine needles burn extremely well. After the first year, you have a dead standing tree. Dead trees burn pretty well, too. After that, the trees fall over, deteriorate, and become part of the undergrowth and create further problems.

There are things we could be doing to prevent these fires. Good stewardship of our forests would increase habitat for animals and provide more safety. We cannot do much, but we could do the worst first by being allowed to vote on an amendment to address wildfire suppression. The FY 2003 Interior appropriations bill has languished here for approximately five weeks. During the past month, we have debated the Interior appropriations bill in the mornings. In the afternoon, we have debated the homeland security bill. Again, after getting through a loaded amendment tree, we wind up in a situation where we cannot get a vote on the President's version of the homeland security bill. I think it is very discourteous to the President to not be allowed an opportunity to have a vote on his version of the homeland security bill. Why not? I suspect it would pass the same as the fire amendment.

It is a definite dilemma. Do we let the President's homeland security version of the bill pass, or do we just stifle it? If it gets stifled, nothing can happen on this policy issue. We have some work to do. It is time we did it. It could be done by allowing some votes on some key policy issues.

There has always been cooperation in the Senate for the 5½ years I have been here in allowing people to have a vote on their amendments. Sometimes we did some really unique parliamentary procedures in that we let two versions

be voted on side by side, even though one was an amendment to the other. During the time the Republicans were in the majority, the minority was allowed votes on their bills, but we are now not getting votes on our bills. There is some point at which you have to say: if we cannot vote on it, we will stop the process until we do get a vote. The easy way to solve that is to let us have a vote on this important healthy forest demonstration project and the President's version of the homeland security bill.

Also, let us have a vote on the President's homeland security. The significant difference in the versions is whether we are going to take away the right of the President to address certain personnel issues and make him subject, during emergencies, to stacks of regulations. Should the President have to go by huge stacks of regulations to make management decisions in a time of crisis while maintaining a secure homeland?

There is going to be a lot of frustration in the next few days because there is a great need to get the Senate's work done. We are the ones charged with getting the appropriations bills done. We need to complete the FY 2003 appropriations process. We should start that process with the budget so that we have a road map of what we are doing, and then fill in the blanks on the appropriations while staying within a balanced budget.

When I first arrived here in the Senate, we had a huge controversy. The very first thing I debated was the balanced budget constitutional amendment. People who remember 5½ years ago will remember that a constitutional amendment has a much higher criteria for passing than any other bill. It was defeated by one vote. The reason was defeated by one vote was because everybody here said we can balance the budget, and those who opposed the amendment said we can balance the budget without a balanced budget constitutional amendment.

We did balance the budget for a while. We did it. I am very proud of it. While we were balancing the budget, the economy went up. When we stopped balancing the budget, the Congress said there were surpluses available to spend beyond what was allocated for before, then economy started down. Having a balanced budget gives importance to the economy of this country. It gives people more reliance on what we are doing, and more confidence in what we are doing. At the moment, we are not instilling a lot of confidence.

Granted, there is a war going on, and a war affects the budget. And it should.

Earlier, Senator HOLLINGS had some charts when he was describing the amount of the national debt. I knew a fellow named Steve Tarver who used to live in Gillette. He used to get a hold of me on a regular basis and ask: How much is the national debt? If we are paying down the national debt, how come the interest isn't going down? It is because of phony accounting.

We have gotten on the corporations for their accounting standards. Now it is time for us to get on our own selves for our accounting methods. For example, the Social Security trust fund, it neither funds nor trusts, and we should be taking care of it.

We could pay the debt down to nothing over a 30-year period. I have had charts on the floor to show how that could be done. There are emergencies that come up. The 30 years, incidentally, corresponds with the time of a house mortgage. We buy houses, and sometimes we pass those on to our descendants. Sometimes that has a remaining bill with it, and they keep paying them down.

That is what we are doing with the country. We could take the national debt and pay it off over a 30-year period, where if we did not spend the difference on the interest payment, when we reduced it, on other things, we could pay off more of the principal. So then it would be a relatively small payment. It is a huge payment, using the interest we are paying now, which we are not able to spend on anything else at a future date. As far as the war is concerned, that would be a second mortgage on the house with a much shorter term.

So there is not any excuse for us not to be paying down the national debt in good times, and taking out second mortgages in bad times.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. ENZI. Mr. President, I appreciate the indulgence of the Chair in letting me expound on this a little bit. I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from North Dakota, Mr. DORGAN, is recognized.

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#### IRAQ

Mr. DORGAN. Mr. President, it has been interesting, today, to listen to some of the discussion on the floor of the Senate about the economy. The reason it has been interesting is there is not a great deal of discussion these days about the economy. Most of the discussion here in Congress especially, and on the front pages of America's newspapers, has been about the subject of Iraq and national security.

That is important. There is no question about that. The issues of service, duty, honor, patriotism, national security—all of those issues are deadly serious business for our country. When we talk about sending America's sons and daughters to war, that is deadly serious business, and the Constitution has something to say about it. The Constitution provides that the Congress shall make that decision.

Let me just say, on these issues—I am going to speak about the economy, but I have been troubled lately by some of the things I have read about national security, especially about a new doctrine that is being developed, or has

been developed, and announced by some, talking about preemptive strikes—that our country has a right to preemptively strike a potential adversary. That has never been this country's approach to dealing with international affairs.

I think about this notion of preemptive strikes, and I think about how we might feel, as a country, if some other countries in the world said to us: Oh, by the way, we have a new policy. Our policy is: preemptive strikes on neighboring countries that we worry might very well threaten our national security interests.

We need to have a long, thoughtful, and sober discussion about that kind of policy change. And I expect we will do that.

First, however, we will debate a resolution on Iraq here in the Senate beginning this week. Again, as I indicated, that is a very serious business. My hope is that our country will speak with one voice on these issues, we will work through it, and then speak with one voice. And my hope is that voice will be a voice that says: It is best always, to the extent we can, especially dealing with a problem like this, to confront the country of Iraq with, if necessary, coercive and by-force inspections in Iraq, to rid that country of any weapons of mass destruction they have, and do so with coalition partners, other countries around the world, that are willing to, and that should, assume that burden with us. But that is for another time, and I will speak another day on that subject.

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#### THE ECONOMY

Mr. DORGAN. Mr. President, let me talk, just for a moment, about the economy.

I have listened to some of the discussion, and I know there is a tendency to talk about the economy and to talk about, the other side is to blame. It is always the other side that is to blame. It does not matter which side you are on, you are just pointing in the opposite direction. And I suppose there is some blame that can be availed to virtually everyone in Government for our problems with respect to the American economy.

I worry, however, there is not very much attention being paid to the economy. Today's speeches in the Senate represent a departure because in most cases nobody wants to talk about the economy these days.

We have very serious, relentless, difficult problems in the American economy. Just take a look at what is going on in the economy. More people are out of work. More people are losing their jobs. More people are losing money in their 401(k) accounts. The stock market is behaving like a yo-yo.

The big budget surpluses that we were told last year would last forever—most of us did not believe that, but that is what we were told: These budget surpluses will last for as long as you

can count, so plan on the next 10 years of having consistent surpluses, and let's spend it now in the form of tax cuts—well, those surpluses have now turned into deficits, and big deficits. Big surpluses have turned into big deficits.

On top of all that, we have corporate scandals that have developed and been unearthed in recent months in this country that shake the confidence of the American people in this economy of ours. I will talk just a bit more about that in a while.

But I am not here to say the President is solely to blame for what is going on. I do wish he would provide more leadership at this moment and say, yes, the economy is in trouble, instead of having Larry Lindsey trot out here and say: The fundamentals are sound. Let's hang in here. Don't worry about it.

This economy is in significant difficulty. I think it is time for us to recognize that. It is time for us to have an economic summit with the President, invite the best minds in this country to come together, have the executive branch, the President, and the legislative branch sit down together and evaluate: What do we do about a fiscal policy that does not add up?

It is true, as my friend from Wyoming just said, we do not have a budget this year. Why don't we have a budget? We have a fiscal policy that does not add up. There isn't anybody in this Chamber who can make sense of this fiscal policy, and they know it. It does not add up. This fiscal policy was a policy developed a year and a half ago, in which we were told: We will have surpluses as far as the eye can see, so let's have a \$1.7 trillion tax cut over 10 years, and then hold our hands over our eyes and think things will turn out just fine. Well, they have not turned out just fine.

I think it is incumbent on us, on behalf of the interests of the American people, to sit at the same table and decide we are all constituents of the same interest, and that interest is the long-term economic progress and opportunity here in the United States.

We need an economy that grows. There is no social program we have worked on in this country—none—that is as important as a good job that pays well. There is no program we work on that is as important to the American people as a good job that pays well because that makes virtually everything else possible. If we do not have an economy that grows and expands and provides opportunity, then we have some significant future trouble.

Let me talk, just a little, about what it means when our economy isn't doing well. I spent time this morning at a hearing. The airline industry came in. We had a hearing in the Commerce Committee. The airline industry lost \$7 billion last year—\$7 billion.

We have carriers that have filed for bankruptcy; more probably will. And they say: Look, we have a huge problem. Fewer people are flying. Some

worry about safety. Some are concerned about the hassle factor at airports. The economy is in trouble, so fewer people get on airplanes.

So you have an industry in trouble. That is just one industry. And that was just this morning. Nonetheless, it is indicative of what is happening in our economy. And the result is, when you have a soft economy, and the kind of trouble we are heading towards, and that we have already experienced, it means things, such as health care—the kind of health care that families need and expect—is not affordable, not available. It means we do not deal with the education problems we are supposed to be dealing with.

Leave No Child Behind—that was a slogan last year, and a piece of legislation passed last year. But then the proposal comes out of the budget, and it leaves all kinds of kids behind because the money does not exist to do it because the fiscal policy is out of whack.

We have talked about the corporate scandals that undermine confidence in this economy, and we passed a piece of legislation dealing with it. But it is just one piece of legislation, and it falls short of what is necessary.

Also, if you are not disgusted about these corporate scandals, then there is something fundamentally wrong.

Tyco Corporation. The CEO of Tyco has since been arrested. He has a \$6,000 gold and burgundy, floral patterned shower curtain, paid for by his company—a \$6,000 shower curtain.

Did anybody in this Chamber ever see a \$6,000 shower curtain? How about a \$17,000 toilet kit, a traveling toilet kit, or a \$445 pin cushion; has anybody ever seen that in their life?

There are stories about Tyco having paid \$15,000 in corporate money for an umbrella stand. People ask: How could you spend \$15,000 for an umbrella stand? The decorator said this was an 1840s antique stand in the shape of a 3-foot high poodle. That is how you spend that kind of money for an umbrella stand.

Staying with Tyco one more time: A birthday party paid for with corporate funds, it cost \$1 million. They are fleecing investors. The guests come into the pool area—this is related by the person who arranged the birthday party. They actually transported people to Europe for the birthday party of the wife of the CEO of the corporation using corporate funds. The band was playing. There was a big ice sculpture of David, lots of shellfish and caviar at his feet; a waiter pouring Stolli vodka into the statue's back so that it came out his private parts into a crystal glass.

I don't know. I grew up in a small town. Maybe it is just me that doesn't understand this, or maybe this is nuts. Maybe it is just nuts. But there is story after story after story of avarice and greed in board rooms, in executive suites.

Here is a story about the Securities and Exchange Commission. It says the SEC now says it is unlikely they will pursue Enron's board of directors.

The board of directors of Enron had a professor do a study of what was going on inside the company. The board of directors' own study said what was happening inside Enron "is appalling." Here is the SEC saying: We are not going to worry about these board of directors of Enron. We are not doing an inquiry into their responsibility. That is a low priority.

A former SEC chief accountant says this:

If you don't go after this board, you are telling the public you ain't ever going after any board.

What is the SEC doing? Are they not reading this stuff? Are they just missing what is going on in this country? What about the corporate responsibility bill we passed some while ago? I tried to offer an amendment. A couple people here blocked it for 3 days so the bill passed without it. Let me describe it and why there is unfinished business dealing with the economy with respect to corporate scandals.

Of the 25 largest bankruptcies in America, 208 corporate executives took out \$3.3 billion prior to the bankruptcies. As the corporations were run into the ground, the people at the top filled their pockets with gold, and the investors lost their shirts. We couldn't do a thing about it because I couldn't offer the amendment.

There was unfinished business, and we should address it here in this Congress.

Here is a story about the Treasury Department, the IRS. It says they are seeking now quick settlements in pending tax shelter probes. The IRS is seeking quick settlements in many of its tax shelter cases raising questions about how effective its crackdown on tax avoidance schemes will be. What does this mean? It means that Treasury has been concerned—and I have been, certainly—about these aggressive tax schemes to avoid paying taxes.

Instead of going after them, what are they going to do? They will do quick settlements. They are going to move to settle these cases very quickly. And what is that going to do to discourage additional aggressive tax schemes? Nothing, unfortunately.

We have serious problems. I am talking about corporate responsibility, but I talked about our fiscal policy that doesn't add up. I know we could just stand here and point fingers back and forth. That doesn't make any sense. We all serve the same interests.

Ogden Nash wrote a poem talking about a guy who drank too much and a woman who nagged.

She scolds because he drinks, she thinks. He drinks because she scolds, he thinks. And neither will admit what is true: He is a drunk; she is a shrew.

Well, the fact is, we both have some responsibility on this area of the American economy and what to do about it. I say to the President—not in the way of pointing fingers—we have to start dealing with this. We can't ignore it. We can't pretend a fiscal policy that

added up to, or we thought added up 18 months ago, is a fiscal policy that works today. We have been through a recession. Now we are in a weak economy. Big budget surpluses have now become big budget deficits. We were hit with terrible terrorist attacks on 9/11. We went through corporate scandals which undermined confidence in the American economy.

Let's not pretend that things are fine. They are not fine. A week from this Friday, we will do an economic forum in the Russell Building Caucus Room. I am hoping we can get a debate going. I will invite both sides. We will do it through the Democratic Policy Committee. I want to hear from every side. If somebody thinks this fiscal policy is great, good, come and defend it.

I happen to think we need some significant changes. I will be there to talk about it. But let's get some people together to talk about what is happening and think through what we can do about it.

There is an old saying when everybody in the room is thinking the same thing, nobody is thinking very much. That is true here. It is true at the White House. If they think this economy is great, they are wrong. They are not thinking very much.

We need a fiscal policy that relates to these days. When we were attacked on September 11, the President said we will embark on a war on terrorism. I supported that. Then he said we need \$45 billion more for defense this year. I supported that. We need nearly \$30 billion more for homeland security this year. I supported that.

The question is, Where is the money coming from? Who is going to pay for it, when and how? My point is we had better decide, the President and the Congress, to pay attention to this economy and fix the problems that exist and do it now. We don't have a choice.

Our responsibility is to fix what is wrong. This deals with virtually everything we have talked about all of this year: Health care, education, pensions, corporate governance, all of it.

My colleague said we haven't even passed a budget. He is right about that. It is because none of it adds up. Everybody knows it doesn't add up.

John Adams used to write letters to Abigail. In the book McCullough wrote about John Adams, he chronicled the discussions John had with Abigail in those letters. He would ask his wife: Where is the leadership? Where will the leadership come from as we try to put this country together? There is only us: Washington, Jefferson, Madison, Mason, Franklin, myself.

Of course, "only us" in retrospect is some of the greatest talent ever gathered in the history of the earth. They put a country together.

But it is fair to ask again now, especially given the problems and challenges we face, where is the leadership? I hope next Friday we can begin a discussion and a debate that leads to an

economic summit in which we try to put together an economic policy that moves the country forward. Ignoring the problems is not in our best interest. It is not going to solve the country's problems.

We face some significant challenges in national security dealing with the war on terrorism, dealing with Iraq, and a range of other issues. I respect that. But that ought not allow us to take a pass on the economy. It ought not allow the President to not want to talk about the economy. We have very serious problems with the economy, and it is long past time that we get about the business of working together to solve them.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Missouri was to be recognized.

Mr. REID. It is my understanding morning business time has run out; is that correct?

The PRESIDING OFFICER. The Senator is correct.

#### EXTENSION OF MORNING BUSINESS

Mr. REID. Madam President, I ask unanimous consent that morning business be extended until the hour of 5:15 p.m.

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

#### MOTHERS AND NEWBORNS HEALTH INSURANCE ACT

Mr. BINGAMAN. Madam President, I rise with the purpose of making a unanimous consent request, which I will make at the end of my remarks, the remarks of my colleague from Missouri, and the remarks of my colleague from Arkansas. The unanimous consent request will be to take up and pass S. 1724, the Mothers and Newborns Health Insurance Act of 2001. This bill was reported by the Senate Finance Committee. This legislation, introduced by Senator BOND and Senator BREAUX, would give States the option of covering pregnant women in the State Children's Health Insurance Program—the CHIP program—for the full range of pre and postpartum care.

This legislation, which as I indicated, was passed by the Finance Committee, was passed by unanimous consent. It was included in S. 1016, which was the Start Healthy, Stay Healthy Act of 2001, which I introduced earlier with Senators LUGAR, MCCAIN, CORZINE, LINCOLN, CHAFEE, MILLER, and LANDRIEU. It provides continuous health care for children throughout the first and the most fragile year of their life.

According to the Centers for Disease Control, the U.S. is 21st in the world in infant mortality. We are 26th in the world in maternal mortality. For a nation as wealthy as ours, this is an unacceptable circumstance.

The sad thing is that we know exactly how to fix this problem. Numer-

ous studies over the years indicate that prenatal care reduces infant mortality and maternal mortality and reduces the number of low-birthweight babies. According to the American Medical Association:

Babies born to women who do not receive prenatal care are 4 times more likely to die before their first birthday.

Current law creates some unintended consequences that this bill tries to correct. Under the Children's Health Insurance Program, women under the age of 19—that is, until they complete their 18th year—are covered for pregnancy-related services, but once they reach the age of 19, they are no longer covered. This legislation will eliminate that problem by allowing States to cover pregnant women through CHIP, regardless of their age.

This also eliminates the unfortunate separation between pregnant women and infants that has been created as a result of the CHIP program, as it currently is administered.

This is, of course, contrary to longstanding Federal and medical policy through programs such as Medicaid and the WIC Program. There is a report by the Council of Economic Advisors entitled "The First Three Years: Investments That Pay." That report states:

Poor habits or inefficient health care during pregnancy can inhibit a child's growth, development, and well-being. Many of these effects last a lifetime. . . .

The Washington Business Group on Health has found in its report entitled "Business, Babies, and the Bottom Line" that more than \$6 in neonatal intensive care costs could be saved for every single dollar spent on prenatal care and low-birthweight babies.

Furthermore, the Agency for Health Care Research and Quality report has found that 4 of the top 10 most expensive conditions in the hospital are related to the care of infants with complications, such as respiratory distress, prematurity, heart defects, and lack of oxygen. All of these conditions can be improved—not totally eliminated but improved—through quality prenatal care.

Some might argue this legislation is unnecessary because the administration is proceeding with a regulation that goes into effect today, in fact, to allow States to cover some prenatal care through CHIP by allowing the insurance of the unborn child.

I want to take a few minutes to talk about the administration's plan to cover the fetus and not to cover women through pregnancy.

Leaving the woman out of this equation is completely contrary to the clinical guidelines of the American College of Obstetricians and Gynecologists and the American Academy of Pediatrics, which say the woman and the unborn child need to be treated together. You cannot perform fetal surgery without thinking about the consequences for the mother. You cannot prescribe unlimited prescription drugs to a preg-

nant woman without considering the consequences to the development of the fetus.

Moreover, if you only are covering the fetus, as this rule would, this eliminates important aspects of coverage for women during all the stages of birth; that is pregnancy, delivery, and postpartum care.

This is exactly what the administration rule proposes to do. According to today's published rule, pregnant women would not be covered during their pregnancy for cancer, medical emergencies, broken bones, or mental illness. Even lifesaving surgery for a mother would appear to be denied coverage.

Further, during delivery, coverage for epidurals is a State option and is justified only if the health of the child is affected. On the other hand, anesthesia is covered for C-sections. The rule would wrongly push women and providers toward providing C-sections to ensure coverage.

Finally, during the postpartum period, women would be denied all health coverage from the moment the child is born. Important care and treatment that includes, but is not limited to, the treatment for hemorrhage, infection, episiotomy repair, C-section repair, family planning counseling, treatment of complications after delivery, and postpartum depression would not be covered under the rule proposed by the administration.

I repeat, our country ranks 26th in the world in maternal mortality. We need to do better than this. We can do better than this for our Nation's mothers. However, let there be no mistake, this bill is also about children's health. Senator BOND's bill is appropriately named the Mothers and Newborns Health Insurance Act for a reason. We all know the importance of an infant's first year of life. Senator BOND's legislation, as amended by the Finance Committee, provides 12-month continuous coverage for children after they are born. Again, the United States ranks 21st in the world in infant mortality, and this provision will help solve that problem.

In sharp contrast, the rule that has been issued today provides an option for 12 months continuous enrollment to States, but makes the time retroactive to the period in the womb. Therefore, if 9 months of pregnancy are covered, the child would lose coverage in the third month after birth. Potentially lost would be a number of important well-baby visits, immunizations, and access to the pediatric caregiver.

This legislation, which was introduced by Senator BOND, has a large number of bipartisan cosponsors, including Senators Daschle and Lott. It should be passed into law as soon as possible. It did pass the Finance Committee unanimously.

Finally, Secretary Thompson is in very strong support of the passage of S. 724, and he has said so publicly. Also in a letter to me that is dated April 12 of this year, he wrote:

Prenatal care for women and their babies is a crucial part of medical care. These services can be a vital, lifelong determinant of health, and we should do everything we can to make this care available for all pregnant women. It is one of the most important investments we can make for the long-term good health of our Nation. . . . I also support legislation to expand CHIP to cover pregnant women.

That is exactly what we have. In addition, Secretary Thompson was quoted in the Washington Post on September 28 as saying in relation to today's "unborn child" coverage rule:

There is no abortion issue as far as I'm concerned.

If this is the case, then we should pass this legislation immediately to ensure States have the option of covering pregnant women with the full range of care. It is a much simpler and better way to go, both for the health of mothers and the health of children. It is also free from the very real problem in this Congress of abortion politics.

Once again, this legislation has strong bipartisan support. I will, after my colleagues speak, ask to propound a unanimous consent request.

I ask unanimous consent that the letter from Secretary Thompson be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF HEALTH AND  
HUMAN SERVICES,  
*Washington, DC, April 12, 2002.*

Hon. JEFF BINGAMAN,  
*U.S. Senate,  
Washington, DC.*

DEAR SENATOR BINGAMAN: Thank you for sharing your views on our new proposal to expand health care coverage for low-income pregnant women under the State Children's Health Insurance Program (SCHIP). I believe it is not only appropriate, but indeed, medically necessary that our approach to child health care include the prenatal stage.

Prenatal care for women and their babies is a crucial part of medical care. These services can be a vital, life-long determinant of health, and we should do everything we can to make this care available for all pregnant women. It is one of the most important investments we can make for the long-term good health of our nation.

Our regulation would enable states to make use of funding already available under SCHIP to provide prenatal care for more low-income pregnant women and their babies. The proposed regulation, published in the FEDERAL REGISTER March 5, would clarify the definition of "child" under the SCHIP program. At present, SCHIP allows states to provide health care coverage to targeted low-income children under age 19. States may further limit their coverage to age groups within that range. The new regulation would clarify that states may include coverage for children from conception to age 19, enabling SCHIP coverage to include prenatal and delivery care to ensure the birth of healthy infants.

Although Medicaid currently provides coverage for prenatal care for some women with low incomes, implementing this new regulation will allow states to offer such coverage to additional women. States would not be required to go through the section 1115 waiver process to expand coverage for prenatal care.

By explicitly recognizing in our SCHIP regulations the health needs of children be-

fore birth, we can help states provide vital prenatal health care. I believe our approach is entirely appropriate to serve these health purposes. It has been an option for states in their Medicaid programs in the past and it should be made an option for states in their SCHIP program now. As I testified recently at a hearing held by the Health Subcommittee of the House Energy and Commerce Committee, I also support legislation to expand SCHIP to cover pregnant women. However, because legislation has not moved and because of the importance of prenatal care, I felt it was important to take this action.

I know we share the same commitment to achieving the goal of expanding health insurance coverage in order to reduce the number of uninsured.

A similar letter is being sent to the co-signers of your letter. Please feel free to call me if you have any questions or concerns.

Sincerely,

TOMMY G. THOMPSON.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. I thank the Chair.

Madam President, I thank my colleague from New Mexico. I apologized to him earlier today. We tried to get him in the lineup so we could move on this important measure, and we did not get it done.

I rise today in very strong support of the request he is going to make because I share with him and my other colleagues on the floor the fact that S. 724, the Mothers and Newborns Health Insurance Act of 2001, is vitally important for the health care of children and pregnant women in America.

As one who spent a good deal of time concerned about the care of children, particularly health care in the very earliest years, I believe this is one of the most important steps we can take. I was one of the original sponsors of S. 724. The legislation's simple goal is to make sure more pregnant women and more children are covered by health insurance so they get a good start for the child and have access to health care services they need to make sure they are healthy.

This simply gives the States the option and flexibility to cover low-income pregnant women in the States Children Health Insurance Program, or S-CHIP, as I call it, for the full range of prenatal, delivery, and postpartum care. This bill would complement the administration's final rule that allows States to expand S-CHIP coverage to fetuses by covering additional vital health care services for the pregnant mother the rule would not cover.

Under current law, S-CHIP currently permits States to cover eligible babies once they are born, but coverage is not available to women when they are pregnant. This creates the perverse situation in which a State can provide health care for a child the day she is born, but cannot provide the critical prenatal care, both to the child and the mother's health, during the prior 9-month period. It just absolutely makes no sense. Prenatal care is essential for both the mother's health and the baby's health. No health care program

that ignores this fact can fully address the issue of children's health care.

This bill will eliminate the illogical disconnect that currently exists between pregnant women and babies in the S-CHIP program.

This bill, as I believe has already been indicated by my colleague, has strong bipartisan support in the Senate and the House. It has the endorsement of the National Governors' Association and 25 other national organizations, including the March of Dimes, the American Academy of Pediatrics, American Public Health Association, National Association of Children's Hospitals, American College of Obstetricians and Gynecologists, and the Catholic Health Association. One normally speaks of the usual suspects backing a bill. In this case, the usual strong proponents are backing the bill. I can think of no stronger group to have behind this measure. I also note, the Secretary of Health and Human Services, Secretary Thompson, strongly supports passage of the legislation.

The need is great. On any given day, almost 9 million children and 400,000 pregnant women do not have health insurance coverage. For many of these women and children, they or their families simply cannot afford insurance. Many others are actually eligible for a public program like Medicaid or S-CHIP, but they do not know they are eligible and are not signed up.

Lack of health insurance can lead to numerous health problems, both for children and for pregnant women.

A pregnant mother without health coverage is much less likely to receive the health care services she needs to ensure the child is healthy, happy, and fully able to learn and grow. All women need prenatal care. Young and old, first baby or fifth, all mothers benefit from regular care during pregnancy.

Studies have shown that an uninsured pregnant woman is much less likely to get critical prenatal care that reduces the risk of health problems for both the woman and the child. Babies whose mothers receive no prenatal care or late prenatal care are at risk for many of the health problems, including birth defects, premature births, and low birth rate, a tragedy that we ought to devote every effort to eliminate.

We know prenatal care improves both birth outcomes and can save money. According to the National Center for Health Statistics, infants born to mothers who receive no prenatal care or late prenatal care are nearly twice as likely to be low birth weight, and low birth weight in pre-term births is one of the most expensive reasons for a hospital stay in the United States, with hospital charges averaging \$50,000, an especially serious issue for families without health insurance.

A report by the IOM entitled "Health Is A Family Matter" notes:

Infants of uninsured women are more likely to die than are those of insured women.

In one region of West Virginia, the fetal death rate dropped 35.4 to 7 for

1,000 live births after the introduction of the prenatal care for the uninsured. Let me reemphasize that—35 fetal deaths for 1,000 live births. When they gave insurance and prenatal care, it dropped to 7, a reduction of 80 percent.

In addition to ensuring better health outcomes, research and State experience suggest that covering pregnant women is a highly successful outreach mechanism for enrolling children. I thank Senator BINGAMAN from New Mexico for his leadership in the Finance Committee on this vital health care issue. This bill passed the Finance Committee in the beginning of August by unanimous consent, with additional language to provide children continuous coverage through the first and most critical year of life. I commend him for that provision. It makes a strong bill even stronger.

The studies have shown time and again that babies born to mothers receiving late or no prenatal care are more likely to face complications which result in hospitalization, expensive medical treatment, and ultimately increased costs to public programs. We must close the gap in coverage between pregnant mothers and their children to improve the health of both and to address more fully the issue of children's health care.

It can be said this is a sound matter of economics, to reduce the costs, but none of us would deny that the far greater benefits are the benefits of healthy children. Numbers cannot be put on them. In this instance, this is a saving: Less money to care for needy children. But the most important benefit is less needy children, less harm to the children, less serious conditions for the children, and better families, better citizens in the future.

This is crucial legislation. I urge all of my colleagues to join in support so we can pass this bill. I thank the Senator from New Mexico for his leadership, and I hope we will be able to get this bill done before we leave.

I yield the floor.

Mrs. LINCOLN. Madam President, today I proudly rise with my Senate colleagues from New Mexico and Missouri, Senator BINGAMAN and Senator BOND, to speak about the importance of passing S. 724, the Mothers and Newborns Health Insurance Act.

I say to both Senators, I am extremely proud of the enthusiasm and compassion with which they come to this issue, neither one of them having experienced pregnancy themselves, but more importantly I am proud of the fact they have recognized the importance of this issue for mothers and children across our great Nation.

As Senator BOND has mentioned, we must pass this bill as soon as possible, and certainly before we adjourn this Senate.

This bipartisan legislation, which we passed unanimously in the Finance Committee this summer, gives States the option of covering pregnant women in the State children's health insur-

ance program, their CHIP program. Most importantly, the bill allows coverage for postpartum care and treatment of any complications that might arise for women due to pregnancy.

It is absolutely inexcusable the numbers that Senator BINGAMAN presents to us about infant mortality and maternal mortality of women in this great country of ours, at a time when we are ahead of every other nation in every other arena and yet we look at those numbers. To me, I am ashamed of that. I am ashamed we have not taken the course of action that could help us prove to the rest of the world that we truly do value life in this country, and that we want to do all we possibly can to ensure the healthy delivery of children in this country, as well as the health of their mothers.

Myself having given birth to twins 6 years ago, I can personally attest to the importance of prenatal care. Because I did have good prenatal care, I was able to work up until several weeks before I delivered my children. I was blessed with two healthy boys and a relatively trouble-free pregnancy and delivery. Both the boys and I were able to come from the hospital within 2 days to a healthy beginning for our entire family.

Not only is prenatal care essential for quality of life, it is also cost-effective. If we do not want to do it because we value families and the importance that children play in our future, we should at least want to do it because it is cost-effective. For every dollar we spend on prenatal care, we still save more than \$6 in neonatal intensive care costs; not to mention the cost to the woman who is giving birth.

It comes as no surprise that preterm births are one of the most expensive reasons for a hospital stay in the United States.

If S. 724 was law and all States elected the option, some 41,000 uninsured pregnant women could be covered. Arkansas currently covers pregnant women up to the minimum Federal requirement of 133 percent of poverty. If the State chose to implement this option, it could raise eligibility levels under S-CHIP to as much as 200 percent of poverty and receive an enhanced Federal payment for doing so. We in Arkansas could receive extra dollars enhanced payment for doing the right thing, both economically and for our families and our children.

This policy simply makes sense. It seeks to improve health care for low-income mothers and their babies while reducing costs for everyone, particularly the taxpayer. No wonder it has the support of Senator DASCHLE and Senator LOTT. Let's not delay any longer. Let's pass this legislation today.

There is no excuse for us not passing this legislation today, tomorrow, or certainly before we adjourn the Senate.

Some might wonder why this legislation is needed since the administration has just announced a final regulation

on providing CHIP coverage of unborn children. The reason is simple. The administration's regulation covers the fetus but not the woman. It is beyond me that anyone could imagine when a child who was being carried by a pregnant woman, that in some way these two were separable. They are not.

This is completely contrary to the clinical standards of care established by the American College of Obstetricians and Gynecologists and the American Academy of Pediatrics. Why on Earth would we want a policy that fails to cover the health issues that may arise for a woman during her pregnancy—issues such as diabetes and hypertension?

What happens to that young mother who is pregnant and all of a sudden has a reaction to diabetes or hypertension, who is in an automobile accident and goes to the hospital?

This covers the medical care for the unborn child but not for the mother who is carrying that child? It makes no sense. Mother and baby are undeniably connected during pregnancy. They must be treated together.

Why would we want a policy that fails to cover post partum care, the 60 days of care following delivery, which can often involve serious clinical complications for the mother? This care is covered by Medicaid and most private insurance. Why wouldn't we cover it under S-CHIP if we are going to cover the unborn child? What if the new mother has a hemorrhage, an infection? She may need some episiotomy repair or have post partum depression. The administration's regulation would not cover such services because, in their words, they are not services for an eligible child. But what about the mother carrying that child?

The March of Dimes mission is to improve the health of babies worldwide; it has expressed serious concern and opposition to the President's regulation. This regulation is needlessly controversial and will therefore prevent many States from even taking up the option. Why further complicate and politicize an issue that is so important to the health of poor mothers and their babies?

Even Secretary Tommy Thompson has indicated publicly his support for S. 724 as a way to expand prenatal care to low-income women. On behalf of our Nation's mothers, fathers, and their babies, we in the Senate have the serious obligation to pass this legislation as soon as possible. It is unconscionable that we have waited this long to pass a bill that would drastically improve the lives of our most vulnerable citizens. It is beyond me why we would even wait or what opposition there might be to this sensible legislation.

I urge my colleagues, as we continue to muddle through all of what we are trying to accomplish in the final days, to help us ground ourselves in some of the issues that can actually make an enormous difference, not only economically but, more importantly, that will

actually affect the lives of some of our most vulnerable constituents.

I plead with my colleagues, let us pass this bill today or certainly before we adjourn.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Madam President, I thank my colleague from Arkansas and also my colleague from Missouri for their eloquent statements in support of moving ahead and passing this legislation. The Senator from Arkansas speaks with more authority and conviction than any male Member of this body can muster in connection with this subject and this legislation. Of course, the Senator from Missouri is the prime sponsor of the very bill on which I am asking that we move ahead.

I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 541, which is S. 724; that the committee substitute be agreed to, the bill be read the third time and passed; that the title amendment be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate; and that any statements related to the bill be placed in the RECORD at the appropriate place as if read.

Mr. NICKLES. Reserving the right to object, I ask my colleague a couple of questions. I have not looked at this issue for some time.

There is a committee substitute to S. 724?

Mr. BINGAMAN. Madam President, yes, there is a committee substitute that is essentially the bill. It is the bill we passed through the Finance Committee by unanimous consent.

Mr. NICKLES. Does the Senator remember how much that bill costs?

Mr. BINGAMAN. Madam President, in answer to the question, the bill costs right at \$600 million over a 5-year period, and the cost is fully offset in the legislation.

Mr. NICKLES. Could my colleague tell me how it was offset?

Mr. BINGAMAN. In response, the offset was the increased scrutiny on the Social Security payments which we discussed in the Finance Committee as an appropriate offset. I think all Members agree that would at least raise as much money as this bill will cost the Treasury.

Mr. NICKLES. I appreciate that. I believe I heard one or two Senators say Secretary Thompson supports this bill. It is my understanding that that is not the case. Secretary Thompson may support the thrust of it. I understand he supports the regulation that goes into effect today and this bill somewhat counteracts the regulation that he is primarily responsible for promulgating. Is that correct?

Mr. BINGAMAN. Madam President, I did not hear the second part of the question.

On the question as to whether he actually supports passage of this bill, he issued a press release indicating he

supports passage of S. 724, the bill we are trying to move ahead right now. This was March 6, 2002, in his testimony before the House Labor-HHS Appropriations Committee.

Mr. NICKLES. It is my understanding that Secretary Thompson has promulgated a regulation which I believe he thinks satisfies a lot of the unmet health care needs of children, including unborn children, and he supports the regulation that he promulgated and is now effective, and does not support the legislation which goes far beyond the regulation he has promulgated.

I am very particular on making sure we are accurate in our statements. I believe that is accurate. I have asked my staff to check with HHS. I have a note that says he supports the regulation but not the legislation. Maybe he did make a statement that was supportive in March, but he may well believe that was accomplished in the regulation. I have not talked to him personally. I am stating my belief.

I need to learn more about the bill. It has been months since we have looked at it. We have been doing a few other things. I object at this point. At this point I will further my contacts with those in the administration who know more about the regulation just promulgated. I compliment the Secretary on the regulation. I also wish to do a little more homework. I will check with the Secretary of Health and Human Services.

I will check with the States. I believe this is an expansion of Medicaid which I know my State is struggling to pay. As a matter of fact, the State was reducing cases, in some cases in Medicaid because they do not have the budget. Our State Medicaid director told us, do not increase any new expansions on Medicaid because we cannot afford it.

Correct me if I am wrong: I think pregnant women who have incomes less than 150 percent of poverty are now eligible for Medicaid and States have the option to take that up to 185 percent. Pregnant women with incomes of less than 185 percent of poverty are eligible for Medicaid, and I believe the legislation takes that up to 300 percent. It makes many more people eligible for Medicaid, which increases the costs to the States, which some States cannot afford.

I object at this point and will check with a couple of other people who may have reservations, and perhaps those questions can be resolved, and I will get back to my friend and colleague from New Mexico.

I object.

The PRESIDING OFFICER. The objection is heard.

Mr. BINGAMAN. Madam President, let me say for the information of my colleague, I appreciate his willingness to look into this matter. My strong impression—and not just impression, but information I have been given—is Secretary Thompson clearly supports the regulation which his Department

issued today related to the fetus, the coverage of unborn children. However, he also supports passage of this bill to provide an option to States to cover pregnant women under the CHIP Program.

It is also my information that this does not involve any expansion of Medicaid, that this is strictly a change in law that provides the option to States to cover pregnant women under the CHIP Program if they so choose. That is not, as I see it, an additional burden on any State.

Mr. NICKLES. Will the Senator yield?

Mr. BINGAMAN. Yes, I am glad to yield.

Mr. NICKLES. Did the Senator say it is his belief that this bill does not increase Medicaid coverage for pregnant women up to 300 percent of poverty?

Mr. BINGAMAN. That is certainly my understanding of the bill. I know of no provision in this bill that changes the Medicaid coverage that way.

Mr. NICKLES. We will both do a little more homework and I will be happy to talk to my friends and colleagues, both from Arkansas and from New Mexico, and see where we go from there.

Mr. BINGAMAN. Madam President, let me add one other item, since the Senator referred to it, about States not favoring this. My other information is that the National Governors Association has issued a policy or endorsement of this legislation and supports it.

I appreciate the willingness of the Senator from Oklahoma to look into this further. I will get all the information we have to him. If he has any other information that we need to see, I am glad to look at it. I hope we can move ahead as soon as possible with this bill.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. MILLER). Without objection, it is so ordered.

#### IN MEMORY OF HARRY KIZIRIAN

Mr. REED. Mr. President, Rhode Island has lost a valiant son, the Nation has lost a heroic Marine and thousands of my neighbors have lost a true and faithful friend.

On September 13, 2002, Harry Kizirian died. His name in Rhode Island is synonymous with selfless service, love of country, commitment to family and unshakeable loyalty to his faith and to his friends.

Harry was born on July 13, 1925 at 134 Chad Brown Street in Providence, R.I. He was the proud son of Armenian immigrants. His father and mother, Toros and Horopig Kizirian, came to America

to seek a better life for themselves and their family. They had endured the horror of the Armenian genocide, each losing their spouse and many in their families. In America, they hoped to find the opportunity and the tolerance that is so rare in the world. In their son, Harry, they would see the fulfillment of the great promise that America offers to the brave and the noble of heart.

Harry's youth in the vibrant Armenian community of Chad Brown Street was profoundly changed when, at the age of 15, his father died. Harry became the man of the house. While he continued his education at Mount Pleasant High School, he worked lugging beef and unloading freight cars at a meat packing plant on Canal Street. Despite his long hours of work, he still threw the hammer and put the shot for Mount Pleasant High School and captained the football team to boot.

A high school football referee, impressed with Harry's dedication and demeanor, suggested that he seek work at the Providence post office. Harry secured a temporary position sweeping floors as he finished his last two years of high school.

Harry Kizirian came of age as America faced the danger and challenge of World War II. Like so many of his generation, Harry did not hesitate to serve. He joined the United States Marine Corps the day after he graduated from high school.

After his training, Harry found himself in the first assault wave attacking Okinawa. He was 19 years old. While leading a fire team in the assault, he charged an enemy position that was pinning down a Marine platoon. He received multiple fragmentation wounds in the arms and shoulders but continued to press the attack. Eventually, he was evacuated for treatment. A month later, he returned to action.

And, he would see fearsome action in the climatic battles to secure Okinawa.

In June of 1945, Harry's unit moved to attack entrenched Japanese soldiers along a ridgeline. Corporal Kizirian observed six Marine stretcher bearers pinned down by enemy fire as they were trying to evacuate a wounded Marine. With utter disregard for his own safety, Harry placed himself in the line of fire and single-handedly attacked the enemy emplacement. Although wounded in the leg and groin, he continued the attack by dragging his body along by his elbows. He overwhelmed the position and killed the 12 enemy defenders.

For his service and sacrifice on Okinawa, Harry Kizirian was awarded the Navy Cross, two Purple Hearts, the Bronze Star with V device for Valor, the Presidential Unit Citation, the Navy Unit Citation and the Rhode Island Cross, the State's highest award for valor.

Harry was discharged from the Marine Corps in 1946 and returned to Rhode Island and to the post office. But he still bore the scars of battle.

For 4 years after his discharge, Harry was in and out of Veteran's Hospitals for treatment of his wounds.

Harry's return to civilian ranks gave him a chance to meet the love of his life, Hazel Serabian. Hazel tells the story that, the first time she saw Harry, he was staring at her from the cover of *The New York Times Sunday Magazine*. He was featured as one of the young heroes of the Pacific battles. She later met this handsome Marine as he stopped in her hometown en route to visit the family of a fellow Marine who had died in combat. In my humble opinion, it was love at first sight and love for evermore.

Their love produced a family of wonderful sons and daughters: Tom and Richard, Joanne, Shakay and Janice. They continue the proud tradition of Harry and Hazel as public-spirited citizens in their own right. And the newest generation of Kizirians includes eight grandchildren who grew under the watchful eye and enormous love of their grandfather.

Harry, with a young family to feed, applied himself with his characteristic sincerity and diligence at the post office. But he brought something else and something special to his job: a joy of working with the men and women of the Postal Service and of helping to serve the people of Rhode Island.

Harry became the Postmaster in Providence in 1961 and led the Postal Service in Rhode Island at a time of great change. Rhode Island was one of the first postal districts in the country to build a central, automated postal facility. Harry was the key individual in opening this facility and making it work.

His leadership style was hands-on and personal. He knew the Providence post office's thousand employees by their first names. He patrolled the facility in his customary attire of suit and running shoes as he made sure that the work was done and the workers were recognized. His co-workers were a larger extension of his own family, and he followed their ups and downs with the same interest and involvement that he lavished on his own family. He established a bond of trust and love that still today is unique and enduring.

In 1986, the Postal Service announced that Harry would be "reorganized" out of the job. The announcement led to a flurry of activity by Senator John Chafee and Senator Claiborne Pell but to no avail. The Postal Service did not relent. The announcement was greeted by his co-workers with weeping. They weren't losing just an admired boss; they were losing a friend.

In October of 1986, two thousand of his friends and co-workers honored him at a testimonial.

One of his dearest friends, Senator John O. Pastore, paid him a special tribute. Forty years before, then Governor John O. Pastore pinned the Rhode Island Cross on Harry Kizirian. In earlier remarks, Senator Pastore said simply, "I have never met in my

life anyone who has had a bad word to say about Harry Kizirian." And Senator Pastore's words were and are beyond reproach.

I was honored to be appointed to West Point by Senator Pastore. Both Harry and I shared a profound respect for this great man who served with extraordinary distinction in the Senate.

Harry's departure from the Postal Service merely redirected his great passion for public service to numerous other civic endeavors, including Big Brothers, the Veterans Home in Bristol, RI and the Heart Association.

When asked once about his extraordinary generosity and public service, Harry said, "You know, the track is short; when you can help people, do it."

I really got to know Harry in 1990 when I campaigned for my first term in Congress.

I knew about the legendary Harry Kizirian; everyone in Rhode Island knew about and admired Harry. I met him several times at meetings of postal workers. He still stayed close to his co-workers. By this time, Harry's sight was impaired. He would sit at the table and you would approach him for a word. He grasped your hand with authority and his voice was strong, but his whole demeanor was one of gentleness and consideration.

I will never forget at one of these meetings days before the election. As postal worker after postal worker approached him to thank him for countless kindnesses and asked what they could do for him, Harry said, "if you want to do something for me, vote for this kid, Reed."

I have never received a greater or more meaningful endorsement. His faith in me gave me great faith in myself. But, after all, that is what Harry did all of his life. He made us stronger and better because he was behind us and shared with us his strength and his decency.

In May of 1996, Rhode Islanders had a chance to honor Harry. On that day, the central Post Office in Providence, the "house that Harry built", was dedicated as the "Harry Kizirian Post Office Building." Senator John H. Chafee sponsored the legislation in the Senate, and I sponsored the legislation in the House.

We were honored to have General Chuck Krulak, the Commandant of the Marine Corps, as a principal speaker. General Krulak captured the essence of Harry Kizirian when he said "Harry was motivated by a selfless desire to help his fellow countrymen." General Krulak added a sentiment that we all felt. "It is impossible not to admire, to respect and yes, coming from this tough Marine, to love Harry Kizirian. You have made a difference."

A few days after I learned of Harry's death, I was attending the Fall Harvest Festival in my hometown of Cranston, Rhode Island. I encountered a gentleman and we began to talk. He quickly told me that we had both lost a good

friend, Harry Kizirian. The gentleman was a postal worker who had spent many years working for Harry. With gestures more than words, he expressed the sense of loss tempered by love and admiration that we all felt; a fitting epitaph, the unadorned and heartfelt words and sentiments of one of his workers, more poignant and profound than any sermon or speech.

When our colleague John Chafee died, I recalled these lines from the Irish poet, William Butler Yeats, fitting words for another Marine who goes to his rest.

The man is gone who guided ye, unwearied,  
through the long bitter way.

Ye by the waves that close in our sad nation,  
Be full of sudden fears,

The man is gone for his lonely station . . .  
Mourn—and then onward, there is no return-  
ing

He guides ye from the tomb;  
His memory now is a tall pillar, burning  
Before us in the gloom!

Harry's memory warms our heart and  
lights our way.

He was a man who saw hard times, but refused to allow them to extinguish his generous spirit. He was a man who saw war in all its horror, but refused to surrender his soul to its brutality. He was a strong man, not for the sake of intimidation, but because he knew that true strength allows a man to be truly compassionate. He was humble. His greatest source of pride was the success of others, particularly his family. His memory, his example, sustains us and inspires us.

I close with the words of a song that I am sure Harry knew.

If the Army and the Navy  
Ever look on Heaven's scenes  
They will find the streets are guarded by  
United States Marines

Harry Kizirian, United States Marine Corps, has joined that Heavenly guard mount.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I ask unanimous consent to speak as in morning business.

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

Mr. LEAHY. Mr. President, I did not know Senator REED's friend, but after listening to what he said, I feel as though I did know him. The distinguished senior Senator from Rhode Island is fortunate to have had such a friend, but I think his friend was fortunate to know Senator REED. I know the distinguished Presiding Officer, the Senator from Georgia, did not mind the reference to the U.S. Marine Corps. I saw the smile on his face when that reference was made.

#### THE 21ST CENTURY DEPARTMENT OF JUSTICE APPROPRIATIONS AUTHORIZATION ACT

Mr. LEAHY. Mr. President, yesterday, the majority leader filed cloture on the bipartisan 21st Century Depart-

ment of Justice Authorization Act conference report. I commend him for doing that.

This is a conference report that passed 400 to 4 last week in the other body. We will be voting on that cloture motion tomorrow. I just want to take a few moments to let Members of this body know what is in the conference report.

It was signed by all conferees—Republican and Democrat—Senator ORRIN HATCH, and Representatives SENSENBRENNER, HENRY HYDE, LAMAR SMITH, myself, and others.

I thank Senator KAY BAILEY HUTCHISON for coming to the floor yesterday to support this conference report. She has spoken to me many times about the need for more judgeships along the Texas border with Mexico to handle immigration and criminal cases. Certainly, from what Senator HUTCHISON has said about that need, she has made a compelling request, and I have included in this conference report three new judges for that part of Texas. Actually, the conference report has one more judge than we passed out of the Senate. We added another one in conference. I suspect technically one could say that was not a matter in conference, but the Senator from Texas made, I thought, a compelling reason for it.

I mention that because one of our Federal district judges from Vermont has actually gone down to Texas a couple times to help out, and every time he has gone down, he has called me up and said: They need more judges here because of the load.

So I thank Senator KAY BAILEY HUTCHISON.

I also want to thank Senator SESSIONS for his statement in support of this conference report. I mentioned to him on the floor this morning—and I want to speak again to that—there is a piece of this legislation Senator SESSIONS originally opposed. If it were here as a freestanding bill, that particular part—a small part of the bill—I believe Senator SESSIONS would vote against it. But he supports the overall bill and is voting for the whole bill. I thank him for that.

I also thank him for his work and his aid on the provisions in the conference report on the Paul Coverdell Forensic Sciences Improvement Grants and the Centers for Domestic Preparedness in Alabama and other States. He had a great deal of input, and I appreciate what he did. We tried throughout all of this effort to make this a bipartisan bill, and he helped with that.

Senator FEINSTEIN spoke on behalf of this conference report. She has been a tireless advocate for the needs of California, including the needs of the Federal judiciary along the southern border. She has helped to improve that situation.

I was glad to see we could work through that because we had tried for 7 or 8 years to add these additional judges, and they had been blocked. But

I came back and said, even though it would be a different President appointing the judges—in this case, President Bush—I was in favor of adding the judges. They should be in there. Among other things, we included five judgeships for the southern district of California.

We have also included judges, as I said, for Texas, Arizona, New Mexico, Ohio, North Carolina, Illinois, and Florida. The statistics show all the judges are very much needed.

The senior Senator from California gave leadership on the James Guelff and Chris McCurley Body Armor Act, the State Criminal Alien Assistance Program reauthorization, and the anti-drug-abuse provisions in the conference report, and that has been extremely helpful.

I should tell my colleagues, this report will strengthen our Justice Department and the FBI, and increase our preparedness against terrorist attacks. It offers our children a safe place to go after school.

In this conference report, we put together years of work. Parts of about 25 different bills have been combined in this report.

I thought President Bush did absolutely the right thing after the attacks of a year ago, on September 11, as he moved very aggressively to try to clamp off money going to terrorist organizations around the world. As we know, al-Qaida received a lot of money from Saudi Arabia and other countries, and that money has floated all over.

The President moved very quickly to stop that. But then they find other ways to move it. We know they still have tens of millions—hundreds of millions of dollars perhaps—in these terrorist groups. But there is a thing in this conference report called the Madrid Protocol. If we agree to this protocol, this will greatly strengthen the hand of the President to go after this money. The White House supports it. All the antiterrorist groups and the Government support it. That is also in this bill.

I mentioned this because I have been asked questions by several Senators exactly what is included. I want them to know. I also want to thank Senator HATCH for his work in this endeavor. We spent a lot of hours in the conference. That is why it passed so overwhelmingly, with the support of both Republican and Democratic leadership in the other body. I would be happy to have it pass unanimously. We could pass it tonight for that matter. I know the legislation is a priority.

We have not authorized the Department of Justice in more than two decades. Some might ask: Why should we do it now? We have a far different Department of Justice than we had before September 11. We have a number of changes that had to be made, supported by Members on both sides of the aisle, both sides of the aisle in the other body, the President of the United States, the Attorney General, and so on.

What we have done is tried to assure the administration of justice in our Nation. Our Nation has been radically changed from a year ago. It doesn't have everything that I would have liked or everything everybody would have liked. That is because it is a conference report. It is a consensus document. We did it in a bipartisan way—Democratic chairman from this body and a Republican chairman from the other; a Republican ranking member from this body, a Democratic ranking member of the other body.

We know that it will strengthen our Justice Department and the FBI. We will increase our preparedness against terrorist attacks. We will improve our intellectual property and antitrust laws. I hope for the sake of the Justice Department and the Congress and the American people we can pass it. It is remarkable, the number of provisions in here that will help everything from an attack of terrorism, closing off money and so forth, to help with the growing drug problem that strikes not just in the big cities but our rural areas.

I come from largely a rural State. The difference between this and the other body, every Senator has significant rural areas. When my son was a student at Emory Law School, I remember going to the State of the distinguished Presiding Officer and traveling around with my son. I come from a rural area. I must say, there are some pretty rural areas in Georgia. But there are in California and Texas and New York and every other State. This helps those States, especially in small areas, do something about the scourge of drugs hitting our youngsters, our future generation.

I wanted to give a short summary. There is a lot more. This was so other Members who had been asking me in both parties what is in it, I wanted them to see. It will be voted on tomorrow. I hope as a result of this vote tomorrow we will then just pass it. The White House has indicated the President will be eager to sign it when it arrives.

This conference report will strengthen our Justice Department and the FBI, increase our preparedness against terrorist attacks, prevent crime and drug abuse, improve our intellectual property and antitrust laws, strengthen and protect our judiciary, and offer our children a safe place to go after school.

This conference report is the product of years of bipartisan work. The conference report was unanimous. By my count, the conference report includes significant portions of at least 25 legislative initiatives.

I had hoped that the conference report on H.R. 2215 would not take up much of the Senate's time. There are other matters we do need to address. The majority leader tried to pass this legislation without taking up any floor time last week, but was unable to do so because of an objection to proceeding

by unanimous consent. Proceeding by unanimous consent would have ensured that we not take up the Senate's time in debate on this bipartisan legislative package. Yesterday, I came to the floor and sought to allow for two hours of debate before a vote on final passage at 4:30 p.m. We then could have moved on to other matters. Again, that proposal would have taken up a limited amount of the Senate's time. Yet, again, that limited time agreement proposal was rejected. As a result of the objection to proceeding more quickly, we are still considering this conference report and the majority leader was forced to file a cloture petition to bring it to a vote.

This legislation is neither complicated nor controversial. It passed the House 400 to 4 in short order. It was signed by every conferee, Republican or Democrat, including Senator HATCH and Representatives SENSENBRENNER, HYDE, and LAMAR SMITH. Senators SESSIONS and HUTCHISON came to the floor yesterday to support it. There is no need for extensive debate in the Senate—we can move on to consider other matters as soon as the objection is lifted so we are able to have an up or down vote on the conference report.

This legislation is a priority. Congress has not authorized the Department of Justice in more than two decades. I know that Senator HATCH and Representatives SENSENBRENNER and CONYERS share my view that it is long past time for the Judiciary Committees of the House and Senate and the Congress as a whole to restore their proper oversight role over the Department of Justice. Through Republican and Democratic administrations, we have allowed the Department of Justice to escape its accountability to the Senate and House of Representatives and through them to the American people. Congress, the people's representative, has a strong institutional interest in restoring that accountability. The House has recognized this, and has done its job. We need to do ours.

I agree with other Members who have spoken that we need to give anti-terrorism priority, but not lose sight of the other important missions of the Department of Justice. The conference report takes such a balanced approach. Some have said that there is nothing new in this legislation to fight terrorism. I think they missed some important provisions in the legislation as well as my floor statements outlining what the conference report contains to help in the anti-terrorism effort.

Let me repeat those remarks and highlight what the conference report does on this important problem. The conference report fortifies our border security by authorizing over \$20 billion for the administration and enforcement of the laws relating to immigration, naturalization, and alien registration. It also authorizes funding for Centers for Domestic Preparedness in Alabama, Texas, New Mexico, Louisiana, Nevada, Vermont and Pennsylvania,

and adds additional uses for grants from the Office of Domestic Preparedness to support State and local law enforcement agencies. These provisions have strong bipartisan support, including that of Senator SESSIONS.

Another measure in the bill would correct a glitch in a new law that helps prosecutors combat the international financing of terrorism. I worked closely with the White House to pass this provision in order to bring the United States into compliance with a treaty that bans terrorist financing, but without this technical, non-controversial change, the provision may not be usable. This law is vital in stopping the flow of money to those who seek to harm our citizens. Worse yet, at a time when the President is going before the U.N. emphasizing that our enemies are not complying with international law, by blocking this minor fix, we leave ourselves open to a charge that we also are not in compliance with an important anti-terrorism treaty.

I agree with other Members who have spoken that we should do more to help the FBI Director in transforming the FBI from a crime fighting to a terrorism prevention agency and to help the FBI overcome its information technology, management and other problems to be the best that it can be. The Judiciary Committee reported unanimously the Leahy-Grassley FBI Reform Act, S. 1974, over six months ago to reach those goals, but an anonymous hold has stopped that legislation from moving forward. This conference report contains parts of that bipartisan legislation, but not the whole bill, which continues to this day to be blocked from Senate consideration and passage.

Since the attacks of September 11 and the anthrax attacks last fall, we have relied on the FBI to detect and prevent acts of catastrophic terrorism that endanger the lives of the American people and the institutions of our country. Reform and improvement at the FBI was already important, but the terrorist attacks suffered by this country last year have imposed even greater urgency on improving the FBI. The Bureau is our front line of domestic defense against terrorists. It needs to be as great as it can.

Even before those attacks, the Judiciary Committee's oversight hearings revealed serious problems at the FBI that needed strong congressional action to fix. We heard about a double standard in evaluations and discipline. We heard about record and information management problems and communications breakdowns between field offices and Headquarters that led to the belated production of documents in the Oklahoma City bombing case. Despite the fact that we have poured money into the FBI over the last five years, we heard that the FBI's computer systems were in dire need of modernization.

We heard about how an FBI supervisor, Robert Hanssen, was able to sell

critical secrets to the Russians undetected for years without ever getting a polygraph. We heard that there were no fewer than 15 different areas of security at the FBI that needed fixing.

The FBI Reform Act tackles these problems with improved accountability, improved security both inside and outside the FBI, and required planning to ensure the FBI is prepared to deal with the multitude of challenges we are facing. We are all indebted to Senator GRASSLEY for his leadership in the area. Working with Republicans and Democrats on the Senate Judiciary Committee we unanimously reported the FBI Reform Act more than 6 months ago only to be stymied in our bipartisan efforts by an anonymous hold.

Now, due to Republican objections, the conference report does not contain some of the important provisions in the FBI Reform Act that Senator GRASSLEY and I, and the other members of the Judiciary Committee, agreed were needed.

Among the items that are, unfortunately, not in the conference report and are being blocked from passing in the stand-alone FBI Reform bill by an anonymous hold are the following:

Title III of the FBI Reform bill that would institute a career security officer program, which senior FBI officials have testified before our Committee would be very helpful;

Title IV of the FBI Reform bill outlining the requirements for a polygraph program along the lines of what the Webster Commission recommended;

Title VII of the FBI Reform bill that takes important steps to fix some of the double standard problems and support the FBI's Office of Professional Responsibility, which FBI Ethics and OPR agents say is very important; and

Title VIII to push along implementation of secure communications networks to help facilitate FISA processing between Main Justice and the FBI. These hard-working agents and prosecutors have to hand-carry top secret FISA documents between their offices because they still lack send secure e-mail systems.

This needs to be fixed and the FBI Reform bill would help.

These should not be controversial provisions and are designed to help the FBI. Yet, passage is being blocked of both a stand-alone FBI Reform bill and those provisions we were able to include in this conference report.

Some in this body have complained that we included provisions in this conference report that were not contained in either the Senate or House-passed bills. Now, each of the proposals we have included are directly related to improving the administration of justice in the United States.

We were asked to include many of them by Republican members of the House and Senate. I would like to point, in particular, to our reauthorization of the State Criminal Alien Assistance Program, which President Bush has sought to eliminate. On March 4 of this year, Senator KYL and Senator FEINSTEIN sent me a letter asking me to include an authorization for

SCAAP—which was not authorized in either the House- or Senate-passed bill—in the conference report.

I agreed with Senator KYL and Senator FEINSTEIN that we should authorize SCAAP. I still believe that it is the right thing to do.

We took the arguments seriously that we needed more judges in certain parts of the country, particularly in border States. We added another new judge for Arizona on top of the two that were added in 1998 and the third that was added in 2000. We added a number of other judges as well, as I have already detailed.

Some have criticized the conference report's authorization of funding for DEA police training in South and Central Asia, and for the United States-Thailand drug prosecutor exchange program. I believe that both of these are worthy programs that deserve the Senate's support.

I have listened to President Bush and others in his Administration and in Congress argue that terrorist organizations in Asia, including al-Qaida, have repeatedly used drug proceeds to fund their operations. The conferees wanted to do whatever we could to break the link between drug trafficking and terror, and we would all greatly appreciate the Senate's assistance in that effort.

Beyond the relationship between drug trafficking and terrorism, the production of drugs in Asia has a tremendous impact on America.

For example, more than a quarter of the heroin that is plaguing the northeastern United States, including my State of Vermont, comes from Southeast Asia. Many of the governments in that region want to work with the United States to reduce the production of drugs, and these programs will help. It is beyond me why any Senator would oppose them.

Some have complained that the conference report demands too many reports from the Department of Justice, and that these reporting requirements would interfere with the Department's ongoing counterterrorism efforts. It is true that our legislation requires a number of reports, as part of our oversight obligations over the Department of Justice. I assure the Senate, however, that if the Department of Justice comes to the House and Senate Judiciary Committees and makes a convincing case that any reporting requirement in this legislation will hinder our national security, we will work out a reasonable accommodation. I think, however, that such a turn of events is exceedingly unlikely, as no one at the Department has mentioned any such concerns.

Some Members have complained that the conference report includes pieces of legislation that had not received committee consideration. The Law Enforcement Tribute Act has been mentioned as falling in this category. In reality, the Committee reported that bill favorably on May 16.

Complaints have been raised about the motor vehicle franchise dispute resolution provision in the conference report and that this legislation was not considered by the Judiciary Committee. That complaint is misplaced. The Judiciary Committee fully considered this proposal and reported Senator HATCH's Motor Vehicle Franchise Contract Arbitration Fairness Act last October 31. It has been stalled from the Senate floor by anonymous holds. The same complaint was incorrectly leveled at the section dealing with FBI danger pay. Yet, the Judiciary Committee did consider and approve this proposal as part of the original DOJ Authorization bill, S. 1319. The complaint that the Federal Judiciary Protection Act was not considered by the Committee is likewise misplaced. On the contrary, this legislation, S. 1099, was passed the Judiciary Committee and the Senate by unanimous consent last year and in the 106th Congress, as well. The provisions on the U.S. Parole Commission were included in the conference report without Committee consideration but was included because the Bush Administration included it in its budget request and it makes sense.

Some have complained about the provision establishing the FBI police to provide protection for the FBI buildings and personnel in this time of heightened concerns about terrorist attacks. When this legislation was considered by the Judiciary Committee as part of the FBI Reform Act, S. 1974, which was reported unanimously on a bipartisan basis, no member on the Committee raised any objection at the time. Similarly, the complaint about the lack of Committee consideration of the report on information technology to keep the Congress better informed about how the FBI is updating its obsolete computer systems, is misplaced. This legislation was considered by the Judiciary Committee as part of the FBI Reform Act, S. 1974, and no objection was raised.

This conference report is a comprehensive attempt to ensure the administration of justice in our nation. It is not everything I would like or that any individual Member of Congress might have authored. It is a conference report, a consensus document, a product of the give and take with the House that is our legislative process. It will strengthen our Justice Department and the FBI, increase our preparedness against terrorist attacks, prevent crime and drug abuse, improve our intellectual property and antitrust laws, strengthen and protect our judiciary, and offer our children a safe place to go after school. I hope that it will merit the support of every Member of the U.S. Senate. At the very least, it deserves an up-or-down vote. I was pleased to see some Republicans come to the floor yesterday to support this conference report, and I urge those who are blocking its consideration to relent and let the Senate vote up or down without further delay or tactics of obstruction. I hope that the critics will

reconsider their opposition and their filibuster of this conference report and permit the Senate to vote up or down on this bipartisan bill. For the sake of the Justice Department, the U.S. Congress, and the American people, we should pass this legislation today.

Mr. BROWNBACK. Mr. President, with the passage of the Judiciary reauthorization bill, this body will pass a provision to extend our program to allow states to recommend J-1 visa waiver for physicians willing to practice in medically underserved areas.

It is one of the great privileges of my life to represent one of the most rural States in the Nation. For many around the world, Kansas represents rural life in America. The image is quaint; and, somehow insulated from the world by a field of wheat that arcs off into the horizon. However, as my colleagues from the heartland know, that image does not represent modern rural life.

In the Beloit co-op, Kansans gather as often to talk about global commodities futures as they do the weather. Our farmers are as likely to be reviewing GPS Satellite readings as they are next years model line of John Deeres. And, when they go to the doctor, rural Kansans are very likely in the waiting room of an Indian or Canadian citizen.

Just as Kansas relies on the world as a market, we rely on the world as a source for our health professionals. Since 1993, ninety-eight (98) waivers have been granted allowing foreign born physicians to remain in the country to practice medicine in the state of Kansas. Over fifty (50) physicians currently practicing in Kansas are in the state as a result of a J-1 visa waiver. Twenty (20) counties in the state of Kansas are considered fully served as a result of foreign born physicians who received J-1 visa waivers. Section 11018 of the Judiciary reauthorization bill before us represents a literal life-line for rural America.

The Senate passage of the bill also represents the hard work of several very dedicated legislators, including my fellow Kansan, Representative JERRY MORAN and our colleague from South Dakota Senator KENT CONRAD. It was their persistence and the hard work of several groups including: The American Hospital Association; the American Academy of Family Physicians; the Farm Bureau; the American College of Physician; the National Association of Community Health Centers; the National Rural Health Care Association; the American Immigration Lawyers Association and others, that kept this issue moving throughout this Congress.

Of course, there are many important provisions in this bill. However, for Kansans in the vast rural areas of the State, ensuring access to a doctor is one of the most significant. I thank the Chairman and Ranking member for fighting to ensure that this provision made it into the conference report.

Mr. FEINGOLD. Mr. President, I support the conference report to H.R. 2215,

the Department of Justice Reauthorization bill. I congratulate the chairman and the ranking member of the Judiciary Committee for their work in completing this bill and guiding it through a long and difficult conference.

I wanted to take a moment to set the record straight on the issue of the inclusion in the conference report to H.R. 2215 of the Motor Vehicle Contract Arbitration Fairness Act. The junior Senator from Arizona complained yesterday on the floor that this bill had been added to the conference report, depriving him of the opportunity to hear a debate and perhaps offer amendments to the bill. He implied that this was some kind of secret and nefarious deal to try to bypass floor discussion of legislation that has not had adequate consideration by this body. Nothing could be further from the truth.

S. 1140, on which the provisions in the conference report are based, was introduced by the ranking member of the Judiciary Committee, Senator HATCH, and now has 64 cosponsors. Almost exactly half of those cosponsors are Republicans and half are Democrats. A companion House measure has 225 cosponsors. The bill passed the House by voice vote in the last Congress. The inclusion of these provisions in the conference report was supported by all of the Senate conferees, including the ranking member of the Judiciary Committee. The House conferees, led by the chairman of the House Judiciary Committee, also supported including these provision in the conference report.

Now why was this necessary? Well, let me point out that this bill was reported by the Judiciary Committee almost a year ago. The majority leader asked for consent to proceed to the bill and have a limited debate with the opportunity for amendments no less than three times, on May 17, June 27, and September 25. Each time, a Senator on the Republican side objected and the Senate was prevented from having the separate debate and vote that the Senator from Arizona says he wanted. So if the Senator from Arizona has a beef here, it is not with the majority leader or the conferees, but with the member of his own party who exercised his right as a Senator to block the bill from consideration on the floor of the Senate.

That Senator was exercising his right to object to a unanimous consent request, but with time running out in this Congress, the rest of the Senate has rights too. And including this bill in the conference report, with bipartisan support in the conference and in the Senate, was a reasonable step to take so that the will of a supermajority of the body would not be thwarted.

These provisions are very important to address a real unfairness that is being perpetrated on the auto dealers of this country. Franchise agreements for auto and truck dealerships are typically not negotiable between the manufacturer and the dealer. The dealer ac-

cepts the terms offered by the manufacturer, or the dealer loses the dealership, plain and simple. Dealers, therefore, have been forced to rely on the States to pass laws designed to balance the manufacturers' far greater bargaining power and to safeguard the rights of dealers.

The first State automobile statute was enacted in my home State of Wisconsin in 1937 to protect citizens from injury caused when a manufacturer or distributor induced a Wisconsin citizen to invest considerable sums of money in dealership facilities, and then canceled the dealership without cause. Since then, all States except Alaska have enacted substantive law to balance the enormous bargaining power enjoyed by manufacturers over dealers and to safeguard small business dealers from unfair automobile and truck manufacturer practices.

A little known fact is that under the Federal Arbitration Act, FAA, arbitrators are not required to apply the particular Federal or State law that would be applied by a court. That enables the stronger party, in this case the auto or truck manufacturer, to use arbitration to circumvent laws specifically enacted to regulate the dealer/manufacturer relationship. Not only is the circumvention of these laws inequitable, it also eliminates the deterrent to prohibited acts that State law provides.

A majority of States have created their own alternative dispute resolution mechanisms and forums with access to auto industry expertise that provide inexpensive, efficient, and non-judicial resolution of disputes. For example, in Wisconsin, mandatory mediation is required before the start of an administrative hearing or court action. Arbitration is also an option if both parties agree. These State dispute resolution forums, with years of experience and precedent, are greatly responsible for the small number of manufacturer-dealer lawsuits. When mandatory binding arbitration is included in dealer agreements, these specific State laws and forums established to resolve auto dealer and manufacturer disputes are effectively rendered null and void with respect to dealer agreements.

A strong bipartisan majority of this body, and of the House, has come together to say "no" to these unfair contract provisions. So I commend the chairman and ranking member of the Judiciary Committee for their work to include this important legislation in the DOJ authorization bill conference report. As I said before, we could have had a debate and voted on amendments to this bill if consent had been granted. That was our preferred course as well. But one Senator did not want to have that debate, and so it was necessary, in the interests of justice, to proceed in this manner.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

#### EXTENSION OF MORNING BUSINESS

Mr. REID. Mr. President, it is my understanding the time for morning business has expired.

The PRESIDING OFFICER. The Senator is correct.

Mr. REID. I ask unanimous consent the Senate now proceed to a period of morning business with Senators allowed to speak therein for up to 10 minutes each until 6:30 this evening.

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

The Senator from Louisiana.

#### HURRICANE ISADORE, WETLANDS, AND IRAQ RESOLUTION

Ms. LANDRIEU. Mr. President, I rise to speak on three important matters. Let me begin with the most important matter to the people of Louisiana at this moment, which is the pending hurricane. Hurricane Lili is in the Gulf of Mexico, and she is headed Louisiana's way. Unfortunately, this will be the second major storm in less than a week we have had to protect ourselves against and prepare for the consequences of the aftermath.

Let me begin by thanking the President and FEMA, and particularly all of the FEMA officials who are now down in Louisiana helping us prepare again. FEMA Director Joe Albaugh was with us in Louisiana last week, as we dodged a bullet with Isadore—a storm that was huge in its mass but short in its intensity. As a result, while there was some sporadic flooding and some very damaging flooding to approximately 1,000 homes and businesses, including some that were ruined completely, it wasn't the widespread damage we have become familiar with in the Gulf South from hurricanes.

Hurricane Lili is packing winds of 140 miles per hour; barreling toward our coast and is likely to hit somewhere between New Orleans and Galveston. It could hit Lafayette or Lake Charles, somewhere on the coast of Louisiana.

The reason I rise to speak about this storm is not because there is a whole lot we can do in Washington, today. We will be down there this weekend. We will get to assess the damage. We can't do anything today. But there is a great deal we can do from Washington in the future to help the Gulf Coast the coasts of Louisiana, Mississippi, Texas, Alabama, Georgia and Florida.

From Washington, we can begin to focus on the kind of investments we should be making along the Gulf Coast that help protect us against the consequences of such storms—particularly as it comes to protecting the energy infrastructure in this Nation, which is so vital and crucial to the economic stability and well-being of the Nation.

We produce about 80 percent of all of the offshore oil and gas in the Nation off the coast of Louisiana. Right now, as I speak, the Gulf of Mexico has been evacuated. I have been on the phone with officers of chemical companies, and oil and gas companies, and they are shutting down refineries and platforms in the Gulf of Mexico. Why? Because you cannot keep them running when you have storms such as this, or you could gravely endanger the lives of those working out in the Gulf. I wish I could paint a more vivid picture, but over 20,000 miles of pipeline, many refineries, and thousands of platforms out in the gulf, all of which are critical to America's energy supply, will be directly threatened by Hurricane Lili. We take a lot of taxes out of the gulf region. There are a lot of taxes that the oil and gas industry pays, and that money leaves south Louisiana and Texas and goes right up to the Federal Treasury. Then it funds various projects all over the country.

You would think some of that money might come back to Louisiana to invest in Louisiana to elevate and improve our highways and provide better security to this infrastructure. After all, its through these highways and this infrastructure that energy is carried and produced to support not just Louisiana, Mississippi, and Texas, but to turn the lights on in the entire country. Even when the winds are blowing down south, we keep the lights on up north. At the energy conference—my able partner, Senator BREUX, is going to be carrying this message as a member of the energy conference. Of course, Congressman TAUZIN from Louisiana is chairing the conference. We are going to carry this message directly into the energy conference to see if there is something we can get the Congress to do in a bipartisan way that says, yes, Louisiana, Mississippi, and Texas—the oil and gas-producing States—should share in some of these revenues so we can invest on the front end in terms of what the Gulf South needs to secure these energy resources. Congress must be fair to people in Louisiana, who are happy to serve as hosts to this offshore oil and gas industry. We are proud of the way we are doing it in a much more environmentally sensitive way. But we need help to ensure we receive a fair share of the royalties that come from our rich natural resources.

The country does not also realize the great loss of wetlands and the erosion Louisiana has experienced. Think about this. There is a hurricane coming off the Gulf of Mexico. The only thing between it and the cities or towns is the marsh. The bigger that marsh is, the greater the buffer is from the storm. It will break the wind, break the tides. As that marsh erodes away, there is nothing to break the wind or the tide, so the destruction becomes greater and greater, year after year after year.

The reason the marsh is subsiding is that we have tamed the Mississippi

River. We have levied it. We levied it not just for the people in Louisiana so we would not flood, but so the ships can take grain from Kansas and Iowa. This commerce then comes down the Mississippi and can go to any number of countries. Louisiana is an importing and exporting station for so many of the goods coming into and out of this country. This benefits everyone. We are telling you and begging this Senate and this Congress to recognize benefits Louisiana provides to the Nation. Louisiana is proud of that, but we need extra Federal help to secure this marshland, to help rebuild it, and protect us. If Louisiana does not receive help the wetlands will disappear, and the people of Louisiana will be sitting ducks for future floods and storms.

I am sure Senator BREUX and I will be back on the Senate floor on Monday and Tuesday trying to explain to everybody the horrible damage that has occurred because of Hurricane Lili and the importance of trying to be smart and invest some of these monies on the front end in Louisiana. This is not only fair and the right thing to do, but for the taxpayers, we would just as soon pay a little now or we are going to pay a lot in claims when these homes and businesses are destroyed in the Gulf South.

There is nothing we can do about keeping hurricanes from coming ashore. We cannot prevent them. People say: Senator, can't you do something? I say: If I could pass a resolution, I would. But, of course, there is nothing we can do about that. But we can be more prepared than we are.

While we are making progress, we have a long way to go. So whether it is at the energy conference, where I hope we will have a positive outcome, or in the new transportation bill where we can talk about the highways and evacuation routes in south Louisiana and the Gulf South need our attention. Not only do they serve as economic highways that are really necessary for commerce to flourish, but, as you know, when the hurricanes come, it is the only way for people to flee the storm. We don't have trains, as people do in the Northeast, to get out of harm's way. All we have in Louisiana are highways dangerously crowded with automobiles and pickup trucks. We need to make sure people can get north to higher ground. Hundreds of thousands of people in my state are jamming the highways to escape Lili and head for higher ground in north Louisiana, Arkansas, Mississippi, and Texas. Hotel rooms are scarce, and people will have trouble finding safe-haven from Lili.

So we will be back talking about it. There are opportunities in the transportation bill, and when we debate the Corps of Engineers bill, to try to make right this situation. The Senate will then debate whether to help Louisiana in a direct way—not just Louisiana, but the whole gulf coast region.

The final point I want to share is a figure I came across a couple years ago

that was startling to me. I think I spend a lot of my time worrying and thinking about coastal communities because I represent a large number of people on the coast. Two-thirds of the American people live within 50 miles of the coast. So our country is really a ring. So the coastal communities and their special needs and their special requirements deserve some more attention from Congress.

I have to say that NOAA and the Department of Commerce are really doing some very good work. I think we need a little bit more attention to our coastal communities in this country than we are giving. There are ways we can do that.

Let me turn my attention to another issue on a completely different subject. But, this a grave threat facing our Nation, and that is our potential conflict with Iraq.

I support Joint Resolution No. 46, which was introduced this morning. I am proud to be a cosponsor with Senators LIEBERMAN, WARNER, MCCAIN, and BAYH and to add my name to that resolution. I do so with the greatest of seriousness. I do so because I am convinced that this is the right course.

I commend the President and the Members of Congress who have worked in a bipartisan way to fashion a resolution that does the job, that gives us what we need, which is a tool, a weapon, in some ways, that will try to force a regime that has been recalcitrant and reluctant to abide by international law and dismantle its weapons of mass destruction. In the international community, Iraq is a regime that is quite dangerous to the people it purports to serve—and of course it does not serve—the people of Iraq. It is dangerous also to the people of the United States and to Iraq's neighbors in the Middle East.

I have the great privilege to serve on the Armed Services Committee and to chair the Emerging Threats Subcommittee. I want to stress that it is the Emerging Threats and Capabilities, because I don't want to mention only threats. We have so many great capabilities in this Nation that we do not have to cower in fear. We have the strongest military, the greatest brain power, and great technology. Most importantly, we are founded on freedom and liberty.

We have tremendous capabilities. But, we are in a great and historic process in this Nation of restructuring our Armed Forces, both in the traditional sense that we know of our Navy, Army, Marines, and Air Force, and in a totally nontraditional way, which is standing up homeland defense to fight these new threats. The new threats are people just like Saddam Hussein—rogue leaders with no decency, who play by no normal rules, who govern by fear, and at the slightest provocation, for reasons we might not understand, could either themselves use weapons of mass destruction, or allow to be used by terrorists or nonstate actors. It is clear for all to see that Saddam Hus-

sein possesses biological and chemical weapons, and he has designs to increase his stockpile. To our knowledge, he does not have nuclear capabilities. However, evidence most certainly suggests Saddam Hussein is actively trying to develop nuclear weapons. Weapons he could use against the United States and our allies. I think a resolution such as this is important for us to express our unity, as an elected institution, that we are prepared to use force, if necessary, to dismantle weapons of mass destruction, to disarm this regime, to change this regime and try to establish for the benefit of the United States, our allies, the people of Iraq, and the world, a more worthy regime for Iraq.

What I support specifically about the resolution, and helped in some ways to craft with words, comments, and suggestions, is that this bipartisan resolution has stressed at least three important principles. The resolution requires—and I think this is very important—all diplomatic means be exhausted. This is critically important and necessary because we never want to rush to war. We do not want to be trigger happy. We want to use all diplomatic means to meet our ends.

For 10 years, we have tried many things with Iraq—economic sanctions, back channel diplomacy, meetings and conventions, and other diplomatic means to compel Saddam Hussein to comply with international law. Nothing yet has worked. But let's hope that something will work, and let's exhaust those means. Once we reach that point, this resolution authorizes the President to use all necessary force to enforce what we know is right.

I am pleased we have the diplomatic requirement in the resolution. But we know all too well that Saddam only respects force. With the threat of force, diplomacy may yet win out.

The second principle outlined in this resolution, which I greatly support, is that it is limited in scope to Iraq. The original language I thought, and many of us expressed, was somewhat vague and called for language to establish stability in the region. Such language created a lot of unanswered questions. This resolution is more clear in its language that the scope is limited to Iraq and greatly strengthens this resolution.

This resolution thoroughly makes clear that our goal is not a war against the people of Iraq, but a war against a leader who has discredited himself, thumbing his nose at 16 resolutions, and not playing by the rules of a civilized government. Should we go to war, this war will be waged to disarm Saddam Hussein, to dismantle his weapons, and to use force to change his regime.

This is not without risk. I am mindful of the risks, and I am mindful of the price that may need to be paid in terms of treasure and lives. I am also confident that it is the right resolution at the right time in the right spirit to

give the President the authorization to use force to do what needs to be done, which is to dismantle this dictator's ability to wreak havoc on the civilized world.

The timing of the attack, of course, and all the military strategies should be carried out with great care and the consultation of our best military minds. It could be this year, it could be next month, it could be a year from now—whenever our military believes it is the time and everything is in place. We must be mindful not to second-guess or try to use any political influence to sway the military in terms of their strategy to accomplish this end. What Congress can do is authorize the Commander in Chief to use force, if necessary, with this specific resolution which I think is a very good document for how we should approach this possible war.

Furthermore, this resolution places a necessary vital requirement on the President to report to Congress on a periodic basis on the progress of the war. Because we, under the Constitution, of course, have a responsibility to determine if this effort should receive funding. War comes with so many great costs, and we must regularly re-evaluate the need to pay those costs of war.

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

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. DAYTON). Without objection, it is so ordered.

#### THE SENATE'S UNFINISHED BUSINESS

Mr. NICKLES. Mr. President, today is October 2, the second day of the new fiscal year, and this Congress has not passed any appropriations bills. We have passed a continuing resolution that takes us to next Friday, and I guess we will pass another one that takes us into the following Friday, October 11. This may be one of the poorest records we have ever had.

We do only a few things in the Senate. We pass bills, changing some laws. We may occasionally do something very important such as a war authorization or resolution dealing with Iraq. Every once in a while we might create a new Cabinet-level department. We have the Department of Homeland Defense that has been before this body for the last 4 or 5 weeks, but we have not been able to draw it to a conclusion.

Then we spend money and occasionally we change the tax laws. We spend a lot of money. That is something we do every year, but we have not gotten it done this year. We have not passed our appropriations bills. As a matter of fact, this year for the first time since 1974 we have not passed a budget.

The House has passed a budget. We did not pass a budget. Because we did not pass a budget, we have had differences with the House. The House has passed a few more appropriations bills than we have. We have only passed three. Three out of 13 is not a very good record, and none have passed conference. I hope, and I would expect, that we would be successful in passing the Department of Defense appropriations bill next week. We certainly should. I think it would be grossly irresponsible of us to leave without passing the Department of Defense appropriations bill, but we actually should have done a lot more. I believe the reason we did not is because we did not pass a budget, so we did not get that done.

Something else we did not get done is we did not confirm enough judges. We now have the Department of Justice reauthorization bill. It is the first time we have reauthorized the Department of Justice in 20 years. I have been in the Senate for 22 years, so I guess we did it back in 1982 or 1983. So maybe it is long overdue.

When I look at the conference report—and it is a fairly extensive conference report—it creates 20 new judge positions through permanent and temporary judgeships. Now, that is well and good, but we have a lot of judges who have been nominated for existing positions who have yet to be confirmed—in many cases yet to be considered. I notice we are going to set up several permanent and several temporary positions in this bill.

I do not doubt that in many cases along the border, particularly in southern California, Texas, Arizona, and others, there is a demand for new judges with the caseloads they have. So I am not disputing the fact that either permanent or temporary judges who are called for in this bill are needed, but I find it ironic when I look at the current status of judges. There are 47 judges who are now pending, many of whom have been nominated for over a year, and we are in the process of creating an additional 20 new judgeships.

Some of these people I mentioned have been nominated for over a year, many of whom were nominated on May 9, and they have yet to have a hearing. Several of these nominations are outstanding individuals, and I will mention a couple. John Roberts has been nominated for the DC Circuit. He has argued 37 cases before the United States Supreme Court. He was nominated 510 days ago, on May 9. He has yet to have a hearing.

If this is an individual who has argued 37 cases before the Supreme Court, somebody thinks he is well qualified. As a matter of fact, he has been rated well qualified by the ABA. He was managing editor of the Harvard Law Review. He is a Harvard law graduate, magna cum laude; unanimously rated well qualified by the ABA; law clerk to Supreme Court Justice Rehnquist; principal Deputy Solicitor General between 1989 and 1993.

I have requested that John Roberts have a hearing and be voted on in the Judiciary Committee, and I have not been successful. I think it is hardly fair to him, an outstanding attorney, more than well qualified, to not have even had as yet a hearing before the Judiciary Committee.

Miguel Estrada just had a hearing before the committee. I thank the chairman of the Judiciary Committee for finally having a hearing on Miguel Estrada. This is a young man who has argued 15 cases before the Supreme Court. He was unanimously rated well qualified by the ABA. He immigrated from Honduras as a teenager, could hardly speak English, and he graduated at the top of his class from Harvard Law School. He was a law clerk to Justice Kennedy. He is a former Solicitor General and assistant U.S. attorney.

He had a hearing. As of yet—maybe this will change and I hope it will change—he has not had a vote in the Judiciary Committee. Some people said they want more information from Mr. Estrada. Frankly, they are just running out the clock because they do not want to vote on him. Miguel Estrada is more than qualified. He should be confirmed. Even a “conservative newspaper” such as the Washington Post says he should be confirmed, and we have yet to get a vote on him in committee. I hope we will.

Michael McConnell was nominated for the Tenth Circuit. He is a professor of law at the University of Utah, unanimously rated well qualified by the ABA. He is one of the country’s leading constitutional law experts. He has argued 11 cases before the United States Supreme Court. He graduated the top of his class from the Chicago Law School. He was a law clerk for Justice Brennan. Prior to that, he was Assistant Solicitor General. Again, he is eminently well qualified.

The committee held a hearing on Mr. MCCONNELL on September 18. I ask the committee to please put him on the calendar and on the agenda for the next business meeting, which is next Tuesday. I urge the committee to do so, and I hope vote affirmatively for Michael McConnell to be on the Tenth Circuit Court.

Jeffrey Sutton was nominated for the sixth circuit, which is half vacant today. It needs judges to fill the vacancies. He is rated well-qualified by ABA and qualified by ABA majority. He graduated first in his class at Ohio University College of Law. He law-clerked for Justices Powell and Scalia and argued nine cases and 50 merits amicus briefs before the Supreme Court. Prior to that, he was State Solicitor in the State of Ohio, he clerked for Supreme Court Justices and is very well qualified. Nominated 510 days ago, and has yet to get a hearing before the Judiciary Committee.

Deborah Cook, also from Ohio, also on the sixth circuit. Unanimously rated well-qualified by the ABA. She has been a Justice of the Supreme

Court of the State of Ohio since 1994. She sat on the Ohio District Court of Appeals from 1991 to 1995 and chaired the Commission on Public Legal Education. She is a member of the Ohio Commission on Dispute Resolution. Again, I remind Members, the sixth circuit is almost half vacant: Seven out of the 16 spots are vacant. I urge the committee to move forward. Deborah Cook was nominated May 9, 2001, and has yet to have a hearing.

Terrence Boyle was nominated for the fourth circuit. He presently is a chief judge on the U.S. District Court in the Eastern District of North Carolina. He has held that position since 1997. He was rated unanimously well-qualified by ABA. He went to American University, Washington College of Law; was minority counsel, House Banking subcommittee; also legislative assistant to Senator HELMS; and a partner in a North Carolina law firm, and a prior district court judge. He has been a sitting judge on the U.S. District Court in North Carolina since 1997, and was nominated on May 9, 2001. He has yet to have a hearing before the Judiciary Committee.

I mention these, and urge the committee—it is not too late to move forward with some of the well-qualified people. Hearings have been held on Miguel Estrada and Michael McConnell. They can be voted on next week. I urge them to do so. I plead with them to do so.

I like to cooperate with my colleagues, and I look at the conference report on reauthorizing the Department of Justice. There are a lot of things in this bill a lot of Members would favor, and some things perhaps some have reservations about. The majority of this bill never passed by either the House or the Senate. Now I mention that to let my colleagues know there are rules against doing that in the Senate, rules to protect Members. You do not have the House pass a bill, the Senate pass a bill, and have totally extraneous measures put in a bill in conference and say: Take it or leave it. It is called rule XXVIII.

I mention to my colleagues, this is a rule to protect Members of both parties in both bodies, to make sure we follow the proper legislative process. Usually in Politics 101, we learn you pass a bill, the bill passes the House or passes the Senate, you go to conference and work out the differences, but the bill has to pass one of the Houses to go to conference. The majority of this bill did not pass either House; the majority of the bill—whole sections of the bill. I am not saying I have objections to many pieces of the bill. I don’t doubt I would not vote for a lot of it.

Included in this bill are intellectual property rights. Again, never passed the House or the Senate, but it is in this bill. There is a juvenile justice section, an entire new section, there is criminal justice, civil justice, and immigration changes, improvements of criminal justice, intellectual property,

all of which never passed the House or the Senate, and would be subject to rule XXVIII if the rule was invoked.

I bring this to my colleagues' attention, knowing this rule is there and that at least this Senator, for one, realizes we have an opportunity and an obligation to legislate correctly. This Senate is becoming more and more willing to bypass committees, bypass legislative process, report bills, take up bills directly to the floor without ever going through committee, not giving committee Members the opportunity to have amendments, to have discussion, to have vetting, offer alternatives, or come up with bipartisan approaches.

I found this year very frustrating in both the Energy and Natural Resources Committees on which I serve. We had the most significant piece of legislation in the energy bill since I have been a Member, and it was not even marked up in committee. Yet we spent 7 weeks on the floor of the Senate marking it up. Not a good way to legislate. That bill is in conference. I hope we can come up with a conference report that is a good piece of legislation. That remains questionable.

We had prescription drugs many wanted to mark up in the Finance Committee. We did not do that. We bypassed the Finance Committee. The Finance Committee never had a markup on the most expensive expansion of Medicare since its creation in 1965. We had a debate on prescription drugs with several alternatives, some of which, in my opinion, were fatally flawed. Part of that is because they were not vetted. We did not have a thorough discussion in committee. If some of the obvious flaws were introduced on the floor, they would have been exposed and probably corrected, and we probably would have passed a bipartisan bill that would have had enough momentum to not only get through the Senate but be a strong force in conference, and thereby provide prescription benefits for Seniors. We did not do that because we did not go through the committee. We are breaking the process.

I did homework on the Finance Committee. In every major expansion in Medicare for the last 22 years, almost every one except one went through the committee process and ended up with a bipartisan majority on the floor of the Senate and helped become law. Usually, the Senate markup vehicle that came out of committee was strongly supported on the floor and strongly supported in conference, and was close to being the vehicle to become law. Sometimes it is adjusted with our friends and colleagues in the House.

When you take a bill directly to the floor, and I note now there are a couple of other packages that some say, rule XIV—in other words, take directly to the Calendar a provision dealing with give-backs, additional money for Medicare, some for rural hospitals, some for doctors, some for other providers. Let's bypass the committee and go directly

to the floor and, yes, we will spend \$40 or \$50 billion in doing so, most of which will be spent the first year or two.

What happened to the committee process? Shouldn't every member of the Finance Committee have a chance to say, I think we can do a better job? Maybe we can do it more efficiently or better. No, we bypass the committee and take it directly to the floor.

Now I understand we are going to bypass the Finance Committee on a small business package. I used to be a small businessman. I have ideas what should be in that package. I would like a say-so in the amendment. We will not get a vote. No Finance Committee Member—maybe one or two that are putting the package together, but the rest of us on that committee do not get to vote. We did not get to offer an amendment. We did not get to say, we do not think that should be in, maybe something else should be in.

Should we have "pay-fors"? What should they be? Do we have tax cuts and tax increases? What should they be? How can we best stimulate the economy? Some of us think we have something to offer in that debate, not if you bypass the committee and go straight to the floor. I object to that process. That is a process at least this Senator is going to be very reluctant to support. I don't like bypassing the committee process. I don't like introducing things that are totally extraneous to the House bill or the Senate bill and putting them in conference. I may support those provisions, but I don't think that is a good way to legislate.

I am bothered by the fact the Senate is not working. I am bothered by the fact we did not pass a budget this year for the first time since 1974. I am bothered by the fact that we are yet to pass and send to the President any appropriations bills other than a 1-week continuing resolution. I am bothered by the fact we didn't do the energy bill right. We didn't do prescription drugs right. We didn't get it done. And I am bothered by the fact I look at two-thirds of this bill and I say: Wait a minute, where did this come from, even though they may be perfectly acceptable provisions.

Some might say we have done it before. That is true. But we also have rules against doing it. I believe the rule would be upheld. I believe these were extraneous to the conference. So I think rule XXVIII would be upheld. We may find out. I haven't decided to make that point of order. I am letting my colleagues know the rule is on there for a purpose. We should follow legislative procedure. We should abide by the rules. Unfortunately, we have not done so.

I see we are going to create 20 new judgeships. I guess I am all for that, but I look at several outstanding judges, 47 of whom are yet to be voted on, 7 of whom—I just mention 7—have waited for a year and haven't even had a hearing, 2 of whom have had a hear-

ing, Miguel Estrada and Michael McConnell, and we don't know if they are going to get a vote in the committee or not.

I think every one of the 12, I believe—or the 11 that were nominated on May 9 are entitled to a vote. People can vote up or they can vote down, they have that right. But I think to deny them even a hearing after 510 days is not fair, especially when you look at the qualifications of somebody like John Roberts, who has argued 37 cases before the Supreme Court, and he is yet to have a hearing; or Miguel Estrada, who has argued 15 cases before the Supreme Court, yet to have a hearing. Michael McConnell argued 10 cases—I take it back. Miguel Estrada has had a hearing, so has McConnell. They just have not been voted on in the committee. It is not too late. We may only have a week and a half left in the session, so I urge the Judiciary Committee to move forward on Mr. McConnell and Mr. Estrada and give these fine individuals, who have very distinguished reputations, distinguished legal careers, give them a vote in the Judiciary Committee and on the floor of the Senate.

I am confident both would be confirmed, both would be confirmed overwhelmingly and would make outstanding jurists for many years to come. I urge the Judiciary Committee to do that. I hope it will happen in the next few days.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

#### THE NEW JERSEY ELECTION

Mr. SANTORUM. Mr. President, I rise briefly to express my disappointment and dismay at what is going on in the neighboring State to Pennsylvania—New Jersey. What we are seeing play out in New Jersey is not something that, as an elected official, I find particularly ennobling for public officials. This is not something that gives people a whole lot of confidence in the political process in which we are engaged.

It is obvious some are trying to change the rules right at the end of the game, and in a way to advantage one political party. I find that very disconcerting. I find it potentially—as the New Jersey Supreme Court contemplates what they are going to do in this case, seeing the precedent that could result, it could result in a lot of ridiculous things happening at the end of a lot of elections. If you find a candidate behind, you simply change horses right at the end. Instead of having the people decide, you have the courts decide.

Remember just 2 years ago a lot of people were gnashing their teeth saying elections should not be decided by the courts. They should be decided by the people on the ballot. Here we have a situation where there are people on the ballot, and now we are having people go to court to change that ballot.

That is very disconcerting. But I guess one of the things that bothers me the most is that there is a connection here in Washington, DC, to what is going on in New Jersey. The connection here in Washington, DC, as the Senator from New Jersey announced, is that it is his intention, by trying to get his name removed from the ballot, to save the Senate for the Democrats. It was not to give the people of New Jersey a choice, as many of the pundits are arguing and many of the politicians are arguing, that the people of New Jersey deserve a choice. No, this was about potentially having a candidate who was going to lose the election and that could result in the Democrats losing control of the Senate.

So from the press reports, we see lots of pressure being brought to bear on the Senator from New Jersey, from a variety of different quarters, to take one for the party and step aside so the Democrats can continue to control the Senate. That is what this is about. This is not about giving the people of New Jersey a choice. It is about trying to keep power, whether breaking the rules or not, trying to keep power.

There are a lot of discussions in this Chamber about the rule of law, that we have to respect the rule of law. We preach all over the world about the importance of the rule of law. Yet we have a statute that is in place under the Constitution because the Constitution says the legislature shall set the laws of elections within the States, not the courts. The legislature clearly acted in New Jersey.

So what are people here trying to do? Well, they are trying to change the law through the courts so they have a better chance of winning the election.

Again, the disturbing part is from press reports that some of that is being orchestrated out of Washington, DC. We have a report from the Washington Post that says:

Senate majority leader Tom Daschle warned McGreevey, the Governor of New Jersey, that substantial national party funding for the race would be in jeopardy. "It was basically, 'Not with my money,'" Democratic officials said.

—unless they picked a particular candidate to substitute for Senator TORRICELLI.

Again, I am hearing a lot of talk that the people of New Jersey deserve a choice. Yet it sounds like the choice is being dictated here in Washington, DC.

Another quote from the Newark Star-Ledger:

In what may be the strangest twist yet in a bizarre election year, New Jersey Democratic leaders last night chose Lautenberg as their standard bearer on the insistence of Senate majority leader Tom Daschle.

They quote a Democratic source saying:

"Lautenberg or nothing." The nothing in this case was a threat by the national Democrats to abandon New Jersey in order to put stronger campaigns for incumbent Democrats in other states where they stood a better chance of winning. . . .

So let's put this in context, the high-brow comments that "the people of New Jersey deserve a choice." Let the people of New Jersey understand whose choice it was. It was not their choice. It was a choice dictated by the political operation here in Washington, DC, and according to these reports, by the Senate majority leader, as to who that choice would be for New Jerseyans to choose from.

That is deeply disturbing. That is deeply disturbing that we see this kind of interplay, in an attempt to change the outcome of an election that did not seem to be going in a positive direction.

I find it very interesting we have another case that just occurred on the unfortunate death of a Representative in Congress from Hawaii, someone who served this country through a long and distinguished career, a very popular Member of the House, and very popular in her district. What I understand is that the Democratic Party in Hawaii is not going to remove her name—is not going to remove her name from the election ballot. Why? Because she is a very popular Member and there is the suggestion that has been reported in the press that even though she is deceased, that she would probably still win the election.

Yet we have in New Jersey someone who is alive and well who they are insisting must be removed from the ballot. This is the kind of crass political calculation that undermines people's faith in the electoral and political process in this country. The sad part is, in part, some of this is being orchestrated out of Washington, DC. This is a crude attempt by those who took power in the Senate, not through the electoral process, to regain power in the Senate through the court process, not through the electoral process that has been established by the State of New Jersey.

How far do we go to keep power? How important is power? What rules must be broken? What principles must be set aside to keep power?

That is what is going on here. That is why the public is outraged and deeply disturbed at what they are seeing in New Jersey.

I find it very troubling that we have Members from this body who are participating in orchestrating those developments. It is not something that reflects positively on the Senate. It certainly does not reflect positively on the electoral system in this country.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

#### BLOCKING THE WORK OF THE SENATE

Mr. REID. Mr. President, I want to comment on two subject matters today. The first is some of the statements made by my friend, my counterpart, the distinguished Senator from Oklahoma, when he said he was disturbed we were not doing anything in the Senate. He talked about we had not passed any appropriations bills, and went through a list of things we had not done.

But I say, with all due respect to my good friend, the Senator from Oklahoma, we have not done these things because the minority won't let us do them. We have been here reporting for duty. Senator BYRD and Senator STEVENS, on the appropriations bills, reported every one of them out of committee before the August recess. But a decision has been made by the minority not to let us move on any.

That is why we have been on the Interior appropriations bill. This has been the fifth week. So I appreciate the efforts by the minority to make this fact, that we have done nothing in the Senate, our fault, but the American public knows.

We have stated here many times that we are willing to do terrorism insurance, election reform, Patients' Bill of Rights, generic drugs, bankruptcy—all these things that are stuck in conference. We are willing to do every one of the appropriations bills. But they won't let us.

Now, people say: What do you mean, "they won't let us"? That is the way it is in the Senate, a simple majority does not do the trick in the Senate. You need 60 votes. They have 49. We cannot get up to 60. So you can clearly see what the next 5 weeks are going to be like in the States where there are serious Senate races. What you are going to see there is: The Democrats control the Senate, and they have not been able to get anything accomplished.

But the American people know we may not have been able to accomplish a lot because they would not let us, but we have been able to stop a lot of things that would have occurred had we not been here. And I think when those chapters of history are written about this Congress, that is what the big headlines will be: The stuff we were able to stop. We were a check and balance on a ramrod, and we were able to stop things from happening.

#### THE NEW JERSEY SENATE RACE

Mr. REID. Mr. President, there is another thing I want to talk about. The Senator from Pennsylvania talked about the terrible situation in New Jersey. It is a very unique situation in New Jersey. A sitting Senator had a procedure before the Ethics Committee. It took a lot of time, and the only focus of the election for the Senate seat in New Jersey was that ethics procedure.

I said yesterday, on the Senate floor—and I say again today—BOB TORRICELLI is my friend. We came to Washington to serve in the House of Representatives together. We sat together in the same committee, the Foreign Affairs Committee, in the House.

We developed a friendship then, 20 years ago, that has remained. I feel so bad for my friend, BOB TORRICELLI. Mr. President, I cannot determine all he went through, but he went through enough that he dropped out of the Senate race. He did it because, for those of us who know him, the emotional toll was tremendous.

Now, would it be better for the people of New Jersey to have no Senate race? The sitting Senator is out of the race. Would it be better that the people of New Jersey have no election, no choice?

The paramount interest that the New Jersey Supreme Court determined was that the people of New Jersey should have a choice. Now, they heard that argument today, and they have already decided by a 7-to-0 vote. It was, as they say in basketball, a slam dunk. This was not a difficult legal proceeding. The people of New Jersey should have a choice as to who is going to serve in the Senate.

I would hope people would drop all the litigation. I am sure some of my friends in the minority are clamoring to get to the Supreme Court and have an election determined there like they did a couple years ago. But I think it would be to everyone's best interest to let the people of New Jersey decide that, with a 7-to-0 determination by the New Jersey Supreme Court, and let these two people—Lautenberg and his opponent—have a race where they have debates and public forums, run TV ads, and have an election like we have in America. New Jersey deserves that. That is what this is all about.

So I hope the election can go forward, as the New Jersey Supreme Court, by a 7-to-0 vote, said it should. And I am sure it will. I cannot imagine even this Supreme Court would change that.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

#### MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent the Senate now proceed to a period of morning business with Senators allowed to speak for up to 5 minutes each.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

#### FIRST ANNUAL REPORT OF CONGRESSIONAL EXECUTIVE COMMISSION ON CHINA

Mr. BAUCUS. Mr. President, I rise to speak in my capacity as Chairman of the Congressional Executive Commission on China. This commission was created in the China PNTR legislation two years ago and has the mandate to monitor human rights and developments in the rule of law in China. Today, we transmitted the first annual report to the Congress and to the President.

With passage of PNTR the Congress, and the country, declared that economic engagement was important—in terms of our own economic and strategic interests and in terms of our ability to promote and encourage change inside China. The commission was created to ensure that concerns about human rights and rule of law issues in China would continue to have a high priority in our government—in Congress and in the administration. That is why it includes members from both branches nine Senators, nine House members, and five Administration representatives appointed by the President.

The commission membership itself reflects the broad range of views of China within the Congress. Yet we were able to develop a report that is supported by an overwhelming majority of our members. The vote in the commission was 18 to 5 in favor of the report.

Let me turn to the report itself. This is the most comprehensive document produced by Congress on human rights in China. It pulls no punches in describing current human rights conditions in China. And it recommends actions to Congress and to the Administration that we believe will help promote change in China.

The underlying assumption of the report is that human rights cannot be enjoyed without a legal structure to protect those rights. Although China protects many rights on paper, this is often not the case in practice.

This is a time of uncertainty in China as they adjust to their WTO membership, go through a political transition with the senior leadership of the Chinese Communist Party and the government, and face increasing demands from their citizens for greater economic, social, religious, and political freedom.

In fact, the last 20 years has seen a period of profound change inside China—economic reform and the development of a market economy, decentralization of power, individual Chinese citizens gaining more individual autonomy and personal freedom. Yet the government continues to resist political liberalization and suppresses any threat to the Communist Party's grip on power. There are no free labor unions; all religious groups must register with the government and submit to its control; the media and Internet are restricted; there is tight control in minority ethnic regions.

The United States has limited means to influence change within China. The Chinese people, ultimately, must determine how they want to be governed and under what conditions. But we can help contribute to improving the situation inside China.

Let me stress that the commission is not seeking to impose American standards on China. But, from the Universal Declaration on Human Rights, to the International Labor Organizations' Declaration on Fundamental Principles, China has agreed to respect internationally recognized human rights for its citizens. Our desire is that the Chinese government abide by the terms of these international commitments, as well as the guarantees enshrined in China's Constitution and laws. That is the standard we, and others around the world, need to encourage—constantly.

Our report stresses that the United States must take a dual approach.

First, we need to pursue high-level advocacy on core human rights issues and cases of individuals who are denied their fundamental rights. The President, senior Administration officials, and members of Congress, should raise these issues at every opportunity. It also means multilateral advocacy. The United Nations Commission on Human Rights has many tools at its disposal. The International Labor Organization is becoming increasingly involved in labor rights issues in China. We need to work with other nations to pressure China in these areas.

Second, we need to provide increased technical and financial assistance to help build a legal system in China that protects human rights. Elements of this include training lawyers and judges to build a more professional legal system; promoting grassroots legal aid so Chinese women, workers, and farmers will understand their rights and how they can try to assert them; assisting with the drafting of new laws and regulations; teaching about experiences in other countries in the West, in Asia, in the former Soviet states, regarding how they dealt in a non-authoritarian way with some of the economic, social, and political problems that confront China today; providing currently unavailable information to the average Chinese using radio, cable, and the Internet; and working with nascent Chinese NGOs who are trying to deal with the staggering social and economic challenges in China.

The range of issues is huge. This past year, our commission examined some of the major areas of human rights and rule of law, including religious freedom, labor rights, free press and the Internet, Tibet, and the criminal justice system. Next year, we will continue to pursue these problems and address many others, including the role of foreign companies in Chinese society, women's rights which includes the one-child policy, HIV/AIDs, and the 2008 Olympics and human rights, to name just a few.

I am pleased with the scope and quality of this report. It adds to our understanding of human rights and legal reform in China and provides a useful action plan for the Congress and the administration. I am sending each of my colleagues a copy and urge you all to read it. For others, you can find the report on the commission's website at [www.cecc.gov](http://www.cecc.gov).

#### LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Mr. President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY in March of last year. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred August 14, 2001 in Jackson Heights, NY. Edgar Garzon, 35, was attacked after leaving a gay bar. The assailants, two men, exchanged hostile words with Mr. Garzon outside the bar, followed the victim toward his home, then beat the victim with a baseball bat or lead pipe. Mr. Garzon suffered a skull fracture and died three weeks after the attack. Police are investigating the incident as a bias attack.

I believe that Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

#### WORLD POPULATION AWARENESS WEEK

Mr. LEAHY. Mr. President, over the past years I have spoken often on the subject of population growth and the many problems it poses. Even in my own State of Vermont, one of the most rural states, it is impossible to escape the fact that human population can leave a heavy footprint.

In the past 50 years the world's population has doubled in size. The implications of this exponential growth are impossible to fully grasp or predict. We do know however, that over 95 percent of new births are occurring in developing countries, many of which are unable to feed or care for their people today. From sub-Saharan Africa to much of Asia, hundreds of thousands of children are born each day without adequate food, medical care or shelter. In fact, of the 4.8 billion people living in developing countries, it is estimated that nearly 60 percent lack basic sanitation. Almost a third do not have access to clean water. A quarter do not have adequate housing, and a fifth, over 1 billion people, have no access to modern health services.

In addition, we have all seen the burden the Earth's swelling population

places on the environment. The world's rapidly growing population has resulted in severe water shortages, shrinking forests, soil degradation, air and water pollution and the daily loss of animal and plant life.

However, there has been progress. Because of the availability of education and modern contraceptives, the average number of births per woman has declined from 6 to 3. Due in large part to the work of organizations like the US Agency for International Development, the UN Population Fund, and the International Planned Parenthood Foundation, many women across the globe are receiving the help they need. These organizations provide essential advice, counseling and information in many countries where it otherwise would not exist. The reduction in family size that results has helped millions escape from poverty and, for many women, enhanced the prospects for education and a better life.

Even with these steps forward, much more needs to be done. The world's population is many hundreds of millions higher than it was seven years ago, yet the developing countries are still receiving US family planning assistance at 1995 levels. The inextricable link between world population growth and poverty, political instability, and environmental degradation is widely known. Over 600,000 women die from pregnancy related causes. These programs are about modern contraceptives, about reproductive health, about saving women's lives. Not one dime of US Government funds can be used for abortions, yet the White House and some Members of Congress continue to object to many of these programs.

For the United States to be a leader in support of international family planning it is vital for the American people to be aware of the problems posed by unchecked population growth. That is why I am pleased that Governor Howard Dean has proclaimed the week of October 20-26 as World Population Awareness Week in Vermont. I want to support the Governor in this effort, and I ask unanimous consent that his proclamation be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

#### STATE OF VERMONT EXECUTIVE DEPARTMENT A PROCLAMATION

Whereas, more than one billion people—one sixth of the world's population—are between the ages of 15 and 24, the largest generation ever in this age bracket, and

Whereas, nearly half the world's population, and 63 percent in the least developed countries, is under age 25; and

Whereas, 17 million young women between the ages of 15-19 give birth every year, including some 13 million who live in less developed countries; and

Whereas, early pregnancy and childbearing is associated with serious health risks, as well as less education and lower future income potential for young mothers; and

Whereas, risks of dying from complications of pregnancy or childbirth are 25 times higher for girls under 15, and two times higher for women between 15-19; and

Whereas, approximately half of the 5 million people infected with HIV last year were young people aged 15-24; and

Whereas, almost 12 million young people now live with HIV, and about 6,000 more become infected every day; and

Whereas, the choices young people make today regarding their sexual and reproductive lives, including responsible male behavior, will determine whether world population stabilizes at 8 billion or less or 9 billion or more; and

Now, therefore, I, Howard Dean, Governor of the State of Vermont, do hereby proclaim October 20-26, 2002 as World Population Awareness Week in Vermont.

Given under my hand and the Great Seal of the State of Vermont this 25 day of August, A.D. 2002.

HOWARD DEAN, M.D.,  
Governor.

#### MEDICARE APPEALS, REGULATORY AND CONTRACTING IMPROVEMENTS

Mr. GRASSLEY. Mr. President, I want to take a few minutes to discuss a provision in the Beneficiary Access to Care and Medicare Equity Act I introduced yesterday with Senator BAUCUS.

The core of our bill, as the short title indicates, ensures beneficiary access to care and improves equity in Medicare payments. But the bill also makes important other improvements to the Medicare program that go beyond payment policy and beneficiary improvements.

Chief among those is regulatory relief for providers.

Every day, in cities and towns across Iowa, health care providers treat the sick, restore them to health, and work to prevent further illness. Iowa's proportion of older adults in the population exceeds that of the United States as a whole. In fact, we rank second in the Nation in our percentage of persons aged 85 and older.

Simply put, the Medicare program means a great deal to Iowans, not only from a beneficiary perspective but also from a provider perspective. Health care providers in Iowa rely on the Medicare program for much of their business.

I have had extensive conversations with many Iowa health care providers and workers, and a complaint I have heard over and over is that the Medicare program is too bureaucratic. Too much time is spent on paperwork instead of treating patients. Rules coming out of Washington are confusing and contradictory. Doctors and nurses receive one answer to a question from their Medicare contractor and a different answer from Medicare headquarters in Baltimore.

Now, don't get me wrong. My position on the sin of Medicare waste, fraud, and abuse has not changed. As a watchdog of the taxpayer dollar, I firmly believe in asking health care providers to account for the money they receive from the government. Taxpayer dollars must be spent responsibly. However, when honest providers

are unable to get straight answers from the government, frustration and inefficiency can result. The outcome is a health care program that is not serving beneficiaries or taxpayers as well as it could. So I am proud that this legislation takes steps to treat some of these bureaucratic ills afflicting Medicare.

Based on provisions in a bill introduced last year by myself and Senator BAUCUS, along with Senators MURKOWSKI and KERRY, the Beneficiary Access to Care and Medicare Equity Act offers additional appeal rights for providers, mandates enhanced provider education, and ensures that providers receive straight answers from the Centers for Medicare and Medicaid Services, CMS.

Importantly, our legislation reforms the way Medicare contracts with the private companies that process and pay claims. Today, CMS is stymied by outdated guidelines that fail to recognize efficiency and quality in contractor performance. Today's system is also not competitive. Our legislation brings competition into the program so that the best available contractors, in terms of quality and efficiency, will serve it. The bill provides incentives for contractors to give timely and accurate information to beneficiaries and providers.

For Medicare contractor reform to succeed, however, contractors need protection from unlimited civil liability in carrying out the payments, provider services, and beneficiary services functions expected of them.

The bill I have just introduced would therefore continue the past policy of limiting the liability of certifying and disbursing officers, and the Medicare administrative contractors for whom those officers serve, with respect to certain payments. In addition, the language contained in Section 621 clarifies that Medicare administrative contractors are not liable for inadvertent billing errors but, as in the past, are liable for all damages resulting from reckless disregard or intent to defraud the United States.

Importantly, the reckless disregard standard is the same as the standard under the False Claims Act, a 150-year-old Federal law that I updated in 1986 and that has had unmatched success in fighting fraud and abuse in Federal programs like Medicare. The False Claims Act, 31 U.S.C. Sections 3729-3733, applies to Medicare fiscal intermediaries and carriers under current law and has been used effectively by whistleblowers and the Department of Justice to uncover and penalize fraud against the program by some intermediaries and carriers.

This specially calibrated version of reckless disregard balances the practical need to shelter Medicare administrative contractors from frivolous civil litigation, with the Medicare program's interest in protecting itself from contractor fraud. This legislation makes it clear that the False Claims Act continues, as in the past, to remain available as a remedy for fraud against Medicare by certifying officers, dis-

bursing officers, and Medicare administrative contractors alike and that, among other things, the remedy subjects Medicare contractors to administrative as well as trust fund damages. I am pleased that the Department of Justice and the HHS Office of Inspector General believe this special liability standard serves taxpayers and the Medicare program extremely well.

In closing, let me again say how proud I am that on this issue and on the many other provider and beneficiary policies in this bill, Chairman BAUCUS and I were able to work together in a balanced, bipartisan fashion. Together, we carefully considered and came to agreement on payment, administration and benefit policies that make sense for Medicare. I urge the Senate Democrat leadership to call up our bill for full consideration in short order before we adjourn next week.

#### ADDITIONAL STATEMENTS

##### MAINE'S ANGEL IN ADOPTION, DAWN DEGENHARDT

• Ms. COLLINS. Mr. President, each year, members of the Congressional Coalition on Adoption nominate an individual or couple to receive the "Angels in Adoption" award. This year, it was my pleasure to nominate Dawn C. Degenhardt of Houlton, ME to receive the 2002 "Angels in Adoption" award for her efforts and dedication to this cause. Dawn's wonderful story is truly inspirational.

Born in Portland, ME, Dawn was a child advocate in Cleveland, OH, where she founded the State chapter of the Council on Adoptable Children. Dawn and another parent also founded Spaulding of Beechbrook in Ohio, which helps to place special needs children and is still in existence today.

When Dawn and her husband decided to start their own family, they began by adopting two infants. By the time their second child was a year old, Dawn and Ed pursued an older child adoption. Over the next two years, they worked to encourage more people to adopt older children. They adopted four more children, one from a Native American adoption program in South Dakota and three from Vietnam. They then moved to Maine and adopted three more older children, two through the Maine Department of Human Services and one from India. Dawn and Ed adopted nine children in total.

Though their own family was now complete, in 1977, Dawn's concern for the children still waiting in the foster care system prompted her to found the Maine Adoption Placement Service, MAPS, in Houlton, ME. Her original mission was to place special needs children and to educate and train their new adoptive families in a supportive environment. After ten years, the program expanded its services to include a housing component for pregnant teens and young women.

Today, there are MAPS offices and programs with housing for pregnant

and parenting teens in Portland, Bangor, and Houlton. The program also has licensed offices in Boston, Tampa, FL, and Silverthorne, CO. The Colorado office has also a therapeutic foster care program.

The agency dawn founded is also licensed in Vermont, and has recently received accreditation by the Council on Accreditation of Children and Family Services, COA. MAPS was the first adoption agency to propose placement of children living in orphanages in the former Soviet Union, and that work continues to this day.

The program is also functioning in Cambodia, where it offers a strong program of adoption services and humanitarian aid. MAPS also has developed programs in Kazakhstan, Romania, India, Guatemala, Sierra Leone, and Ecuador; offering families more international choices while never losing sight of its original mission of placing special needs children from the foster care system. Dawn continues to serve as CEO of the Maine Adoption Placement Service. This year she and her staff celebrate their twenty-fifth anniversary of bringing children and families together. Dawn and her team of dedicated professionals have helped to place over 3,500 children in loving homes.

Dawn and Ed Degenhardt have built a family not only for themselves but also for many others. Their home has been filled with love and happiness. I am proud to know that Maine is home to a couple so full of compassion and generosity, and who have inspired countless more families, to show the same compassion and caring for children in our state and around the globe.●

##### HISPANIC HERITAGE MONTH 2002

• Mr. DURBIN. Mr. President, I rise in honor of Hispanic Heritage Month. For the past 34 years we have formally celebrated the numerous contributions the Hispanic community has made to our country. From September 15 to October 15, 2002, Hispanic Heritage Month will be commemorated by millions of people across the United States.

Hispanic Americans make up 12.5 percent of the population and have had a profound effect on our Nation's economic strength and stability. They not only are the fastest growing population group in the Nation, they are the fastest growing group among small business owners. Hispanic Business Magazine estimates that by the year 2007, Hispanic buying power will rise to \$926.1 billion—due to a growth rate almost three times that of non-Hispanics.

There are more than 1.2 million Hispanic-owned businesses. These firms employed more than 1.4 million people and generated \$183.3 billion in revenues. These statistics are a testament

to those Hispanic Americans who have overcome a myriad of obstacles to establish themselves as a prominent force in our Nation's economy.

Hispanic Americans also have succeeded in the political arena. The number of Hispanic elected officials has increased, and many States across the Nation have fielded Hispanic candidates at local and national levels. For example, earlier this month Georgia voters elected their first Hispanic State senator, Sam Zamarripa, and New Mexico's next Governor will undoubtedly be Hispanic.

In addition to recognizing the significant contributions Hispanics have made in politics and to our economy, we honor those Hispanic Americans who sacrificed their lives on September 11, 2001. Hispanic Americans were among the very first to respond to the terror attacks against our Nation. Twelve Hispanic firefighters lost their lives trying to save others.

As America continues to remember those Hispanic Americans who gave their lives on that tragic day, others in the Hispanic community have helped bring our Nation together. For example, Daniel Rodriguez, a Brooklyn-born Latino policeman, captured America's hearts with his rendition of "God Bless America" at numerous September 11 memorial services. Contributions like this from our fellow Americans have helped many of us heal and have instilled a deeper, greater pride in our Nation.

Other Hispanic Americans may not have received as much media attention but have equally contributed to every aspect of our American life.

In my home State of Illinois, where over 1 million Hispanic Americans reside, numerous individuals have had a significant impact on the Hispanic American community. Consider Theresa Gutierrez, a reporter for ABC News in Chicago. She was one of the first Hispanic women to break into television journalism, and since she began her media career in 1971 she has been the recipient of numerous awards. In 1999, she was recognized by Chicago Woman Magazine as one of 100 "Women Making a Difference." She was also selected as one of the six outstanding broadcasters in the country by Hispanic USA Magazine.

Another similar example is Anna Zotigh, a 16-year-old girl working on a mural at the Instituto del Progreso Latino in Chicago. Anna, along with other teams of students across the country, works 8- to 9-hour days with local artists to help promote Latino culture, specifically the pivotal role played by women in Hispanic culture. These are just some of the extraordinary Hispanic American individuals who contribute to the vibrant life of our country.

The Hispanic American population has made significant strides in the last decade to help strengthen America's ideals of democracy, freedom, and opportunity. We have seen their contribu-

tions time and time again, from their impact on our economy to their service in law enforcement.

Hispanic Heritage Month is a time to celebrate, experience, and honor the Hispanic culture. I urge all Americans to actively participate in the many festivities across our Nation, as we deepen our appreciation for a community that has helped shape America today, and will continue to do so tomorrow.●

#### TRIBUTE TO CHARLIE MYRICK

● Mr. BOND. Mr. President, I rise to pay tribute to Mr. Charlie Myrick and his over 25 years of service to children across this country. Over the years, Charlie Myrick has performed magic tricks in schools across the nation and has spoken to over 6 million school children. Resisting drugs and gang pressures as well as the importance of leadership and studying diligently in school are a few of the points Charlie emphasizes in his program. He inspires and motivates children to pursue their dreams while challenging parents to support and encourage their children in this pursuit. Charlie has been beaten and held at knife point by disgruntled students but his dedication to children has not wavered. Many children claim Charlie's encouragement and motivation changed their life. One child stated, Charlie motivated him to persistently strive to achieve his dreams. I commend Charlie for his years of service to children in need.●

#### TRIBUTE TO LEE MACE'S OZARK OPRY

● Mr. BOND. Mr. President, I rise to celebrate the 50th anniversary of the Lee Mace's Ozark Opry. The Lee Mace's Ozark Opry has entertained audiences for years and is a tribute to Lee's dream to share country music with the public. Lee and his wife, Joyce Mace began the Opry in an effort to preserve the real flavor of the Ozarks through music and dance. Giving talented young people from nearby towns the opportunity to perform was a dream of Lees and many performers have stood on stage as a result. The format developed for the show has been emulated in Branson, Missouri and over the years has spread to opry houses across the country. Although, Lee Mace passed away several years ago, the sounds of the Ozarks can still be heard at Lee Mace's Ozark Opry. Today, we honor Lee Mace's dream of preserving the tradition of country music in the Ozarks.●

#### HONORING STATE REPRESENTATIVE CLAIRE LEUCK

● Mr. BAYH. Mr. President, I rise today to honor a fellow Hoosier, Indiana State Representative, retired farmer, teacher, mother and loving wife, Claire Leuck, who will be retiring from the Indiana legislature this year.

Representative Leuck, who was first elected to the Indiana House of Representatives in 1986, has worked tirelessly to improve the lives of Hoosiers from all walks of life. As a representative of District 25, Claire was a voice for rural communities and worked in a bipartisan manner. Prior to her service in the legislature, Claire served as the Benton County Clerk from 1974-1982.

As chair of the House Agriculture Committee, she advocated for the interests and needs of the agricultural community, giving farmers a voice and enabling family farms to retain a vital role in the Indiana economy. Claire has worked to increase funding for rural schools and improve the quality of rural life. She has devoted her energies to improve health care by authoring legislation that created the CHOICE home health care program for the elderly. Claire has continually worked to secure state funding for Lakes Shafer and Freeman, allowing these lakes to remain safe and friendly destinations for tourists. She has also worked on behalf of veteran's interests to ensure that local veterans had the necessary means and equipment to pay tribute to their fallen friends.

Claire's outstanding work in the Indiana House of Representatives was acknowledged by House leadership when she was appointed to the powerful House Ways and Means Committee. During my time as Governor, I had the privilege to work with Representative Leuck to balance Indiana's budget, cut taxes for Hoosier families, increase funding for Indiana's public schools and protect Indiana's natural resources.

Everyone that has ever encountered Representative Leuck knows she exemplifies her famous campaign slogan "everybody likes Claire."

Along with her husband Richard, Claire's strong dedication to the State of Indiana is evident in the work she accomplished during her tenure in the legislature. She is to be commended for her 16 years of service to her community, her district and her State.●

#### TRIBUTE TO THE WORLD WAR II MEN OF THE USS KIDD

● Mr. WARNER. Mr. President, I rise today to pay tribute to the World War II men of the USS *Kidd*, DD 661, a Fletcher-class destroyer which was named after Rear Admiral Isaac C. Kidd, Sr., who was killed aboard his flagship, the USS *Arizona*, at Pearl Harbor on December 7, 1941. *Kidd* was commissioned at the New York Navy Yard in Brooklyn, New York, on April 23, 1943. She was placed under the command of Lieutenant Commander, later Admiral, Allan B. Roby.

*Kidd* served with great distinction in the South Pacific during World War II, earning eight battle stars while participating in such historic engagements as the air raids on Wake Island, the strikes against Rabaul and Bougainville, the Gilbert Islands invasion

at Tarawa, the Marshall Islands, the occupation of Aitape and Hollandia in New Guinea, the occupation of Saipan, the bombardment of Guam, the invasion of the Philippines, the raids against the Japanese home islands, and the invasion of Okinawa.

On April 11, 1945, *Kidd*, by then affectionately known as “The Pirate of the Pacific”, was on patrol and picket duty off of Okinawa. During a Japanese attack that day a Kamikaze struck *Kidd* amidship just above the water line. Thirty-eight men were killed and another fifty-five were wounded, and *Kidd* suffered extensive structural damage. Notwithstanding these circumstances, the crew managed to keep the ship afloat while returning fire and continuing to engage the enemy in the ongoing attack. *Kidd* was saved and, following major repairs, continued to serve the Nation with distinction for another twenty years.

In the aftermath of World War II, the surviving men of *Kidd* did not forget their shipmates who perished during that epic conflict. In August of 1949, just a few years after the end of World War II, survivors of the Kamikaze attack on *Kidd* gathered in New York City for the solemn purpose of remembering and honoring their lost shipmates. Ever since that original gathering in 1949, for fifty-two straight years, survivors of the World War II attack on *Kidd* have traveled from far and wide and assembled together to pay homage to their friends and shipmates who died on April 11, 1945. This remarkable unbroken string of remembrances now extend over half a century.

This weekend, the remaining survivors of the World War II crew of the USS *Kidd* are preparing to gather together for their 53rd consecutive annual reunion to be held here in the Washington Metropolitan Area from October 4–6, 2002. At that gathering, as in their past gatherings, these men, accompanied by their families and friends, will honor the memory of their departed shipmates. For the benefit of the historical record, the names of those men killed aboard *Kidd*, heroes all, were Lieutenant George B. Grieshaber, Ensign Robert A. Berwick, Seaman 1st Class Dorsey C. Bridgewater, Chief Quartermaster Addison F. Smith, Chief Water Tender Sylvester W. Hansen, Chief Steward John F. Hamilton, Gunner’s Mate 1st Class Morgan A. Payne, Water Tender 1st Class James C. Carmody, Water Tender 1st Class Felix P. D’Amico, Machinist 2nd Class William M. Abernethy, Water Tender 2nd Class Jack L. Walsh, Seaman 2nd Class Eugene E. Gothreau, Baker 2nd Class Richard W. Hyde, Steward’s Mate 2nd Class Solomon Thompson, Steward’s Mate 2nd Class Charles E. Green, Torpedo Man 3rd Class Bernard Gutterman, Seaman 3rd Class Milford A. Faufaw, Electrician’s Mate 3rd Class James N. Olen, Fireman 1st Class Charles N. Allwhite, Fireman 1st Class Clifford A. Hoeft, Fireman 1st

Class Clifford E. Kemmerer, Fireman 1st Class Robert F. Walker, Seaman 1st Class John W. Canada, Jr., Seaman 1st Class Louie C. Higginbotham, Seaman 1st Class Lester B. Hodges, Seaman 1st Class Harold G. Kelsey, Seaman 1st Class George R. Kraisinger, Seaman 1st Class William J. Wall, Seaman 1st Class Lawrence Bynog, Fireman 2nd Class Fredric B. Heaton, Fireman 2nd Class Dennis M. Kornowski, Seaman 2nd Class Virgile A. Henson, Seaman 2nd Class Charles K. Jenkins, Seaman 2nd Class Bernard V. Kostelnik, Seaman 2nd Class Arthur Lee, Seaman 2nd Class Russell J. Leonard, Seaman 2nd Class John Miller, Jr., and Apprentice Seaman Darvin R. Lee.

On the eve of the 53rd consecutive gathering of the surviving members of the World War II crew of the USS *Kidd*, I take to the floor of the Senate to recognize and honor all of the World War II men of *Kidd*. By their sacrifices and courageous conduct on April 11, 1945, in defending their ship and the national interests of the United States, the men of the USS *Kidd* demonstrated exceptional valor and courage. By their remarkable determination to keep the memory of their lost shipmates alive, as demonstrated by their continuing course of conduct over the last fifty-three years, the surviving members of the World War II crew of the USS *Kidd* have brought honor to themselves, to the United States Navy, and to a grateful Nation that understands better, because of the conduct of all of these men, the true meaning of faithful commitment and patriotic citizenship. A young sailor myself in 1945, I proudly ask the Senate to join me in saluting the World War II men of the USS *Kidd*. Their deeds and sacrifices are an untold story that should serve as an inspiration to all Americans.●

#### HONORING RICHARD “DICK” HAGEN

● Mr. JOHNSON. Mr. President, I am saddened to report the passing of one of South Dakota’s most exceptional public leaders, Richard “Dick” Hagen.

Dick was a widely respected leader and representative in South Dakota. He served in the State House from 1983 until 2000 and was elected to his first term in the State Senate in 2000. He was greatly admired by his peers for his honesty and unwavering dedication to the people he represented. A member of the Oglala Sioux Tribe, Dick strived to promote a better understanding of Native American culture among his colleagues in the state legislature. His tremendous contributions to the community and public leadership set him apart from other outstanding public representatives, and lead to a Legislator of the Year award in 2001 and the West River Legislator of the Year award in 2002.

Dick entered Coast Guard boot camp at Cape May, NJ in 1957. He was stationed in Morgan City, LA and later in Unimak Island, Alaska before being

honorably discharged from Sheboygan, WI in 1961. After his discharge from the Coast Guard, he returned to South Dakota and served with the Bureau of Indian Affairs for one year, the Shannon County School Board for two terms, and the Tribal Council for two terms.

Dick lent his leadership and good nature to many activities and events throughout the Pine Ridge Reservation. He announced countless ball games, parades, and rodeos, and was a familiar face at numerous sporting events over the years. Through his outstanding community involvement in these, and many other activities, the lives of countless South Dakotans were enormously enhanced.

One of the most important pieces of legislation Dick initiated was his bill to fund reservation nursing homes. Elderly Native Americans, living on South Dakota’s reservations, are often forced to leave their families to find nursing home care far from home. Dick believed all South Dakotans deserve the right to convenient quality health care service. Although he did not live to see his dream realized, his work continues to inspire all those who knew him.

Dick’s legislative achievements were extraordinary, but it was his dedication to helping others that serves as his greatest legacy. I am proud to have been a friend of Dick and of Mona, his deceased wife. Our Nation and South Dakota are far better places because of Dick’s life, and while we miss him very much, the best way to honor his life is to emulate his commitment to public service and community.●

#### NATIONAL OSTEOPATHIC MEDICINE WEEK

● Mr. BOND. Mr. President, October 6–12, 2002 is National Osteopathic Medicine, NOM, Week, a week when the nation’s 49,000 osteopathic physicians, D.O.s are focused on increasing the public’s awareness of access to care issues for patients across the nation.

For almost 25 years now, the American Osteopathic Association, AOA, and its members have celebrated the osteopathic medical community’s unified effort to educate the nation about issues influencing the American health care system. I am especially pleased the theme of this year’s NOM Week is “Access to Care.”

When osteopathic physicians, medical students, interns, residents and supporters of osteopathic medicine travel to Las Vegas, NV to attend the AOA’s 107th Annual Convention and Scientific Seminar, nearly 8,000 will receive the latest information on issues impacting patients access to care quality and timely health care. The program covers such topics as professional liability insurance reform, rural health, the uninsured, SCHIP and other access to care programs for children, bioterrorism and mental health.

I applaud the osteopathic medical community for emphasizing patient access issues, so important to my home state of Missouri and the nation.

Take for example, rural health. Many citizens of my home state face limited availability of health care services in their communities. Access to health care can be established only when medical professionals are available to provide quality health care. We must do more to ensure that all Americans have access to timely health care and part of the solution is to place physicians in rural communities. Let's not forget the access to care barriers facing minority populations, children and the elderly.

Over the past few years, medical liability premiums have escalated out of control causing health care quality, access, and cost problems. While some states have passed professional liability insurance (PLI) system reforms, not every state has effective laws in place. The osteopathic medical community recognizes many states face critical PLI system problems.

For more than a century, D.O.s have made a difference in the lives and health of my fellow citizens in Missouri. I am proud to say that the birth of this profession took place in Northwest Missouri. Overall, more than 100 million patient visits are made each year to osteopathic physicians. D.O.s are committed to serving the needs of rural and underserved communities and make up 15 percent of the total physician population in towns of 10,000 or less.

Similar to requirements set for M.D.s, D.O.s must successfully complete four years of medical education at one of the nation's 20 osteopathic medical schools; a one-year internship; and a multi-year residency program. Throughout this education, D.O.s are trained to understand how the musculoskeletal system influences the condition of all other body systems. Many patients want this extra knowledge a part of their health care. Individuals may call (866) 346-3236 to find a D.O. in their community.

In recognition of NOM Week, I would like to congratulate the over 1,700 D.O.s in Missouri, the 616 students at the Kirksville College of Osteopathic Medicine, 871 students at the University of Health Sciences College of Osteopathic Medicine and the 47,000 D.O.s represented by the American Osteopathic Association for their contributions to the good health of the American people.●

#### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

#### EXECUTIVE MESSAGES REFERRED

As in executive session the PRESIDING OFFICER laid before the Sen-

ate messages from the President of the United States submitting a sundry nomination which was referred to the Committee on Health, Education, Labor, and Pensions.

(The nominations received today are printed at the end of the Senate proceedings.)

#### MESSAGE FROM THE HOUSE

At 3:27 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 556. An act to prevent the use of certain bank instruments for unlawful Internet gambling, and for other purposes.

H.R. 2426. An act to encourage the development and integrated use by the public and private sectors of remote sensing and other geospatial information, and for other purposes.

H.R. 3450. An act to amend the Public Health Service Act to reauthorize and strengthen the health centers program and National Health Services Corps, and for other purposes.

H.R. 3534. An act to provide for the settlement of certain land claims of Cherokee, Choctaw, and Chickasaw Nations to the Arkansas Riverbed in Oklahoma.

H.R. 3802. An act to amend the Education Land Grant Act to require the Secretary of Agriculture to pay the costs of environmental reviews with respect to conveyances under that Act.

H.R. 3813. An act to modify requirements relating to allocation of interest that accrues to the Abandonment Mine Reclamation Fund.

H.R. 4013. An act to amend the Public Health Service Act to establish an Office of Rare Diseases at the National Institutes of Health, and for other purposes.

H.R. 4014. An act to amend the Federal Food, Drug, and Cosmetic Act with respect to the development of products for rare diseases.

H.R. 4125. An act to make improvements in the operation and administration of the Federal courts, and for other purposes.

H.R. 4129. An act to amend the Central Utah Project Completion Act to clarify the responsibilities of the Secretary of the Interior with respect to the Central Utah Project, to redirect unexpended budget authority for the Central Utah Project for wastewater treatment and reuse and other purposes, to provide for prepayment of repayment contracts for municipal and industrial water delivery facilities, and to eliminate a deadline for such prepayment.

H.R. 4141. An act to authorize the acquisition by exchange of lands for inclusion in the Red Rock Canyon National Conservation Area, Clark County, Nevada, and for other purposes.

H.R. 4692. An act to amend the Act entitled "An Act to Authorize the Establishment of the Andersonville National Historic Site in the State of Georgia, and for other purposes," to provide for the addition of certain donated lands to the Andersonville National Historic Site.

H.R. 4793. An act to authorize grants through the Centers for Disease Control and Prevention for mosquito control programs to prevent mosquito-borne diseases.

H.R. 4830. An act to direct the Secretary of the Interior to conduct a study of the suitability and feasibility of establishing the Southern Campaign of the Revolution Herit-

age Area in South Carolina, and for other purposes.

H.R. 4851. An act to redesignate the facility of the United States Postal Service located at 6910 South Yorktown Avenue in Tulsa, Oklahoma, as the "Robert Wayne Jenkins Station."

H.R. 4874. An act to direct the Secretary of the Interior to disclaim any Federal interest in lands adjacent to Spirit Lake and Twin Lakes in the State of Idaho resulting from possible omission of lands from an 1880 survey.

H.R. 4944. An act to designate the Cedar Creek Battlefield and Belle Grove National Historical Park as a unit of the National Park System, and for other purposes.

H.R. 4968. An act to provide for the exchange of certain lands in Utah.

H.R. 5091. An act to increase the amount of student loan forgiveness available to qualified teachers, and for other purposes.

H.R. 5125. An act to amend the American Battlefield Protection Act of 1996 to authorize the Secretary of the Interior to establish a battlefield acquisition grant program.

H.R. 5303.

H.R. 5460. An act to reauthorize and amend the Federal Water Project Recreation Act, and for other purposes.

H.R. 5472. An act to extend for 6 months the period for which chapter 12 of title 11 of the United States Code is reenacted.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 291. Concurrent resolution expressing the sense of the Congress with respect to the disease endometriosis.

H. Con. Res. 425. Concurrent resolution calling for the full appropriation of the State and tribal shares of the Abandoned Mine Reclamation Fund.

H. Con. Res. 451. Concurrent resolution recognizing the importance of teaching United States history and civics in elementary and secondary schools, and for other purposes.

H. Con. Res. 484. Concurrent resolution expressing the sense of the Congress regarding personal safety for children, and for other purposes.

The message further announced that the House has passed the following bill, with amendments:

S. 434. An act to provide equitable compensation to the Yankton Sioux Tribe of South Dakota and the Santee Sioux Tribe of Nebraska for the loss of value of certain lands.

The message also announced that the House has agreed to the following resolution:

H. Res. 566. Resolution stating that the House has heard with profound sorrow of the death of the Honorable Patsy T. Mink, a Representative from the State of Hawaii.

#### MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 556. An act to prevent the use of certain bank instruments for unlawful Internet gambling, and for other purposes; to the Committee on the Judiciary.

H.R. 3813. An act to modify requirements relating to allocation of interest that accrues to the Abandoned Mine Reclamation Fund; to the Committee on Energy and Natural Resources.

H.R. 5091. An act to increase the amount of student loan forgiveness available to qualified teachers, and for other purposes; to the

Committee on Health, Education, Labor, and Pensions.

H.R. 5425. An act to amend the American Battlefield Protection Act of 1996 to authorize the Secretary of the Interior to establish a battlefield acquisition grant program; to the Committee on Energy and Natural Resources.

H.R. 5460. An act to reauthorize and amend the Federal Water Project Recreation Act, and for other purposes; to the Committee on Energy and Natural Resources.

#### MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 3018. A bill amend title XVIII of the Social Security Act to enhance beneficiary access to quality health care services under the medicare program, and for other purposes.

The following bills were read the first and second times by unanimous consent, and placed on the calendar:

H.R. 3450. An act to amend the Public Health Service Act to reauthorize and strengthen the health centers program and the National Health Service Corps, and for other purposes.

H.R. 5472. An act to extend for 6 months the period for which chapter 12 of title 11 of the United States Code is reenacted.

#### MEASURES READ THE FIRST TIME

The following bills were read the first time:

H.R. 5534. An act to provide for the settlement of certain land claims of Cherokee, Choctaw, and Chickasaw Nations to the Arkansas Riverbed in Oklahoma.

H.R. 4793. An act to authorize grants through the Centers for Disease Control and Prevention for mosquito control programs to prevent mosquito-borne diseases.

The following joint resolution was read the first time:

S.J.Res. 46. Joint resolution to authorize the use of United States Armed Forces against Iraq.

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-9219. A communication from the Deputy Director of the Congressional Budget Office, transmitting, pursuant to law, the Sequestration Update Report for Fiscal Year 2003, referred jointly, pursuant to the order of January 30, 1975 as modified by the order of April 11, 1986, to the Committees on Appropriations; the Budget; Armed Services; Banking, Housing, and Urban Affairs; Commerce, Science, and Transportation; Energy and Natural Resources; Environment and Public Works; Finance; Foreign Relations; Governmental Affairs; the Judiciary; Health, Education, Labor, and Pensions; Small Business and Entrepreneurship; Veterans' Affairs; Select Committee on Intelligence. Indian Affairs; and Rules and Administration.

EC-9220. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the OMB Sequestration Update Report for Fiscal Year 2003, re-

ferred jointly, pursuant to the order of January 30, 1975 as modified by the order of April 11, 1986, to the Committees on Appropriations; the Budget; Agriculture, Nutrition, and Forestry; Armed Services; Banking, Housing, and Urban Affairs; Commerce, Science, and Transportation; Energy and Natural Resources; Environment and Public Works; Finance; Foreign Relations; Governmental Affairs; Health, Education, Labor, and Pensions; the Judiciary; Rules and Administration; Small Business and Entrepreneurship; Veterans' Affairs; Indian Affairs; and Select Committee on Intelligence.

#### PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-336. A resolution adopted by the Washington State Board of Accountancy relative to the regulation and enforcement of auditor ethical and technical standards; to the Committee on Banking, Housing, and Urban Affairs.

POM-337. A resolution adopted by the City Council of the City and County of Honolulu, Hawaii relative to restoring veterans' benefits to Filipino veterans of World War II; to the Committee on Veterans' Affairs.

POM-338. A resolution adopted by the Rockland County Legislature of the State of New York relative to the Medicare Aural Rehabilitation and Hearing Aid Coverage Act of 2001; to the Committee on Finance.

POM-339. A resolution adopted by the Legislature of Rockland County, New York relative to the Training of Closed Captioners Act of 2001 and the Training for Realtime Writers Act of 2002; to the Committee on Commerce, Science, and Transportation.

POM-340. A resolution adopted by the Legislature of Rockland County, New York relative to the Helping Children Succeed by Fully Funding the Individuals with Disabilities Education Act; to the Committee on Health, Education, Labor, and Pensions.

POM-341. A resolution adopted by the Louisiana Wildlife and Fisheries Commission relative to the importation of seafood contaminated with antibiotics; to the Committee on Health, Education, Labor, and Pensions.

POM-342. A House joint resolution adopted by the General Assembly of the State of Maryland relative to HIV/AIDS in the Caribbean; to the Committee on Health, Education, Labor, and Pensions.

POM-343. A resolution adopted by the Senate of the Commonwealth of Puerto Rico relative to the impact of the military practices of the United States Navy on the environment, natural resources and health on the island municipality of Vieques; to the Committee on Armed Services.

POM-344. A resolution adopted by the State Guard Association of the United States relative to the Selective Service; to the Committee on Armed Services.

POM-345. A resolution adopted by the Council of the Borough of Fairview of the State of New Jersey relative to the Pledge of Allegiance; to the Committee on the Judiciary.

POM-346. A resolution adopted by the Board of Aldermen of Boonton, New Jersey relative to the Pledge of Allegiance; to the Committee on the Judiciary.

POM-347. A resolution adopted by the City Commission of Miami, Florida relative to the Pledge of Allegiance; to the Committee on the Judiciary.

POM-348. A resolution adopted by the Board of Chosen Freeholders of the County

of Atlantic, Northfield, New Jersey, relative to the Pledge of Allegiance; to the Committee on the Judiciary.

POM-349. A resolution adopted by the Council of the Borough of Hasbrouck Heights, New Jersey relative to the Pledge of Allegiance; to the Committee on the Judiciary.

POM-350. A resolution adopted by the Board of Chosen Freeholders of the County of Warren, Belvidere, New Jersey relative to the Pledge of Allegiance; to the Committee on the Judiciary.

POM-351. A resolution adopted by the Council of the City of Douglasville, Georgia relative to the Pledge of Allegiance; to the Committee on the Judiciary.

POM-352. A resolution adopted by the Board of Supervisors of the County of Los Angeles, California relative to the Pledge of Allegiance; to the Committee on the Judiciary.

POM-353. A resolution adopted by the Board of Chosen Freeholders of Ocean City, New Jersey relative to the Pledge of Allegiance; to the Committee on the Judiciary.

#### EXECUTIVE REPORT OF COMMITTEE

The following executive reports of committees were submitted:

By Mr. BIDEN, from the Committee on Foreign Relations:

Treaty Doc. 106-10 1997 AMENDMENT TO MONTREAL PROTOCOL (Exec. Rept. No. 107-10)

TEXT OF THE COMMITTEE RECOMMENDED RESOLUTION OF ADVICE AND CONSENT:

*Resolved (two-thirds of the Senators present concurring therein),* That the Senate advise and consent to the ratification of the Amendment to the Montreal Protocol on Substances that Deplete the Ozone Layer, Adopted at Montreal on September 15-17, 1997, by the Ninth Meeting of the Parties to the Montreal Protocol (Treaty Doc. 106-10).

Treaty Doc. 106-32 Amendment to Montreal Protocol ("Beijing Amendment") (Exec. Rept. No. 107-10)

TEXT OF THE COMMITTEE RECOMMENDED RESOLUTION OF ADVICE AND CONSENT:

*Resolved (two-thirds of the Senators present concurring therein),* That the Senate advise and consent to the ratification of the Amendment to the Montreal Protocol on Substances that Deplete the Ozone Layer, Adopted at Beijing on December 3, 1999, by the Eleventh Meeting of the Parties to the Montreal Protocol (Treaty Doc. 106-32).

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mrs. CLINTON:

S. 3027. A bill to require that certain procedures are followed in Federal buildings when a child is reported missing; to the Committee on the Judiciary.

By Mr. SESSIONS (for himself, Mr. LEAHY, and Mr. GRASSLEY):

S. 3028. A bill to provide for a creditors' committee of employee and retiree representatives of a debtor in order to protect pensions of those employees and retirees; to the Committee on the Judiciary.

By Mr. KENNEDY:

S. 3029. A bill to amend title IX of the Public Health Service Act to provide for the improvement of patient safety and to reduce the incidence of accidental medical injury; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DEWINE (for himself and Mr. VOINOVICH):

S. 3030. A bill to designate the Federal building and United States courthouse located at 200 West 2d Street in Dayton, Ohio, as the "Tony Hall Federal Building and United States Courthouse"; to the Committee on Environment and Public Works.

By Mr. BAUCUS (for himself, Mr. CRAPO, Mr. WARNER, and Mr. CRAIG):

S. 3031. A bill to amend title 23, United States Code, to reduce delays in the development of highway and transit projects, and for other purposes; to the Committee on Environment and Public Works.

By Mr. SARBANES (for himself, Mr. DEWINE, Mrs. CLINTON, Mr. DODD, and Mr. KERRY):

S. 3032. A bill to amend the Microenterprise for Self-Reliance Act of 2000 and the Foreign Assistance Act of 1961 to increase assistance for the poorest people in developing countries under microenterprise assistance programs under those Acts, and for other purposes; to the Committee on Foreign Relations.

By Mr. HUTCHINSON:

S. 3033. A bill to amend the Public Health Service Act to establish an electronic system for practitioner monitoring of the dispensing of any schedule II, III, or IV controlled substance, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. JOHNSON (for himself and Mr. CARPER):

S. 3034. A bill to facilitate check truncation by authorizing substitute checks, to foster innovation in the check collection system without mandating receipt of checks in electronic form, and to improve the overall efficiency of the Nation's payments system, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. HUTCHINSON:

S. 3035. A bill to prohibit the sale of tobacco products through the Internet or other indirect means to underage individuals, to ensure the collection of all cigarette taxes, and for other purposes; to the Committee on the Judiciary.

By Mr. LIEBERMAN (for himself, Mr. WARNER, Mr. BAYH, Mr. MCCAIN, Mr. MCCONNELL, Mr. DOMENICI, Mr. HUTCHINSON, Ms. LANDRIEU, Mr. ALLARD, Mr. HELMS, and Mr. MILLER):

S.J. Res. 46. A joint resolution to authorize the use of United States Armed Forces against Iraq; read the first time.

By Mr. KENNEDY (for himself and Mr. GRAHAM):

S.J. Res. 47. A joint resolution approving the location of the commemorative work in the District of Columbia honoring former President John Adams; to the Committee on Energy and Natural Resources.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mrs. CLINTON:

S. Res. 332. A resolution recognizing the "Code Adam" child safety program, commending retail business establishments that have implemented programs to protect children from abduction, and urging retail busi-

ness establishments that have not implemented such program to consider doing so; to the Committee on the Judiciary.

#### ADDITIONAL COSPONSORS

S. 710

At the request of Mr. KENNEDY, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 710, a bill to require coverage for colorectal cancer screenings.

S. 724

At the request of Mr. BOND, the name of the Senator from Missouri (Mrs. CARNAHAN) was added as a cosponsor of S. 724, a bill to amend title XXI of the Social Security Act to provide for coverage of pregnancy-related assistance for targeted low-income pregnant women.

S. 885

At the request of Mr. HUTCHINSON, the name of the Senator from Hawaii (Mr. INOUE) was added as a cosponsor of S. 885, a bill to amend title XVIII of the Social Security Act to provide for national standardized payment amounts for inpatient hospital services furnished under the medicare program.

S. 917

At the request of Ms. COLLINS, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 917, a bill to amend the Internal Revenue Code of 1986 to exclude from gross income amounts received on account of claims based on certain unlawful discrimination and to allow income averaging for backpay and frontpay awards received on account of such claims, and for other purposes.

S. 1022

At the request of Mr. WARNER, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 1022, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

S. 1140

At the request of Mr. HATCH, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1140, a bill to amend chapter 1 of title 9, United States Code, to provide for greater fairness in the arbitration process relating to motor vehicle franchise contracts.

S. 1140

At the request of Mr. BUNNING, his name was added as a cosponsor of S. 1140, *supra*.

S. 1761

At the request of Mr. DORGAN, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 1761, a bill to amend title XVIII of the Social Security Act to provide for coverage of cholesterol and blood lipid screening under the medicare program.

S. 1860

At the request of Mr. DORGAN, the name of the Senator from Kansas (Mr.

BROWNBACK) was added as a cosponsor of S. 1860, a bill to reward the hard work and risk of individuals who choose to live in and help preserve America's small, rural towns, and for other purposes.

S. 1967

At the request of Mr. KERRY, the name of the Senator from Arizona (Mr. MCCAIN) was added as a cosponsor of S. 1967, a bill to amend title XVIII of the Social Security Act to improve outpatient vision services under part B of the medicare program.

S. 2067

At the request of Mr. BINGAMAN, the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of S. 2067, a bill to amend title XVIII of the Social Security Act to enhance the access of medicare beneficiaries who live in medically underserved areas to critical primary and preventive health care benefits, to improve the Medicare+Choice program, and for other purposes.

S. 2072

At the request of Mr. CORZINE, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 2072, a bill to amend title XIX of the Social Security Act to provide States with the option of covering intensive community mental health treatment under the Medicaid Program.

S. 2082

At the request of Mr. HATCH, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 2082, a bill to modify the application of the antitrust laws to permit collective development and implementation of a standard contract form for playwrights for the licensing of their plays.

S. 2215

At the request of Mrs. BOXER, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 2215, a bill to halt Syrian support for terrorism, end its occupation of Lebanon, stop its development of weapons of mass destruction, cease its illegal importation of Iraqi oil, and by so doing hold Syria accountable for its role in the Middle East, and for other purposes.

S. 2246

At the request of Mr. DODD, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 2246, a bill to improve access to printed instructional materials used by blind or other persons with print disabilities in elementary and secondary schools, and for other purposes.

S. 2528

At the request of Mr. DOMENICI, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 2528, a bill to establish a National Drought Council within the Federal Emergency Management Agency, to improve national drought preparedness, mitigation, and response efforts, and for other purposes.

S. 2547

At the request of Mr. BINGAMAN, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 2547, a bill to amend title XVIII of the Social Security Act to provide for fair payments under the medicare hospital outpatient department prospective payment system.

S. 2583

At the request of Mrs. CLINTON, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 2583, a bill to amend title 38, United States Code, to require the Secretary of Veterans Affairs in the management of health care services for veterans to place certain low-income veterans in a higher health-care priority category.

S. 2613

At the request of Mr. LIEBERMAN, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 2613, a bill to amend section 507 of the Omnibus Parks and Public Lands Management Act of 1996 to authorize additional appropriations for historically black colleges and universities, to decrease the cost-sharing requirement relating to the additional appropriations, and for other purposes.

S. 2645

At the request of Mrs. FEINSTEIN, the name of the Senator from Kentucky (Mr. MCCONNELL) was added as a cosponsor of S. 2645, a bill to establish the Director of National Intelligence as head of the intelligence community, to modify and enhance authorities and responsibilities relating to the administration of intelligence and the intelligence community, and for other purposes.

S. 2674

At the request of Mr. BROWNBAC, the name of the Senator from Tennessee (Mr. FRIST) was added as a cosponsor of S. 2674, a bill to improve access to health care medically underserved areas.

S. 2793

At the request of Mr. ENSIGN, the name of the Senator from Arkansas (Mr. HUTCHINSON) was added as a cosponsor of S. 2793, a bill to improve patient access to health care services and provide improved medical care by reducing the excessive burden the liability system places on the health care delivery system.

S. 2816

At the request of Mr. BAUCUS, the names of the Senator from Colorado (Mr. ALLARD) and the Senator from Oregon (Mr. SMITH) were added as cosponsors of S. 2816, a bill to amend the Internal Revenue Code of 1986 to improve tax equity for military personnel, and for other purposes.

S. 2869

At the request of Mr. KERRY, the names of the Senator from Pennsylvania (Mr. SANTORUM) and the Senator from Idaho (Mr. CRAPO) were added as cosponsors of S. 2869, a bill to facilitate the ability of certain spectrum auction

winner to pursue alternative measures required in the public interest to meet the needs of wireless telecommunications consumers.

S. 2969

At the request of Mr. CRAIG, his name was added as a cosponsor of S. 2969, a bill to provide for improvement of Federal education research, statistics, evaluation, information, and dissemination, and for other purposes.

S. 2990

At the request of Mr. BINGAMAN, the names of the Senator from South Dakota (Mr. DASCHLE) and the Senator from New Jersey (Mr. CORZINE) were added as cosponsors of S. 2990, a bill to provide for programs and activities to improve the health of Hispanic individuals, and for other purposes.

S. 3013

At the request of Mr. KYL, the names of the Senator from California (Mrs. FEINSTEIN) and the Senator from New Jersey (Mr. TORRICELLI) were added as cosponsors of S. 3013, a bill to amend the Balanced Budget Act of 1997 to extend and modify the reimbursement of State and local funds expended for emergency health services furnished to undocumented aliens.

S. 3018

At the request of Mr. BAUCUS, the names of the Senator from New Mexico (Mr. BINGAMAN), the Senator from Arizona (Mr. KYL), the Senator from West Virginia (Mr. ROCKEFELLER) and the Senator from Vermont (Mr. JEFFORDS) were added as cosponsors of S. 3018, a bill to amend title XVIII of the Social Security Act to enhance beneficiary access to quality health care services under the medicare program, and for other purposes.

S. RES. 270

At the request of Mr. CAMPBELL, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. Res. 270, a resolution designating the week of October 13, 2002, through October 19, 2002, as "National Cystic Fibrosis Awareness Week."

S. RES. 307

At the request of Mr. TORRICELLI, the names of the Senator from Pennsylvania (Mr. SPECTER) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. Res. 307, a resolution reaffirming support of the Convention on the Prevention and Punishment of the Crime of Genocide and anticipating the commemoration of the 15th anniversary of the enactment of the Genocide Convention Implementation Act of 1987 (the Proxmire Act) on November 4, 2003.

S. RES. 321

At the request of Mr. CAMPBELL, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. Res. 321, a resolution commemorating the 30th Anniversary of the Founding of the American Indian Higher Education Consortium (AIHEC).

S. CON. RES. 142

At the request of Mr. SMITH of Oregon, the names of the Senator from

Maryland (Ms. MIKULSKI), the Senator from Washington (Ms. CANTWELL), the Senator from Illinois (Mr. DURBIN), the Senator from Louisiana (Ms. LANDRIEU), the Senator from Maryland (Mr. SARBANES), the Senator from New York (Mr. SCHUMER) and the Senator from West Virginia (Mr. ROCKEFELLER) were added as cosponsors of S. Con. Res. 142, a concurrent resolution expressing support for the goals and ideas of a day of tribute to all firefighters who have died in the line of duty and recognizing the important mission of the Fallen Firefighters Foundation in assisting family members to overcome the loss of their fallen heroes.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SESSIONS (for himself, Mr. LEAHY, and Mr. GRASSLEY):  
S. 3028. A bill to provide for a creditors' committee of employee and retiree representatives of a debtor in order to protect pensions of those employees and retirees; to the Committee on the Judiciary.

Mr. SESSIONS. Mr. President, I rise today to introduce the Employee Pension Bankruptcy Protection Act of 2002. Today, when a company declares bankruptcy, it is often the employees and retirees who suffer. They suffer because they often lose their hard earned pensions and retirement benefits during the bankruptcy process. This is simply not right. When Americans lose the pensions and benefits that they have worked a lifetime to earn, it is the responsibility of the members of this body to act to protect them.

Under current law, the pension fund is technically the "creditor" of the corporation, not the employees and retirees. Thus, in court, employees and retirees of a bankrupt corporation have their interests in their pensions represented by the pension plan trustee. If the pension fund itself is threatened with insolvency, the Pension Benefit Guaranty Corporation, PBGC, can step in. While PBGC often covers most of the pension obligation, the statutory limits can sometimes leave a significant amount of pension benefits unpaid. If employees and retirees are not satisfied with how the pension plan trustee or PGGC is representing their interests, current law provides no relief. There is no day in court for the people who earned the pensions in the first place.

This problem has only recently been brought to my attention by Mr. John Nichols of Gadsden, AL, and his son, Phil, an attorney in Birmingham. The ordeal faced by Mr. Nichols is a prime example of why employees and retirees need more representation before the bankruptcy court. Mr. Nichols spent his entire career at a steel plant in Gadsden. He began working for Republic Steel in 1956 and stayed with the operation through a buyout by LTV Steel and two subsequent ownership changes.

When LTV bought out Mr. Nichols' employer, LTV Steel took over the

monthly pension payments guaranteed to the former employees and retirees of Republic Steel, including Mr. Nichols. Soon after the takeover, however, LTV filed for bankruptcy, claiming that it could no longer make pension payments to Republic Steel's former employees. PBGC, initially stepped in to help make a small part of the pension payments, but LTV eventually stopped making payments at all.

Because all the payments LTV had been making were not guaranteed by the PBGC, the long awaited pension payments earned by Mr. Nichols and by Republic Steel's other loyal employees were severely reduced. Mr. Nichols' pension payments went from approximately \$2,225 per month to approximately \$675 per month—only 30 percent of what he had been promised. A third of this payment now covers Mr. Nichols' health insurance premium that he can no longer purchase through LTV, leaving him with only 20 percent of his promised pension each month.

Because PBGC could only pay the retirees the amount the statute allowed, and because no one had the responsibility of telling bankruptcy court what was happening to the retirees of Republic Steel, large portions of hard earned pensions were lost. PBGC itself recognized that the claims of the pensioners against LTV, "are among the many claims that will probably never be paid, except perhaps in cents on the dollar" and stated that PBGC's claims against LTV for the pension plan underfunding were perhaps "[t]he largest of these claims [that will go unpaid]."

During LTV's bankruptcy case, various creditors were represented before the bankruptcy court, but not the employees and retirees. Thus, when the assets of LTV were divided among its creditors, employees and the retirees were not at the table. If the employees and retirees had had an opportunity to make their case before the bankruptcy judge, the result could have been different for Mr. Nichols and for the other employees of Republic Steel.

The bill I introduce today does one very simple thing, it gives employees and retirees the right to be heard before the bankruptcy court with respect to their pensions. Under this bill, a representative of the employee and retirees can appear and be heard if it is likely that the employee benefit pension plan of the bankrupt corporation will be terminated or substantially underfunded and if it is possible that the beneficiaries of the plan will be adversely affected.

By allowing employees and retirees to be heard before the bankruptcy court, we will ensure that the bankruptcy court hears from the people who earned the pensions before it disposes of the assets that could pay those pensions. Employees and retirees will be able to argue to the court that any division of assets or bankruptcy plan must be fair to the pensioners. The needs of the corporation's employees and retirees

should be heard before the assets of a bankrupt corporation are split up among creditors and gone forever. They deserve to have their day in court.

The Employee Pension Bankruptcy Protection Act of 2002 seeks to make sure that what happened to the retirees of Republic Steel in Gadsden, Alabama, will never happen again. By passing this legislation we can ensure that employees and retirees will never be deprived of their pensions without having their day in court. While a company may still be able to discharge its obligation to pay pensioners in bankruptcy, this bill at least takes the first modest step to protection pensions by providing them the opportunity to be part of the bankruptcy bargaining process. Before the bankruptcy court sells assets or adopts a plan of reorganization, the employees and retirees will be heard with respect to their pensions. This is only fair.

I strongly urge my colleagues in the Senate to support this bill and to work with me to further ensure that employees and retirees of corporations are fairly treated and protected under the United States Bankruptcy Code.

By Mr. KENNEDY:

S. 3029. A bill to amend title IX of the Public Health Service Act to provide for the improvement of patient safety and to reduce the incidence of accidental medical injury; to the Committee on Health, Education, Labor, and Pensions.

Mr. KENNEDY. Mr. President, I am pleased to introduce today "The Patient Safety Improvement and Medical Injury Reduction Act." This legislation will protect patients and save lives. It will do more for public health than a breakthrough new drug or a new therapy for deadly disease. The bill does this by providing a comprehensive plan to greatly reduce medical errors, promote a culture of greater patient safety and provider accountability, and improve the quality of medical care in the United States.

As the Institute of Medicine, IOM, concluded in its landmark 1999 study, medical errors kill up to 98,000 people in U.S. hospitals every year. That means that more Americans die from medical mistakes each year than from AIDS, breast cancer or highway accidents. In fact, each day, more than 250 people die because of medical mistakes, the equivalent of a major airplane crash every day.

Other studies support the IOM's shocking conclusions.

A Commonwealth Fund survey this year found that 22 percent of respondents reported that they or a family member had experienced a medical error of some kind. About 10 percent reported that they or a family member grew sicker as a result of a mistake made at a doctor's office or in a hospital, and 16 percent were given the wrong medication or wrong dose when filling a prescription at a pharmacy or while hospitalized.

A study published September 9 by the Archives of Internal Medicine also concluded that medication errors occur in one of every five does administered to hospital patients. The magnitude of these costly and life-threatening mistakes is astonishing, and calls for immediate improvement.

We can and should do better for our citizens. Americans deserve the highest quality health care, yet these errors put everyone at risk of unnecessary harm. This legislation raises patient safety to the national priority it deserves, and assures America's patients that they can expect high quality health care when they are sick or injured.

To accomplish this goal, or legislation requires comprehensive action. The IOM concluded that improvements will require sweeping, systemic changes in our health care system. IOM made numerous, sensible recommendations, which are fully addressed by the Patient Safety Improvement and Medical Injury Reduction Act.

The overwhelming majority of errors are caused by flaws in the health care system, not the outright negligence of individual doctors and nurses. Our hospitals, doctors, nurses, and other health care providers want to do the right thing. The bill gives the health care community the tools to identify the causes of medical errors, the resources to develop strategies to prevent them, and the encouragement to implement those solutions.

A key concern addressed by this legislation is to allow doctors and other health professionals to share information regarding best practices and lessons learned from their mistakes without fear of winding up in court. At the same time, medical professionals and hospitals that injure patients through their negligence should still be held accountable in court, just as they are today.

To balance these competing concerns, our legislation allows reports and analyses created under a new system of information-sharing between providers, patient safety organizations and a newly established National Patient Safety Database, to be immune from legal discovery. Health care professionals who submit reports to the programs would also be protected against discrimination in the workplace for participating in the reporting systems.

By the same token, however, this new system will not become a shield to hide medical negligence. As a result, this legislation continues current law when it comes to those elements of patients' medical records that have nothing to do with the patient safety improvements contemplated by the Act. Nor would the privilege apply to such information merely because it is reported to a patient safety organization or the National Patient Safety Database. Just as importantly, the new privilege would not affect compliance with State accountability systems.

Consistent with the IOM recommendations, the Act also creates a new Center for Quality Improvement and Patient Safety in the Agency for Healthcare Research and Quality to promote patient safety. The Center would conduct and support research on medical errors, certify learning-based patient safety organizations around the country, administer the voluntary National Patient Safety Database, and disseminate evidence-based practices and other error reduction and prevention strategies to health care providers, purchasers and the public. Reports submitted would be analyzed to identify systemic faults that led to the errors and solutions to prevent future similar errors. The Act would also create a "learning laboratory" under the Center for focused study of errors and their correction in select health care facilities.

The IOM also highlighted medication errors as a "high priority area for all health care organizations" and recommended the use of computerized physician order entry systems and advanced prescribing software to screen for inappropriate doses, allergies, and drug interactions. The Act would provide funding and uniform standards for the implementation of such systems, as well as grants for community partnerships for health care improvement.

As widespread and serious as the problem of medical errors is, it can be solved by a national commitment of resolve and resources. Improvements are clearly possible. The field of anesthesia undertook such an effort almost twenty years ago. Today, the number of fatalities from errors in administering anesthesia has dropped 98 percent.

Our goal should be to achieve equal or even greater success in reducing other types of medical mistakes. This legislation lays the foundation to achieve this goal. I look forward to working with my colleagues and with interested Members of the House of Representatives in enacting the Patient Safety Improvement and Medical Injury Reduction Act.

By Mr. DEWINE (For himself and Mr. VOINOVICH):

S. 3030. A bill to designate the Federal building and United States courthouse located at 200 West 2d Street in Dayton, Ohio, as the "Tony Hall Federal Building and United States Courthouse"; to the Committee on Environment and Public Works.

Mr. DEWINE. Mr. President, I rise today, along with my friend and colleague from Ohio, Senator VOINOVICH, to introduce a bill to name the federal building in Dayton, OH, after Congressman TONY HALL.

This bill is a fitting tribute to TONY HALL, a tireless and dedicated public servant, who will be greatly missed in the United States Congress upon his retirement. I am confident that he will continue his commitment to public service as our U.S. Ambassador to the U.N.'s food and agriculture agencies.

The people of Ohio and the American people can be proud of and thankful for the many years TONY HALL has served in the United States Congress. I've had the privilege of working closely with him since my early days in the House nearly 20 years ago. He has been a valuable legislator and a real statesman. Over the years, he has worked tirelessly on behalf of the people of Montgomery County and throughout Ohio.

TONY HALL comes from a family rich in devotion to public service and dedication to Ohio. His father, in fact, once served as Dayton's Republican mayor. A graduate of Fairmont High School in Kettering and Denison University in Granville, where he was an all-star tailback on the football team, TONY served in the Ohio House from 1969–1972, in the Ohio Senate from 1973–1978, and as Dayton's Congressman since January 1979.

A devoted husband to his wife, Janet, and a dedicated father to Jyl and Matt, the entire HALL family struggled valiantly alongside Matt as he fought an unsuccessful battle against leukemia that ended in 1996.

My wife, Fran, and I are proud to have worked over two decades with TONY and Janet on humanitarian efforts and other causes that bridge across the political aisle. TONY, who served in the Peace Corps in 1966 and 1967, has been an unmatched advocate for the needy, the poor, the hungry, and the oppressed across Ohio, our Nation, and the world.

TONY has been singularly responsible for much of the world's continued, focused attention on the serious hunger issues worldwide. His involvement in a 22-day hunger strike in 1989, forced the Department of Agriculture and the World Bank to call conferences on hunger, which ultimately resulted in the creation of the Congressional Hunger Center.

I'm proud to have worked with TONY on several humanitarian initiatives through the years from Africa Seeds of Hope to the Global Food for Education Act to the Microenterprise for Self-Reliance Act to the Clean Diamond Act of 2001.

We also share a commitment to the yet unborn. A staunch pro-life Democrat, Congressman HALL was responsible for language in the Democratic National Committee platform respecting the beliefs of those within his party who wished to protect the sanctity of life.

I also have had the pleasure of working with TONY HALL on several projects important to the Miami Valley area of Ohio. We share a passion for the aviation heritage of the Wright Brothers in Dayton and have worked together to protect and preserve the monuments to the Wright Brothers legacy. And, we've also worked together on issues to build the unique resources of Wright Patterson Air Force base, as well.

Today, it is a pleasure to take this opportunity to join Senator VOINOVICH to honor TONY HALL's many legislative

efforts and achievements and to thank him for his commitment to the people of Ohio and this Nation. I urge my colleagues to support this bill to honor our good friend and statesman, TONY HALL.

I ask unanimous consent that the text of the bill to designate the Federal building and United States courthouse located at 200 West 2nd Street in Dayton, Ohio, as the "Tony Hall Federal Building and United States Courthouse" be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3030

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. DESIGNATION.**

The Federal building and United States courthouse located at 200 West 2d Street in Dayton, Ohio, shall be known and designated as the "Tony Hall Federal Building and United States Courthouse".

**SEC. 2. REFERENCES.**

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building and United States courthouse referred to in section 1 shall be deemed to be a reference to the "Tony Hall Federal Building and United States Courthouse".

By Mr. BAUCUS (for himself, Mr. CRAPO, Mr. WARNER, and Mr. CRAIG):

S. 3031. A bill to amend title 23, United States Code, to reduce delays in the development of highway and transit projects, and for other purposes; to the Committee on Environment and Public Works.

Mr. BAUCUS. Mr. President, I rise today to introduce the MEGA STREAM ACT. Maximizing Economic Growth for America through Environmental Streamlining.

Moving goods and moving people is what this Nation's transportation system is all about. The backbone of our economy. But delays in completing transportation projects threaten our economy.

These delays add to the cost of projects and deny the public the benefits of the projects. And those benefits are substantial, improving our economy, our competitiveness, and our quality of life. Unfortunately, there are delays for many projects, not only for controversial or complex projects, and those delays sometimes result from the environmental review process.

My goal is to advance a common sense approach that will both strengthen our transportation system and support for our environmental laws.

I doubt that there is a member in this chamber that has not heard complaints about delays in developing transportation projects.

I was privileged to be one of the authors of TEA 21 a revolutionary transportation law. I helped write sections 1308 and 1309. These are the sections that direct the Secretary of Transportation to find ways to expedite the

project approval process and get construction underway faster.

I remember working with Senators WARNER, GRAHAM, WYDEN and CHAFEE and with the House members to come to a compromise on the environmental streamlining provisions included in TEA 21.

At the time, I had heard from my Department of Transportation and from others about how cumbersome a process it is to come to completion on a highway project. Everyone who worked on TEA 21 both the House and Senate, wanted to include a direction to the USDOT to streamline the planning and project development processes for the states.

We were very clear, the environment and the environmental reviews should NOT get short shrift! But, we needed to find a way to make it easier to get a project done, eliminate unnecessary delays, move faster and with as little paperwork as possible.

I cannot over-emphasize that the planning and environmental provisions of TEA-21 need to be implemented in a way that will streamline and expedite, not complicate, the process of delivering transportation projects.

These projects that we're trying to expedite provide good paying jobs for the folks in Montana and for every State. Contracts must be met in a timely manner.

That is why Congress directed the USDOT to include certain elements in their regulations on streamlining.

We included concepts to be incorporated—like concurrent environmental reviews by agencies and reasonable deadlines for the agencies to follow when completing their reviews.

Certainly we did not legislate an easy task to the USDOT. Trying to coordinate so many separate agencies is like trying to herd cats.

The whole concept of environmental streamlining, that is, to make the permit and approval process work more smoothly and effectively, while still ensuring protection of the environment, is one of the more-difficult challenges of TEA-21.

So I waited for the rules to come out. And waited. And two years after the passage of TEA-21 I finally got them.

I have to tell you, I was very disappointed when those rules came out in May of 2000. I believe those regulations hit very far from the mark.

Those regulations were supposed to help the State DOTs get their jobs done better and more efficiently—not make their jobs harder.

They were supposed to answer questions—but what is contained in those documents raises even more questions than before because they were vague where they needed to be precise.

Those proposed rules would make it even harder, if not impossible to come to a decision.

It would have been even more difficult for States to deliver their programs. Contracts wouldn't get met and jobs would be lost.

So the DOT solicited comments, which I understand were overwhelmingly negative, and went back to the drawing board and we never heard from them again. Even when a new President took over. New administration. No new rules.

And today we have nothing. We're exactly where we were in 1998.

As for sections 1308 and 1309. Nothing has been done to implement them. Its just as cumbersome today to bring a highway project to completion.

The Senate Environment and Public Works Committee held 4 hearings on the subject of environmental streamlining since the passage of TEA 21 in 1998.

A few weeks ago, on the eve of the fourth EPW hearing, the President signed an Executive Order calling for a handful of projects to be supervised by the heads of USDOT and CEQ. The highest levels would personally make sure that there were timely environmental reviews.

That would have been a good start in 1998. But, its too little too late now.

We are on the verge of reauthorization of TEA 21. This time, I would like to see us specifically legislate environmental streamlining. No waiting for regulations or more executive orders. Congress needs to be clear about what they want to see and put it into law.

To that end, along with Senator CRAPO and others, I am introducing a proposal on environmental streamlining. It is part of a series of bills that we are introducing on highway reauthorization.

This bill will address three issues.

First, the USDOT needs to be the lead agency on at least two requirements, "Purpose and Need" for a project and "Scope of Alternatives." This will make sure that any stalemates are resolved quickly.

Second, we should allow States to take over the role of the USDOT if they can meet certain requirements and if they choose to take on that role. This will eliminate another step of bureaucracy.

Last, we must ensure that resource agencies act in a timely manner. When it comes time for an agency like Fish and Wildlife to assess the extent of damage (if any) to a wetlands or the Army Corps of Engineers to issue a permit, these agencies shouldn't be able to take years to make these decisions.

We need to legislate specific time limits for them to follow. No answer at all is not acceptable. It is unacceptable for agencies to sit on their decision for years. We can't make them issue the permit and we don't want to, but we can make them make a decision in a timely manner.

The rest of the world works on deadlines. They can too.

These three things will help to expedite the planning and project development processes.

These three things are not meant to be comprehensive streamlining, but I believe that they will be a big help and

a great start. The bill we will introduce will be a solid beginning to Congress setting some specific guidelines for expediting the planning and environmental review processes.

Once again, I want to reiterate that I want to make sure that environmental laws and policies are obeyed to the letter. But, there's got to be a faster, easier way to do the work that needs to be done on our surface transportation system, while continuing to protect the environment.

I believe our bill will be a means to those ends.

By Mr. SARBANES (for himself, Mr. DEWINE, Mrs. CLINTON, Mr. DODD, and Mr. KERRY):

S. 3032. A bill to amend the Microenterprise for Self-Reliance Act of 2000 and the Foreign Assistance Act of 1961 to increase assistance for the poorest people in developing countries under microenterprise assistance programs under those Acts, and for other purposes; to the Committee on Foreign Relations.

Mr. SARBANES. Mr. President, I rise to introduce legislation to amend the Microenterprise for Self-Reliance Act of 2000 and the Foreign Assistance Act of 1961 to increase assistance for poor people in developing countries under microenterprise assistance programs. I am joined in this effort by my colleagues, Senator DEWINE of Ohio, Senator CLINTON of New York, Senator DODD of Connecticut, and Senator KERRY of Massachusetts.

Microenterprises play a critical role in helping poor people the world over raise their incomes, build assets, start new businesses, and improve their lives. Access to microenterprise loans and services with the attendant obligations allows poor people to establish good credit, engage in commerce, and begin to lift themselves out of poverty. The U.S. Government has been the leading donor for microenterprise development over the past two decades. In collaboration with diverse partner institutions like PVOs, private voluntary organizations, U.S. support, primarily through USAID, for microenterprise activities enables over 2 million people throughout the developing world to have access to microfinance services.

The legislation I am introducing today authorizes \$175 million in fiscal year 03 and \$200 million in fiscal year 04 for microenterprise assistance, an increase over the \$155 million authorization level in fiscal year 02.

The other provisions of this legislation include a reaffirmation of the provision in the Microenterprise for Self-Reliance Act of 2000 stipulating that 50 percent of all microenterprise assistance shall be targeted to the very poor. The term "very poor" has been defined in the new legislation as those living in the bottom 50 percent below the poverty line established by their respective national governments, or on less

than \$1 a day. The legislation also provides that the microenterprise programs should target both rural and urban poor.

Ensuring that 50 percent of all microenterprise assistance is targeted to the very poor has been problematic. This legislation calls for the adoption of a monitoring system using proven effective poverty assessment tools to identify more precisely the very poor and ensure that they receive microenterprise loans, savings, and assistance authorized under this act. The legislation also stipulates that the USAID Administrator, in consultation with microenterprise institutions and other appropriate organizations, shall develop no fewer than two low-cost methods for partner institutions to use to assess the poverty levels of their current or prospective clients. By October 1, 2004, USAID shall certify that no fewer than two of such methods are being used for measuring poverty levels of current or prospective clients. Additionally, the legislation says that USAID, beginning no later than October 1, 2005, shall require all microenterprise organizations applying for U.S. assistance to use one of these methods.

Finally, the legislation requires the USAID Administrator to submit a report to Congress, no later than September 30, 2005, on the development and application of the poverty assessment procedures and, beginning with fiscal year 2006, an annual report documenting the percentage of its resources allocated to the very poor, based on the certified methods and the absolute number of the very poor that was reached.

The legislation, which builds on somewhat similar legislation that passed the House earlier this year (H.R. 4073), was the result of many weeks of hard work and negotiations between USAID and the Microenterprise Coalition, a group that represents the microenterprise institutions. Both USAID and the Microenterprise Coalition strongly support this legislation. I commend them for their efforts and I urge the Senate to pass this important legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3032

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. AMENDMENTS TO THE MICROENTERPRISE FOR SELF-RELIANCE ACT OF 2000.**

(a) PURPOSES.—Section 103 of the Microenterprise for Self-Reliance Act of 2000 (Public Law 106-309) is amended—

(1) in paragraph (3), by striking “micro-entrepreneurs” and inserting “microenterprise households”;

(2) in paragraph (4), by striking “and” at the end;

(3) in paragraph (5)—

(A) by striking “microfinance policy” and inserting “microenterprise policy”;

(B) by striking “the poorest of the poor” and inserting “the very poor”; and

(C) by striking the period at the end and inserting “; and”; and

(4) by adding at the end the following:

“(6) to ensure that in the implementation of this title at least 50 percent of all microenterprise assistance under this title, and the amendments made under this title, shall be targeted to the very poor.”.

(b) DEFINITIONS.—Section 104 of such Act is amended—

(1) in paragraph (2), by striking “for micro-entrepreneurs” and inserting “to micro-entrepreneurs and their households”; and

(2) by adding at the end the following:

“(5) VERY POOR.—The term ‘very poor’ means individuals—

“(A) living in the bottom 50 percent below the poverty line established by the national government of the country in which those individuals live; or

“(B) living on the equivalent of less than \$1 per day.”.

**SEC. 2. AMENDMENTS TO THE MICRO- AND SMALL ENTERPRISE DEVELOPMENT CREDITS PROGRAM UNDER THE FOREIGN ASSISTANCE ACT OF 1961.**

(a) FINDINGS AND POLICY.—Section 108(a)(2) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151f(a)(2)) is amended by striking “the development of the enterprises of the poor” and inserting “the access to financial services and the development of microenterprises”.

(b) PROGRAM.—Section 108(b) of such Act (22 U.S.C. 2151f(b)) is amended to read as follows:

“(b) PROGRAM.—To carry out the policy set forth in subsection (a), the President is authorized to provide assistance to increase the availability of financial services to microenterprise households lacking full access to credit, including through—

“(1) loans and guarantees to microfinance institutions for the purpose of expanding the availability of savings and credit to poor and low-income households;

“(2) training programs for microfinance institutions in order to enable them to better meet the financial services needs of their clients; and

“(3) training programs for clients in order to enable them to make better use of credit, increase their financial literacy, and to better manage their enterprises to improve their quality of life.”.

(c) ELIGIBILITY CRITERIA.—Section 108(c) of such Act (22 U.S.C. 2151f(c)) is amended—

(1) in the first sentence of the matter preceding paragraph (1)—

(A) by striking “credit institutions” and inserting “microfinance institutions”; and

(B) by striking “micro- and small enterprises” and inserting “microenterprise households”; and

(2) in paragraphs (1) and (2), by striking “credit” each place it appears and inserting “financial services”.

(d) ADDITIONAL REQUIREMENT.—Section 108(d) of such Act (22 U.S.C. 2151f(d)) is amended by striking “micro- and small enterprise programs” and inserting “programs for microenterprise households”.

(e) AVAILABILITY OF FUNDS.—Section 108(f)(1) of such Act (22 U.S.C. 2151f(f)(1)) is amended by striking “for each of fiscal years 2001 and 2002” and inserting “for each of fiscal years 2001 through 2004”.

(f) CONFORMING AMENDMENT.—Section 108 of such Act (22 U.S.C. 2151f) is amended in the heading to read as follows:

“SEC. 108. MICROENTERPRISE DEVELOPMENT CREDITS.”.

**SEC. 3. AMENDMENTS TO THE MICROENTERPRISE DEVELOPMENT GRANT ASSISTANCE PROGRAM UNDER THE FOREIGN ASSISTANCE ACT OF 1961.**

(a) FINDINGS AND POLICY.—Section 131(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2152a(a)) is amended to read as follows:

“(a) FINDINGS AND POLICY.—Congress finds and declares that—

“(1) access to financial services and the development of microenterprise are vital factors in the stable growth of developing countries and in the development of free, open, and equitable international economic systems;

“(2) it is therefore in the best interest of the United States to facilitate access to financial services and assist the development of microenterprise in developing countries;

“(3) access to financial services and the development of microenterprises can be supported by programs providing credit, savings, training, technical assistance, business development services, and other financial and non-financial services; and

“(4) given the relatively high percentage of populations living in rural areas of developing countries, and the combined high incidence of poverty in rural areas and growing income inequality between rural and urban markets, microenterprise programs should target both rural and urban poor.”.

(b) AUTHORIZATION.—Section 131(b) of such Act (22 U.S.C. 2152a(b)) is amended—

(1) in paragraph (3)(A)(i), by striking “entrepreneurs” and inserting “clients”; and

(2) in paragraph (4)(D)—

(A) in clause (i), by striking “very small loans” and inserting “financial services to poor entrepreneurs”; and

(B) in clause (ii), by striking “micro-finance” and inserting “microenterprise”.

(c) MONITORING SYSTEM.—Section 131(c) of such Act (22 U.S.C. 2152a(c)) is amended by striking paragraph (4) and inserting the following:

“(4) adopts the widespread use of proven and effective poverty assessment tools to successfully identify the very poor and ensure that they receive needed microenterprise loans, savings, and assistance.”

(d) DEVELOPMENT AND APPLICATION OF POVERTY MEASUREMENT METHODS.—Section 131 of such Act (22 U.S.C. 2152a) is amended—

(1) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively; and

(2) by inserting after subsection (c) the following:

“(d) DEVELOPMENT AND CERTIFICATION OF POVERTY MEASUREMENT METHODS; APPLICATION OF METHODS.—

“(1) DEVELOPMENT AND CERTIFICATION.—(A) The Administrator of the United States Agency for International Development, in consultation with microenterprise institutions and other appropriate organizations, shall develop no fewer than two low-cost methods for partner institutions to use to assess the poverty levels of their current or prospective clients. The United States Agency for International Development shall develop poverty indicators that correlate with the circumstances of the very poor.

“(B) The Administrator shall field-test the methods developed under subparagraph (A). As part of the testing, institutions and programs may use the methods on a voluntary basis to demonstrate their ability to reach the very poor.

“(C) Not later than October 1, 2004, the Administrator shall, from among the low-cost poverty measurement methods developed under subparagraph (A), certify no fewer than two such methods as approved methods for measuring the poverty levels of current

or prospective clients of microenterprise institutions for purposes of assistance under this section.

“(2) APPLICATION.—The Administrator shall require that, with reasonable exceptions, all organizations applying for microenterprise assistance under this Act use one of the certified methods, beginning no later than October 1, 2005, to determine and report the poverty levels of current or prospective clients.”

(e) LEVEL OF ASSISTANCE.—Section 131(e) of such Act, as redesignated by subsection (d), is amended by inserting “and \$175,000,000 for fiscal year 2003 and \$200,000,000 for fiscal year 2004” after “fiscal years 2001 and 2002”.

(f) DEFINITIONS.—Section 131(f) of such Act, as redesignated by subsection (d), is amended by adding at the end the following:

“(5) VERY POOR.—The term ‘very poor’ means those individuals—

“(A) living in the bottom 50 percent below the poverty line established by the national government of the country in which those individuals live; or

“(B) living on less than the equivalent of \$1 per day.”

#### SEC. 4. REPORT TO CONGRESS.

(a) IN GENERAL.—Not later than September 30, 2005, the Administrator of the United States Agency for International Development shall submit to Congress a report that documents the process of developing and applying poverty assessment procedures with its partners.

(b) REPORTS FOR FISCAL YEAR 2006 AND BEYOND.—Beginning with fiscal year 2006, the Administrator of the United States Agency for International Development shall annually submit to Congress on a timely basis a report that addresses the United States Agency for International Development’s compliance with the Microenterprise for Self-Reliance Act of 2000 by documenting—

(1) the percentage of its resources that were allocated to the very poor (as defined in paragraph (5) of section 131(f) of the Foreign Assistance Act of 1961 (22 U.S.C. 2152a(f)(5))) based on the data collected from its partners using the certified methods; and

(2) the absolute number of the very poor reached.

By Mr. JOHNSON (for himself and Mr. CARPER):

S. 3034. A bill to facilitate check truncation by authorizing substitute checks, to foster innovation in the check collection system without mandating receipt of checks in electronic form, and to improve the overall efficiency of the Nation’s payments system, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. JOHNSON. Mr. President, I am proud to sponsor the Check Truncation Act, which will be a significant step in improving the Nation’s check payment system.

The Act improves America’s check payments system by allowing banks to exchange checks electronically. Current law requires banks to physically present and return original checks, a tedious, antiquated and expensive process. This legislation will also reduce infrastructure costs for banks, allowing for more flexibility and greater cost savings for the consumer.

In the days following September 11, 2001, when planes across the country remained grounded, banks were forced to take drastic steps to ensure the

shipment of checks from bank to bank. Check payments across the country were delayed, which opened up possibilities for processing errors and fraud. Electronic payments, on the other hand, continued to be processed in a safe and timely fashion during the crisis.

Processing challenges confront banks in my State of South Dakota every winter. Deep snowfalls and vast distances between small-town banks and processing centers add significant costs to physical transportation of checks. These costs trickle down to consumers, and everyone ends up paying the price of our outdated system.

I am proud to introduce this legislation, which would help to ensure the financial stability of our system in the event of another attack, and would increase its efficiency day-to-day. It is the right time to change our banking laws to give electronic versions of checks the same legal validity as paper checks, so America’s financial institutions can provide customers with faster check clearing and better access to liquid funds in both good times and times of crisis.

By Mr. HUTCHINSON:

S. 3035. A bill to prohibit the sale of tobacco products through the Internet or other indirect means to underage individuals, to ensure the collection of all cigarette taxes, and for other purposes; to the Committee on the Judiciary.

Mr. HUTCHINSON. Mr. President, today I have introduced legislation to stop the illegal sales of cigarettes over the Internet, an escalating problem which has had a particularly negative effect in my home State of Arkansas. While every State in the union has enacted laws prohibiting minors from purchasing or possessing tobacco products, this law is easily evaded when minors purchase cigarettes over the Internet. Disreputable websites flagrantly break the law, even advertising that they do not check identification.

In the first quarter of 2002, the number of Internet site selling cigarettes had already increased by over 10 percent from 2001, and the number of those based overseas increased almost 20 percent. In addition to putting cigarettes in the hands of minors, these websites also fail to pay the sales and tobacco taxes many states levy on these products.

The Government Accounting Office released a study in August 2002 which reports that by 2005 states will be losing as much as \$1.4 billion annually due to this tax evasion. This is revenue states cannot afford to do without. Current federal laws must be updated and strengthened to address this growing threat.

My bill, the Eliminating Profiteering through Illegal Cigarette Sales, EPICS Act, addresses both aspects of the problem. It is designed to both strengthen domestic security by giving law enforcement agencies additional tools

they need to choke off this source of terrorist income, and to ensure that legitimate Internet sites selling cigarettes take significant steps to prevent their orders from falling into the hands of our kids.

The EPICS Act prohibits online sales of cigarettes to minors. It also ensures that minors are not able to purchase cigarettes online using a false identification by enacting strict identification verification requirements.

In order to assist states enforcement of age requirements and collection of taxes, this bill will dramatically strengthen the Jenkins Act. This law requires anyone who ships or sells tobacco products over state lines other than to licensed dealers to report those sales to the state tax administrator. When this is done, states can ensure that sales are not being made to minors and that due taxes have been collected.

Currently, there is very little enforcement of the Jenkins Act. This bill remedies this by establishing much harsher penalties for those who do not comply and by allowing a State’s Attorney General to enforce the Federal law. Following the recommendation of the GAO, the bill will give the Bureau of Alcohol, Tobacco and Firearms concurrent authority with the Justice Department to enforce the amended Jenkins Act. It also updates the law to make it clear that the Jenkins Act reporting requirements apply to all sales by Internet, mail and phone.

Additionally, this bill will improve current laws to prohibit the trafficking in contraband cigarettes. The EPICS Act lowers the number of unstamped cigarettes required to trigger the law from 60,000 to 2,000, adds reporting requirements and allows a State’s Attorney General and Federal tobacco permit holders to bring causes of action to enforce the federal law. With numerous reports of terrorist organizations transporting contraband cigarettes across State lines to reap profits right here in the U.S., it is especially important that this law be effective.

Terrorists and others who seek to profit by illegal means have discovered the goldmine of Internet sales. The number of Internet sites selling untaxed cigarettes or selling to minors is increasing almost daily. Heightened media coverage has pointed out the problem, but also advertised their availability to minors and tax-evaders. I hope my colleagues will act quickly to prevent illegal tobacco profits, keep cigarettes out of the hands of minors and stop tobacco tax evasion.

Mr. President, I ask unanimous consent that the text of the legislation be printed in the RECORD.

There being no objection the bill was ordered to be printed in the RECORD, as follows:

S. 3035

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Eliminating Profiteering through Illegal Cigarette Sales Act" or "EPICS Act".

**SEC. 2. UNLAWFUL ACTS REGARDING SALE OF TOBACCO PRODUCTS TO UNDERAGE INDIVIDUALS.**

(a) IN GENERAL.—It shall be unlawful for any person who is in the business of selling tobacco products, and who advertises such products through the Internet or any other means, to sell a tobacco product to an individual under the legal age (according to State law) to purchase tobacco products if pursuant to the sale the person mails the product or ships the product by carrier in or affecting interstate commerce.

(b) PROCEDURES TO PROTECT AGAINST SALES TO UNDERAGE INDIVIDUALS.—It shall be unlawful for any person in the business of selling tobacco products to take an order for a tobacco product, other than from a person who is in the business of selling tobacco products, through the mail, or through any telecommunications means (including by telephone, facsimile, or the Internet), if in providing for the sale or delivery of the product pursuant to the order the person mails the product, or ships the product by carrier in or affecting interstate commerce, and the person fails to comply with each of the following procedures:

(1) Before mailing or shipping the product, the person receives from the individual who places the order the following:

(A) A copy of a valid government-issued document (whether an operator's permit or otherwise) that provides the name, address, and date of birth of the individual.

(B) A signed statement in writing from the individual providing a certification of the individual that—

(i) such document and information correctly identifies the individual and correctly states the address and date of birth of the individual;

(ii) the individual understands that forging another person's signature to the statement is illegal; and

(iii) the individual understands that tobacco sales to minors are illegal and that tobacco purchases by minors may be illegal under applicable State law.

(2) Before mailing or shipping the product, the person—

(A) verifies the information received from the individual under paragraph (1) against a commercially available database; and

(B) sends a letter to the individual requesting—

(i) confirmation of the order; and

(ii) that the individual reply immediately (to a specified toll-free phone number or e-mail address) if the individual did not submit the order.

(3) In the case of an order for a product pursuant to an advertisement on the Internet, the person receives payment by credit card or check for the order before mailing or shipping the product.

(4) Unless the person is identified as a member of the Armed Forces by the document issued by the Department of Defense identifying individuals as members of the Armed Forces, the person provides for the mailing or shipping of the product to the name and address provided on the government-issued document received under paragraph (1).

(5)(A) The person employs a method of mailing or shipping the product requiring that the individual purchasing the product—

(i) be the addressee;

(ii) personally sign for delivery of the package; and

(iii) if the individual appears to the carrier making the delivery to be under 27 years of age, take delivery of the package only after

producing valid, government-issued identification that—

(I) bears a photograph of the individual;

(II) indicates that the individual is not under the legal age to purchase cigarettes; and

(III) indicates that the individual is not younger than the age indicated on the government-issued document received under paragraph (1).

(B) The bill of lading clearly states the requirements in subparagraph (A) and specifies that Federal law requires compliance with the requirements.

(6) The person notifies the carrier for the mailing or shipping, in writing, of the age of the addressee as indicated by the government-issued document received under paragraph (1).

(c) ADVERTISING THROUGH INTERNET; PROMINENT WARNING LABELS.—It shall be unlawful for any person in the business of selling tobacco products to advertise tobacco products for sale through an Internet website to a person other than a person who is in the business of selling tobacco products unless such website contains, on the part of each website page relating to sale of such products that is immediately visible when accessed, prominent and clearly legible warning labels as follows:

(1) A warning label stating that sales of tobacco products to persons under 18 years of age are illegal in all States except Alabama, Alaska, and Utah, where sales of tobacco products to person under 19 years of age are illegal.

(2) A warning label described—

(A) in the case of cigarettes, in subsections (a)(1) and (b)(2) of section 4 of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1333); and

(B) in the case of smokeless tobacco products, in subsections (a)(1) and (b)(1) of section 3 of the Federal Comprehensive Smokeless Tobacco Health Education Act of 1986 (15 U.S.C. 4402).

(d) ADVERTISING THROUGH INTERNET; ACCESS.—It shall be unlawful for any person in the business of selling tobacco products to advertise such products for sale through an Internet website unless access to the website (other than a nonselling website home page) is provided only to individuals who provide to the person the information described in subparagraphs (A) and (B) of subsection (b)(1) and whose information is verified according to the procedures described in subsection (b)(2).

(e) RULE OF CONSTRUCTION REGARDING COMMON CARRIERS.—This Act may not be construed as imposing liability upon any common carrier, or officers or employees thereof, when acting within the scope of business of the common carrier.

**SEC. 3. FEDERAL TRADE COMMISSION.**

(a) CIVIL ENFORCEMENT.—For purposes of the enforcement of section 2 by the Federal Trade Commission, a violation of a provision of subsection (a) or (b) of such section shall be deemed to be an unfair or deceptive act or practice in or affecting commerce within the meaning of the Federal Trade Commission Act, and the procedures under section 5(b) of such Act shall apply with respect to such a violation.

(b) REGULATIONS.—Not later than 90 days after the date of the enactment of this Act, the Commission shall promulgate a final rule for carrying out this Act.

(c) INFORMATION REGARDING STATE LAWS ON MINIMUM PURCHASE-AGE.—The Commission shall post on the Internet site of the Commission information that, by State, provides the minimum age at which it is legal under State law to purchase tobacco products in the State.

**SEC. 4. CRIMINAL PENALTIES.**

(a) IN GENERAL.—

(1) FIRST VIOLATION.—Except as provided in paragraph (2), any person who violates a provision of subsection (a) or (b) of section 2 shall be fined not more than \$1,000.

(2) SUBSEQUENT VIOLATIONS.—In the case of a second or subsequent violation by a person of a provision of subsection (a) or (b) of section 2, the person shall be fined not less than \$1,000 and not more than \$5,000.

(3) RULE OF CONSTRUCTION.—This subsection does not apply to a violation of a provision of subsection (a) or (b) of this section if any provision of subsection (b) of this section applies to such violation.

(b) KNOWING VIOLATIONS.—

(1) FIRST VIOLATION.—Except as provided in paragraph (2), any person who knowingly violates a provision of subsection (a) or (b) of section 2 shall be fined in accordance with title 18, United States Code, imprisoned not more than two years, or both.

(2) SUBSEQUENT VIOLATIONS.—In the case of a second or subsequent knowing violation by a person of a provision of subsection (a) or (b) of section 2, the person shall be fined in accordance with title 18, United States Code, imprisoned not more than five years, or both.

**SEC. 5. FEDERAL CIVIL ACTIONS BY STATE ATTORNEYS GENERAL AND CERTAIN OTHER INDIVIDUALS.**

(a) INJUNCTIVE RELIEF.—A State, through its State attorney general, on behalf of residents of the State, or any person who holds a permit under section 5712 of the Internal Revenue Code of 1986, may bring in an appropriate district court of the United States a civil action to restrain violations by a person of any provision of subsection (a) or (b) of section 2, including obtaining a preliminary or permanent injunction or other order against the person.

(b) COORDINATION WITH COMMISSION.—Before bringing a civil action under subsection (a), a State attorney general or any such person shall provide to the Federal Trade Commission written notice of the intent of the State attorney general or such person to bring the action.

(c) FEDERAL JURISDICTION.—

(1) IN GENERAL.—The district courts of the United States shall have jurisdiction over any civil action under subsection (a).

(2) VENUE.—A civil action under subsection (a) may be brought only in accordance with section 1391 of title 28, United States Code, or in the district in which the recipient of the tobacco products resides or is found.

(d) REQUIREMENTS FOR INJUNCTIONS AND ORDERS.—

(1) IN GENERAL.—In any civil action under subsection (a), upon a proper showing by the State attorney general or person bringing the action involved, the court may issue a preliminary or permanent injunction or other order to restrain a violation of a provision of subsection (a) or (b) of section 2.

(2) NOTICE.—No preliminary injunction or permanent injunction or other order may be issued under paragraph (1) without notice to the adverse party and an opportunity for a hearing.

(3) FORM AND SCOPE OF ORDER.—Any preliminary or permanent injunction or other order entered in a civil action under subsection (a) shall—

(A) set forth the reasons for the issuance of the order;

(B) be specific in its terms;

(C) describe in reasonable detail, and not by reference to the complaint or other document, the act or acts sought to be restrained; and

(D) be binding upon—

(i) the parties to the action and the officers, agents, employees, and attorneys of those parties; and

(ii) persons in active concert or participation with the parties to the action who receive actual notice of the order by personal service or otherwise.

(e) **ADDITIONAL REMEDIES.**—

(1) **IN GENERAL.**—A remedy under subsection (a) is in addition to any other remedies provided by law.

(2) **STATE COURT PROCEEDINGS.**—Nothing in this section may be construed to prohibit an authorized State official from proceeding in State court on the basis of an alleged violation of any State law.

**SEC. 6. COLLECTION OF STATE CIGARETTE TAXES.**

(a) **DEFINITIONS.**—Section 1 of the Act of October 19, 1949 (15 U.S.C. 375), is amended—

(1) in paragraph (1), by inserting “and other legal entities” after “individuals”;

(2) by striking paragraph (3);

(3) by redesignating paragraphs (4) through (7) as paragraphs (3) through (6), respectively; and

(4) by adding at the end the following new paragraphs:

“(7) The term ‘delivery sale’ means any sale of cigarettes to a consumer (other than a sale to a consumer for purposes of resale) if—

“(A) the consumer submits the order for such sale by means of a telephone or other method of voice transmission, the mails, or the Internet or other online service; or

“(B) the cigarettes are delivered by use of the mails or other delivery service.

“(8) The term ‘sale to a consumer for purposes of resale’ does not include a sale of cigarettes to a natural person who does not conduct business as a distributor or retailer of cigarettes in the jurisdiction in which such person resides.”.

(b) **REPORTS TO STATE TOBACCO TAX ADMINISTRATORS.**—Section 2 of that Act (15 U.S.C. 376) is amended—

(1) in subsection (a)—

(A) by striking “or transfers” and inserting “, transfers, or ships”; and

(B) by striking “to other than a distributor licensed by or located in such State,”; and

(2) in subsection (b)—

(A) by striking “(1)”; and

(B) by striking “, and (2)” and all that follows and inserting a period.

(c) **REQUIREMENTS FOR DELIVERY SALES.**—That Act is further amended by inserting after section 2 the following new section:

“SEC. 2A. (a) Each person making a delivery sale into a State shall comply with—

“(1) the shipping requirements set forth in subsection (b); and

“(2) all laws of the State generally applicable to sales of cigarettes that occur entirely within the State, including laws imposing—

“(A) excise taxes;

“(B) sales taxes;

“(C) licensing and tax-stamping requirements; and

“(D) escrow or other payment obligations.

“(b)(1) Each person who takes a delivery sale order shall include on the bill of lading included with the shipping package containing cigarettes sold pursuant to such order a clear and conspicuous statement providing as follows: ‘CIGARETTES: FEDERAL LAW REQUIRES THE PAYMENT OF ALL APPLICABLE EXCISE AND SALES TAXES, AND COMPLIANCE WITH APPLICABLE LICENSING, TAX-STAMPING, AND ESCROW PAYMENT OBLIGATIONS’.

“(2) Any shipping package described in paragraph (1) that is not labeled in accordance with that paragraph shall be treated as nonmailable matter under section 3001 of title 39, United States Code.

“(c) Each State shall have the authority to require any person making a delivery sale of cigarettes into such State to collect or pay the taxes referred to in subsection (a)(2) and

to comply with any other requirements described in that subsection.”.

(d) **PENALTIES.**—Section 3 of that Act (15 U.S.C. 377) is amended to read as follows:

“Sec. 3. (a) Except as provided in subsection (b), whoever violates a provision of section 2 or 2A shall be fined not more than \$1,000, imprisoned not more than 6 months, or both, in the case of the first violation, and fined not more than \$5,000, imprisoned not more than 6 months, or both, in the case of any subsequent violation.

“(b) Whoever knowingly violates a provision of section 2 or 2A shall be fined in accordance with title 18, United States Code, imprisoned not more than 2 years, or both.”.

(e) **INJUNCTIONS.**—Section 4 of that Act (15 U.S.C. 378) is amended—

(1) by inserting “(a)” before “The United States district courts”; and

(2) by adding at the end the following new subsections:

“(b)(1) A State, through its attorney general, or any person who holds a permit under section 5712 of the Internal Revenue Code of 1986, may bring an action in the United States district courts to prevent and restrain violations of this Act by any person (or by any person controlling such person).

“(2) Nothing in this section shall be construed to prohibit an authorized State official from proceeding in State court on the basis of an alleged violation of State law.

“(c) The Secretary of the Treasury shall administer the provisions of this Act, and shall have concurrent authority with the Attorney General to enforce the provisions of this Act.”.

**SEC. 7. TREATMENT OF CIGARETTES AS NON-MAILABLE MATTER.**

Section 1716 of title 18, United States Code, is amended—

(1) by redesignating subsection (j) as subsection (k); and

(2) by inserting after subsection (i) the following new subsection (j):

“(j) All cigarettes (as that term is defined in section 2341(1) of this title) are nonmailable and shall not be deposited in or carried through the mails.”.

**SEC. 8. PENAL PROVISIONS REGARDING TRAFFICKING IN CONTRABAND CIGARETTES.**

(a) **THRESHOLD QUANTITY FOR TREATMENT AS CONTRABAND.**—(1) Section 2341(2) of title 18, United States Code, is amended by striking “60,000 cigarettes” and inserting “2,000 cigarettes”.

(2) Section 2342(b) of that title is amended by striking “60,000” and inserting “2,000”.

(3) Section 2343 of that title is amended—

(A) in subsection (a), by striking “60,000” and inserting “2,000”; and

(B) in subsection (b), by striking “60,000” and inserting “2,000”.

(b) **RECORDKEEPING, REPORTING, AND INSPECTION.**—Section 2343 of that title, as amended by subsection (a)(3) of this section, is further amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking “only—” and inserting “such information as the Secretary considers appropriate for purposes of enforcement of this chapter, including—”; and

(B) in the flush matter following paragraph (3), by striking the second sentence;

(2) by redesignating subsection (b) as subsection (c);

(3) by inserting after subsection (a) the following new subsection (b):

“(b) Any person who engages in a delivery sale, and who ships, sells, distributes, or receives any quantity in excess of 10,000 cigarettes within a single month, shall submit to the Secretary, pursuant to rules or regulations prescribed by the Secretary, a report that sets forth the following:

“(1) The person’s beginning and ending inventory of cigarettes (in total) for such month.

“(2) The total quantity of cigarettes that the person received within such month from each other person (itemized by name and address).

“(3) The total quantity of cigarettes that the person distributed within such month to each person (itemized by name and address) other than a retail purchaser.”; and

(4) by adding at the end the following new subsection:

“(d) In this section, the term ‘delivery sale’ means any sale of cigarettes to a consumer (other than a sale to a consumer for purposes of resale) if—

“(1) the consumer submits the order for such sale by means of a telephone or other method of voice transmission, the mails, or the Internet or other online service; or

“(2) the cigarettes are delivered by use of the mails or other delivery service.”.

(c) **DISPOSAL OF FORFEITED CIGARETTES.**—Section 2344(c) of that title is amended by striking “seizure and forfeiture,” and all that follows and inserting “seizure and forfeiture, and any cigarettes so seized and forfeited shall be destroyed and not resold.”.

(d) **ENFORCEMENT.**—Section 2346 of that title is amended—

(1) by inserting “(a)” before “The Secretary”; and

(2) by adding at the end the following new subsection:

“(b) A State, through its attorney general, or any person who holds a permit under section 5712 of the Internal Revenue Code of 1986, may bring an action in the United States district courts to prevent and restrain violations of this chapter by any person (or by any person controlling such person).”.

(e) **CONFORMING AND CLERICAL AMENDMENTS.**—(1) The section heading for section 2343 of that title is amended to read as follows:

“§2343. Recordkeeping, reporting, and inspection”.

(2) The table of sections at the beginning of chapter 114 of that title is amended by striking the item relating to section 2343 and inserting the following new item:

“2343. Recordkeeping, reporting, and inspection”.

**SEC. 9. DEFINITIONS.**

In this Act:

(1) **STATE.**—The term “State” means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, and the Virgin Islands.

(2) **STATE ATTORNEY GENERAL.**—The term “State attorney general” means the attorney general or other chief law enforcement officer of a State, or the designee thereof.

(3) **TOBACCO PRODUCT.**—The term “tobacco product” means any product made or derived from tobacco that is intended for human consumption, including cigarettes, smokeless tobacco, pipe tobacco, and the product known as bidi.

**SEC. 10. EFFECTIVE DATE.**

(a) **IN GENERAL.**—Except as provided in subsection (b), this Act shall take effect 90 days after the date of the enactment of this Act.

(b) **RULEMAKING.**—The authority of the Federal Trade Commission to commence rulemaking under section 3(b) shall be effective on the date of the enactment of this Act.

(c) **UNLAWFUL ACTS.**—Section 2 shall apply to sales of tobacco products occurring on or after the effective date of this Act without regard to whether a final rule has been promulgated under section 3(b) as of that date.

By Mr. LIEBERMAN (for himself, Mr. WARNER, Mr. BAYH, Mr. MCCAIN, Mr. MCCONNELL, Mr. DOMENICI, Mr. HUTCHINSON, Ms. LANDRIEU, Mr. ALLARD, Mr. HELMS, and Mr. MILLER):

S.J. Res. 46. A joint resolution to authorize the use of United States Armed Forces against Iraq; read the first time.

S.J. RES. 46

Whereas in 1990 in response to Iraq's war of aggression against and illegal occupation of Kuwait, the United States forged a coalition of nations to liberate Kuwait and its people in order to defend the national security of the United States and enforce United Nations Security Council resolutions relating to Iraq;

Whereas after the liberation of Kuwait in 1991, Iraq entered into a United Nations sponsored cease-fire agreement pursuant to which Iraq unequivocally agreed, among other things, to eliminate its nuclear, biological, and chemical weapons programs and the means to deliver and develop them, and to end its support for international terrorism;

Whereas the efforts of international weapons inspectors, United States intelligence agencies, and Iraqi defectors led to the discovery that Iraq had large stockpiles of chemical weapons and a large scale biological weapons program, and that Iraq had an advanced nuclear weapons development program that was much closer to producing a nuclear weapon than intelligence reporting had previously indicated;

Whereas Iraq, in direct and flagrant violation of the cease-fire, attempted to thwart the efforts of weapons inspectors to identify and destroy Iraq's weapons of mass destruction stockpiles and development capabilities, which finally resulted in the withdrawal of inspectors from Iraq on October 31, 1998;

Whereas in 1998 Congress concluded that Iraq's continuing weapons of mass destruction programs threatened vital United States interests and international peace and security, declared Iraq to be in "material and unacceptable breach of its international obligations" and urged the President "to take appropriate action, in accordance with the Constitution and relevant laws of the United States, to bring Iraq into compliance with its international obligations" (Public Law 105-235);

Whereas Iraq both poses a continuing threat to the national security of the United States and international peace and security in the Persian Gulf region and remains in material and unacceptable breach of its international obligations by, among other things, continuing to possess and develop a significant chemical and biological weapons capability, actively seeking a nuclear weapons capability, and supporting and harboring terrorist organizations;

Whereas Iraq persists in violating resolutions of the United Nations Security Council by continuing to engage in brutal repression of its civilian population thereby threatening international peace and security in the region, by refusing to release, repatriate, or account for non-Iraqi citizens wrongfully detained by Iraq, including an American serviceman, and by failing to return property wrongfully seized by Iraq from Kuwait;

Whereas the current Iraqi regime has demonstrated its capability and willingness to use weapons of mass destruction against other nations and its own people;

Whereas the current Iraqi regime has demonstrated its continuing hostility toward, and willingness to attack, the United States, including by attempting in 1993 to assassinate

former President Bush and by firing on many thousands of occasions on United States and Coalition Armed Forces engaged in enforcing the resolutions of the United Nations Security Council;

Whereas members of al Qaida, an organization bearing responsibility for attacks on the United States, its citizens, and interests, including the attacks that occurred on September 11, 2001, are known to be in Iraq;

Whereas Iraq continues to aid and harbor other international terrorist organizations, including organizations that threaten the lives and safety of American citizens;

Whereas the attacks on the United States of September 11, 2001, underscored the gravity of the threat posed by the acquisition of weapons of mass destruction by international terrorist organizations;

Whereas Iraq's demonstrated capability and willingness to use weapons of mass destruction, the risk that the current Iraqi regime will either employ those weapons to launch a surprise attack against the United States or its Armed Forces or provide them to international terrorists who would do so, and the extreme magnitude of harm that would result to the United States and its citizens from such an attack, combine to justify action by the United States to defend itself;

Whereas United Nations Security Council Resolution 678 authorizes the use of all necessary means to enforce United Nations Security Council Resolution 660 and subsequent relevant resolutions and to compel Iraq to cease certain activities that threaten international peace and security, including the development of weapons of mass destruction and refusal or obstruction of United Nations weapons inspections in violation of United Nations Security Council Resolution 687, repression of its civilian population in violation of United Nations Security Council Resolution 688, and threatening its neighbors or United Nations operations in Iraq in violation of United Nations Security Council Resolution 949;

Whereas Congress in the Authorization of Use of Military Force Against Iraq Resolution (Public Law 102-1) has authorized the President "to use United States Armed Forces pursuant to United Nations Security Council Resolution 678 (1990) in order to achieve implementation of Security Council Resolutions 660, 661, 662, 664, 665, 666, 667, 669, 670, 674, and 677";

Whereas in December 1991, Congress expressed its sense that it "supports the use of all necessary means to achieve the goals of United Nations Security Council Resolution 687 as being consistent with the Authorization of Use of Military Force Against Iraq Resolution (Public Law 102-1)," that Iraq's repression of its civilian population violates United Nations Security Council Resolution 688 and "constitutes a continuing threat to the peace, security, and stability of the Persian Gulf region," and that Congress, "supports the use of all necessary means to achieve the goals of United Nations Security Council Resolution 688";

Whereas the Iraq Liberation Act (Public Law 105-338) expressed the sense of Congress that it should be the policy of the United States to support efforts to remove from power the current Iraqi regime and promote the emergence of a democratic government to replace that regime;

Whereas on September 12, 2002, President Bush committed the United States to "work with the United Nations Security Council to meet our common challenge" posed by Iraq and to "work for the necessary resolutions," while also making clear that "the Security Council resolutions will be enforced, and the just demands of peace and security will be met, or action will be unavoidable";

Whereas the United States is determined to prosecute the war on terrorism and Iraq's ongoing support for international terrorist groups combined with its development of weapons of mass destruction in direct violation of its obligations under the 1991 cease-fire and other United Nations Security Council resolutions make clear that it is in the national security interests of the United States and in furtherance of the war on terrorism that all relevant United Nations Security Council resolutions be enforced, including through the use of force if necessary;

Whereas Congress has taken steps to pursue vigorously the war on terrorism through the provision of authorities and funding requested by the President to take the necessary actions against international terrorists and terrorist organizations, including those nations, organizations or persons who planned, authorized, committed or aided the terrorist attacks that occurred on September 11, 2001, or harbored such persons or organizations;

Whereas the President and Congress are determined to continue to take all appropriate actions against international terrorists and terrorist organizations, including those nations, organizations or persons who planned, authorized, committed or aided the terrorist attacks that occurred on September 11, 2001, or harbored such persons or organizations;

Whereas the President has authority under the Constitution to take action in order to deter and prevent acts of international terrorism against the United States, as Congress recognized in the joint resolution on Authorization for Use of Military Force (Public Law 107-40); and

Whereas it is in the national security of the United States to restore international peace and security to the Persian Gulf region: Now, therefore, be it

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This joint resolution may be cited as the "Authorization for the Use of Military Force Against Iraq".

#### SEC. 2. SUPPORT FOR UNITED STATES DIPLOMATIC EFFORTS.

The Congress of the United States supports the efforts by the President to—

(1) strictly enforce through the United Nations Security Council all relevant Security Council resolutions applicable to Iraq and encourages him in those efforts; and

(2) obtain prompt and decisive action by the Security Council to ensure that Iraq abandons its strategy of delay, evasion and noncompliance and promptly and strictly complies with all relevant Security Council resolutions.

#### SEC. 3. AUTHORIZATION FOR USE OF UNITED STATES ARMED FORCES.

(a) AUTHORIZATION.—The President is authorized to use the Armed Forces of the United States as he determines to be necessary and appropriate in order to—

(1) defend the national security of the United States against the continuing threat posed by Iraq; and

(2) enforce all relevant United Nations Security Council Resolutions regarding Iraq.

(b) PRESIDENTIAL DETERMINATION.—In connection with the exercise of the authority granted in subsection (a) to use force the President shall, prior to such exercise or as soon thereafter as may be feasible, but not later than 48 hours after exercising such authority, make available to the Speaker of the House of Representatives and the President pro tempore of the Senate his determination that—

(1) reliance by the United States on further diplomatic or other peaceful means alone either (A) will not adequately protect the national security of the United States against the continuing threat posed by Iraq or (B) is not likely to lead to enforcement of all relevant United Nations Security Council resolutions regarding Iraq; and

(2) acting pursuant to this resolution is consistent with the United States and other countries continuing to take the necessary actions against international terrorists and terrorist organizations, including those nations, organizations or persons who planned, authorized, committed or aided the terrorists attacks that occurred on September 11, 2001.

(c) WAR POWERS RESOLUTION REQUIREMENTS.—

(1) SPECIFIC STATUTORY AUTHORIZATION.—Consistent with section 8(a)(1) of the War Powers Resolution, the Congress declares that this section is intended to constitute specific statutory authorization within the meaning of section 5(b) of the War Powers Resolution.

(2) APPLICABILITY OF OTHER REQUIREMENTS.—Nothing in this resolution supersedes any requirement of the War Powers Resolution.

#### SEC. 4. REPORTS TO CONGRESS.

(a) The President shall, at least once every 60 days, submit to the Congress a report on matters relevant to this joint resolution, including actions taken pursuant to the exercise of authority granted in section 2 and the status of planning for efforts that are expected to be required after such actions are completed, including those actions described in section 7 of Public Law 105-338 (the Iraq Liberation Act of 1998).

(b) To the extent that the submission of any report described in subsection (a) coincides with the submission of any other report on matters relevant to this joint resolution otherwise required to be submitted to Congress pursuant to the reporting requirements of Public Law 93-148 (the War Powers Resolution), all such reports may be submitted as a single consolidated report to the Congress.

(c) To the extent that this information required by section 3 of Public Law 102-1 is included in the report required by this section, such report shall be considered as meeting the requirements of section 3 of Public Law 102-1.

#### STATEMENTS ON SUBMITTED RESOLUTIONS

SENATE RESOLUTION 332—RECOGNIZING THE “CODE ADAM” CHILD SAFETY PROGRAM, COMMENDING RETAIL BUSINESS ESTABLISHMENTS THAT HAVE IMPLEMENTED PROGRAMS TO PROTECT CHILDREN FROM ABDUCTION, AND URGING RETAIL BUSINESS ESTABLISHMENTS THAT HAVE NOT IMPLEMENTED SUCH PROGRAM TO CONSIDER DOING SO

Mrs. CLINTON submitted the following resolution; which was referred to the Committee on the Judiciary.

S. RES. 332

Whereas protecting children is one of society's greatest responsibilities;

Whereas child abduction, an unconscionable and horrendous crime, seems to be increasing in frequency;

Whereas parents, and all other adults, must be ever vigilant in public places to protect children, who by their very nature are trusting and unsuspecting, from those depraved and vile individuals who would prey on them;

Whereas recognizing the risk of child abduction, some retail business establishments have developed safety procedures and programs designed to prevent abductors from using crowds of shoppers as cover for nefarious acts;

Whereas one of the most successful programs to prevent child abduction is the “Code Adam” alarm developed and implemented by Wal-Mart stores and SAM'S Clubs throughout the Nation; and

Whereas named in tribute to 6-year-old Adam Walsh who was abducted from a shopping mall in the State of Florida and murdered in 1981, the “Code Adam” alarm signals that there is a missing child and alerts all sales personnel in the affected retail business establishment to abandon their normal responsibilities and, in a coordinated and prearranged organized manner, to begin searching for the child and monitoring the establishment exits to ensure that the child is not removed from the establishment: Now, therefore, be it

*Resolved*, That the Senate recognizes the “Code Adam” child safety program, commends all retail business establishments that have implemented such program to protect children from abduction, and urges retail business establishments that have not implemented such program to consider doing so.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 4850. Mr. FEINGOLD submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table.

SA 4851. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill H.R. 5093, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table.

#### TEXT OF AMENDMENTS

**SA 4850.** Mr. FEINGOLD submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in the bill insert the following section:

#### SEC. . COST OF LIVING ADJUSTMENT FOR MEMBERS OF CONGRESS.

Notwithstanding any other provision of law, no adjustment shall be made under section 601(a) of the Legislative Reorganization Act of 1946 (2 U.S.C. 31) (relating to cost of living adjustments for Members of Congress) during fiscal year 2003.

**SA 4851.** Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill H.R. 5093, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2003,

and for other purposes; which was ordered to lie on the table; as follows:

“, *Provided further*, that \$200,000 shall be made available for operation of the Mescalero Fish Hatchery, formerly the Mescalero National Fish Hatchery, to be operated under tribal management and control; *Provided further*, That such finding shall be available to the Mescalero Apache Tribe in accordance with the provisions of the Indian Education and Assistance Self-Determination Act, Public Law 93-638”.

#### NOTICES OF HEARINGS/MEETINGS

##### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I wish to announce that the Committee on Energy and Natural Resources will hold a Business Meeting during the session of the Senate on Thursday, October 3, at 9:30 a.m. in SD-366. The purpose of the Business Meeting is to consider pending calendar business.

#### AUTHORITY FOR COMMITTEES TO MEET

##### COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Wednesday, October 2, 2002, at 9:30 a.m. on Airlines Viability in the Current Economic Climate.

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

##### COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet on Wednesday, October 2, 2002, at 2:00 p.m. to conduct a hearing to review the status and studies of the health impacts of PM-2.5, particularly those effects associated with power plant emissions.

The hearing will be held in SD-406.

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

##### COMMITTEE ON THE JUDICIARY

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on “Stopping Child Pornography: Protecting our Children and the Constitution” on Wednesday, October 2, 2002 in Dirksen Room 226 at 10:00 a.m.

Witness List: Daniel P. Collins, Associate Deputy Attorney General and Chief Privacy Officer, United States Department of Justice, Washington, D.C.; Frederick Schauer, Professor, John F. Kennedy School of Government and Harvard Law School, Cambridge, MA; Anne M. Coughlin, Professor of Law, University of Virginia School of Law, Charlottesville, VA; Ernie Allen, Director, The National Center for Missing and Exploited Children, Alexandria, VA.

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

##### SELECT COMMITTEE ON INTELLIGENCE

Mr. LIEBERMAN. Mr. President I ask unanimous consent that the Select

Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, October 2, 2002 at 10:00 a.m. to hold a closed hearing on intelligence matters.

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

#### PRIVILEGES OF THE FLOOR

Mr. LOTT. Mr. President, I ask unanimous consent that privilege of the floor be granted to Wayne Boyles, Jimmy Broughton, Anne Chitwood, David Crofts, Sonja Damuth, Michele Dekonty, Pat Devine, Shane Fernando, Sherri Hupart, Joe Lanier, Matt Leggett, Judy Lovell, Ruthie McGinn, Langley Moretz, Elizabeth Parker, Mary Lynn Qurnell, Jim Schollaert, Kelly Spearman, Ricky Welborn, David Whitney, Sara Battaglia, Jose Cardenas, Richard Douglas, Walter "Skip" Fischer, Brian Fox, Jeffrey Gibbs, Philip Griffin, Kristopher Klaich, Carolyn Leddy, Walter Lohman, Patricia "Patti" McNerney, David Merkel, Lester Munson, Susan Oursler, Maurice Perkins, Jedidiah Royal, Kelly Siekman, and Susan Williams for the duration of this morning's tribute to Senator HELMS of North Carolina.

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

Mrs. LINCOLN. Mr. President, I ask unanimous consent that privilege of the floor be granted to Steven Dettelbach of the Judiciary Committee staff, as well as Elizabeth Pika who serves as a fellow in my office, during the pendency of H.R. 2215, the Department of Justice authorization conference report.

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

#### EXECUTIVE SESSION

#### EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations: Calendar Nos. 935 through 998, 1007, 1037, 1038, 1053, and 1054; that the nominations be confirmed, the motion to reconsider be laid on the table, the President be immediately notified of the Senate's action; that any statements thereon be printed in the RECORD, and the Senate then resume legislative session, with the preceding all occurring without intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The nominations were considered and confirmed, as follows:

#### DEPARTMENT OF STATE

James Franklin Jeffrey, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Albania.

James Irvin Gadsden, of Maryland, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Iceland.

Martin George Brennan, of California, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Zambia.

Vicki Huddleston, Arizona, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Mali.

Donald C. Johnson, of Texas, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Cape Verde.

Jimmy Kolker, of Missouri, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Uganda.

Gail Dennise Thomas Mathieu, of New Jersey, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Niger.

J. Anthony Holmes, of California, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Burkina Faso.

Aurelia E. Brazeal, of Georgia, a Career Member of the Senior Foreign Service, Class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Federal Democratic Republic of Ethiopia.

Richard L. Baltimore III, of New York, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States to the Sultanate of Oman.

#### THE JUDICIARY

James Knoll Garner, of Pennsylvania, to be United States District Judge for the Eastern District of Pennsylvania.

Ronald H. Clark, of Texas, to be United States District Judge for the Eastern District of Texas.

Lawrence J. Block, of Virginia, to be a Judge of the United States Court of Federal Claims for a term of fifteen years.

Charles E. Erdmann, of Colorado, to be a Judge of the United States Court of Appeals for the Armed Forces for the term of fifteen years to expire on the date prescribed by law.

#### DEPARTMENT OF DEFENSE

Thomas Forrest Hall, of Oklahoma, to be an Assistant Secretary of Defense.

#### NOMINATION OF LAWRENCE BLOCK

Mr. HATCH. Mr. President, it is my sincere pleasure to rise in support of the nomination of Lawrence Block to the United States Court of Federal Claims.

Larry hardly needs an introduction, since he has served on the staff of the Judiciary Committee for the past eight years. Those of us who have worked with him know that he is an incredibly

talented lawyer whose broad legal experience spans private practice, all three branches of the Federal Government, and academia.

Larry earned a B.A. degree from New York University magna cum laude before earning his law degree from The John Marshall Law School in 1981. He began his legal career as a clerk for the Honorable Roger J. Miner, who at the time was a U.S. District Court Judge for the Northern District of New York and who now sits on the Second Circuit Court of Appeals. After his clerkship, Larry worked as an associate in the high-powered New York office of Skadden, Arps, Slate, Meagher and Flom, where his practice included constitutional claims pertaining to Commerce Clause and commercial speech issues, as well as litigation involving financial services, mergers and acquisitions, securities, labor law, and administrative law.

After several years in private practice, Larry returned to public service, and served with distinction in the Reagan, George H.W. Bush, and Clinton Administrations. From 1986 to 1990, he worked in the U.S. Department of Justice, first in the Commercial Litigation Branch, then as Senior Attorney-Advisor in the Office of Legal Policy and Policy Development. From 1990 to 1994, Larry served as Acting General Counsel for Legal Policy and Deputy Assistant General Counsel for Legal Policy at the U.S. Department of Energy, where he spearheaded a number of complex legal projects. Despite his demanding workload, he found time to teach as an adjunct professor at George Mason University School of Law.

In 1994, I was able to persuade Larry to leave the executive branch to come work for me. I have first-hand knowledge of his legal talents, and have nothing but respect for his abilities, especially in light of the significant health-related obstacles that he has overcome. Several years ago, Larry suffered a debilitating stroke during heart surgery. Although his prognosis was grim, Larry defied the odds by making a full recovery. He is now in excellent health. I know that Larry is proud of having overcome this temporary setback, and I have no doubt that he will take to the federal bench the same perseverance that aided his recovery.

During his tenure on my staff, Larry has amply demonstrated his keen legal mind. But, just as importantly, he has shown repeatedly his fairness and willingness to listen to all sides of an issue before exercising his judgment. This is why he is a staffer admired and respected on both sides of the aisle.

I will miss Larry's sage advice and counsel, but our loss will be the gain of the Court of Claims, where I am confident that Larry will serve as an impartial judge who will follow precedent to achieve uniformity and consistency in the law. I wish him all the best.

## NOMINATION OF JAMES GARDNER

Mr. SPECTER. Mr. President, I seek recognition today to express my strong support for Judge James Gardner who President Bush nominated for the United States District Court for the Eastern District of Pennsylvania. The American Bar Association has rated Judge Gardner "well-qualified" to sit on the bench.

Judge Gardner graduated magna cum laude with a B.A. degree from Yale University and received his J.D. degree from Harvard University Law School. After graduating from law school, Judge Gardner joined the law firm of Duane, Morris & Hecksher as an Associate. After leaving that prestigious firm, he became a partner in the law firm of Gardner, Gardner, & Racines in Allentown, Pennsylvania.

He began his career in public service as Solicitor to the Lehigh County Treasurer and later as an Assistant District Attorney in Lehigh County. Judge Gardner served his country on active duty with the United States Navy Judge Advocate General's Corps and in the Navy Reserve. Currently, Judge Gardner serves as a Judge on the Court of Common Pleas of Lehigh County, Pennsylvania. He has served in all divisions of that court and has presided over 265 jury trials and innumerable hearings. He has also written over 1,000 legal opinions and adjudications, 138 of which have been published.

Judge Gardner is very active in his community. He is on the Board of Directors of the Boys and Girls Club of Allentown and the Allentown Police Athletic League. He has been awarded the Meritorious Service Medal from the President of the United States and the Pennsylvania Bar Association's Special Achievement Award.

I thank my colleagues for their vote for the confirmation of Judge Gardner to sit on the United States District Court for the Eastern District of Pennsylvania.

Mr. REID. Mr. President, I simply note that this is clearance of 10 ambassadors, all in one fell swoop. It is very important that we have ambassadors to these countries. I am glad we have accomplished that.

## LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

## AMENDING CHARTER OF VETERANS OF FOREIGN WARS ORGANIZATION

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 569, H.R. 3838.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 3838) to amend the charter for Veterans of Foreign Wars of the United

States organization to make members of the armed forces who receive special pay for duty subject to hostile fire or imminent danger eligible for membership in the organization, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, I ask unanimous consent that the bill be read a third time, passed, the motion to reconsider be laid on the table, with no intervening action or debate, and that any statements on this matter be printed in the RECORD.

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

The bill (H.R. 3838) was read the third time and passed.

## AMENDING CHARTER OF AMVETS ORGANIZATION

Mr. REID. Mr. President, I ask unanimous consent the Senate now proceed to the consideration of Calendar No. 564, S. 1972.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows: A bill (S. 1972) to amend the charter of the AMVETS organization.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, I ask unanimous consent that the bill be read a third time, passed, the motion to reconsider be laid on the table, with no intervening action or debate, and that any statements relating to this matter be printed in the RECORD.

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

The bill (S. 1972) was read the third time and passed, as follows:

S. 1972

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. AMENDMENTS TO AMVETS CHARTER.**

(a) NAME OF ORGANIZATION.—(1) Sections 22701(a) and 22706 of title 36, United States Code, are amended by striking "AMVETS (American Veterans of World War II, Korea, and Vietnam)" and inserting "AMVETS (American Veterans)".

(2)(A) The heading of chapter 227 of such title is amended to read as follows:

**"CHAPTER 227—AMVETS (AMERICAN VETERANS)".**

(B) The item relating to such chapter in the table of chapters at the beginning of subtitle II of such title is amended to read as follows:

"227. AMVETS (AMERICAN VETERANS) ..... 22701"

(b) GOVERNING BODY.—Section 22704(c)(1) of such title is amended by striking "seven national vice commanders" and all that follows through "a judge advocate," and inserting "two national vice commanders, a finance officer, a judge advocate, a chaplain, six national district commanders."

(c) HEADQUARTERS AND PRINCIPAL PLACE OF BUSINESS.—Section 22708 of such title is amended—

(1) by striking "the District of Columbia" in the first sentence and inserting "Maryland"; and

(2) by striking "the District of Columbia" in the second sentence and inserting "Maryland".

## AMENDING CHARTER OF AMVETS ORGANIZATION

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 568, H.R. 3214.

The legislative clerk read as follows:

A bill (H.R. 3214) to amend the charter of the AMVETS organization.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, I ask unanimous consent that the bill be read a third time, passed, the motion to reconsider be laid on the table, that there be no intervening action or debate, and that any statements relating to this matter be printed in the RECORD.

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

The bill (H.R. 3214) was read the third time and passed.

## POW/MIA MEMORIAL FLAG ACT OF 2001

Mr. REID. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. 1226 and that we now proceed to its consideration.

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

The clerk will report the bill by title.

The legislative clerk read as follows: A bill (S. 1226) to require the display of the POW/MIA flag at the World War II Memorial, the Korean Memorial, and the Vietnam Vets Memorial.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, I ask unanimous consent that the bill be read the third time, passed, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD.

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

The bill (S. 1226) was read the third time and passed, as follows:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "POW/MIA Memorial Flag Act of 2001".

**SEC. 2. DISPLAY OF POW/MIA FLAG AT WORLD WAR II MEMORIAL, KOREAN WAR MEMORIAL, AND VIETNAM VETERANS MEMORIAL.**

(a) REQUIREMENT FOR DISPLAY.—Subsection (d)(3) of section 902 of title 36, United States Code, is amended by striking "The Korean War Veterans Memorial and the Vietnam Veterans Memorial" and inserting "The World War II memorial, the Korean War Veterans Memorial, and the Vietnam Veterans Memorial".

(b) DAYS FOR DISPLAY.—Subsection (c)(2) of that section is amended—

(1) by redesignating subparagraphs (A) and (B) as subparagraphs (B) and (C), respectively; and

(2) by inserting before the subparagraph (B), as so redesignated, the following new subparagraph (A):

"(A) in the case of display at the World War II memorial, Korean War Veterans Memorial, and Vietnam Veterans Memorial (required by subsection (d)(3) of this section),

any day on which the United States flag is displayed.”

(C) DISPLAY ON EXISTING FLAGPOLE.—No element of the United States Government may construe the amendments made by this section as requiring the acquisition of erection of a new or additional flagpole for purposes of the display of the POW/MIA flag.

STAR PRINT—S. 3011

Mr. REID. Mr. President, I ask unanimous consent that S. 3011 be star printed with the changes at the desk.

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

BIRTH DEFECTS AND DEVELOPMENTAL DISABILITIES PREVENTION ACT OF 2002

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 626, S. 2980.

The PRESIDING OFFICER. The clerk will state the bill by title.

The legislative clerk read as follows:

A bill (S. 2980) to revise and extend the Birth Defect Prevention Act of 1998.

There being no objection, the Senate proceeded to consider the bill, which was reported from the Committee on Health, Education, Labor, and Pensions with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

[Strike the part printed in black brackets and, insert the part printed in italic.]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

[This Act may be cited as the “Birth Defects and Developmental Disabilities Prevention Act of 2002”.

**SEC. 2. NATIONAL CENTER ON BIRTH DEFECTS AND DEVELOPMENTAL DISABILITIES.**

[Section 317C of the Public Health Service Act (42 U.S.C. 247b-4) is amended—

[(1) in subsection (a)(2)—

[(A) in subparagraph (A)—

[(i) by striking “and developmental disabilities” and inserting “, developmental disabilities, and disabilities and health”; and

[(ii) by striking “subsection (d)(2)” and inserting “subsection (c)(2)”;

[(B) in subparagraph (B), by striking “and” at the end;

[(C) in subparagraph (C), by striking the period; and

[(D) by adding at the end the following:

[(D) to conduct research on and to promote the prevention (including the prevention of secondary conditions) of such birth defects and disabilities; and

[(E) to support a National Spina Bifida Program to prevent and reduce suffering from the nation’s most common permanently disabling birth defect.”;

[(2) by striking subsection (b);

[(3) in subsection (d)—

[(A) in the matter preceding paragraph (1), by striking “1999” and inserting “2004”;

[(B) in paragraph (1)—

[(i) by inserting “and developmental disabilities” after “defects” each place that such appears; and

[(ii) by inserting “and affected quality of life” before the semicolon;

[(C) in paragraph (3), by inserting “and developmental disabilities” after “defects”;

[(D) in paragraph (4), by striking “and” at the end;

[(E) by redesignating paragraph (5) as paragraph (7); and

[(F) by inserting after paragraph (4), the following:

[(5) contains information on the incidence and prevalence of individuals living with birth defects and disabilities, any health disparities experienced by such individuals, and recommendations for improving the health and wellness and quality of life of such individuals;

[(6) contains a summary of recommendations from all birth defects research conferences sponsored by the agency including conferences related to spina bifida; and”;

[(4) in subsection (e)—

[(A) by inserting “, including section 444 of the General Education Provisions Act,” after “privacy of information”; and

[(B) by inserting before the period the following: “, except that the Centers for Disease Control and Prevention shall have access to information under section 444(b)(1)(F) of such Act solely for purposes of carrying out subsection (a)(1) of this section and shall otherwise comply with all other requirements of such section 444”;

[(5) by redesignating subsections (c), (d), and (e) as subsections (b), (c), and (d), respectively;

[(6) by inserting after subsection (d) (as so redesignated), the following:

[(e) ADVISORY COMMITTEE.—Notwithstanding any other provision of law, the members of the advisory committee appointed by the Director of the National Center for Environmental Health that have expertise in birth defects, developmental disabilities, and disabilities and health shall be transferred to the National Center on Birth Defects on the date of enactment of the Birth Defects and Developmental Disabilities Prevention Act of 2002.”; and

[(7) in subsection (f), by striking “\$30,000,000” and all that follows and inserting “such sums as may be necessary for each of fiscal years 2003 through 2007.”.]

**SECTION 1. SHORT TITLE.**

*This Act may be cited as the “Birth Defects and Developmental Disabilities Prevention Act of 2002”.*

**SEC. 2. NATIONAL CENTER ON BIRTH DEFECTS AND DEVELOPMENTAL DISABILITIES.**

*Section 317C of the Public Health Service Act (42 U.S.C. 247b-4) is amended—*

*(1) in subsection (a)(2)—*

*(A) in subparagraph (A)—*

*(i) by striking “and developmental disabilities” and inserting “, developmental disabilities, and disabilities and health”; and*

*(ii) by striking “subsection (d)(2)” and inserting “subsection (c)(2)”;*

*(B) in subparagraph (B), by striking “and” at the end;*

*(C) in subparagraph (C), by striking the period; and*

*(D) by adding at the end the following:*

*“(D) to conduct research on and to promote the prevention of such birth defects, disabilities, and the prevention of secondary health conditions among individuals with disabilities; and*

*“(E) to support a National Spina Bifida Program to prevent and reduce suffering from the nation’s most common permanently disabling birth defect.”;*

*(2) by striking subsection (b);*

*(3) in subsection (d)—*

*(A) in the matter preceding paragraph (1), by striking “1999” and inserting “2004”;*

*(B) by striking paragraph (1) and inserting the following:*

*“(1) contains information regarding the incidence and prevalence of birth defects, developmental disabilities, and the health status of in-*

*dividuals with disabilities and the extent to which these conditions have contributed to the incidence and prevalence of infant mortality and affected quality of life.”;*

*(C) in paragraph (3), by inserting “, developmental disabilities, and secondary health conditions among individuals with disabilities” after “defects”;*

*(D) in paragraph (4), by striking “and” at the end;*

*(E) by redesignating paragraph (5) as paragraph (7); and*

*(F) by inserting after paragraph (4), the following:*

*“(5) contains information on the incidence and prevalence of individuals living with birth defects and disabilities, developmental disabilities, and the health status of individuals with disabilities, any health disparities experienced by such individuals, and recommendations for improving the health and wellness and quality of life of such individuals;*

*“(6) contains a summary of recommendations from all birth defects research conferences sponsored by the agency including conferences related to spina bifida; and”;*

*(4) in subsection (e)—*

*(A) by inserting “, including section 444 of the General Education Provisions Act,” after “privacy of information”; and*

*(B) by inserting before the period the following: “, except that the Centers for Disease Control and Prevention shall have access to information under section 444(b)(1)(F) of such Act solely for purposes of carrying out subsection (a)(2) of this section and shall otherwise comply with all other requirements of such section 444”;*

*(5) by redesignating subsections (c), (d), and (e) as subsections (b), (c), and (d), respectively;*

*(6) by inserting after subsection (d) (as so redesignated), the following:*

*“(e) ADVISORY COMMITTEE.—Notwithstanding any other provision of law, the members of the advisory committee appointed by the Director of the National Center for Environmental Health that have expertise in birth defects, developmental disabilities, and disabilities and health shall be transferred to and shall advise the National Center on Birth Defects and Developmental Disabilities on the date of enactment of the Birth Defects and Developmental Disabilities Prevention Act of 2002.”; and*

*(7) in subsection (f), by striking “\$30,000,000” and all that follows and inserting “such sums as may be necessary for each of fiscal years 2003 through 2007.”.*

**SEC. 3. TECHNICAL CORRECTIONS FOR STATE COUNCILS ON DEVELOPMENTAL DISABILITIES**

*Section 122(a) of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15022(a)) is amended—*

*(1) in paragraph (3)(A)(ii), by inserting before the period the following: “, the amount received by the State for the previous year, or the amount of Federal appropriations received in fiscal years 2000, 2001, or 2002, whichever is greater”;* and

*(2) in paragraph (4)(A)(ii), by inserting before the period the following: “, the amount received by the State for the previous year, or the amount of Federal appropriations received in fiscal years 2000, 2001, or 2002, whichever is greater”.*

Mr. KENNEDY. Mr. President, birth defects are the leading cause of infant mortality in the United States. They account for more than 20 percent of all infant deaths. Of the nearly 120,000 babies born in the United States each year with a birth defect, 8,000 will die during their first year of life. This tragic loss of life is unconscionable and unacceptable when so many birth defects are preventable.

This legislation will provide new hope for families across the country by

developing better ways to identify the causes of birth defects, better ways to prevent them, and better ways to apply what we already know.

The legislation gives strong new support to the National Center on Birth Defects and Developmental Disabilities in the ongoing effort to improve the health of the nation's children. The Center's leadership in reducing birth defects by educating pregnant women about the benefits of folic acid and the dangers of alcohol and drugs, can save thousands of children from suffering the lifelong effects of preventable birth defects.

I urge the Senate to approve this bipartisan legislation, and I commend Senator BOND and Senator DODD for their leadership and their continuing commitment to improving the health of children.

Mr. REID. Mr. President, I ask unanimous consent that the committee-reported amendment be agreed to, the bill, as amended, be read the third time, passed, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD.

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

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 2980), as amended, was read the third time and passed.

#### MEASURE READ THE FIRST TIME—H.R. 4793

Mr. REID. Mr. President, I understand H.R. 4793 is now at the desk, having come over from the House. I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill by title for the first time.

The legislative clerk read as follows:

A bill (H.R. 4793) to authorize grants through the Centers for Disease Control and Prevention for mosquito control programs to prevent mosquito-borne diseases.

Mr. REID. Mr. President, I ask for its second reading, and I object to my own request on behalf of my colleagues.

The PRESIDING OFFICER. Objection having been heard, the bill will receive its second reading on the next legislative day.

#### MEASURE READ THE FIRST TIME—H.R. 3534

Mr. REID. Mr. President, H.R. 3534 is at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the title of the bill for the first time.

The legislative clerk read as follows:

A bill (H.R. 3534) to provide for the settlement of certain land claims of Cherokee, Choctaw, and Chickasaw Nations to the Arkansas Riverbed in Oklahoma.

Mr. REID. Mr. President, I ask for its second reading, and I object to my own request.

The PRESIDING OFFICER. Objection having been heard, the bill will receive its second reading on the next legislative day.

#### ORDERS FOR THURSDAY, OCTOBER 3, 2002

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 10 a.m., Thursday, October 3; that following the prayer and the pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and there then be a period for the transaction of morning business until 11:30 a.m., with Senators permitted to speak therein for up to 10 minutes each, with the first half of the time under the control of Senator LOTT or his designee, and the second half of the time under the control of the majority leader or his designee; that at 11:30 a.m., the Senate resume consideration of the Department of Justice authorization conference report and vote on cloture; further, that the live quorums with respect to the filed cloture motions be waived.

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

#### ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:45 p.m., adjourned until Thursday, October 3, 2002, at 10 a.m.

#### NOMINATIONS

Executive nomination received by the Senate October 2, 2002:

DEPARTMENT OF HEALTH AND HUMAN SERVICES

MARK B. MCLELLAN, OF THE DISTRICT OF COLUMBIA, TO BE COMMISSIONER OF FOOD AND DRUGS, DEPARTMENT OF HEALTH AND HUMAN SERVICES, VICE JANE E. HENNEY, RESIGNED.

#### CONFIRMATIONS

Executive Nominations Confirmed by the Senate October 2, 2002:

DEPARTMENT OF STATE

JAMES FRANKLIN JEFFREY, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF ALBANIA.

JAMES IRVIN GADSDEN, OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF ICELAND.

MARTIN GEORGE BRENNAN, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF ZAMBIA.

VICKI HUDDLESTON, OF ARIZONA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF MALLI.

DONALD C. JOHNSON, OF TEXAS, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF CAPE VERDE.

JIMMY KOLKER, OF MISSOURI, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF UGANDA.

GAIL DENNISE THOMAS MATHIEU, OF NEW JERSEY, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF NIGER.

J. ANTHONY HOLMES, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO BURKINA FASO.

AURELIA E. BRAZEAL, OF GEORGIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA.

RICHARD L. BALTIMORE III, OF NEW YORK, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE SULTANATE OF OMAN.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

#### THE JUDICIARY

JAMES KNOLL GARDNER, OF PENNSYLVANIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF PENNSYLVANIA.

RONALD H. CLARK, OF TEXAS, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF TEXAS.

LAWRENCE J. BLOCK, OF VIRGINIA, TO BE A JUDGE OF THE UNITED STATES COURT OF FEDERAL CLAIMS FOR A TERM OF FIFTEEN YEARS.

CHARLES E. ERDMANN, OF COLORADO, TO BE A JUDGE OF THE UNITED STATES COURT OF APPEALS FOR THE ARMED FORCES FOR THE TERM OF FIFTEEN YEARS TO EXPIRE ON THE DATE PRESCRIBED BY LAW.

#### DEPARTMENT OF DEFENSE

THOMAS FORREST HALL, OF OKLAHOMA, TO BE AN ASSISTANT SECRETARY OF DEFENSE.