formal discussions on Friday, followed by a news conference.

Mr. Blair has been a steadfast supporter of the administration's tough line on a new resolution. But he has also indicated that Britain would consider France's proposal to have a two-tiered approach, with the Security Council first adopting a resolution to compel Iraq to cooperate with international weapons inspectors, and then, if Iraq failed to comply, adopting a second resolution on military force. Earlier this week, Russia indicated that it, too, was prepared to consider the French position.

But the administration is now saying that if there is a two-resolution approach, it will insist that the first resolution provide Mr. Bush all the authority he needs.

''The timing of all this is impossible to anticipate,'' one administration official involved in the talks said. ''The president doesn't want to have to wait around for a second resolution if it is clear that the Iraqis are not cooperating.''

EXPRESSING SYMPATHY FOR THE PEOPLE OF AUSTRALIA

Mr. LOTT. Mr. President, the people of the United States were shocked and saddened to learn of the cold blooded and cowardly attack on hundreds of Australian tourists vacationing on the island of Bali, on October 12. In a few shocking seconds our friends lost more of their fellow Australians than at any time since the darkest days of World War II.

Although Australia is at the farthest corner of the earth, America has no greater friend or ally. Just this year Prime Minister John Howard addressed a joint session of the United States Congress to celebrate the 50th Anniversary of the signing ANZUS Treaty, the document that has formally tied our strategic destinies together for the Food of the entire Asian Pacific Rim.

But our relationship with Australia did not begin with the ratification of one treaty. American and Australian soldiers have fought together on every battlefield of the world from the Meuse Argonne in 1918 to the Mekong Delta and Desert Storm. In all of our major wars there has been one constant, Americans and Australians have been the vanguard of freedom. In fact when American troops launched their first combined assault on German lines in World War I, it was under the guidance of the legendary Australian fighter General John Monash. We share a common historic and cultural heritage. We are immigrant peoples forged from the British Empire. We conquered our continents and became a beacon of hope for people struggling to be free.

For over 100 years, the United States and Australia have been the foundation for stability in the South Pacific. When America suffered its worse loss of life since December 7, 1941, the first nation to offer a helping hand was Australia. The day after the attacks on Washington and New York, Australia invoked the mutual defense clause of the ANZUS Treaty. They were the first to offer military support. Australian special forces are in Afghanistan and after Great Britain have made the largest per capita contribution to our efforts there. In the fight to break the back of al-Quaeda and the Taliban, Australian troops scaled the mountains around Tora Bora.

Mr. President, we received another wake-up call on October 12. We can no longer let the nay sayers and the hand wringers counsel timidity have their way. The free world is clearly in the sights of fanatics who want to plunge us into a new dark age. Whether it be Saddam Hussein, Osama bin Laden, or the coward who attacked men, women, and children on holiday in Bali, they are part of the same threat to free peoples.

We send our heartfelt condolences to the people of Australia and pledge to stand with them in their fight for peace and freedom.

PRESIDENTIAL ABILITY TO LAUNCH AN ATTACK

Mr. BYRD. Mr. President, I would like to take this opportunity to submit for the RECORD two very thoughtful and well-researched documents submitted to me by renowned constitutional scholars with respect to the President's ability to launch an unprovoked military attack against a sovereign state.

Earlier this year, I wrote to a number of constitutional scholars advising them that I was concerned about reports that our Nation was coming closer to war with Iraq. I asked a number of esteemed academics their opinion as to whether they believed that the Bush Administration had the authority, consistent with the U.S. Constitution, to introduce U.S. Armed Forces into Iraq to remove Saddam Hussein from power.

All of the scholars I consulted responded by stating that, under current circumstances, the President did not have such authority. I have previously submitted for the RECORD the responses of professors Michael Glennon of Tufts, and Jane Stromseth of Georgetown University Law Center.

Now, I would like to submit two additional responses I received on this same subject from professors Laurence Tribe of Harvard Law School and William Van Alstyne of the Duke University School of Law. I found the depth and breadth of their scholarship on this subject to be extremely impressive and, for this reason, I ask unanimous consent that their responses to me be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DUKE UNIVERSITY,
SCHOOL OF LAW,
Durham, NC., August 7, 2002.

Senator ROBERT C. BYRD,
Chairman, U.S. Senate
Committee on Appropriations,
Washington, DC

DEAR SENATOR BYRD: I am writing in response to your letter of July 22 inquiring whether in my opinion, ''the Bush Administration currently has authority, consistent with the U.S. Constitution and the War Powers Resolution, to introduce U.S. Armed Forces into imminent or actual hostilities in Iraq for the purpose of removing Saddam Hussein from Power.'' You raise the question because, as you say, in your letter, you are ''deeply concerned about comments by the Bush Administration and recent press reports that our nation is coming closer to war with Iraq.''

I was away from my office at Duke University During the week when your inquiry arrived. Because you understandably asked for a very prompt response, I am foregoing a fuller, more detailed, statement to you just now, the day just following my reading of your letter, on August 6. I shall, however, be pleased to furnish that more elaborate statement on request. Briefly, these are my views:

A. The President may not engage our armed forces in ''war with Iraq,'' except in such measure as Congress, by joint or concurrent resolutions duly passed in both Houses of Congress, declares shall be undertaken by the President as Commander in Chief of the Armed Forces. As Commander in Chief, i.e., in fulfilling that role, the President is solely responsible for the conduct of whatever measures of war Congress shall authorize. It is not for the President, however, to presume to ''authorize himself'' to embark on war.

Whether the President deems it essential to the National interest to use the armed forces of the United States to make war against one of our neighbors, or to make war against nations yet more distant from our shores, it is all the same. The Constitution requires that he not presumed to do so merely on his own assessment and unilateral order. Rather, any armed invasions of or actual attack on another nation by the armed forces of the United States as an act of war requires decision by Congress before it proceeds, not after the President would presume to engage in war (and, having unilaterally commenced hostilities, then would merely confront Congress with a ''take-it-or-leave it'' fait accomplis). The framers of the Constitution understood the difference vividly—and made provision against vesting any war-initiating power in the Executive.[1]

B. Nor does the form of government of—or any policy currently pursued by—an identified foreign nation affect this matter, although either its form of government or the policies it pursues may of course bear substantially on the decision as shall be made by Congress. Whether, for example, the current form of government of Iraq is so dangerous that no recourse to measures short of direct United States military assault to ''remove'' that government (a clear act of war) now seem sufficient to meet the security needs either of the United States or of other states with which we associate our vital interests, may well be a fair question. That is a fair question, however, is merely what therefore also makes it right for Congress to debate that question.

Indeed, it appears even now that Congress is engaged in that debate. And far from feeling it must labor under any sense of apology

[1] It is today, even as it was when Thomas Jefferson wrote to James Madison from Paris, in September, 1789, referring then to the constitutional clauses putting the responsibility and power to embark on war in Congress rather than in the Executive. And thus Jefferson observed: ''We have given, in example, one effectual check to the dog of war, by transferring the power of letting him loose from the Executive to the Legislative body, from those who are to spend to those who are to pay.'' C. Warren, The Making of the Constitution 481 n. 1 (1928). (See also Chief Justice Johnson Marshall's Opinion for the Supreme Court in Talbot v. Seeman, 5 U.S. (1 Cranch) 1,28 (1803) (''The whole powers of war being, by the constitution of the United States, vested in congress, the acts of that body can alone be resorted to as our guides.'')

in conducting that debate—whether or not some in the executive department of elsewhere express irritation over what they regard as presumptuous by Congress, it is not presumptuous but entirely proper. It is what the Constitution assigned to Congress the responsibility to do.

C. And first, with respect to that debate, suppose it were the case of the President believed that measures of war were not now necessary and ought not be passed by Congress, at least not at this time. I put the point this way the better to clear the air to make a neutral observation of the respective roles.—Were he of that view, without doubt he shall so advise Congress. And equally without doubt, Congress should desire and welcome him to do so, not merely from respect for his office, rather, at least equally because both his information and his views would be among the most important considerations Congress should itself take into account.

D. But the same is true in the reverse circumstance as well. It is altogether the right prerogative of the President to lay before Congress every consideration which, in the President's judgment, requires that measures of direct military intervention in Iraq now be approved by Congress, lest the security of the nation be even more compromised than it already is.[2] If the President believes we cannot any longer, by measures short of war, now avoid the unacceptable risk of weapons of mass destruction from developing under a repressive Iraq regime already defiant of various earlier resolutions by the United Nations Security Council, it is by all means his prerogative and his responsibility as President candidly, even bluntly, to say so—to Congress.

And he may as part of that address, accordingly request from Congress that he now be appropriately authorized, as President and as Commander in Chief, ''to deploy and engage the armed forces of the United States in such manner and degree as the President determines to be necessary in affecting such change of government in Iraq'' . . . as will remove that peril, or accomplish such other objectives (if any) as Congress may specify in its authorizing resolution. Supposing Congress agrees, the resolution will be approved, and the authority of the President to proceed, consistent with that resolution, will be at once both established and clear.

E. Equally, however, in the event that Congress does not agree. That is, insofar as, despite whatever presentation the President shall make (or shall have made), Congress is unpersuaded that such military intervention under the direction of the President as he may propose is now appropriate to authorize and approve, it may assuredly decline to do so. In that circumstance, and until Congress shall decide otherwise, matters also settled and equally clear. The President may not then proceed to embark upon a deliberate course of war against the government or people of Iraq.

F. And correspondingly, however, the President is not to be faulted in that circumstance, insofar as authorization by Congress for military intervention or other measures of war is withheld. For the responsibility (and any fault—if fault it be) then will rest with Congress, even as the Constitution contemplates that it should.

In short, the President acquits himself well by making full report to Congress of information, and of his reasons, and of his judgment, as to what the circumstances now require of the nation, in his own view. That Congress may disagree is no reflection upon the President nor, necessarily, upon itself. Rather, it but reminds us of which department of our national government is charged by the Constitution to decide whether and when we shall move from a position of peace, however strained, to one of war. By constitutional designation, that department is assuredly the legislative department, not the executive.

G. I do not here presume to address the limited circumstance in which the country comes under attack, in which event the President may assuredly take whatever emergency measures to resist and repel it are reasonably required to that end. Likewise, in respect to exigent circumstances of U.S. forces or American citizens lawfully stationed, or temporarily resident, in areas outside the United States in which local hostilities may unexpectedly occur, with respect to which intervention to effectuate safe rescue will not be regarded as an act of war. Neither these nor other variant possibilities were raised by your letter, however, so I leave them for another day.

You also asked for comments respecting three previous Joint Resolutions by Congress, i.e., whether any of these, or some combination, constitute a sufficient basis for the President to proceed to engage whatever magnitude of invasive forces would be necessary to overthrow Iraq's current government and/or seek out and destroy or remove such weapons of mass destruction, as well as the means of their production, as that invading force would be authorized to accomplish. Specifically, you adverted to The War Powers Resolution of 1973 (Pub. L. No. 93–148, Nov. 7, 1973); The Authorization for Use of Military Force Against Iraq Resolution of 1991 (Pub. L. No. 102–1, Jan. 14, 1991); and The Authorization for Use Military Force Resolution of 2001 (Pub. L. No. 107–40, Sept. 18, 2002).

As to the first of these, the ''War Powers Resolution of 1973'' (or War Powers Act as it is sometimes informally called), I am very clear that it is certainly not a Resolution authorizing or directing the President now to engage the armed forces of the United States in acts of war within or against Iraq. As to the second and third, I do not believe they can serve that function either, though there is some more reasonable margin for disagreement—one which Congress itself, however, is frankly far between situated to attempt to resolve than I do anyone else so removed from a fuller record one would need to be of more than marginal help.

The reasons for my uncertainty regarding the Joint Resolution of 1991 (specifically captioned by Congress as ''The Authorization for Use of Military Force Against Iraq Resolution'') will take but a few sentences to share. That this Resolution did authorize what became ''Operation Desert Storm'' as a major use of the war power, against Iraq specifically, under the direction of the President (with collaborative forces of other nations), and the use of massive force, including bombardment and invasion of Iraq, is unequivocal. A declared objective sought to be achieved (and thus part of the described scope of the authorized use of force) was . . . to ''achieve implementation of'' . . . eleven United Nations Security Council Resolutions, each identified by specific number. The Resolution also required (i.e., ''the President shall submit'') the President ''at least once every 60 days'' to submit to Congress a summary on the status ''of efforts to obtain compliance by Iraq'' with those resolutions.

Foremost among the stated objectives of that authorized use of war power was to force the unconditional withdrawal of Iraq forces from Kuwait and restoration of that country's ''independence and legitimate government.'' As much as that has surely been accomplished—was well accomplished fully a decade ago.

However, the Resolution also recited that ''Iraq's conventional, chemical, biological, and nuclear weapons and ballistic missile programs and its demonstrated willingness to use weapons of mass destruction pose a grave threat to world peace.'' Thus, it was also in contemplation of that ''grave threat'' the United States was willing to make the commitment as it did. And we have the President's report (as I must assume Congress has received it) that that threat has not yet abated, indeed, may have been renewed.

Moreover, it is additionally true that in a significant sense, our ''invasion'' of Iraq, proper as it was immediately following this authorization by Congress (and still may be), continues to this very day. It does so, as the Congress is well aware in a variety of ways, but most notably by the continuing armed overflights through large swaths of Iraq air space, and the continuing forcible interdiction of Iraqi installations in large areas of Iraq (north and south) by direct military force. So, in one reasonable perspective, there has simply been a continuing, albeit immensely reduced and attenuated ''war'' with Iraq, under the direction of the President, and within the boundaries of that original Resolution of 1991.

Still, it is far from certain that these elements are enough insofar as the President may now propose to ''re-escalate'' the conflict in enormous magnitude: (a) to overthrow the government of Iraq and (b) insert whatever invading force as he would deem required to locate and destroy any existing stores of weapons of ''mass destruction,'' and the means of their production. The principal basis for that uncertainty (at least my own uncertainty) is twofold. First, that the express authorization made by Congress in 1991 was, as noted above, to use all necessary military force ''to achieve implementation of'' certain specifically numbered UN Security Council Resolutions, none of which I have had the opportunity to read or study, and therefore cannot resolve for suitable fit today. It is my impression that with the exception of ourselves (and perhaps the British), however, that members of the Security Council may not now regard those decade-old resolutions as adequate for the United States to use as an adequate sanction to ''reignite'' a virtual full-scale war, as distinct from the continuing overflights, but I am in no position to speak to that question as well as others. Similarly, I should think it best for Congress itself, to resolve whether the decade-old Resolution enacted by Congress in 1991 can cover the present case as well though, in my own view, it probably does not.

Third, and most recent among the resolutions you enclosed, is the express ''Authorization for Use of United States Armed Forces'' by Congress, adopted on September 18, 2001, following the cataclysmic events of September 11. The authorization is quite current and it calls expressly for the use of U.S. Armed Forces ''against those responsible for the recent attacks launched against the United States.'' It is also framed in the following quite inclusive terms, in §2(a), that:

[T]he President is authorized to use all necessary and appropriate force against

[2] Exactly as President Jefferson did in reporting to Congress in equivalent circumstances, in 1801. Thus, his urgent message to Congress reviewed attacks recently made against American commercial vessels in the Mediterranean, reported defensive steps already taken in repelling those attacks, and then declared the following. ''The Legislature will doubtless consider whether by authorizing measures of offense also, they will place our force on an equal footing with that of its adversaries. I communicate all material information on this subject, that in the exercise of this important function confided by the Constitution to the Legislature exclusively, their judgment may form itself on a knowledge and consideration of every circumstance of weight.'' 22 Annals of Cong. 11 (1801), reprinted inn 1 Messages and Papers of the Presidents, 1789–1897, ata 326–27 (J. Richardson ed. 1898) (emphasis added.)

those nations, organizations, or persons he determines planned, authorized, committed, or aided the terrorist attacks that occurred on September 11, 2001, or harbored such organizations or persons, in order to prevent any future acts of international terrorism against the United States by such nations, organizations or persons.

I nonetheless think it doubtful that this will ''stretch'' to cover a proposal to use military force to overthrow the government of Iraq as is currently being considered, without authorization by Congress, absent quite responsible evidence that Iraq was involved in ''the terrorist attacks that occurred on Sept. 11, 2001''—evidence that may exist but not that I have seen reported in the press or elsewhere. I note, respectfully, that the authorization is not an ''open-ended'' one to authorize the use of military power against any nations, organizations, or persons whom the President identifies as proper targets insofar as it would merely help in some general sense to ''prevent'' future terroristic attacks by such nations, organizations, or persons. Rather, it is to permit such uses of military power only with reference to those identified as having contributed in some substantial manner to the September 11th attacks, or known now to be harboring such persons.

But in this effort not to neglect your several requests, I have (more than?) reached my limit to try to be of immediate assistance to you and your committee. The portions of this letter I would emphasize are in its first half, the portions dealing with the constitutional questions reviewed in letter sections A. through F. I wish you well with your deliberations.

Sincerely,

WILLIAM VAN ALSTYNE.

HARVARD UNIVERSITY,
LAW SCHOOL,
Cambridge, MA, July 31, 2002.

HON. ROBERT C. BYRD
U.S. Senate, Washington, DC.

DEAR SENATOR BYRD: I share the concern expressed in your letter of July 22, 2002, about recent reports that our nation is approaching war with Iraq. I wish I had the time to give your questions regarding those reports the detailed and thoroughly documented reply they deserve. Unfortunately, I will have to be content with a brief statement of my conclusions and of the basic reasons for them.

My study of the United States Constitution and its history, as a scholar and teacher of American constitutional law over the past thirty years, has suggested to me no authority for the President, acting as the Commander in Chief, to wage a purely preemptive war against another nation without at least consulting with Congress first, and without obtaining from Congress a formal authorization, whether in the form of a declaration of war or, at the least, a joint resolution expressing the assent of both the House and the Senate—with the exception of so exigent an emergency as to admit of no time for such consultation and authorization without mortal and imminent peril to our nation.

Of course, if the President were to learn, for example, that another nation was about to launch a massive thermonuclear attack on the United States, and if there genuinely appeared to be no possibility of deterring such an attack by threatening a fatal counterstrike or by pursuing diplomatic alternatives consistent with our national security, then presumably the U.S. Constitution would not tie the President's hands by committing the Executive Branch to a course that would spell our virtually certain destruction as a nation. As many have famously observed, our Constitution is not a suicide pact. But that exception for cases of self-defense cannot be treated so elastically that the exception threatens to swallow the rule.

In circumstances when the President takes the position that delaying a mobilization and deployment of our armed forces to attack another sovereign state while Congress debates the matter, although not necessarily threatening our nation's imminent destruction, would nonetheless expose us to grave and unacceptable danger by letting the optimal moment for a preventive attack pass as that hostile state proceeds to accumulate rapidly deployable weapons of mass destruction and moves inexorably toward unleashing those weapons on us or on our allies, either directly or through proxies, it would be difficult to defend a completely doctrinaire response to the questions your letter addressed to me. In so ambiguous a situation, the allocation of power between the President and Congress is not a matter that admits of absolutely confident and unambiguous assertions, for the Constitution's framers wisely left considerable areas of gray between the black and white that often characterize the views of advocates on both sides of the invariably heated controversies that attend instances of warmaking.

That said, it remains my view, as I wrote in volume one of the 2000 edition of my treatise, ''American Constitutional Law,'' §4–6, at page 665, ''although the Constitution does not explicitly say that the President cannot initiate hostilities without first consulting with and gaining the authentic approval of Congress, that conclusion flows naturally, if not quite inescapably, from the array of congressional powers over military affairs and especially the provisions in Article I, §8, clause 11, vesting in Congress the power to declare war. To permit the President unilaterally to commit the Nation to war would read out of the Constitution the clause granting to the Congress, and to it alone, the authority 'to declare war.'" (Footnotes omitted.) Whether with the aid of the War Powers Resolution of 1973—a resolution that some have regarded as a quasi-constitutional articulation of the boundaries between the Presidency and the Congress—or without regard to that much mooted (and arguably question-begging) assertion of congressional power to draw those boundary lines for itself—one would be hard-pressed to defend the proposition that, simply because the President thinks it inconvenient to bring Congress into his deliberations and to await Congress's assent, he may suddenly proceed, like the kings and emperors of old, unilaterally to unleash the dogs of war.

I put to one side the profound lesson of our ill-fated involvement in Vietnam—the lesson, as I see it, that a President who wages war without first assuring himself of the deep national consensus and commitment that can come only from a thorough national ventilation of the arguments pro and con plunges the nation into a perilous and probably doomed course. Purely from the perspective of wise policy, that is a lesson one hopes is not lost on our President, or at least on his closest advisors, many of whom would seem to be astute students of American history. But it is probably for the best, in the long run, that the Constitution does not invariably enjoin wisdom upon those who wield power in its name. It leaves each of the three great branches of the national government free to make serious, even tragic, blunders—a fate from which not one of the three branches of government is immune. In any event, I reach the constitutional conclusions expressed in this letter not by virtue of any firm convictions one way or the other about the path of wisdom in the difficult circumstances we face when dealing with as malevolent and dangerous a leader as Iraq's Saddam Hussein. I lack the hubris to pretend that I know better than the President and his Administration just what the path of wisdom is in this matter. My very substantial doubt that the President has constitutional authority to launch a preemptive or preventive strike against Iraq therefore represents as detached a reading as I am capable of giving the relevant constitutional text, structure, and history.

It seems quite clear that S.J. Res. 23 (Pub. L. No. 107–40), the joint resolution authorizing the use of U.S. military force against those responsible for the attacks of September 11, 2001, would not furnish the requisite congressional assent to any such strike against Iraq, or even to the introduction of U.S. armed forces into imminent or actual military hostilities in Iraq for the purpose of removing Saddam Hussein from power. Unless convincing evidence of Iraq's involvement in the terrorist attacks of September 11 were to emerge, that joint resolution could not be said to offer even a fig leaf of cover for such a military campaign. To its credit, the Bush Administration does not appear to have suggested the contrary.

Nor could anyone argue that Pub. L. 102–1, enacted in 1991 to authorize the use of military force by President George H.W. Bush against Iraq to repel its invasion of Kuwait, offers any basis for a current military campaign to topple the Hussein government. To be sure, that enactment, promulgated pursuant to U.N. Security Council Resolution 678 to achieve the implementation of previous Security Council resolutions, may well have authorized U.S. armed forces to proceed to Baghdad at the time of Operation Desert Storm had the first President Bush decided to take that course. But he did not, and the time to complete that military thrust—a thrust that was abruptly ended a decade ago—has long since passed, the causus beli of that occasion now long behind us.

The circumstances that Saddam Hussein's government is undoubtedly in violation of numerous commitments that government made to the United Nations as a condition of the termination of Operation Desert Storm—commitments regarding access for U.N. inspectors to confirm that Iraq is not in fact developing and secretly storing lethal materials related to weapons of mass destruction—cannot by itself eliminate the constitutional requirement of congressional authorization for the waging of war by our armed forces.

One might, finally, imagine someone arguing that the absence of congressional debate and authorization should not be deemed fatal to the constitutionality of a preemptive military strike on Iraq for the pragmatic reason that such a debate would disclose too much to the enemy, depriving our plans of the shield of secrecy and our troops of the safety such a shield might provide. But any such argument—whatever constitutional standing it might have in other circumstances—would, of course, be unavailing on this occasion, if only because whatever shield secrecy might otherwise have provided has been rendered moot by the Bush Administration's repeated floating of trail balloons on the subject. Not to put too fine a point on it, whatever cover a secret military attack on Iraq might have enjoyed has by now been thoroughly blown.

I am therefore constrained to conclude that, on the basis of the facts as I understand them, the Bush Administration does not currently have sufficient constitutional and/or legislative authority to introduce U.S. armed forces into Iraq in order to wage war on that nation's government—even for the overwhelmingly salutary purpose of toppling

an authoritarian regime that has deployed weapons of mass destruction against its own people, that is overtly and overwhelmingly hostile to our nation, that threatens the security and stability of some of our closest friends and allies, and that besmirches the very idea of human rights.

If the President would use military force against the government in Baghdad, he must first consult with and obtain the consent of the Congress.

With best regards, I am

Sincerely,

LAURENCE H. TRIBE.

RETIREMENT OF SENATOR JESSE HELMS

Mr. THURMOND. Mr. President, I rise today to pay tribute to my longtime colleague from my neighboring State of North Carolina, Senator JESSE HELMS.

It has been my honor and great privilege to have worked so closely with this fine Senator for the past thirty years. Senator HELMS has been one of the great Senate leaders of the 20th century. After serving in the United States Navy during World War II, Senator HELMS went on to have an illustrious career in journalism. He began his reporting career as the city editor of The Raleigh News and later served as the editor of the Tarheel Banker, which became the largest State banking publication in our Nation. During his many years of reporting and as a top Executive at Capitol Broadcasting Company, his editorials appeared in more than 200 newspapers and more than 70 radio stations in North Carolina. During these years, he also served on the Raleigh City Council.

In 1972, JESSE ran for the Senate. It was my privilege to campaign throughout the State with him, forging a friendship which I treasure. Since his election, Senator HELMS has served our Nation with nothing but class, integrity, and honesty. During his five terms in the United States Senate, his service has been marked by countless significant achievements for our great Nation. Admired and respected by both parties, he truly embodies the qualities of a superior statesman. Senator HELMS is to be applauded for his work on the Committee of Agriculture, Nutrition, and Forestry, the Rules and Administration Committee, and for his work as Chairman and now ranking Minority member of the Committee on Foreign Relations.

His numerous awards reflect the many and varied contributions he has made to the Senate and to his State. He was the first Republican to receive the Golden Gavel for presiding over the Senate more than 117 hours in 1973. Along with others, he holds the Gold Medal of Merit from the Veterans of Foreign Wars and on three occasions was named the Most Admired Conservative in Congress by Readers Digest. I would also like to note Senator HELMS has received the Guardian of Small Business Award and the Watchdog of the Treasury Award every year since his 1973 election.

JESSE certainly represents the qualities of a true southern gentleman. He is a loving husband, father, and grandfather, a devout Baptist, and an individual who would stop at nothing to help his fellow North Carolinians. His wife, Dot, is a lady of grace and charm. They are an admirable couple and a wonderful example for others to follow.

For thirty years, the tireless Senator HELMS has carried out his duties as United States Senator with the utmost sense of honor. His dedicated service to our Nation has set an example for all to follow, and I have been privileged to have served with such an esteemed individual. It is because of leaders like Senator HELMS that our Nation is the greatest in the world. As the 107th Congress pays tribute and says farewell to one of the greatest Senators of all time, I say thank you to my colleague and my close friend.

Again, I congratulate JESSE on his lengthy and distinguished career and thank him for the friendship we have enjoyed during our many years working together. On behalf of myself, my colleagues, and a most grateful Nation, I express my gratitude for his outstanding service to the United States Senate. I wish him, his lovely wife Dot, three children, Jane, Nancy, and Charles, and his seven grandchildren the best of luck and continued health and happiness in the years to come.

THE CLEAN WATER ACT: 30 YEARS

Mr. LEVIN. Mr. President, on the 30th anniversary of the Clean Water Act, I am pleased to acknowledge progress in the cleanup of our Nation's lake and rivers. The goals were ambitious. Congress envisioned a nation of fishable, swimmable rivers and lakes, and zero discharges of harmful pollutants. While we have not reached those goals, the steps we have taken have improved the quality of our water, including the natural, and national, resources embodied in the Great Lakes.

As cochair of the Great Lakes Task Force, I have worked with other Members to pass appropriations and targeted legislation to protect our Nation's largest inland body of water. The citizens of Michigan and seven other adjoining States recognize the value of the Great Lakes system to industry, transportation, water resources, and recreation—a vital link in a long chain of waterways that enhance our economy, provide pleasurable pastimes, and protect our health.

That's why I authored the Great Lakes Critical Programs Act in 1990 that amended the Clean Water Act; these changes help States measure and control pollutants discharged into the Great Lakes. My bill helped set uniform, science-based water quality criteria, ensuring that citizens throughout the system share the burdens and benefits of reducing harmful pollutants that can affect human health. It also provided for control and cleanup of contaminated sediments that leach into the water, affecting people, fish, and wildlife.

I have helped secure other protections for wild creatures through the Great Lakes Basin Fish and Wildlife Restoration Act. This legislation provides a framework and funding for studying and adopting measures to restore healthy fish, bird, and animal populations and to manage fisheries responsibly.

Nonpoint source pollution contaminants discharged into water over a broad area are widely recognized as a major problem. The Great Lakes Soil Erosion and Sediment Control Program will help. This 2002 farm bill program provides grants for education on agricultural techniques, such as contoured farming and planting of vegetation along banks, that reduce the runoff of pesticides and other chemicals into streams and rivers.

Other legislation has set standards and enabled technology for reducing soil erosion, controlling sediment runoff, and creating environmental research labs specifically targeting the problems of the Great Lakes.

Even with our successes, however, EPA reports that more than 40 percent of our Nation's waterways remain too polluted for fishing, swimming, and other activities. Municipal sewage discharges and urban storm sewers continue to dump massive amounts of pollutants into our water. And more needs to be done in our cities, our industries, and our farms.

Thus the fight for water quality continues. In this Congress, I have introduced legislation to protect Great Lakes waters from invasive species the zebra mussel, Asian carp, and other intruders that enter U.S. waters through maritime commerce and on the hulls of ships. These intruders can damage ecosystems and wipe out entire populations of native fish.

I have also asked the Senate to consider the Great Lakes Legacy Act. This bill would provide funds for States to cleanup and restore areas of special concern, which do not meet the basic water quality standards laid out in a 1972 United States Canada agreement. These areas include some vital passages between the Great Lakes, including Michigan's Detroit and St. Clair Rivers.

Funding water quality management activities and improvements in environmental infrastructure is one of my highest priorities. Even now, Congress is exploring ways to improve funding for the construction of wastewater treatment plants to help control urban sewer and stormwater overflows, a huge source of nonpoint source pollution.

Even as we implement new measures, the Bush administration threatens a sweeping dismantlement of existing Clean Water Act safeguards by removing Federal oversight, allowing polluters to ''buy'' credits that would permit the continuation of harmful practices, and reneging on the decades-old