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House of Representatives

The House was not in session today. Its next meeting will be held on Friday, November 22, 2002, at 11:00.

Senate

WEDNESDAY, NOVEMBER 20, 2002

The Senate met at 10 a.m. and was called to order by the Honorable DANIEL K. AKAKA, a Senator from the State of Hawaii.

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, Sovereign of history, benefactor of the blessings this Nation has enjoyed, and ultimate judge of the work of this Senate, we praise You for Your guidance and care. You give us beginnings and conclusions to phases of our work. Historians will write human evaluations of what we think we have accomplished, but You will have the final word about what has been achieved for the good of America. In these past weeks there have been disagreements, heated debate, and the bittersweet mixture of defeats and victories of legislative life. But thank You for those times when debate led to deeper truth and compromise to the blending of aspects for a greater solution. Help us to forgive and forget any memories of strained relationships or debilitating differences.

NOTICE

If the 107th Congress, 2d Session, adjourns sine die on or before November 22, 2002, a final issue of the Congressional Record for the 107th Congress, 2d Session, will be published on Monday, December 16, 2002, in order to permit Members to revise and extend their remarks.

All material for insertion must be signed by the Member and delivered to the respective offices of the Official Reporters of Debates (Room HT–60 or S–123 of the Capitol), Monday through Friday, between the hours of 10:00 a.m. and 3:00 p.m. through Friday, December 13. The final issue will be dated Monday, December 16, 2002, and will be delivered on Tuesday, December 17, 2002.

None of the material printed in the final issue of the Congressional Record may contain subject matter, or relate to any event that occurred after the sine die date.

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By order of the Joint Committee on Printing.

MARK DAYTON, *Chairman.*

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

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Now, as the Senators return to their States, renew those who are weary, reinforce those who are anxious, and rejuvenate those who need a second wind to press on for Your honor and glory. We praise You for the privilege of living in this Republic and for the opportunity to serve You in public office. You are our Lord and Saviour. Amen.

PLEDGE OF ALLEGIANCE

The Honorable DANIEL K. AKAKA 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:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, November 20, 2002.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable DANIEL K. AKAKA, a Senator from the State of Hawaii, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. AKAKA thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Nevada, Mr. REID, is recognized.

SCHEDULE

Mr. REID. Mr. President, the Chair will shortly announce that we will be in a period of morning business with Senators allowed to speak therein for up to 10 minutes each. I am sure some of those speeches will be extended for more than 10 minutes for various reasons.

We worked until this morning completing the Senate's business. The poor staff has had little rest. We hope to not be in for a long period of time today. We are going to come back, as indicated, rejuvenated next year. But I am sure most of us are looking forward to the brief respite we are going to have. There will be no rollcall votes today.

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period of morning business for the transaction of morning business with Senators permitted to speak therein for up to 10 minutes each.

The Senator from Arkansas.

Mr. HUTCHINSON. Mr. President, I ask unanimous consent to speak for as long as I might consume.

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

SERVING IN THE U.S. SENATE

Mr. HUTCHINSON. Mr. President, let me begin by thanking you for presiding this morning, for your leadership in the Senate, and for the friendship I think you epitomize when friendships are created, that grow and take root, and that bloom in the Senate. I am proud to call you a friend.

Let me say at the very outset that it has been an enormous privilege serving for the last 6 years in this great body.

I want to express my gratitude this morning, in the few minutes that I am going to take, to a number of individuals who mean a lot to me and my service in the Senate.

I want to begin by expressing my gratitude to my wife Randi, who has been a great fellow mate, an encourager, a partner, and, most of all, my best friend. I am so appreciative to have her here this morning. I wanted to express that.

I also want to thank Chaplain Ogilvie. I appreciate so much his prayer this morning, and his prayers every day—and more than the prayers that he offers for the Senate, the prayers that he offers for our country. But I am especially grateful for his friendship and for his spiritual counsel that he offers to other Members. He is going to be greatly missed in this institution, and I think the country is going to miss his service here.

While we all understand that he is making the right decision, he is going to be sorely missed. As I look back on the last 6 years, I thank you, Lloyd, for the many hours that you gave to me in counsel and encouragement. And I am very appreciative and very grateful.

I also want to express my appreciation to people in the State of Arkansas—the great State of Arkansas, all 2.7 million of them. I thank my staff—not 2.7 million, but it seems like it sometimes.

I want to thank the people of Arkansas. I am forever grateful to them for allowing me the privilege of serving them in the Senate. Of course, those who are familiar with the State of Arkansas know that it is a very diverse and very beautiful State from a physical standpoint, but it is also very different as you go to the various parts of it. I hail from northwest Arkansas. I come from the Ozark Hills—being a State legislator for 8 years, representing a small district in northwest Arkansas, being elected to Congress from the Third District, and coming to the Senate and serving the entire State of Arkansas has been an enormously gratifying experience. I have learned that not only are the people wonderful and great in those hills of northwest Arkansas, but also the people of the delta with their very different culture and very different background from the Ozark Hills are wonderful people with tremendous values who love this country of ours as much as my native area in the northwest; or the opportunity to represent the one real urban area of Arkansas, Little Rock, our capital city. To be able to represent every area and every region of the State has been an enormously enriching experience—to work not only for the Ozark Hills but for the Mississippi Delta, and our many vast areas.

I discovered the cultural diversity of my State, and I discovered that there are great and wonderful people in every section of Arkansas.

It has been an experience that has far surpassed my wildest dreams and my greatest ambitions.

I thank the people of Arkansas for letting me walk in the footsteps of some great predecessors such as J.W. Fulbright, John McClellan, or the individual whose portrait hangs just outside the Senate Chamber, Joe T. Robinson.

I thank the people of Arkansas.

I also want to thank my colleagues. What a great group—that I believe is dedicated to doing what they believe is right for America.

I served for 4 years in the House of Representatives. Oftentimes down in the House we would usually good-naturedly make fun of the Senate. So when I was elected to the Senate, I recall a number of them coming up and saying: We hope you enjoy your time down at the retirement home at the other end of the Capitol. That was, of course, the kind of outlook that we had down there; that this was the place where nothing got done, and everyone was a little older and a little slower down there. The rambunctiousness and sometimes wild passions that characterized the debate in the House were not as evident in the Senate. But it is not a retirement home. People work immensely hard in this body.

But one of the things that has impressed me more the last 6 years is, in fact, the Senate works just as our Founding Fathers had planned for it to work; that of which Madison said, the popular passions would be cooled and tempered by the deliberative debates in the Senate.

So though sometimes we are frustrated and sometimes we call the Senate dysfunctional, the reality, in my mind, is, it works, and it works just as it is supposed to work, and as it continues to work.

That is one of the great miracles of our experiment in a republican form of Government. It is that this bicameral legislature and our three branches of Government operate just as our Founding Fathers envisioned they would: to

check one another's power, to be a check on an over-concentration of power, and to ensure there would be a body such as the Senate, with such continuity that popular passions and emotions, overreactions at times, would be tempered by the debate that would take place in this body.

But it is a very hard-working group. My colleagues work harder than most people in the country ever realize. It always used to irritate me, during the August recess, to go back to the State and have people ask me how the month-long vacation was going. So here is this image, I guess, that will always be there. But I know, as anybody who has gotten very close to the workings of the Senate, that this is a very hard-working group. Edgar Guest put it this way: ''He has found real greatness—who does his task from day to day and meets whatever comes his way.'' That is what I have tried to do these past 6 years. And that is what my colleagues do every day.

I found among my colleagues courage. Courage, in my mind, is facing a choice in which there is a clear right and a clear wrong, and in which choosing the right involves a price, involves a cost, involves something, a consequence, and the willingness to go ahead and make the right choice in spite of the fact there is going to be a price to pay.

Maybe we don't see it as often as we would always like in the Senate, but I have seen over the last 6 years on numerous occasions where my colleagues knew in their heart what was the right thing to do, or at least as they understood to the best of God's revelation to them and God's light to them what was right and wrong, and they—in spite of what might be a political risk or other risk—were willing to take a courageous stand and make a courageous decision.

And then, I am thankful for my colleagues' friendship. The old adage in Washington is: If you want a friend, buy a dog. My experience in the Senate disproves that. My experience is, that is not really true, that there are real and genuine friendships that develop and grow in this body.

I mentioned, at the beginning of my remarks, DANNY AKAKA. I think Senator AKAKA epitomizes the kinds of friendships that cross party lines, cross the aisle, and that are genuine on a human basis and on a human level, and that has immensely impressed me: that amidst important debates about life-and-death issues, war and peace, and votes that impact millions of Americans, and, indeed, impact the entire world—that in the midst of those kinds of debates, there are relationships that transcend, and the very personal needs of friends take precedence and are there. So I am grateful for those friendships that have taken root and have grown and have blossomed in my own life.

And then I am very grateful, as I look back over the past 6 years, for some very special staff people.

I remember, after President Bush was elected, I was invited to the first bill signing. It was the bill—well, the bill is not important. I went over, and it was in the Roosevelt Room. A couple of things struck me: One was there was a handful of chairs that had been set up, so it was a very humble kind of signing ceremony. The President walked into the room, and he said: ''Now, the chairs are for the staff. The Members can stand.'' And he kind of chuckled, and then he said: ''Because I know who really does the work on legislation.''

He was right, recognizing that it is the staff who makes this place operate. It is the staff who keeps the gears and machinery of Government operating and working. It is the staff who was here late last night and is back in here early this morning. And their contributions, I think, are often overlooked.

I just want to thank my personal staff for their great work these past 6 years; and a few people I want to mention by name. To my right is my chief of staff, Todd Deatherage. I have just a handful on my staff who have served with me a decade, my entire time in Washington—my 4 years in the House and one term in the Senate—and Todd is one of those who goes back the full 10 years.

He served as my district director when I was in the House, and when I came to the Senate, he took his family, uprooted them, and moved them to Washington, and has served as my chief of staff in the Senate.

So how do you sum up a decade in a few sentences? You cannot. That is the conclusion I came to.

But, Todd, I appreciate so much your loyalty. I appreciate the wisdom you have brought to the office. I appreciate your hard work. And I appreciate, most of all, your friendship.

Todd is, as are most of us in the Hutchinson Senate office, a great devotee and admirer of Ronald Reagan, and no one more so than my chief of staff because every year, on Ronald Reagan's birthday, we would have this celebration in our office, celebrating Ronald Reagan's birthday.

But it was Todd's self-assumed role to remind us that birthday was coming, and he would send out the e-mails. And Todd—I don't know if he actually baked the birthday cake—but he assured there was a birthday cake brought to the office, and we would have a little party honoring Ronald Reagan.

On Ronald Reagan's last birthday, he sent the e-mail out, and with the e-mails he included one of Ronald Reagan's famous speeches: ''A Time For Choosing.'' ''A Time For Choosing'' was the 1964 speech that really was the launching pad for Ronald Reagan's national political career. Of course, Barry Goldwater was the nominee of the Republican party. I was 14 years old, living in Springdale, AR, and I remember sitting in front of the black-and-white television in Springdale, watching Ronald Reagan address the Nation in the speech ''A Time For Choosing,'' known to most conservatives as simply ''The Speech.'' That was the speech that led to his run for the Governorship of California and ultimately the Presidency.

So Todd, in sending out the announcement about the Ronald Reagan birthday, included the speech ''A Time for Choosing'' with a little postscript: ''You might want to read this speech because this speech had a big impact on our boss's life and thinking.'' And it did.

Todd, as I express my appreciation to you today, one of your roles in our office was to be a reminder of first principles. Every office needs somebody who will be the reminder of first principles, and to be a reminder to all of us as to why we got into this in the first place.

In fact, in 1984, when I first made my run for State representative, that speech, that treatise, that conservative manifesto, reminding us of what our view of Government is, and what our view of man is, and what the relationship of our Government should be to our society—those first principles are important, and they are important to me and important for us to remember.

Todd, thank you for being the one to remind us of that time and time again.

I thank my deputy chief of staff, Lisa Goeas. Lisa has been with me also for 10 years. She was one of the first hires I made when I was elected to Congress. I hired her as a scheduler, and right out of college. Of course, the big impediment—I am sure I am going to offend Californians—but the big impediment was, as I looked at her résumé, I saw that she was a graduate of Berkeley.

I had nothing against Berkeley, but as I scanned it, she could see the double take I took. I said: ''Lisa, you to know I am a conservative. I want you to be comfortable,'' I said. But she has been such an asset in the office. She went from scheduler to legislative assistant in the House, and then worked in the 1996 campaign so tirelessly, in the Senate race in which I became the first Republican the State of Arkansas ever elected to the U.S. Senate by popular election—she worked so very hard in that—and then she has become deputy chief of staff. She is gifted. She is incredibly industrious. She is bright. She is blessed with a great personality. And most of all, she is loyal, and she is a great friend.

Nothing, to me, speaks more about Lisa than her involvement in the Cornerstone School in the District of Columbia. The Cornerstone School is a private Christian school that was started by a group of Hill staffers. They looked around the District, and they said: There are children who ought to have an opportunity to go to a Christian school and whose parents cannot afford it, or they don't have the opportunity, or there is no such school. These staffers set out on their own to start this school. They did so several years ago. I am not sure what the enrollment is, but it has grown.

Lisa has poured herself into that school and raising money for it, providing scholarships for it, getting sponsors for the children, and to ensure not only their financial support, the tuition, but also to spend time and to be mentors, tutors for the children. I think that says a lot about her heart. Beyond being bright and industrious and energetic and all of the rest of the skills she brings to the office, she brings a great heart as well.

I thank especially Nora Breidenbach, as well, for her 10 years of service. She has been with me ever since I came to Congress. She has headed up the entire constituent service operation. She has a kind of quiet efficiency. I always knew that if there was a problem that needed solving, Nora was the one who could solve it. She is also a great manager of people. She has gone through a lot of trials of her own during the last decade, but she always knew how to draw the best, not only from her own life but from those whom she was supervising. She brought the best from everyone who worked with her and for her.

Also, I say a special thanks to Fay Ott, my office manager; Cortney Brown, my scheduler—every one of these staffers deserves a speech about them—Kate Hull, who has done such a wonderful job as my LA and is now working on the subcommittee staff, who shepherded through legislation that benefits thousands and thousands of nurses; Andrea Allen, who is my state director in Arkansas, a very wonderful human being, very great state director; Susan Carter, who has been with me for years, left and came back, who heads up projects; and Jim Hirni, my legislative director. I said last night, at one of our many farewell parties, that I think not only is he the best legislative director on the Hill, but going through a tough re-election campaign, no one had a better LD, to keep the shop going, but much more than that: to be there for me with encouragement, strength, and help.

To all of my staff I say thanks. To me they are much more than staff. My DC staff consists of Nora Breidenbach, Joycelyn Belcher, Josh Benoit, Cortney Brown, Tim Chapman, Todd Deatherage, Jim Dohoney, Amy Gibson, Colonel Jim Garrison, Lisa Goeas, Michael Hilburg, Jim Hirni, Kyle Hicks, Kate Hull, Rebekah Hutton, Sally Lee-Kerns, Conan Krueger, David Manns, Chris Miller, Robbie Minnich, Tim Moore, Misty Murphey, D.J. O'Brien, Fay Ott, Brydon Ross, Marc Scheessele, Ben Sheldon, Brad Tashenberg, Dan Weaver, Jennie Wingad, Michael Zehr. My state staff consists of Andrea Allen, Carrie Bartholomew, Susan Carter, Jim Case, LaDana Emerson, Leslie Garman, Tammie Hall, Jared Haney, Ruby Henderson, Sarah Jones, Mitchell Lowe, Clint Reed, Julie Reynolds, Spencer Sessions, Jerry Sherrod, Don Travis, Kellie Wall, John Youngblood.

They are much more than just staff. They are truly friends. As my colleagues have become good friends to me, so my staff are much more than employees, much more than service to the people of Arkansas. They are very good friends to me.

I ran across this Henry Van Dyke quote on friendship. I would like to end my remarks this morning by quoting him:

> With such a comrade, such a friend, I fain would walk through journey's end, through summer sunshine, winter rain, and then? Farewell, we shall meet again.

I thank the Chair for the opportunity to give these farewell remarks from this Senator. I thank my colleagues for the great honor it has been to serve with them these past 6 years.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Nevada.

Mr. REID. Before the Senator from Arkansas leaves the floor, let me extend my appreciation for all of his kind deeds toward me. We have worked together on concurrent receipts and a number of other issues. The State of Arkansas, in sending the Hutchinson brothers to Washington, really sent two quality people. I have worked with both of them. I didn't always agree with them politically, but as far as their being temperamentally, socially, so kind and considerate, thoughtful, is concerned, both of them are outstanding gentlemen. I look forward to working with both of them in the future.

BOB SMITH

Mr. REID. Let me say to my friend from New Hampshire, for whom I have the greatest affection, the Senator from New Hampshire and I worked together for one very difficult year when he was cochairman of the MIA–POW Committee. He, along with Senator KERREY, led us in that most important study. I developed a great amount of knowledge of Senator SMITH during that year.

Our friendship, even though it budded there at the time of the MIA–POW Committee, really came to fruition when we were asked by our two party leaders to lead the Ethics Committee. During those years, we worked on some very difficult issues. Senator SMITH I found to be a gentleman, a scholar. He has very good staff. He has the institutional awareness that he is very firm, very strict, but yet very fair. That is what the Ethics Committee needs.

As I indicated, I developed a friendship with BOB SMITH. I am terribly disappointed that he is not going to be here next year. I wish I could express in a better way, a more meaningful way, how deep my feelings are toward BOB SMITH and how much I will miss him. I hope the stars are aligned appropriately sometime in the future that he can again return to public service.

UNANIMOUS CONSENT REQUEST—S. 3180

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of a bill at the desk to amend the Social Security Act to extend the availability of allotments for fiscal years 1998 through 2001 under the State Children's Health Insurance Program; that this bill be read a third time, passed, and the motion to reconsider be laid on the table, with no intervening action or debate; and that any statements related thereto be printed in the RECORD.

This legislation is so important. What it does is it amends the Social Security Act to extend the availability of allotments for fiscal years 1998 through 2001 under the State Children's Health Insurance Program, so-called SCHIP.

This is a program that virtually every Governor of the 50 States badly needs. This is one of the reasons the States, with rare exception, are spending in the red.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. SMITH of New Hampshire. Mr. President, on behalf of the leadership at this time, I have to object.

The ACTING PRESIDENT pro tempore. Objection is heard.

The Senator from New Hampshire is recognized.

APPRECIATION OF SENATOR REID

Mr. SMITH of New Hampshire. Mr. President, I want to say to my friend from Nevada before he leaves the floor, what an absolute privilege and honor it has been for me to serve with him in the U.S. Senate. He is an example of bipartisanship and friendship, which I will always treasure. We have had private conversations about many issues here and while serving on the Ethics Committee, which is kind of like purgatory.

I will never forget you, Senator REID, and I very much am going to miss you. I hope I will get a chance to see you from time to time as the years go by.

NATIONAL DEFENSE

Mr. SMITH of New Hampshire. Mr. President, when I came to the Senate in 1991, we were faced with Saddam Hussein and Iraq. Actually, my first speech on the floor was about Iraq and the war and the fact that we had to make a very difficult vote.

As I leave the Senate, here we are still facing—12 years later—Saddam Hussein and an imminent war with Iraq. So there is some irony there, I guess.

Before I make some closing remarks about my tenure here and leaving the Senate, I want to make a few remarks about something that I think has been somewhat ignored over the past several years in this body and, indeed, in the country, and that is the future of space and how space will help us to protect our national security and also not only our national security but just the pure science of space and the fascination

with space and what we will find as we continue the exploration of space.

I hope the 21st century will be the one that takes us into space to help protect our Nation and, indeed, perhaps the world. I believe whoever controls space will control peace here on earth.

I made these statements several years ago and got some negative editorials for it. I was called spaceman by one of the more, if you will, ''prominent'' newspapers in my State. As Harry Truman said, ''If you can't stand the heat, get out of the kitchen.'' Sometimes a price is to be paid for leadership. I believe if they can say about me that I was one of the folks here that promoted space and the good things that can come to our Nation as a result of space—if I can be remembered for that—I would be very happy.

I want to draw my colleagues' attention to our Nation's future security in space. In 1998, I delivered a speech at the Fletcher School of Law and Diplomacy at Tufts University on November 18, just 4 years ago. In that speech, I spoke about the challenge of space power. I labeled space the ''permanent frontier.'' Some say it is the ''final frontier.'' It is not final, it is permanent.

That is the fascinating part about space. I remember looking at the stars as a kid and thinking this goes on forever. It is a permanent frontier. There is no limit to how far we can go in the exploration of space.

When I came to the House in 1985, I served on the Space Subcommittee of the Science and Technology Committee until my election to the Senate in 1990. I had the pleasure of being in Congress during the Reagan administration. I remember with pride and emotion President Reagan's firm leadership and his commitment to rebuilding our military after years of neglect. He, too, offered a promise of space power, with his visionary Strategic Defense Initiative. Despite tremendous opposition and ridicule, with cynics and critics calling SDI ''star wars,'' his vision is being fulfilled today. It was a vision.

The ABM Treaty is on the waste heap of history, where it belongs. Mutual assured destruction has been exposed for the sham that it was, and we are moving toward deployment of a robust, multilayered ballistic missile defense system and toward providing the American people the protection they need from the growing and imminent threat of ballistic missiles in the hands of rogue states such as North Korea, Iran, Iraq, and others.

We stand now at a very uncertain time—perhaps on the brink of a greatly expanded war on terrorism. And while we try to find and eliminate terrorists and their cells, we are at risk in our cities, in the heartland, of more devastating terrorist attacks. In the heartland of our country, never before have we felt threatened like this.

None of us wish to be at war. I have served in war. I don't want to be in war. But we are in a state of war. I enlisted to serve in the Navy in Vietnam. I know what the horrors of war bring. But if this Nation has to go to war with Iraq, or anywhere else, to ensure our liberty, to ensure our freedom, to ensure that our lives are free of the threats of aggressive, dangerous dictators and the global terrorist network, I will support our President and I will support our troops, whether or not I am in the Senate.

All of my efforts in national security over my career in the House and Senate have been focused on ensuring that our troops—the men and women who put the uniform on and defend us every day—are well organized, trained, and equipped for war. Nothing less than that is satisfactory. If we are going to show the world that we are strong and we are prepared for war, few would choose the risky path of challenging us, and that is the message we must send.

The task of organizing, training, and equipping our forces is not a one-time effort; it is a continuously evolving challenge that must be attended with the same aggressiveness and unyielding commitment that our warfighters apply on the battlefield. The threats we face are constantly changing, as we saw on September 11, and our approach to warfighting must change as well.

As we have so vividly demonstrated in our prosecution of the global war on terrorism, we now have to protect our cities in our own homeland—our own buildings, the very buildings where we are sitting now.

My colleagues, I say to you, as I leave, that it is our job as leaders representing this great Nation to make sure our military is properly organized, trained, and equipped to meet its future challenges, and nothing we do here is more important.

In the early years of this Nation, we relied on the power of our Army and our Navy. In the early years of the last century, we saw the emergence of air power—which was also criticized when it first started—that has dominated our initial application of force in recent conflicts. But times are changing. The threats we face are changing.

GEN Chuck Horner, commander of our troops in Desert Storm, said after the conflict that we have witnessed the first space war—that was in 1991, tanks and troops navigating flawlessly through a featureless desert. That was the war against Iraq in 1991. Unprecedented intelligence; advance warning of incoming missiles; bombs dropped precisely on targets; command, control, and communications synchronizing a military scattered across a vast theater of war in the Middle East—all of these contributions were made possible by the use of space systems in 1991.

Had we not had those space systems and had we not had control, or had Iraq had control, the whole outcome may have been different.

This was not a real space war that General Horner was referring to. There were no shots fired in space. What we witnessed was an awakening to the enormous benefits that space systems provide our military. It is important to remember that we are not the only witnesses. The world and our potential adversaries watched us and learned from our prosecution of that war and every conflict since.

Like General Horner, General Krulak, former Marine Commandant, and a soldier greatly respected by me and by his marines and fellow officers, said that ''between 2015 and 2025, we have an opportunity to put a fleet on another sea. And that sea is space.''

That is a very far-reaching and visionary statement, Mr. President, from a great American, Chuck Krulak.

Our troops deserve every advantage we can give them. We ought to lay up at night thinking about what advantages we can give these men and women. If we are to preserve our current space advantage, then we must protect our space systems from any attack and deny our adversaries that same use of space. We must maintain space control. We also must do more than maintain the current status quo. Space offers our warfighters so much more; a space-based radar that tracks enemy movements behind the lines without risking air crews, a space plane that can project force anywhere on earth in 45 minutes or less, a low orbit space plane, new ways of looking for new threats. I fought to save that space plane, and it was cut during the 8 years of the Clinton administration.

The space plane, I believe, is beginning to receive the attention it deserves within the hierarchy of the Air Force Space Command.

The MSP, the military space plan, could access virtually all orbits and with specific upper-stage systems could help protect our extensive and vital space-based assets. This plan could provide platforms to support potential air, sea, and ground operations through its intelligence, surveillance, and reconnaissance sensor payloads while also providing potential precision long-range strike capability without putting men and women in uniform in harm's way—a tremendous asset to our arsenal. Yet it has been slowed down; it was cut. We now need to bring it back.

As we look even further into the future, visionaries see capabilities—this is always what I like to talk about, what the future will bring. It is fun to hear these visionaries talk, but in the future we are going to see capabilities like special operations troops delivered rapidly from one location to another through space and lasers, destroying targets instantaneously deep inside the enemy's territory. When the missile is fired, we blow it up with a laser over their territory, not ours.

Not only do these visions offer fast and effective military action, they offer the possibility of putting fewer men and women forward deployed with their lives at risk.

We cannot forget we must invest today to develop these and all the

other capabilities if they are to be available for our future fighting men and women.

In 1999, with the support of my colleagues, I chartered the Space Commission to make recommendations to reorganize Government to better deliver the military space capabilities this Nation needs for the future. That Commission brought together this Nation's best defense and space leaders.

One of them was Donald Rumsfeld. He led the group just before he became our current Secretary of Defense. I would like to believe he was selected in part because he did such an outstanding job with the Space Commission—I hope that is one of the reasons why President Bush selected him as Secretary of Defense—and earlier with the Ballistic Missile Threat Commission.

Secretary Rumsfeld and his fellow commissioners found that future space warfare is a ''virtual certainty,'' and that we had better be prepared for it. The Space Commission's report warned about the ominous possibility of a ''space Pearl Harbor.'' It called for protecting satellites essential for military operations and developing space weapons to deter attacks in or from space and to defend against attacks if they occur.

The U.S. is now heavily dependent upon satellites with hundreds in orbit serving commercial as well as military uses. We are more dependent on space than any other nation in the world. Think about your cell phone. Were it not for space, you would not be using it.

In 1998, a Galaxy IV satellite malfunctioned. It shut down 80 percent of U.S. pagers and video feeds for cable and broadcast transmissions. It took weeks to restore service. In 2000, the U.S. lost all information from satellites for 3 hours when computers in ground stations malfunctioned. These incidents served to show how critical space has become to us.

The Space Commission recognized space weapons to deter attacks from space would be essential because we cannot protect satellites adequately without weapons in space. Remember that. Let me repeat it: We cannot protect our satellites in space without weapons in space. A weapon in space does not have to be an offensive weapon; it can be a defensive weapon.

The resulting space management reorganization stemming from the work of the Space Commission is nearly complete. The various stakeholders have decided which of the Space Commission's recommendations it will implement and how. Frankly, though, I am still skeptical that the changes that have been made will be effective in delivering the space capabilities this Nation needs.

Over the course of the last year, we have discovered that most of our current space programs are ''broken,'' severely underfunded, and behind schedule, and that is not good. I am not naive, and I do not blame the recent reforms for the current problems. However, I am not convinced the reforms that have been implemented are capable of making the tough choices that both, A, fix the problems with our current space programs and, B, keep us aggressively pressing forward with developing new technologies and capabilities we need for the future.

When we won the war in the Persian Gulf in 1991, it was with highly sophisticated weapons. Somebody 20, 30 years ago had the vision to build them. They did not crawl under a rock and say: That is just too far in the future; we are not going to deal with it—precision bombs and precision ordnance. Somebody had to think about it. Somebody had to put it on the drawing board. Somebody had to pay for it and build it.

If the Air Force cannot or will not step up to its responsibilities as the executive agent for military space, then Congress must do it, as the space commissioners noted, and create a separate space force to become that strong advocate. I have spoken of the need for the Air Force to build a dedicated space warfare cadre of younger space-trained officers and to stop assigning nonspace officers to lead space billets in space organizations. I predict that early in this 21st century, there will be a space force just as there now is an Air Force. There will be a space force.

For far too long, the Air Force's space institutions and commands have been led by officers not specializing in space. That must change if we are to move into this space era.

I have been a long-time advocate for the potential of national security space on the Hill. I know being an advocate for space is not easy. Believe me, I know. I have been ridiculed for it. These capabilities are complex, and they are not cheap, although I believe space power ultimately could be more cost-effective than some of our legacy systems.

I have also learned that some of the needed space capabilities, such as the Kinetic Energy Antisatellite or KE ASAT Program, can take longer than a career in Congress to deploy. Today we are only a modest amount of funding short of being ready to flight-test KE ASAT, one of our near-term space control programs.

KE ASAT offers the promise of complete space control at minimal cost to the taxpayers and delivers the essential 4 Ds—i.e., the ability to disrupt, degrade, deny, and destroy—required to deal with the enemy threat.

The old Soviet Union built a co-orbital satellite killer that it tested in space at least 20 times and which was operational with Soviet strategic forces for a decade. China is reportedly developing a hunter-killer microsatellite that would attach itself to an adversary's satellite and destroy it. Imagine the disruption that could cause us both militarily and commercially. We must be ready to protect against the deployment and use of such systems.

We cannot shy away from, nor short-change, our commitment to transform our military for the future. This is our challenge.

I have carried the space banner through many tough fights, including the line-item veto by President Clinton of our emerging space power programs. Missile defense has survived, KE ASAT has survived, and the space plane, too. But these programs need ongoing commitment and funds toward deployment and real security for our Nation and our service men and women. They need to be reviewed at the highest levels of DOD, by the Secretary, by Under Secretaries Aldridge and Teets, and by the Secretary's trusted aide who served at the Space Commission as its Director, now at PA&E, Steve Cambone.

Some of my friends have asked why I focused on space since there is not a strong space constituency in my home State of New Hampshire. I beg to differ. There is a major constituency in New Hampshire that demands a strong, cost-effective national defense. In fact, I would argue that same constituency stretches all across America—a constituency that supports our military every day, not just during trying times.

If it is the right thing to do, whether you have a constituency in your State for it, we are here to lead. We are here to lead this Nation.

New Hampshire also is proud of its high-tech industry. New Hampshire is also the State that sent astronaut Alan Shepard and Christa McAuliffe to participate in the National Space Program. Christa lost her life aboard the Challenger in 1986. Both of them had ''the right stuff,'' and they created a surge of enthusiasm for space exploration.

As I prepare to leave the Senate, I look around and ask myself: Who is going to pick up the space banner I have carried? Who will advocate today for the needs of our future fighting men and women in space?

Forty years ago, and spurred in part by the shock of the Soviet success with Sputnik in 1957, President Kennedy challenged the Nation to look into space. He criticized Republicans—the Eisenhower administration—in fact, for letting the Russians get ahead in space. President Kennedy recognized even in those early days of space exploration the criticality of space that General Horner witnessed in Desert Storm.

President Kennedy told us the Nation that controls space will come to dominate the world. In a speech to Rice University in 1962, John F. Kennedy said the following:

> The exploration of space will go ahead, whether we join in it or not. And it is one of the great adventures of all time, and no nation which expects to be the leader of other nations can expect to stay behind in this race for space.
>
> We mean to lead it, for the eyes of the world now look into space, to the moon and

to the planets beyond; and we have vowed that we shall not see it governed by a hostile flag of conquest, but by a banner of freedom and peace.

That was well said by a Democrat President. He was absolutely right.

Who do you want to control the satellites in space? Who do you want to control what goes on in space: Communist China, Iraq, North Korea, Libya, or the United States of America?

The day before his assassination, President Kennedy spoke at a dedication of the Aerospace Medical Health Center at Brooks Air Force Base in Texas, and he noted:

This Nation has tossed its cap across the wall of space and we have no choice but to follow it.

What a great visionary President Kennedy was on this issue. Leveraging space to ensure our freedom and to protect our allies is not a partisan issue. It is our moral obligation, pure and simple, just like it was to respond to the attacks of the Japanese and the Germans during World War II. It was our moral obligation to stop the killing by the Nazis, to stop the Bataan death marches, to stop the tyranny and the aggression. It is now our moral obligation to protect this Nation from the threat from space.

In his now famous speech at the Citadel, candidate George W. Bush said:

We need to skip a generation of technology.

And in space,

We must be able to protect our network of satellites essential to the flow of our commerce and the defense of our country.

He called for a new spirit of innovation and recognized the fact that many officers express impatience with the prevalent bureaucratic mindset that frustrates—and, I would argue, fails to reward—creativity.

We must reward creativity. George Bush called for a culture of command where change is welcomed and rewarded, not dreaded. To do that, we need to break with the past, get out of the box, put in charge people who are visionaries, who are ready to fulfill the President's and the Secretary of Defense's vision, to fulfill Ronald Reagan's vision for peace using space for peace. Even President Reagan, the hard-core conservative, offered to provide to the Soviet Union the technology to bring peace to the world if that was what it took.

As we stand now on the brink of an expanded war with Iraq, I ask myself whether we have provided our sons and daughters, husbands, wives, fathers, mothers, sisters, brothers, all the best technology that this country has to help them accomplish their mission quickly and bring them home safely. Have we? I do not think we have, with all due respect. We have the opportunity to do it if we will think about it now.

I think we can do better. I believe this body has the vision, the expertise, the knowledge, and the good people in it to ensure that we organize, train, and equip our military for the future, a future that leverages the full potential of space that we have only begun to realize. But we must exercise stringent oversight. We must serve as the catalyst to push a grudging—and it is a grudging—bureaucracy and military industrial complex into fulfilling that potential.

Bureaucracies are not innovative. They basically exist. They do not like change. We need to give them change. We need to impose it upon them.

President Reagan, speaking to the Young Astronauts program in 1986, told the participants that they were on ''the edge of our known world, standing on the shores of the infinite.''

What a statement: We are standing on the edge of our known world, on the shores of the infinite.

He called for them to touch the mystery of God's universe and to set sail across its waters into the most noble adventure of all. President Reagan achieved because he dreamed, because he motivated and he inspired. He understood that Americans, by nature, are dynamic people. They are good people. The change they bring is for the good, for the best of America, and that is all he worked on—for excellence, to rise to the challenge, the shining city on the hill, undaunted by threats, and with hope and optimism. That was President Reagan, following the words of President Kennedy.

Through enormous sacrifice, America has preserved her own freedom and freed millions around the world. We go to far off countries, serve in combat, die on fields in countries we have never heard of, day in and day out, year after year. As leaders in Congress, we are committed to preserving these freedoms for future generations, but to achieve that goal we must reach into space with gusto for its science, for its mystery, for the security it can offer us.

Control of space is more than a new mission to consider funding, it is our moral legacy. Moving into space is our next manifest destiny. It is our chance to create sanctity and security for centuries to come. It is our chance to do it. As I leave the Senate, I want to inspire my colleagues to pick up that cause because it is the right thing to do.

SENATE SERVICE

I know there are others who wish to speak, but I am going to take a couple of minutes, because I am leaving the Senate, and close on a few personal thoughts. I do respect my good friend, Senator SESSIONS. I will be only a few minutes.

I remember when I came down to the floor to sign the book in December of 1990. Senator BYRD was there, as he always is, and he watched as I signed 1,794. He said: Senator SMITH, you are the new Senator from New Hampshire. You want to remember there are tens of millions of people—I will never forget this—who have been part of the United States of America since 1776, and you are 1 of only 1,794 to have served in the Senate.

I will never forget it, and I never have. Senator BYRD is one of the finest people to ever walked on to this floor. I admire him greatly. It has been an honor and privilege to serve with him, but it has been a great honor to serve the people of New Hampshire for 18 years, 12 in the Senate and 6 in the House. It has been an extraordinary privilege to occupy this desk, the desk of Daniel Webster, for 9 years.

There is a very interesting story about this desk. Actually, Daniel Webster represented Massachusetts in the Senate, although he was from New Hampshire. He was a New Hampshire native. So when Senator KENNEDY, TED KENNEDY, gave up the desk to take his brother John's desk, the desk became a free spirit, and Senator Norris Cotton passed a resolution in the Senate that the Webster desk will forever more belong to the senior Senator from the State of New Hampshire. That is a long time, forever more. So nobody else is going to get it.

I have etched my name in the drawer, from Webster coming down through those great people who occupied this seat, down to where I have etched my name. It is a reminder, as I sit at this desk—these desks open from the top like so. There are very few desks in this Chamber that do not open that way, and one is Daniel Webster's because he did not want to pay to have it done because it cost too much money. It cost $5 to $10 in those days, and he said taxpayers should not have to pay for that, so it just has a drawer in it. Webster was a frugal person. He was also a great orator.

Next to Webster's desk is the desk of Jefferson Davis, which is now occupied by Senator COCHRAN of Mississippi. I am reminded of the great speech Jefferson Davis gave with so much emotion that he left the Senate to go back to his home State of Mississippi during the Civil War.

There is so much history in this Chamber. One of the things you do when you are leaving the Senate, you take time to smell the roses a little bit and you look around. President Reagan said history is a ribbon, always unfurling.

History is a journey. Every one of us, Senator SESSIONS, Senator INOUYE, my great friend who now occupies the chair, they are all part of history. It is unfurling as we stand. What we say today is a memory tomorrow. Life is nothing but memories. But we have a chance to make part of that history, to chart that course, for America, 1 of 100 people to do it at any given time in American history.

I have learned more about friendship, patriotism, and loyalty in the last 18 years while a Member of Congress, from people in my State, my family, the Senate, so many wonderful people, good friends, than I could ever have imagined.

Senator REID indicated a few moments ago he was sorry I did not win, but I am reminded of Theodore Roosevelt who won and lost his share of elections. This is a great quote for you young people. Think about it because you are going to be facing challenges. All the pages who are sitting here, you are going to win some and you are going to lose some. You will have great disappointments and you will have great successes. That is what life is. It is a heck of a lot more fun to win than it is to lose. I speak from experience on that.

Teddy Roosevelt said: Far better it is to dare mighty things, even though checkered by failure, than to take rank with those poor spirits who neither enjoy much nor suffer much because they live in the gray twilight that knows not victory or defeat.

You can't succeed if you are afraid to fail. You have to fight the fight. You have to fight for the cause. The cause will go on. People will depart the stage. Webster departed; Lincoln departed; many people have departed the stage of running the United States of America—or even the world, Churchill—but others must step up. Maybe they don't step up quite at the level of the ones who are following but they step up.

That is why America must go on. I want 500 years from now the Senator from Alabama—Senator THURMOND might be here—but Senator SESSIONS and I won't—I want those two Senators from New Hampshire and Alabama to be here on this floor in this great country, still the free country it is, having good debates just as we have done so many times.

There are so many things one gets the opportunity to do as a Senator. What I have enjoyed the most is helping people, constituent service, working every day with people in the State. Somebody lost their medal that they deserved from World War II or perhaps they are trying to get a child from another country. We do these things every day. That is what I enjoy the most. That is what I will miss the most. I remember a young man who had leukemia. He was dying. He called my office and said his dream was to see a space launch at Cape Canaveral. He could not afford to go and he was very sick. I made it happen and arranged with NASA to have him go and see the space launch. He came back home and died. It is little things such as that. We did not ask for any press on it. Those are the things that I will remember.

When you say you are a strong conservative—and people want to lock you in as somebody who does not care or who is not compassionate—I like to help people who sometimes cannot help themselves. Captain McVeigh, the Navy captain of the U.S.S. *Indianapolis*, who was wronged, who eventually committed suicide because of a terrible ordeal he went through where he was unfairly blamed for the loss of his ship, we cleared his name, thanks to the help of Senator JOHN WARNER, the chairman of the Armed Services Committee.

Fighting so many issues—the POW/MIA, dealing with families of those people; serving as the chairman of the Ethics Committee, in the Senate, chosen by all of you to have that high honor—I could go on and on—chairing the Environment and Public Works Committee.

I believe I came here on principle. My motto was Jimmy Stewart's in the movie ''Mr. Smith Goes To Washington.'' He went to right a wrong. They were going to flood some Boy Scout camp with a big dam. He came down and stopped it. That kind of ambition and enthusiasm and concern about your fellow man is what I brought here. I came with principle.

I came here to Congress under Ronald Reagan. I am a Reagan Republican. I am leaving the Congress a Reagan Republican—a Republican who stands on his platform, who runs on that platform, not away from the platform. And, yes, that includes the right-to-life, that includes the right to protect the second amendment, that includes cutting taxes and spending and living within your means, helping our veterans, a strong national defense. That is what it means. That is our platform. I don't run from it. I don't run from it here in the Senate; I never have. That may be one of the reasons why I am leaving—involuntarily.

A friend of mine, Mel Thompson, the former Governor of New Hampshire, said you stand for something or you stand for nothing. I can proudly say I have tried to stand up for what I believe in while I have been here.

It has been a great honor, the highest honor of my life, to be here, to serve here, to make the friends I have made here. I will never, ever forget it.

I say thank you in closing to several members of my staff. I know some have come onto the floor today since it is my last speech, unless I come back again—you never know. I appreciate them, and I ask unanimous consent that a list of my staff, both on the Environment and Public Works Committee and my personal staff, be printed in the RECORD to honor their service to our country.

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

ENVIRONMENT AND PUBLIC WORKS SMITH STAFF

David Conover, Chris Hessler, Martin Hall, Alex Johnson, Melinda Cross, Chelsea Maxwell, Angelina Giancarlo, Kristy Rose, Erin Hass, Genevieve Erny, Paul Jensen, Suzanne Matwyshen-Gillen, Michele Nellenbach, James Qualters, Megan Stanley, Nathan Richmond, Patricia Doerr, and Emma Dabson.

Mr. SMITH of New Hampshire. I single out three or four people. My chief of staff, Pat Petty, who is no longer my chief of staff, but who served me for about 15 years, I recognize his service to the Senate, to the country. My current chief of staff, Dino Carluccio, who started in my office as basically an intern and went off to Europe to study in Italy sent me a note saying: You need me in your office. And I remember saying to my current chief, my chief of staff at the time, anybody who has that much self-confidence we ought to hire. We did. Now he is the chief of staff. He worked his way up in the true sense of the word. He is a great American.

Lisa Harrison worked for one of my opponents in my primary, the first primary, the first time I won in 1984. She was working for the other guy, but I liked her. I thought she had a good personality, she was smart, and she was one of the few people on the other campaigns who said hello to me when I walked into the room. She got a job and has been with me for 18 years and is one of the best communication directors in the Senate.

Ed Corrigan, my legislative director, has been with me for 10 years, a real conservative, committed guy. He knows the rules of the Senate, inside and out, a great American, great patriot.

And Dave Conover, who is my chief of staff at the Environment and Public Works Committee, has done an outstanding job there. We had a great run for a year and a half. We preserved the Everglades and passed brownfields and MTBE legislation and other bills to make our air, land, water, and our wildlife habitat cleaner.

I am proud to have served with them all. I had two people in my State staff, Dorothy Vatize and Marti Jones, who have served with me for 18 years, all 18 years I have been here. One is retiring and the other is leaving to do other things.

It has been an honor to serve here—again, the highest honor of my life. I will never forget it. I am not sure what comes next, but as has been said many times, Chaplain Lloyd Ogilvie has said it a number of times to me, God closes one door and he opens another. He did close one, I am sure of that. The other one is not yet open, but we will find it.

Having mentioned the chaplain, there is no finer person in the entire world than Lloyd Ogilvie. He is one of the most Christian men and such an inspiration to all of us in the Senate, a friendship I will have with me forever.

I say thank you to all my colleagues and friends and others I have made here, and thank you to the people of New Hampshire for allowing me the privilege of serving you in this body and in the House of Representatives for 18 years.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Republican leader.

SENATOR ROBERT C. SMITH

Mr. LOTT. Mr. President, before Senator SMITH leaves the floor, I would like to say a few words about our colleague and my good friend.

First, I thank Senator SMITH for his service to New Hampshire and to our

country and also thank him for his friendship and support over the years. We have been friends. We have been supporters of each other.

I can remember many occasions when I was in leadership roles—which he supported me for—I went to him and asked for his help and sometimes it was not even an issue on which it was easy for him to be supportive. Sometimes it affected my own State. Sometimes it affected the country. But I don't remember a time—when it was the right thing to do—when I asked for his help for our country, or even for my State, that he didn't come through and stand with me. I appreciate that very much.

Sometimes the people who help you the most get the least credit, get the least participation in the spoils, so to speak. And sometimes you just forget to say thank you. Sometimes I am guilty of that.

In the last 2 weeks, I have been in such a euphoric mood, I am calling people, all the way back to my fourth grade teacher, to thank them. I am in a very grateful and humble mood. I think I should say that to my friend from New Hampshire, too. I haven't sidled up to him enough and said: You are a good Senator and you are a good friend and thank you for all the good work that you have done. But I believe that and I mean it.

Mr. SMITH of New Hampshire. I thank the Senator.

Mr. LOTT. I won't ever forget it. I wish you and Mary Jo happiness and success. I believe you will have it. I believe you will find that life after the Senate can be quite nice. In fact, I get a little agitated sometimes when I run into our former colleagues who are now ambassadors and businessmen and businesswomen. They are making money. They are rested and they are tanned and they have new suits and new ties.

Wait a minute, why didn't you look this way when you were in the Senate?

They say: Hey, it's not too bad out there in the real world.

This is a tough job. There are a lot of demands, a lot of things you want to do for your constituents. I know you will find a way to be a productive citizen and will be able to do some things with your family and wife and children you didn't have the opportunity to do before. I certainly hope for that. We look forward to staying in touch with you. We will think about you and say a prayer for you along the way.

I want to particularly note your service to our country on the Armed Services Committee on defense issues. Once again, I know some stories about Senator BOB SMITH that a lot of others don't know, things that you did on that committee for a weapons system or for a project. It didn't necessarily affect your State, but it was right for our country. You deserve credit for that.

You did do some good things for the environment. A lot of people say: Oh, Republicans, you know, they are not going to do anything about clean air, clean water, environmental cleanup. In fact, that is not true. But we want to do it with common sense. Senator SMITH did some good things in that position he held on the Environment and Public Works Committee as chairman—and when you were in the minority, too.

You have done good work for your State—an interesting State; a great State, I think. Sometimes they show great wisdom. Other times, you know, you wonder about it—kind of like my own constituency, how they vote. But I think you have reflected them quite well and reflected credit on them.

I said some things about you last Thursday night at an event that you weren't able to attend, but I want to respond to your comments here today. As I said for others, you can leave here and know that you fought the good fight, you finished the race in good fashion, and you have been a good and true servant for your people and for your country.

Mr. SMITH of New Hampshire. Senator LOTT, if you would yield for just a second, I thank you for your friendship and your leadership. I am glad to see you back in the majority. I know you will make good use of it.

I will miss not being here to help you, but I will be rooting for you on the outside, as you know.

You did mention family. I think it is important for all of us to reflect and understand, without my wife Mary Jo and my daughter, Jennifer, and my sons, Bobby and Jason—without their support over the years, it would not have been possible. You know how difficult this job is, living in a fishbowl. We all have our families to thank, so I want to pay a special tribute to my family for supporting me all these years and loving me and still loving me after all of this.

I thank you again, leader, for your remarks.

Mr. LOTT. I yield the floor.

The PRESIDING OFFICER (Mr. CARPER). The Senator from Alabama.

Mr. SESSIONS. Mr. President, I want to share with you my admiration for BOB SMITH. I think it was Phil Gramm who repeated recently what he said not long after Paul Coverdell's death: If you love somebody, you ought to tell them you love them. Sometimes you are too late.

I love BOB SMITH. I so respect what he stands for. He stood for the future. He has been an historian. He knows the past. He has called on our military to transform itself, to meet the new challenges in the world. He has understood, with great clarity, that we do need control in space. That was a remarkable address that all of us ought to take to heart about the future this Nation has in space.

I remember at one of our Armed Services Committee hearings, Secretary Rumsfeld was up for confirmation and was asked, critically: Well, you don't mean we are going to have war in space, do you, Mr. Rumsfeld?

Without hesitation he said: We have had war on the ground, we have had war on the water, we have had war in the air—and, yes, we are going to have war in space, and we need to be prepared to win it.

One of the great technological advances we have is the ability to control space. That enables us to control the battlefield. Senator SMITH has absolutely been the strongest advocate in this Senate, and probably maybe in the House, for the vision that we have to prepare ourselves to be able to maintain domination in space. He did it for one reason—because he cares about our men and women in uniform. He wants them to be able to prevail on the battlefield. He does not want them to be subject to attacks controlled by enemy space power; to have our men and women in uniform suffer. Everything he has done in the committee has been so focused on strengthening and bettering the lives of our men and women in uniform.

He mentioned the POWs. He has absolutely been the strongest advocate in the Senate, consistently—in committee, when no public and no press is there—always pushing for the families and the lives of our prisoners of war. I think it has been a remarkable commitment in that one area in which I have seen him lead.

I was on the EPW Committee when Senator SMITH wrote the brownfields legislation. It was good legislation and we should have passed it. I was naive and I was stunned that we couldn't get that passed. I guess it was the trial lawyers because it eliminated all the money we are spending on lawsuits and focused it on cleaning up instead of litigation. The litigation lobby ended up blocking the bill. I know it must have been a great frustration to Senator SMITH who worked so hard on a bill that would have been tremendously beneficial to the environment.

My perspective here is this: There has not been a Senator who has more purity of purpose, more fidelity of commitment to the values that make America great. He loves this country. As an historian himself, he understands this country and its greatness. He has felt an obligation, while in this body, to do everything he can to further and strengthen the country that he believes in so greatly. He has never been part of the ''blame America first'' crowd. He has believed in the validity of the American dream and the positive impact of America on the world. He was here during the collapse of the Soviet Union, the fall of the wall, and I will tell you one thing: BOB SMITH was on the side of freedom every step of the way.

He recognized the ''evil empire'' was evil. He did not appreciate it. He valued our values, and he fought for them. I know that must have been a special time for him and the man he admired so much, Ronald Reagan.

He stood for the elimination of partial-birth abortion, a most horrible

procedure. When he first raised that here in this body, people were offended that he would talk about such things. But as the years went by, the vote grew and people began to realize just how right he was, and just how horrible that procedure was. We had, virtually—we had a substantial majority vote the last time we voted on it, not quite making it law, but we had a big step in that direction. That was a courageous thing. Even the AMA has come around to agreement with Senator SMITH, the American Medical Association.

So it is a pleasure for me to be here today to share a few words about a man with whom I have worked closely, who I have admired, who has the courage to stand for his convictions—but always in the way of a gentleman, always not acting in a way that would offend, but standing for what he believes in and for America. Senator SMITH, we appreciate your service, and God bless you.

The PRESIDING OFFICER. The majority leader.

SENATE TRADITION

Mr. DASCHLE. Mr. President, this is the final day of the 107th Congress. As Senate tradition has it, it is the day that is normally reserved for passage of resolutions that express genuine sentiment and reflect what we hope will be a comity that can be part of the environment as we begin the new session of the 108th Congress. So I will propound a series of unanimous consent requests to address these resolutions, beginning with S. Res. 361.

TENDERING THE THANKS OF THE SENATE TO THE VICE PRESIDENT

Mr. DASCHLE. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 361 submitted earlier today by the majority leader and the Republican leader.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 361) tendering the thanks of the Senate to the Vice President for the courteous, dignified, and impartial manner in which he has presided over the deliberations of the Senate.

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

Mr. DASCHLE. Mr. President, I ask unanimous consent that the resolution be agreed to, and that the motion to reconsider be laid upon the table, without any intervening action.

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

The resolution (S. Res. 361) was agreed to.

The resolution reads as follows:

S. RES. 361

Resolved, That the thanks of the Senate are hereby tendered to the Honorable Richard B. Cheney, Vice President of the United States and President of the Senate, for the courteous, dignified, and impartial manner in which he has presided over its deliberations during the second session of the One Hundred Seventh Congress.

TENDERING THE THANKS OF THE SENATE TO THE PRESIDENT PRO TEMPORE

Mr. DASCHLE. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 362, submitted earlier today by the majority and Republican leaders.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 362) tendering the thanks of the Senate to the President pro tempore for the courteous, dignified, and impartial manner in which he has presided over the deliberations of the Senate.

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

Mr. DASCHLE. Mr. President, I ask unanimous consent that the resolution be agreed to, and that the motion to reconsider be laid upon the table, without intervening action.

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

The resolution (S. Res. 362) was agreed to.

The resolution reads as follows:

S. RES. 362

Resolved, That the thanks of the Senate are hereby tendered to the Honorable Robert C. Byrd, President pro tempore of the Senate, for the courteous, dignified, and impartial manner in which he has presided over its deliberations during the second session of the One Hundreds Seventh Congress.

Mr. DASCHLE. Mr. President, I will have more to say about this later on. But I think it is important to note we had two President pro tempores of the Senate in the 107th Congress—Senator STROM THURMOND, who will be retiring, and Senator ROBERT C. BYRD, who will certainly not be retiring.

I want to acknowledge the deep affection this body holds for both men. Last night, Senator THURMOND made his final comments on the floor, and, spontaneously, Senators broke out in applause.

This morning as I read the New York Times, on the front page was a colored picture of the current President pro tempore and a very laudatory article about his contributions to the debate on homeland defense.

In their own way, both Senators have left indelible marks on this body. Their leadership, their stature, and their extraordinary contributions are not only appreciated, but I would say revered.

I personally want to express my heartfelt thanks to both leaders for all they have done and for all they have meant to the Members of this body, especially during the 107th Congress.

EXEMPLARY LEADERSHIP OF THE REPUBLICAN LEADER

Mr. DASCHLE. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 363 submitted earlier today by the majority leader.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 363) to commend the exemplary leadership of the Republican Leader.

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

Mr. DASCHLE. Mr. President, I ask unanimous consent that the resolution be agreed to, and that the motion to reconsider be laid upon the table without intervening action.

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

The resolution (S. Res. 363) was agreed to.

The resolution reads as follows:

S. RES. 363

Resolved, That the thanks of the Senate are hereby tendered to the distinguished Republican Leader, the Senator from Mississippi, the Honorable Trent Lott, for his exemplary leadership and the cooperative and dedicated manner in which he has performed his leadership responsibilities in the conduct of Senate business during the second session of the 107th Congress.

The PRESIDING OFFICER. The Republican leader.

EXEMPLARY LEADERSHIP OF THE MAJORITY LEADER

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 364 submitted earlier today by the Republican leader.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 364) to commend the exemplary leadership of the Majority Leader.

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

Mr. LOTT. Mr. President, I ask unanimous consent that the resolution be agreed, and that the motion to reconsider be laid upon the table, without intervening action.

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

The resolution (S. Res. 364) was agreed to.

The resolution reads as follows:

S. RES. 364

Resolved, that the thanks of the Senate are hereby tendered to the distinguished Majority Leader, the Senator from South Dakota, the Honorable Thomas A. Daschle, for his exemplary leadership and the cooperative and dedicated manner in which he has performed his leadership responsibilities in the conduct of Senate business during the second session of the 107th Congress.

Mr. LOTT. Mr. President, if I could inquire of the majority leader, would it be appropriate at this point for me to perhaps respond to some of the resolutions and have a few remarks before I yield the floor back to him to do whatever he would like to do in terms of concluding his remarks today?

Mr. DASCHLE. Mr. President, by all means. I will probably be coming back to the floor because I have an engagement at 11:30. But I will be happy to defer to the Republican leader for whatever remarks he would make at this time.

Mr. LOTT. Just briefly, Mr. President, with regard to the resolutions we have just passed, I want to add my specific expression of appreciation for our Vice President, Vice President CHENEY. He is a long-time friend. He understands the institution of Congress. He has proven to be a very active Vice President and, obviously, a good and valued adviser to our President. But we all actually have a special affinity for this Vice President because we think he does understand the Congress as an institution, and I think he has been very positive in the way he has dealt with us. I just wanted that to be on the RECORD.

I thank Senator BYRD for his performance as our President pro tempore, for his making us think about the history and the traditions of this institution, for his sometimes unbelievable speeches about history, and for his great quotes from memory of poetry and famous statements by statesmen and politicians. It is a very interesting thing to watch and listen to him.

Of course, the one and the only centenarian, Senator Strom Thurmond, has done so much for his State and for his country.

I just want to put on the RECORD at this point also that in his service in the Senate he has cast 16,348 votes. He was here last night until the last vote was cast.

We are going to celebrate his 100th birthday with several events December 1.

He will be one of the legends that will be long remembered in this institution and by our country.

Let me say to Senator DASCHLE, I have enjoyed working beside him throughout this historic Congress and over the years. Sometimes we sit down and visit more often than a lot of people would think or realize. We certainly have a very strong personal relationship—one the media seems to miss. And that is just as well, probably, because if people really knew the kind of friendship we have and what we talk about, it would either hurt him or me—or both of us, or our colleagues. But that is as it should be. This is the Senate. We must find a way to work together.

As I said on the floor yesterday, how we produce legislation is quite often messy and not pretty, but our forefathers designed this to be a body that could be moved only by unanimous consent or consensus. Sometimes it takes days, sometimes it takes weeks, and sometimes it takes months—just like last night. After all the fussing, the fighting, the squabbling, the amending, and positioning and all that went into it, when we voted on the Homeland Security Department Bill, the vote was 90 to 9. We actually scratch our heads and say, Why all that thunder and lightning and then that result?

Well, that is a part of the process. Quite often that happens in the Senate, because along the way you have made changes. You have reconsidered other people's positions. But in the end it is quite often that a bill will pass by a wide margin.

We have been through changes in leadership positions. The process to consider the removal of President of the United States who had been impeached by the other body, and now this historic 107th Congress.

We should not go off quietly into the night without giving some recognition and some credit to what we have done in this Congress.

We started over with a 50–50 split—somewhat historic in its own right. There had been 50–50 splits before, or even splits before. I have gone back and studied how those things were handled. They were handled not too well a lot of times. In fact, in one Congress I think it took them 4 or 5 months before they ever agreed on the rules to proceed.

There was some criticism of me and our caucus, and probably of Senator DASCHLE and his caucus, with the agreement we came up with for this 50–50 split. If we had to do it over again, we probably would do it somewhat differently, or we would have done a few more things than we were actually able to agree on. But we did come to an agreement. We did move the session forward, and we produced some historic results during that period when we were evenly divided.

At the beginning of the year, Senator DASCHLE actually was the majority leader for 17 days. He could have tried to take advantage of it. He could have tried some things that would have been infuriating to my side, or that wouldn't have been good for the Senate or the country. But he didn't do that. He did do some things, but they weren't done in a way that was taken advantage of in that interim period. Then I became majority leader again in the 107th Congress for about 5 months or so. Then I was back in the minority; Senator DASCHLE is back as majority leader.

We were sort of getting used to our sea legs under this new arrangement in the latter part of June and July. We probably had not gotten our sea legs yet, and then came September 11. We had not planned on that, and we were stunned by it, the institution, as individuals, our staffs. Not only did America come under attack in New York and the Pentagon, and with plans to attack other places, we had the anthrax situation that put Senator DASCHLE's staff in a very difficult, dangerous position. All of us were affected by that.

A lot of Senators rose to the occasion. The leadership, our officers rose to the occasion. I will talk more later about the service of our Sergeant at Arms, General Lenhardt, and the Secretary of the Senate, Jeri Thomson. They were under enormous pressure, and they were dealing with a totally different situation than we had ever experienced. We were the pilot project. We did not want to be, but we were.

How did we clean the Hart Building? How did Senators get their work done? Well, they wound up in other Senators' offices. They wound up in my office upstairs. They were all over the place. We did what we had to do.

Also, I believe those events united this body in a way that was very positive, and this country in ways that we are still experiencing. But we did find a way to speak with one voice, to pull up our courage, to continue to do our job.

Those ugly, tragic events of that day gave us a period of unity and production that I have not seen since I have been in Congress. We passed bill after bill after bill to deal with the tragedy—from aviation security, to make sure our airlines did not go out of business; the PATRIOT Act—I will not enumerate all the things we did do. We did it working together across the aisle, across the Capitol, and with the administration in many instances.

I have said here on the floor before, an interesting thing happened: The American people's approval of our conduct went to the highest in history. I don't know what the highest level was, but at least in the high seventies. Why was that? Because they saw us working together in a nonpartisan way to do what was right for our country. And when we got back closer to doing business as usual, those numbers sort of drifted back down.

I think maybe during this period we are going to be out we ought to meditate and think a little bit about how we did in September and October and November of 2001, what we did not do sometimes in 2002, and see if there is a way we can, once again, come together and work together more often.

So there have been bumps and potholes and there have been disagreements and there have been huge battles over prescription drugs and energy legislation and homeland security and a lot of others, but more often than not, we did get a result. We found a way to get it done.

It takes an interminable amount of patience to be majority leader. Senator DASCHLE exhibited that patience, sometimes to the consternation, I know, perhaps, of his own colleagues in his own caucus. But that is the way it has to be done.

So now we close out this historic period. We have had an election. We will be coming back in January with 11 new faces in the Senate and new leadership in the majority. I will have that opportunity again, God be willing, that we have of swearing in on January 7. We will need to find a way to work together again. I believe we will.

Senator DASCHLE, when he became majority leader, stood in that place and pledged to me, and to the Senate, that he would work with us, and he

would be fair in his dealings. I think he has kept that commitment. I make the same pledge to him. I have learned some lessons being in the minority and being in the majority and being back and forth. It is a humbling experience. I think you learn that you have to do some things differently. I hope I will do them better. And I will need his help. So I believe we will find a way to work together for the best interests of this institution and for our country.

I thank the many people associated with this Chamber, too.

As I said to Senator SMITH, it is far too often we forget to thank the people who make this place work: the people who turn on the lights, the policemen who work to keep us and our constituents and our staffs safe, the elevator operators, the custodians, the pages. All of these people who work in this Chamber and in this building are an important part of getting our job done. So to you all, I express my appreciation on behalf of myself and the Senate because you do a great job.

With that, I would just like to conclude by wishing everyone a safe, happy holiday season. We need this respite. In the end, faith and family are more important even than what happens here.

Now we will have a chance to spend some time thinking about those things and being with the ones we love the most. I look forward to returning in January. I look forward to seeing all of my colleagues as we begin the work that needs to be done for a stronger and freer America and peace in the world.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. DASCHLE. Mr. President, I indicated I will return to the floor in a short while. But while he is here, let me thank the distinguished Republican leader for his generous words. He spoke for both of us in recounting what we have experienced over the course of the last 2 years.

This has been an extraordinarily eventful 107th Congress. He did not mention, but I know he could have gone on to include the war in Afghanistan, extraordinary challenges on Wall Street, amazing things on the war on terror that we have confronted, breakfasts with the President as we attempted to confront these challenges one by one in a bipartisan way.

So this has been extraordinarily eventful. You have to go back a long ways—a half a century—to find a time when power shifted within one Congress from one party to the other. I told him at the time—and I have since reiterated to him—how impressed I was in the way with which in our relationship he accepted that transfer of power. I hope I can be equally as magnanimous, and I hope to demonstrate that that will be the case beginning in January.

He and I have developed a relationship that is built on a great deal of experience. And from that experience comes trust and affection.

He also did not mention a great moment in both of our lives: when we became grandfathers. That has been a special treasure for both of us. And we have shared those moments about family and about grandchildren, as we have experienced them for the first time.

So I look forward to working again very closely with him in yet another role. I hope that it can be even more productive. I hope that we both can learn lessons from this experience. I hope that we both can send a message to the American people that we mean to govern well, and, as I tell people sometimes, it is difficult to legislate, recognizing that with 240 million people in the same room, we have to reach a consensus about issues as challenging as homeland security. We will continue to do that with our colleagues, and with the best intentions, recognizing the expectations of the American people.

So I thank him again for his courtesies, his friendship, and the leadership he has shown, and express to him, in the most heartfelt way, how much I look forward to working with him again.

Mr. President, I have one final resolution, and that is the adjournment resolution.

PROVIDING FOR THE SINE DIE ADJOURNMENT OF THE ONE HUNDRED SEVENTH CONGRESS, SECOND SESSION

Mr. DASCHLE. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Con. Res. 160, submitted earlier; that the concurrent resolution be considered and agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 160) was agreed to, as follows:

S. CON. RES. 160

Resolved by the Senate (the House of Representatives concurring), That when the Senate adjourns at the close of business on any day from Wednesday, November 20, 2002 through Saturday, November 23, 2002, or from Monday, November 25, 2002 through Wednesday, November 27, 2002, or on a motion offered pursuant to this concurrent resolution by its Majority Leader, or his designee, it stand adjourned sine die, or until Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the House of Representatives adjourns on any legislative day through the remainder of the second session of the One Hundred Seventh Congress on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned sine die, or until Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Majority Leader of the Senate and the Speaker of the House, or their respective designees, acting jointly after consultation with the Minority Leader of the Senate and the Minority Leader of the House, shall notify the Members of the Senate and the House, respectively, to reassemble at such place and time as they may designate whenever, in their opinion, the public interest shall warrant it.

Ms. COLLINS. Mr. President, I oppose this adjournment resolution. While I am eager to return home to Maine, there is critical unfinished business here in Washington. We should not adjourn prior to passing a prescription drug benefit for our seniors as well as legislation to remedy inadequate Medicare reimbursements that are jeopardizing the viability of our home health agencies, rural hospitals, and nursing homes. Cuts in Medicare are also discouraging physicians from accepting Medicare patients.

These health care problems should be solved now, not delayed until next year. Medicare reimbursements must be adequate to cover the costs borne by health care providers in caring for our seniors and disabled citizens. And our elderly have already waited too long for prescription drug coverage.

Finally, we should have given final approval to legislation authored by Senators NELSON, SMITH, ROCKEFELLER, and myself to increate Medicaid rates to provide fiscal relief to the States and to prevent cuts in health care for low-income families.

Mr. DASCHLE. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

DIETARY SUPPLEMENTS

Mr. DURBIN. Mr. President, I have come to the Chamber this morning to address an issue, which is familiar to many Americans but one on which they may not know the details, the important life-or-death information.

Yesterday, a Federal court in Birmingham, AL, found for four plaintiffs and against a company known as Metabolife International of San Diego and awarded the four plaintiffs $4.1 million for strokes, heart attacks suffered by the plaintiffs as a result of ephedra diet pills. These diet pills and Metabolife are pretty well known across America. You can hardly go into a drugstore, gas station or a convenience store and not run into this little familiar container, Metabolife 356, ''an herbal formula to enhance your diet and provide energy.'' Unfortunately, this apparently innocent looking product has caused a great deal of physical injury and death.

I received today from my State of Illinois, near my hometown of Springfield, a report from the Logan County coroner, Chuck Fricke, a report on the sad death of a young man named Sean Riggins, a 16-year-old who died on September 3 of this year. Sean Riggins was the picture of health, a high school football player and wrestler. He was the apple of his parents' eye. He was

just an all-around good kid. But he wanted to get ready for the game, and he wanted to be prepared. He wanted to do his best.

Someone told Sean Riggins that one of the best ways to be a better athlete was to go down to the local convenience store or the local gas station and buy a product known as Yellow Jacket—I hold it in my hand, an herbal dietary supplement for extreme energy—so he would be ready for the big game. He took that herbal supplement called Yellow Jacket that contained the same ephedra as Metabolife's product. His heart started racing, and he died.

The coroner did an autopsy, which I will ask be included in the RECORD. He said he was an otherwise very healthy young man, just a young boy, 16 years old, healthy, an athlete. He took this herbal supplement, and he died.

Let's just pause a moment to raise some questions many Americans may not even consider. When you go into a drugstore, or any store, and you see for sale an over-the-counter drug or something like an herbal dietary supplement, do you assume that the Federal Government has investigated this drug, that they have taken a look at it to decide whether it is safe and effective as advertised? Most people would assume that.

Frankly, throughout history—at least for since 1938—we have created standards in America where the Food and Drug Administration basically requires companies that want to sell drugs over the counter or by prescription to prove that the drugs are safe and to prove that they are effective. If you can't prove that in clinical trials, you can't sell that drug in America.

That is pretty simple. It is something we take for granted, but it is something we should not take for granted.

In 1994, Congress passed the Dietary Supplement Health and Education Act, which changed the law when it came to certain products. It said when it came to dietary supplements, nutritional supplements, they did not have to meet that same test of safety and efficacy before going to market. Instead, they could claim what they wanted to. They could put the product on the market, and the law was rather unclear as to what obligation they had beyond that.

Frankly, the Food and Drug Administration and the Government of the United States have failed American families, have failed American consumers when it comes to nutrition supplements and dietary supplements because, as we have found with these supplements containing ephedra, deadly combinations of chemicals are being sold to children and to unsuspecting adults across America without any Government intervention.

Rarely does our Government step in. The Federal Trade Commission will step in when they believe the advertised claims for some of the products are not true. They will bring an action. Occasionally, the Food and Drug Administration, when prodded by Congress, will go after the manufacturer of these Yellow Jacket because they are marketed as ''an alternative street drug.'' But when it comes to the basic responsibility of our Government to American consumers, the system fails for ordinary consumers. We expect consumers to be a chemist, to have a degree in biology, to understand the impact of a drug on their body, because we are not going to take on that responsibility for them as a government to make sure only safe products are sold.

In this case, when it comes to dietary supplements and nutritional supplements, our Government is absent without leave. We are in a situation where people across America, unsuspecting, believe they are helping themselves to reduce their weight, to avoid obesity, to be healthier individuals by taking dietary supplements which are, in stead, dangerous to their health.

Let me make one thing very clear: I got up this morning and took my vitamin. I do that every day. I don't believe I should have a prescription or need one to fill a vitamin. That is a basic choice I have made. A multivitamin, vitamin C—whatever it happens to be—that is my decision. And it should be. But when it comes to these combinations of drugs and dietary supplements, we are talking about something more complicated and more potentially dangerous than vitamin C or a multivitamin. We are talking about a combination of chemicals being sold to the American people which is dangerous and can possibly kill.

How can I say that these are dangerous? Because these ephedra compounds contain caffeine and other stimulants. Why is that important? Because ephedra, in and of itself, gets your body moving faster and your heart pumping, and caffeine does the same thing. Sean Riggins died because of that—a 16-year-old boy died because he took this Yellow Jacket pill and washed it down with Mountain Dew, a soft drink containing caffeine. Put all that together, and this poor young man's life was snuffed out by a product that was sold over the counter.

Incidentally, are there warning labels on the Yellow Jackets for those high school kids who want to consider the danger that might be associated with taking these pills? Yes. You have to strip the label off the bottle, and you will find it written in faded print on the back. I am sure that 15- and 16-year-old kids are not stopping to read this fine print to decide whether or not it is a danger.

Just this last week, I drove from Chicago to Springfield. I stopped at a gasoline station halfway to fill up in Pontiac. I went in and, lo and behold, Yellow Jackets were for sale right there in front. And you don't have to buy a big bottle. You can buy them for a buck and a half and get three or four of them.

I went to a junior high school in my hometown of Springfield, and I asked the students there: Has anybody ever heard of Yellow Jackets, ephedra? Yes. Over half the kids did. These were eighth graders.

So I would say to parents across America who think, as I do, that drugs are a serious problem, here is a drug for sale that can kill your son or daughter. They know about it, and you don't.

We know now that it is dangerous. We have to do something about it.

Let me tell you what I have done. I have had two hearings as chairman of the Governmental Affairs Subcommittee on Oversight of Government Management to look into this particular issue. To my knowledge, it is the first public hearing held on so-called dietary supplements and nutrition supplements since it was passed. The information which came out is startling. Take a look at this chart. Ephedra is far more deadly and dangerous than most dietary supplements. Of all the adverse events reported to FDA for dietary supplements, 60 percent of the deaths were for ephedra products; 81 percent of the strokes were for ephedra products; 68 percent of the myocardial infarctions, heart attacks were for ephedra products. These are serious consequences from an over-the-counter drug unregulated by the Government, such as Metabolife.

Dietary supplements adverse events are disproportionately for ephedra. Ephedra adverse events occur when people get sick after taking one of these supplements and they call the company and say: What happened? There is something wrong here.

Look at this. In terms of the percentage that are directly related to ephedra, over 40 percent in the year 2001. Then we asked the company. First Metabolife said: We really haven't received many adverse events that are worth noting. And then we started pushing them a little harder, saying we want to get all the information, to find out what they have received. Because of a case filed in court, they disclosed over 14,000 adverse event reports—something they kind of overlooked. Yesterday, they said, yes, we skipped another 1,400 or 1,500 or so. We will send those to you as well. What do we find in the adverse reports on Metabolife and other companies that are being gathered on ephedra?

Here I have an example of one of their adverse event reports. It looks like a doodle pad. This is not a formal report, where you would note that a product for sale in America has caused adverse events, serious health problems for American citizens. If you go through this whole thing that was disclosed by Metabolife, at the bottom it says ''mild stroke.'' This person said: I took your pill and had a mild stroke. What is wrong with your product?

They are not even disclosing these things until they are forced to go to

court. Here we have a 25-year-old person who had a stroke as a result of taking ephedra diet supplements. The information is very clear. That information was so compelling that this court yesterday in Alabama did what our Federal Government hasn't done. This court in Alabama, and a jury, listened to the evidence on these dietary supplements and said that this company is guilty of selling a dangerous product, endangering the lives of individuals, and entered a verdict of $4 million against Metabolife.

There are people on the floor—you will hear this for the next several months—who will argue we should be closing the courthouse doors to this type of lawsuit, that we should not allow people to go to court to recover against companies that are literally endangering their lives. They will talk about plaintiff trial lawyers, and contingency fees, and so forth. But the fact is, were it not for the court system and the attorneys going into court representing people like these four in Alabama, nothing would be done to stop these companies like Metabolife from selling deadly products.

Something else you might find interesting. The two-week trial, according to this press report, was notable for one bizarre twist—Metabolife's president and cofounder, Michael Ellis, refused to have his deposition taken or to answer questions posed by the plaintiff's attorneys, asserting his fifth amendment right. The judge allowed the plaintiff's attorneys to question an empty chair. The attorneys asked question after damaging question to which the judge replied on Ellis' behalf that Ellis, president of Metabolife, was asserting his fifth amendment right not to incriminate himself.

According to the attorney, it made a damning impression. The guy didn't even have the gumption to defend his product and he took the fifth on the safety of the product. What product? This one, Metabolife 356, which you can find for sale all over America.

Now, what we have to do is acknowledge there is a Government responsibility here with the Department of Health and Human Services, as well as the FDA. I contacted Secretary Tommy Thompson after these hearings and after it became clear these dangerous products are being sold across America, endangering the lives of children and unsuspecting people all across America, and that the Federal Government and the FDA failed miserably in their responsibility to protect American consumers.

I wrote Secretary Thompson on August 6 and I said to him in the opening sentence:

> The danger associated with dietary supplements containing ephedra has become well documented. I believe our Government has a special responsibility to make an immediate determination on whether they pose a hazard to the American consumers. It is within your authority to take the step and suspend the sales of these supplements until their safety is clearly and scientifically established.

I have spoken to Secretary Thompson about this on three separate occasions. We have exchanged correspondence. I have been in contact with people in his agency and in the FDA, and I stand to report today that nothing has been done, short of raiding the offices of the company that makes Yellow Jackets, to find out if they violated the law. The Secretary and FDA have refused to acknowledge the danger of this product, refused to take action to protect American consumers. I am calling on Secretary Thompson today, and I will continue to call on him to take the action necessary to protect American consumers. There is absolutely no other recourse we can consider.

Is this a radical suggestion, that we would ban the sale of products containing ephedra? No, it is not. Let me be more specific. On January 9 of this year, Canada—the Canadian health authority, known as Health Canada—banned the sale of many of these products in Canada. Why? When we elicited testimony from them, from the consumer group in Canada, they said the evidence was compelling and overwhelming that these drugs, when sold as nutrition supplements, were killing Canadian citizens. So in January they banned the sale of the product, like Metabolife, in Canada.

Within weeks, the American Medical Association sent an appeal to the FDA to do exactly the same thing in the United States—ban the sale of these products to protect Americans. But nothing has been done.

Let me tell you something else that is curious. I don't know that this has ever happened in the history of this country. Over 20 different States have enacted their own State laws restricting the sale of products containing ephedra.

Think about that for a second. It is usually the Federal Government that shows the leadership when it comes to protecting people against dangerous drugs and substances sold. In this case, exactly the opposite is the case; the States have seen the adverse consequences, the States understand the danger, and the States are moving ahead of the Federal Government. How bad is this, that our States are leading when it comes to national health standards, and the Federal Government is silent? And why?

I think there are two reasons. First, this industry—the dietary supplementary industry—is a big political player. When I called for this hearing on ephedra products, and particularly Metabolife, to investigate these adverse event reports and the cases that were showing up in court, I will tell you this: In 20 years of service on Capitol Hill, I have never faced more political pressure in my life. I have taken on the big tobacco companies and other pretty big players. On this one, all of a sudden, my colleagues were saying: Dick, are you sure you want to have a hearing about Metabolife? Do you realize what a big political player they are and this industry is? Do you realize how good they have been to our party? Do you realize this person and that person is associated with them?

I thought to myself, what in the world have I gotten into here? What I thought was a common investigation has become a big political deal. I went ahead with it, and I am glad I did. Frankly, the evidence that came out of there was overwhelming.

Do you know that in exchanges at military bases across America, the Armed Services have banned the sale of these same products that are being sold in convenience stores, gas stations, and drugstores across America to children and unsuspecting people? There is a ban on military bases because they know that service men and women using them for energy, or to lose weight, have had terrible health consequences.

The evidence continues to mount. Incidentally, these are the same products that have been banned by major sports organizations. Athletes cannot take these products containing ephedra, legally, if they want to participate in the Olympics, or professional football or collegiate athletics.

So you have the accumulated evidence about the danger of this product, and our Government fails to act. Why? It is because of the political clout of this industry and, secondly, the bureaucracy. The bureaucracy in this town moves so slowly that, frankly, the American people should stand up and object in the most strenuous terms. To think we have waited some 8 years for regulations to come out of the FDA about dietary and nutritional supplements. To think that the people who want to sell Metabolife, or want to sell these Yellow Jackets, can put ingredients on the back of these bottles that, frankly, don't mean a thing to anybody—even a chemist, unless you are really into herbal medicine. Cola nut extract? What will that do? I guess it is loaded with caffeine, which with ephedra, is going to cause danger. And here is ginseng, so forth and so on. You can read these and you might say the average consumer would not have a clue as to what they are putting into their body.

Did I mention that in 1983 the FDA banned the sale of any combination of ephedrine and caffeine? You cannot buy an over-the-counter drug legally that contains ephedrine and caffeine. That has been the case for 19 years.

But do not worry you can still go out to the gas station and buy them as a dietary supplement such as Yellow Jackets or Metabolife. They have it all in there. How is that possible? We ban the sale of the product in drug stores, and yet we let it be sold to children in gas stations as dietary supplements. And that is a fact.

If you take a look at the number of organizations that have banned this, not just Canada, and not just the recommendation of the American Medical

Association, and not just over 20 States that have restricted its sales, but major sports organizations, you come to the inescapable conclusion that this is a dangerous product, and yet it is sold to Americans. The Food and Drug Administration sits on its hands doing very little.

What is at issue, I am afraid, is now a growing philosophy that we hear from this administration of ''let the market work this out.'' The market worked it out for Sean Riggins, a 16-year-old high school football player, who lost his life because the marketplace would not restrict the sale of the product.

Recently, I attended a high school reunion. I will not put on the record which one it was, but believe me, I am getting up there. I ran into a friend of mine who sells products in gas stations in California. I talked to him about these Yellow Jackets and ephedra. He said that is the biggest moneymaker in gas stations. It has a 100-percent markup.

He said: There is nothing else I sell in the gas station that is as profitable as these Yellow Jackets. There is nothing like it. This is a big winner. That is why we put it at the cash register.

I said: Are you worried about the impact this will have on kids?

He said: If this was dangerous, the Government would take it off the market.

We know it is dangerous, and this Government, under the Clinton administration, as well as under the Bush administration, has failed to take the necessary action to regulate the sale of this product to make certain this product is safe and effective for American consumers and if unsafe to take it off the market.

I call on Secretary Thompson today—and I will continue to—to take action to protect Americans. Do not allow another boy to die in another town in America. Do not let some unsuspecting 12, 13, 14 or 15-year-old lose his or her life because we failed to act, because we are cowered by the political muscle of groups like Metabolife because we are afraid we would somehow be meddling in the marketplace if we came in and told the consumers the truth about the danger of this drug and the fact it is not safe.

It is time for Secretary Thompson and the Food and Drug Administration to accept their responsibility. To do less is to endanger the lives of unsuspecting Americans. I call on those who are in the business of running drugstores, gas stations, and convenience stores to have a conscience. Take these products from the front of the cash register and at least put them on the back counter, if not take them out completely. Make certain that kids cannot get their hands on them and misuse them; so they cannot get a buzz on them with the beer they managed to get their hands on or a caffeinated soda or cannot take them before a football game and end up dead like this poor young man in Lincoln, IL.

This is, I believe, a moral imperative. I am hopeful that those across America who understand how valuable the lives of our children are and how important it is for our Government to stand up and protect American citizens will do something and do it quickly.

I ask unanimous consent that the material to which I referred be printed in the RECORD.

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

LOGAN COUNTY CORONER,
Lincoln, IL, October 9, 2002.

Hon. RICHARD DURBIN,
Dirkson Senate Building,
Washington, DC.

DEAR SENATOR DURBIN: It is with great pleasure and honor to have testified on the ill effects of Ephedrine, Yellow Jackets and their related cousins on October 8 at your committee hearing.

Your knowledge and presentation allowed the Riggins and myself to be more at ease, if that is possible, in telling Sean's story. Your genuine concern for your constituents championing a just cause even before our tragedy was very apparent.

After landing in Bloomington, Illinois we were made aware of the FDA's move on NVE by Peoria's Channel 31, and the Bloomington Pantagraph. We can only hope our message is received by parents, students, teammates, and the general public before another individual is stricken.

Your staff of Anne Marie Murphy, Joe Shoemaker, Brian and Erica were extremely helpful, courteous and professional. We can't thank you enough.

We held Sean's inquest at 3:00 p.m. today in Lincoln.

We will be ever vigilant on this cause. Please feel free to contact us if you ever need further statements.

Sincerely,

CHARLES W. FRICKE,
Logan County Coroner.
KEVIN AND DEBRA RIGGINS.

The PRESIDING OFFICER (Mrs. LINCOLN). The Senator from Alabama.

Mr. SESSIONS. Madam President, I think Senator DORGAN has left and will be returning. He was going to ask unanimous consent that he speak after I do. I believe he made a decision not to do that at this time.

TRIBUTE TO SENATOR JESSE HELMS

Mr. SESSIONS. Madam President, I rise to pay tribute to a great American and friend, Senator JESSE HELMS. I speak with mixed emotions. I am happy to see that after a long and distinguished career, he will have more time with his wife Dot, his beloved wife of 60 years, as well as enjoying time with his children and grandchildren, but I know a man of this nature and capacity is impossible to replace.

In the words of the Weekly Standard, Executive Editor Fred Barnes wrote not too long ago:

His unflinching devotion to conservative principles has made him a powerful figure. He is oblivious to the buzz, the chatter, the gossip of the press and polls and the permanent establishment. He is totally inner directed. He cares little for details or process, but when someone clashes with his conservative views, he steps up no matter how unpopular that makes him. He wins some, he loses some, but he is always a player who can be reckoned with even when he is acting alone.

I remember one such occasion when Senator HELMS was acting alone in his outspoken criticism of the United Nations. He refused to approve payment of U.N. dues until their lavish, bloated, and unwieldy bureaucracy—actually corrupt bureaucracy—was reformed. It went on for some time.

They said he wanted to destroy the United Nations, and he said he wanted reform. As chairman of the Foreign Relations Committee, he was able to hold that legislation up, and he stayed firm. The mainstream media and activists chastised him. They tried to mock him, but he knew there were great problems at the U.N., and he would not give in until it was improved. It should be told that in the end, the United Nations gave in. Reforms that will make the United Nations a better, more honest, effective, and viable organization were passed, and the money was released.

I do not want to attempt to catalog Senator HELMS' accomplishments. His record speaks well to that. It is quite clear others have spoken of them in the last few days. People on both sides of the aisle have talked about his remarkable service in this Senate. It does seem to me that he has an unusual tenacity, an unusual commitment to principle.

Even when it might appear that he loses, sometimes he wins. For example, even though he was unable to block the Chemical Weapons Convention, which he did oppose, he did win 28 of the 33 concessions or amendments or changes in that treaty that he had asked for, making it a much better treaty in the end.

Senator HELMS' career, of course, should not be focused entirely on foreign policy, although he was a leader in that area. As an Eagle Scout myself, I really appreciated him standing up for the Boy Scouts. He was quite eloquent in these issues that came up several years ago.

In the article I mentioned earlier by Fred Barnes, it concludes by asking if JESSE HELMS can be replaced. Barnes' conclusion is similar to mine: That is a task that is ''probably more than we can hope for.''

I have tried to think about what makes him special, and here are a few thoughts of mine. Others may disagree. Maybe this Senator would disagree, but I believe his leaving this body is a significant event, and perhaps we should think about what has made him unique in his service.

First, I believe Senator HELMS is a provincial patriot. He really admired Margaret Thatcher. I have heard him talk about her. It was remarked that Margaret Thatcher was a provincial, that she was a daughter of a shop owner, and she had inculcated in her youth all the classical values of England. That is what we have in JESSE

HELMS. He has never been a part of the urbane crowd, the radical sheik crowd. He knows it, and they know it. It galled them that he could not be intimidated by an editorial in the New York Times or the Washington Post or some such event.

He is a man of faith, a Baptist. He comes from the soil of North Carolina, and he is proud of it. He prefers the affection and commendation of those in his province over those in the great salons where the masters of the universe operate. In fact, he respects the people of his beloved State and deeply shares their values. That is what he fought for every day.

The cynical, rootless left, the politically correct, those without principles, those who do not believe in truth, those who do not comprehend the greatness of America were not for him.

Indeed, he saw them as the problem. And, at their core, these folks understood that, too. They knew his disagreement with their actions was deep and honest. Try as they might, it would not go away.

I think some may have hated him for it, but JESSE HELMS did not hate. He absolutely does not hate. He only wants to do the right thing for America because he values America over politics and because he is courageous in his stand for principle, and he often would not be moved. The left never understood it. Some thought he hated them, but he does not. He loved them. He loves America. He wants a better life for all Americans.

The truth is that Senator HELMS is the most kind and considerate person. His soft-spoken ways are known by all. His modesty and unassuming manner are plain for all to see. His wonderful wife Dot shares those same qualities and is loved by all who know her. He is a true Christian gentleman in the southern style—courtly, gracious, quick of wit, and firm in friendships. He is a most remarkable person, exceedingly intelligent, well read. No one here can turn a phrase better than JESSE HELMS.

When he has been wrong or slow to understand, he has admitted it. His conversion to advocacy for a much stronger role of the United States in the fight against AIDS in Africa is a very recent example. He even apologized for being slow to understand the moral significance of that tragedy in Africa.

Finally, the career of Senator HELMS cannot be discussed without remarking on the critical role he played in enabling the focus of democracy, free enterprise, and faith to triumph over the godless totalitarian forces of communism. He was a constant cold warrior. He saw the evil in the ''evil empire,'' and his drive to overcome it never slackened. He was relentless, even when undergoing attacks from the so-called opinion leaders of America. It certainly was not those opinion leaders and pundits who won the cold war. They blew hot and cold—mostly cold—on U.S. policies. But the people in the provinces knew. They knew there could be no compromise with freedom and communism, and fortunately those people had a strong, able, and true voice in JESSE HELMS. He stayed the course. The Soviet Union collapsed.

There were many close calls in that struggle and many highlights in the battle of the cold war. One of those critical moments came when Senator HELMS came to believe in Ronald Reagan and his view of the role of the United States in this struggle. JESSE worked hard, at a critical point in Reagan's campaign, to produce a great victory in North Carolina that gave him the nomination and went on to allow him to be President. I have heard him speak about that moment.

Together, they persevered. The ''evil empire'' collapsed, and the victory was won. That was a partnership of no small note. It was a partnership of historic importance.

Senator HELMS, we appreciate you. You played a critical role in the struggle for freedom. We thank you for your courage and consistency. American freedom is in your debt, and we are obliged for your service.

I yield the floor.

TRIBUTE TO DEPARTING SENATORS

Mr. CORZINE. Madam President, I rise today to say a simple thank you to a number of my retiring colleagues, good people who have done good things to serve the citizens of their States but, more importantly, serve our Nation.

I particularly mention MAX CLELAND and JEAN CARNAHAN, who are exceptional and special people. They are heroic in their own way, as the term is truly defined. The courage and optimism they have shown in their lives strengthened mine. The grace they brought to their service in the Senate, to their States and the Nation, is truly remarkable.

MAX CLELAND does not need extensive description to know that he is a patriot, one who cares about America, worked hard to voice support for veterans and supports working people across this country.

I worked with him closely on the economic plans we thought would stimulate the economy. He is a remarkable winner. He came into New Jersey and helped me as I was a fledgling, aspiring Senator. He took me into worlds I had not known, and I truly will miss him, as will all of us in the Senate.

JEAN CARNAHAN is my desk mate on my right, No. 96 out of 100, me being 97. We sat together, laughed together, worked together, learned together. She showed me how to be a little bit better at being a Senator than I might otherwise be. She is an inspiration. In her own life, she dealt with tragedy and turned it into opportunity. A remarkable woman who truly cared about the people of Missouri and this Nation, she brought great grace to everything she did.

MAX CLELAND and JEAN CARNAHAN are an inspiration to the lives of all of us now and as we go forward. So I congratulate them in their service and celebrate their lives.

From a different perspective, less personal because I have worked less frequently with them and certainly have a different partisan perspective, but I commend their service and respectfully congratulate STROM THURMOND, BOB SMITH, JESSE HELMS, and TIM HUTCHINSON. They are remarkable people in their own right. Certainly, Strom Thurmond is someone with whom it is an honor to be in the Senate, to see the courage he brought every day to his service in the Senate while I was here, but to the Nation in general.

For years, BOB SMITH, his great leadership on the environment I saw firsthand as a member of the Environment and Public Works Committee.

I thank JESSE HELMS and TIM HUTCHINSON for their service. Each has been a major contributor to America's political life and the deliberations in this great body.

So, again, a simple thank you.

Finally, maybe most importantly, I want to say a few words about my colleague, my political mentor and my friend, BOB TORRICELLI. Let me begin by saying most certainly that, like Senator TORRICELLI himself, I was deeply disappointed in his admitted errors of judgment. The subsequent reprimand by the Ethics Committee was a most unfortunate blemish on a career and life of extraordinary service, certainly to the people of New Jersey and I believe to the Nation.

In the fullness of time, we all are judged not always by one event in our lives; we are judged by the complete contribution we make or we do not make. Senator TORRICELLI is one who has made many contributions to individuals, to my State, and to the Nation. It is remarkable, frankly, that his whole adult life has been dedicated to public service, stretching 20 years in elected office and probably 25, 26 years from his early days in college.

He was a part of the political environment and public service, starting as a deputy legislative counsel for New Jersey's Gov. Brendan Byrne—I think that actually means he was his driver—but he was an important part of one of the most successful administrations and leadership of the State of New Jersey. A great man, Governor Byrne, gave Senator TORRICELLI his start.

Then he worked in the Carter White House with Vice President Mondale as a senior staff person, one who was close to many of the important issues in foreign affairs and domestic policy on which the Vice President worked.

In 1982, he was elected to the House of Representatives and served there for 14 years, a strong, constant voice, a representative of New Jersey. He worked on matters relating to transportation systems, environmental

issues, concerns about our educational system, public housing, all those things that make a big difference to the most densely populated State in the Nation—in the most densely populated county in our Nation.

Senator TORRICELLI built an unimpeachable career in the House of Representatives and used that as a platform to be elected to the Senate in 1996—always, always a tough fighter, tough elections, tough fighter for the issues he believed in, and particularly a tough fighter for New Jersey.

Together we have been able to have a very positive and constructive dialog with the White House, with five judges appointed to district courts, all as a package. This is a very important contribution to our judicial system, one where high-quality people agree to work. We were pleased to work together to respond to the tragedy of September 11 and the 691 families in New Jersey who lost a loved one, with regard to working on the funds, to assure tax deductibility for families was allowed, making sure the New York-New Jersey metropolitan region was properly or appropriately supported with financial resources. BOB TORRICELLI was a fighter for that.

He was a fighter for making sure we resisted domestic violence in the home, provided more housing for battered women, pushed to take guns away from wife beaters and child abusers, fought for middle-class tax relief.

Senator TORRICELLI and I did not always agree on some of the proposals. Some, we did. He certainly made a major contribution in our most recent tax relief proposal that the President and the Senate and others came to include, the college tuition tax deductibility, which he fought for, which was included, expanding deductions for student loans, a tax credit for lifetime loan. All these are major contributions that will live long beyond a term in the Senate.

He was a strong advocate for those suffering from Lou Gehrig's disease, eliminating restrictive Medicare rules with regard to that. On foreign relations issues, he was a constant and ever-present voice to make sure American foreign policy was broadly attentive to human rights and making sure America's interests were represented not only in meaningful defense terms but that we were involved in carrying a strong posture with regard to the values in which we believe in the Nation.

Finally, we cannot talk about Senator TORRICELLI's efforts without his strong political advocacy and representation of the need to make sure we have a strong two-party system in this country, with a voice, that ideas are openly debated, and the public has a choice. He certainly was most effective in leading the Democratic Senatorial Campaign Committee, but most importantly, in representing the view that we need to have a debate about ideas.

It is with a sad sense, from my perspective as a close friend and someone who cares about another human being, that I congratulate him on service and thank him for all he has done personally. But most importantly, for the people of New Jersey, the people of this country, I thank him for his service to all for those 27 years.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Madam President, I say to my colleague from New Jersey, that is the most appropriate way to speak with regard to our party colleagues, those two magical words understood by every American: Thank you. If I may, I take that as my keynote and, likewise, make a few comments.

UNANIMOUS AGREEMENT—H.R. 695

Mr. CORZINE. If the Senator will yield for a unanimous consent request, Madam President, I ask unanimous consent, notwithstanding passage of H.R. 695, it be in order for the Senate amendment to be corrected as follows: On page 57, line 9, insert a ''$'' before ''10,000,000.''

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

FAREWELL TO DEPARTING SENATORS

Mr. WARNER. Madam President, this is a moment we look upon with mixed emotions: Yes, thank you for the service of these wonderful men and women and sadness of their departure; but to have the opportunity to say a word or two about the legacy they leave.

This is the most extraordinary legislative body in the entire world. People have often asked me, When did you decide you were going to become a U.S. Senator or try for the Senate? I suppose I have never been able to give an adequate answer. But it is a privilege that few have. For those who do succeed, what a rich reward this service is. It has been for me, and I am now concluding my 24th year. In January, I will start a quarter of a century of service in the Senate. That hardly compares with my distinguished colleague from West Virginia, Mr. BYRD, who has been here these many years, but a quarter of a century is a good start. I am privileged now that my State has reelected me for a fifth term.

But it has been with the help of my family, my immediate family. I shared breakfast with my eldest daughter. We talked about the years I have been in public service and the opportunity I now have to continue in that public service. It has been a burden at times on the family but one which any family would do, as every family here of those privileged to serve in this Chamber look upon that as a great reward.

I start with those colleagues who have served with me on the Senate Armed Services Committee and with my dear friend, Senator THURMOND. I remember so well when I was Secretary of the Navy and I would come up before the Armed Services Committee at various times, of course, in connection with budget requests, but at other times I was called on the carpet pretty thoroughly by Senator THURMOND during the war in Vietnam. I served 5 years and 4 months as the Navy Secretary. He used to question me. As the hearing ended, he would pull me over and say: Why don't you think about coming to the Senate someday? I owe Senator THURMOND a debt of gratitude for instilling in me the thoughts that eventually led to my election to the Senate.

Senator THURMOND has touched every life with whom he has served in this Chamber these many years. He has touched mine very deeply. He was sort of like the older brother I never had. There is not a Senator here who, from time to time, does not quietly go and talk to the elder statesmen in the Senate about problems they have. I have certainly shared many conversations with Senator THURMOND.

Both sides of the aisle, Senator John Stennis, Senator Scoop Jackson, Senator Barry Goldwater—he sat right over here—Senator John Tower. It has been an enormous benefit to me to serve with, really, these giants of the Senate and those who served on the Armed Services Committee.

I was ranking on the committee for many years, and then, in a very courteous manner, Senator THURMOND came to me one day and said he really wanted to cap off his career serving as the head of the Armed Services Committee. So he succeeded me as ranking and then eventually became chairman of the committee.

Even though he had the title and I had stepped down as ranking and so forth, I worked with him very closely and learned a great deal. And still, this last moment, last night, after he delivered his memorable few final remarks to this body, we visited quietly together in the hallway.

Yes, STROM THURMOND, I thank you. I thank you for all you have done for me and for all you have done for America.

Tom Brokaw has written about the greatest generation, those who served in World War II. STROM THURMOND has had the most extraordinary of service. I remember one time he called me up and he said: John, the President has invited me to go with him to the D-Day beaches. It was the 40th anniversary. It was the thinking of President Reagan at that time, very wisely, that many of those veterans would not live to see the 50th anniversary. So Strom embarked for the beaches of Normandy on the 40th.

Howard Cannon, Democrat from Nevada, went with us. Howard Cannon had gone in on D-Day in a glider.

Lowell Weicker went with us. I remember his father had been Chief of the Air Force Intelligence, 8th Air Force, Army Air Corps. So there were just the four of us who went.

STROM THURMOND was assigned a helicopter right behind the President's

helicopter and perhaps one with the Secret Service. We traveled up and down the Normandy beaches for 2 days, visiting almost every single site where our troops were involved. I just remember it so well. I remember one Member of the House of Representatives who joined us, beckoned to Senator THURMOND to come over, a Congressman from Florida. I will put his name in the RECORD.

He said: Look, STROM, I can see the indentation where I dug my foxhole.

Sure enough, there was the beach and an indentation was there. He was consumed with emotion; STROM likewise. I remember these two men embraced on that spot.

There were other veterans, many of them there, who had participated in D-Day. I always respectfully kept a distance, a pace or two behind STROM THURMOND, who was a Major General in the National Guard, as he was greeted warmly, and likewise shared moments, deep thought with those veterans who had been there on that historic moment in American history. How well I remember that trip.

How well I always remember STROM THURMOND and what he has done for America and what he did for this humble Senator. I served at the very end of World War II in the Navy, just in the training command, getting ready for our overseas assignments when, God bless America, the war ended. I was privileged to be a very minor part of the generation of STROM THURMOND.

Also on our committee was TIM HUTCHINSON. TIM was a fighter then. He is a fighter now. He stood over there on the floor last night, and we talked a bit together. His spirits are high. He lost in a tough, competitive race. But he reflected on those achievements he was able to provide for the men and women of the Armed Forces as the chairman of the personnel subcommittee, when I was chairman of the committee, and then as ranking.

Concurrent receipts is a very difficult issue, one that had to be addressed by the Congress. The distinguished Senator from Nevada, Senator REID, and Senator HUTCHINSON, Senator SMITH, BOB SMITH, also a Member of the Armed Services Committee—I will speak about him momentarily. Senator LEVIN and I joined that triumvirate and finally we had what I call a measure of success on that issue.

It seemed to be irresolvable, irresolvable for many years that the committee addressed this issue. But finally we established a beachhead and, while it is not satisfactory to all, it is nevertheless a beachhead for the first time in the history of the doctrine of concurrent receipts, which goes back 100 years. It is not easy to set aside 100 years of history to establish the beachhead we did.

Tim was in the forefront in that. He also joined in the leadership when we put TRICARE For Life through. Those who serve in the Armed Forces of the United States always remember some of the circumstances when they came in and all the promises that were made when putting on that uniform. Particularly those who became careerists and spent 20-plus years in, they always felt they were entitled to assisted care and medical care and treatment for themselves and their families, which they were, in large measure, promised through the years.

Put aside all of the legalities, nevertheless, to me it was a moral commitment of this country, to provide that care. TIM HUTCHINSON joined me. I was then chairman. We were able to put that into law such that that care now and for the indefinite future—so long as I am here, I will fight to preserve it—will be made available to those career individuals.

Pay raises—all types of things the personnel committee is responsible for; again, the GI bill and other things. But I conclude with TIM on one remark. The Commandant of the Marine Corps approached me the other day just to give me a little update. The retention, particularly in the officer corps of the United States Marine Corps, is at the highest it has ever been in living memory. That comes about through many factors but the principal factor is the knowledge and the feeling—whether it is in the Marine Corps, the Navy, the Army or the Air Force—that the Congress of the United States stands there to help these individuals, and just to treat them fairly with regard to their pay and benefits and the needs of their families.

TIM HUTCHINSON, I salute you. You did a marvelous job to care for the men and women of the Armed Forces.

We also had JEAN CARNAHAN serving on the committee. I remember so well that she fought hard for the FA–18, a modern naval aircraft. Here is this really extraordinary figure who bore the brunt of such tragedy, to quickly come to the Senate of the United States and assume not only the mantle of a Senator with the burdens of the office, under those tragic circumstances—I would say on her committee she performed very well. We were proud to have her.

She was very gentle, a bit soft-spoken, but tenacious. So I wish that member of our committee well as she departs.

MAX CLELAND: MAX also was on the personnel committee, chairman and ranking. MAX was a fighter. MAX bears the scars of war and those are the scars of really a tenacious fighter. He carried that same measure of courage and tenacity here to his duties in the Senate. He fought hard for the GI bill. He fought hard for the F–22. That is our modern high altitude fighter. It has gone through a lot of trials and tough times, but it looks as if it is going to make it. In the next 20 to 25 years, that aircraft, at those high altitudes, with the ability to interdict any aircraft comparable in the world and have distinct technological advantages, and hopefully pilot advantages—it can provide the security of the airspace for the other elements of our military below that airspace, whether they be on land or on the sea.

Those familiar with warfare know if you do not have the space secure, those beneath the airspace are in constant peril.

Thank you, MAX, for the GI bill, for end-strength adjustments. He recognized the stress being put on the men and women of the Armed Forces today and their families and deployment. He fought hard to see that those end strengths were in law, written such that the appropriate Chiefs of Staff and the other civilians in the Pentagon could make the adjustments necessary to better care for the men and women of the Armed Forces.

MAX also has a very special place in my heart because, as I mentioned earlier, I was privileged to be Under Secretary and Secretary of the Navy for 5 years during Vietnam. I visited Vietnam a number of times. I visited the aid stations where the wounded were brought straight from the field of battle.

It is hard for people to realize, but those of us who were in the Pentagon in charge of the military service during that period would sit down each week and write some weeks 50, 60, and some weeks hundreds of letters to the families who lost their loved ones in the battles of Vietnam. You don't forget that.

Each day that I was privileged to see this fine, strong American veteran brought back those memories for me in that period of history. As I look back on it now, it was a period where perhaps we should have seen earlier on in that conflict a different way to proceed to try to preserve the integrity of the Government of South Vietnam before it fell. But that I will save for another day.

MAX, I wish you well.

Of course, MAX did another thing to this old Senator from Virginia. He announced last night that he was going to get married. I think that leaves me now as the only bachelor in the Senate. FRED THOMPSON, of whom I will speak now, bailed out on me. And now MAX has bailed out on me. I am all alone in that category.

FRED THOMPSON: I remember there was a very successful advertisement years ago. I can't remember it clearly, but it sort of characterizes FRED THOMPSON. When he speaks, people listen. This is a man who has a remarkable presence—not only a commanding physical presence but an equally commanding strength of mind. And when he spoke, we listened, whether it was here on the floor or within our caucuses or listening to his speeches or when presiding over the Government Operations Committee. People listened reverently as Senator THOMPSON spoke.

He also had a remarkable sense of humility. Those who have traveled through the Hollywood scene—some of which I have known in my lifetime—

often do not have a sense of humility. But FRED has. His capstone, I suppose, was last night when I believe the vote was 90 to 7 for the homeland defense bill about which he felt very strongly.

I think America will look back, and hopefully will look at a successful piece of legislation to add to the bastion of defenses with which we must now defend this Nation.

FRED, we thank you for your work on that and wish you well with your young bride.

PHIL GRAMM: Few people realize it, but when we passed new highway trust fund legislation some years ago in 1996, I was privileged at that time to be chairman of the subcommittee of the Environment and Public Works Committee that was charged with the principal responsibility of drafting the provisions of that historic piece of legislation which enabled each and every State to get a minimum of 90 cents return on those tax dollars paid by citizens of those States and visitors when they pumped a gallon of gas.

We had a very inequitable and unfair system of donor States and donee States. The State of Virginia was a donor in that we only got 78 or 79 cents back, and the remainder of the Virginia drivers' Federal taxes went to other States. There were some other States such as Massachusetts that got over a dollar, for what reason I have never been clear on. But PHIL went back and examined the tax structures supporting the highway trust fund.

President Clinton had put another 5-cent tax on and split it between the highway trust fund and the general trust fund. PHIL, as a member of the Finance Committee, got that reversed. All 5 cents went to the highway trust fund. Otherwise, the 50 States—I emphasize that—50 States could not have gotten a substantial increase in those dollars necessary for roads and bridges and other infrastructure measures to facilitate transportation.

That, to me, is one of Phil's most significant accomplishments. He worked with us on the Environment and Public Works Committee and the transportation committees of the House and Senate to ensure that America got an equal and fair distribution of those highway trust fund moneys.

Of course, PHIL will always be remembered for his wit and for his wisdom—brilliant in both but equally controllable in both of those attributes. I say they are attributes. He is ever quick with the turn of a phrase, or a very insightful path to take to resolve a problem. Many times he stood up in our caucus to say this is a piece of legislation which I believe should take this course, and our leadership often followed that advice.

We will miss you, PHIL. But we will remember you, and we will remember you, as you say, with love and affection. Those are the words that he used so often. Of course, he, along with FRED THOMPSON, was one of the principal architects of the homeland defense bill. And I am confident that will in due course be a landmark piece of legislation that will serve this country well.

Lastly, I speak of my colleague BOB SMITH. BOB and I are friends based on our loyalty and indebtedness to the U.S. Navy. BOB's father was a very distinguished Naval officer in World War II. He fought in the Navy, and he fought through a number of combat situations in the Pacific to come home. And then his extraordinary capabilities in aviation enabled him to become a test pilot. That is sort of the ultimate desire of aviators—to become a test pilot to begin to push the frontiers of aviation and develop those aircraft for successive generations to combat the enemies that are lurking against this country.

BOB's father had not been home from World War II but a few months when he was testing a plane that malfunctioned and he lost his life. BOB was robbed of his father at a very early age. He carried that thought with him—as he does today—with complete reverence to what his father did in the Navy. BOB served in the Navy himself during Vietnam. So the Navy has a very strong bond between us.

I remember when he fought so hard right here on the floor—originally, I didn't think it was a good idea, but I eventually decided to join him in going back to reexamine the circumstances of the USS *Indianapolis*. That was a remarkable chapter in Naval history. It was a magnificent heavy cruiser. It was the last ship sunk by enemy action. I could be wrong on some minor vessels, but the last capital ship sunk by an enemy action. A Japanese submarine sank that ship as it was making its way back to the Pacific theater to take up its position once again. It had been out there earlier in the Pacific. This was another tour, positioned with our fleet, when, in moonlight—the captain was asleep—that ship took a torpedo and went down.

A great many of the crew were lost when she went down. But a number survived and floated aimlessly in the oceans, suffering from the deprivation of water and intense sunlight. Sharks actually came in and physically devoured and maimed a number of those crewmen.

The Navy search for that ship will always be one of controversy, but eventually a destroyer came alongside and found them.

I remember very well an officer on that destroyer was a proud Virginian, Graham Claytor, who eventually became Secretary of the Navy. He followed me by a few years in the Navy secretariat. And he told me, firsthand, about the appalling sight of those men who had been at sea some several days, suffering extraordinary deprivation.

The captain was held accountable, court-martialed, and although it dwindled off in a certain way—it pretty well drummed up—BOB felt that the captain had not received the full measure of justice to which he was entitled. He fought on the floor of the Senate, and eventually the Senate voted to, in large measure, restore—although the captain was long since dead—the equities, the recognition that he is entitled to for his heroism on that ship.

So to this sailor, to this Vietnam veteran, who is so proud of the Navy, and who fought so hard when he was chairman of the Strategic Subcommittee in the Senate on missile defense—BOB, to this day, feels very strongly, as do I, to have this Nation have a workable, early deployable, limited missile defense system. BOB fought hard for that.

Every Senator cherishes the opportunity to provide for their State's National Park Systems.

FRANK, I thank you for helping me, over your many years in the Senate, to make additions to Virginia's Park System.

In particular, those initiatives, some of first legal impression, to make private land available for viewing and study by the ever growing number of visitors interested in the civil war.

Thank you, FRANK, for also being a ''Paul Revere'' on the need for a national energy policy and the increasing need to free America from the bondage of reliance on imported energy.

We wish you and your wife good fortune as you are ''elevated'' to the Governorship of Alaska.

So I again summarize simply by saying to my colleagues, thank you for all you did for this humble Member of the Senate. I wish each of you well in your next chapter of distinguished careers. We shall remember you here, one and all, in the Senate.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Madam President, I know that there is another Senator here, the Senator from North Dakota, who wishes to get recognition. I was told the Senator from Maine wished to get recognition, Senator COLLINS. She is not here?

I will not detain my colleague from North Dakota long. And I did not say I would, but I certainly meant to—I think of gentlemen as being very special people, and I intended, as a gentleman, to yield to the lady from Maine first.

Mr. DORGAN. Madam President, will the Senator from West Virginia yield?

Mr. BYRD. Yes.

WISHING SENATOR ROBERT C. BYRD A HAPPY 85TH BIRTHDAY

Mr. DORGAN. Madam President, let me observe, if no one has, as of yet, it is the 85th birthday today of our colleague from West Virginia, Senator BYRD.

I gave him a note a few moments ago, not only wishing him a happy birthday but, on this last day of this Congress, saying to him how much all of us appreciate the fact he has given so many years of public service to our country.

I pointed out—if I might just continue for a moment—in a note to him that as I read the book about John Adams by David McCullough, John Adams seemed, as they were trying to create this country, to write to Abigail, plaintively asking: Where will the leadership come from? Who will emerge as the leaders of our great country?

As they put this country together, of course, the leaders were there. John Adams said: There is only us—George Washington, Mason, Madison, Ben Franklin, and so on.

For over 2 centuries, the question before this democracy has been: Where will the leadership come from? Where will the leadership emerge? This country has been enormously blessed by having leaders emerge throughout its history. A significant part of that history here in the Senate has been blessed with the leadership of one Senator ROBERT BYRD. So today, on his 85th birthday, let me join his colleagues in wishing him, on behalf of a grateful Nation, a hearty, happy 85th birthday, and many more.

Mr. WARNER. Madam President, will the Senator yield so I can join in those well-deserved accolades?

Mr. BYRD. Madam President, I yield to the Senator from Virginia.

Mr. WARNER. I thank my colleague.

Madam President, I am very heartened by that news of the Senator's 85th birthday. I proudly have attained 75, and I am hopeful I can someday stand here at 85, to not just stand but pursue my duties as a Senator, if that case may be, with just half the vigor and strength of mind as displayed by our esteemed colleague from West Virginia, for whom I share the greatest affection, as he well knows.

We have adjoining States. There is a little line drawn between certain areas which at one time was all Virginia. Nevertheless, we have people so much alike in their needs. I often work with my colleague to meet those needs. I thank him very much for this opportunity.

I thank my colleague and wish him well, he and his lovely wife.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Madam President, I deeply thank my colleague from North Dakota for bringing this matter to the attention of the Senate. I thank my friend from Virginia for what he has just said.

With respect to my birthday, I shall have more to say about that later. But let me say, at this moment, I have listened to the distinguished Senator from Virginia extol the virtues of Senators who are leaving.

The Senator from Virginia is a gentleman. I have always felt that of him. Being from the State of Virginia, he certainly exemplifies that title: A gentleman. I have always thought that about most men from Virginia.

Let me say, with reference to something that the distinguished Senator from Virginia said a moment ago—he spoke, I believe, about his daughter. He spoke glowingly about his daughter. That struck a note in my memory.

It was on July 11, 1804, that a duel took place at Weehawken, NJ—a most fateful duel at a time in our history when many fateful duels were fought.

On this occasion, Alexander Hamilton, who was only 30 years of age at the time of the Philadelphia Convention—the Constitutional Convention, in which he, Alexander Hamilton, took part—he was only 30 at that time. Madison was 36. Franklin was 81. Jonathan Dayton, whose relative, whose kinsman, sits from time to time in that chair before the Senate—the kinsman of whom I am thinking is named MARK DAYTON, a Senator from the State of Minnesota—that kinsman of MARK DAYTON was named Jonathan Dayton. He was the youngest man at the Convention, 26 years of age. Charles Pinckney of South Carolina was 28 or 29. But Dayton was the youngest man at the Convention. Hamilton was 30.

Hamilton sat at that Convention. Hamilton went on to fight this terrible duel, and he was mortally wounded in that duel on July 11, one week following July 4. In that day and time there were no anaesthetics; the marvels of medicine had not come along as we know them. Of course, Harvey, that great Englishman, had discovered the circulation of the blood. He had discovered how the blood circulates through the veins and arteries. That was his theory.

But now back to this awful night of July 11. There with his seven children about his bed and his weeping wife, the little children weeping throughout that awful night of pain when the blood from the wound gathered in his stomach. There he lay. The next day, that great man Hamilton died, on July 12.

The man who was the Vice President of the United States, Aaron Burr, was the man who won that duel—Aaron Burr, Vice President of the United States. I have often referred to him as the great enigma, Aaron Burr.

I remember he said when he left the Senate, when he walked out of the door of the Old Senate Chamber, down the hall here, for the last time, he said to his fellow Senators: This house is a sanctuary, a citadel of law, of order, and of liberty. And it is here, it is here, here if anywhere, in this exalted refuge will resistance be made to the storms of political frenzy and the silent arts of corruption. And if the Constitution be destined ever to be at the sacrilegious hands of the demagogue or the usurper, it will be witnessed on this floor—meaning the death of the Constitution—if it be destined ever to succumb to the sacrilegious hands of the demagogue or the usurper, may God avert, its expiring agonies will be witnessed on this floor.

Now, why do I refer to Aaron Burr at this moment? Aaron Burr had a daughter. And the Virginia Senator's words about his daughter brought this to my mind. Aaron Burr had a daughter. Aaron Burr went on to go over to West Virginia to connive with an Irishman over there who lived in the area of Parkersburg. The Irishman's name was Blennerhassett. There is an island over there named Blennerhassett Island. And Aaron Burr talked with Blennerhassett, this wealthy Irishman, about setting up an empire in the Southwest.

In any event, Aaron Burr was arrested and brought to trial. And Thomas Jefferson, his mortal enemy, had a great deal to do with that trial. But that is a bit here and a bit there.

What I am remembering especially about Aaron Burr is he had a daughter. Here was this man who had killed Alexander Hamilton. He was a murderer. He intended to kill; no doubt in anybody's mind, he meant to kill Hamilton. Hamilton did not intend to shoot to kill in that duel. Hamilton intended, it is widely believed, to fire into the air, not to kill Burr. But Burr intended to kill, and Burr did kill Alexander Hamilton.

We look at that dark side of Aaron Burr, this enigmatic brilliant man, Vice President of the United States, that dark side of this mysterious man. But there was a good side to this man. He fairly worshipped this daughter, Theodosia. And she loved her father very deeply. And upon this particular occasion, she left Georgia in a boat or a ship, and there was Aaron Burr, expecting her to arrive, looking forward to her arrival, loving this daughter as he did. She never arrived.

The ship encountered a storm and was never heard of again. And so died Theodosia, the daughter of Aaron Burr. And Aaron Burr, after that dreadful happening, this man who had killed Alexander Hamilton, one of the great founders of this country, Aaron Burr for years would go down to the seashore and stand for hours looking out upon the sad and solemn sea, seemingly to be looking for that ship that never came in, the ship that was carrying his daughter. He stood and looked out on the sea. When Aaron Burr came to his last days on this Earth, he, while lying in his bed, positioned himself so that he could see there on the wall in front of him a picture of that daughter, Theodosia.

When the streams of early sunlight first entered into his room, there was Theodosia in front of Aaron Burr, that loving father. When the shades of night had fallen and night, with her sabled robes, had closed the light of day for the last moment, he could see in the dim light the picture of that daughter, Theodosia.

Well, that was a side of Aaron Burr that not many people know about. A good many years ago, I went to the Library of Congress and went to the rare books section and sought out this bit of material because I was researching the life of Aaron Burr. I had intended to put such a chapter into my ''History of the Senate, 1789–1989.'' I intended to put a chapter on Aaron Burr, the great enigma, in that book.

There were two chapters I wrote that I never put into the book. That was one. The other was about two great West Virginia Senators, Senator John Kenna—it is a very interesting story about John Kenna and what he had to do with the location of the Capitol in Charleston. I will not tell that today. The other great Senator from West Virginia I wrote about was Henry Hatfield, a Republican. So I wrote about one Democrat and one Republican.

In writing those chapters, I went into the rare books section of the Library of Congress, and among those tomes I fished out this story, and many more, about Aaron Burr. It was there that I discovered that this man with such an evil, mean spirit, with the lust to kill Alexander Hamilton, because he hated Hamilton—he challenged this man whom he hated to a duel, and Hamilton, being a man of honor, charged Burr with having said things concerning the honor and patriotism of Burr. In those days, they fought duels about honor.

How many men in this Chamber would die today for honor? Well, in those days they did.

The thing I want to say again is, here was this man, this evil spirit. I can envision his lying awake at night thinking of how he would like to kill Alexander Hamilton—and he did kill him. But there was another side to Burr—a very tender, loving side. He loved his daughter Theodosia.

So the Senator from Virginia, when he spoke of his daughter—I have two daughters also, but when he spoke of his daughter, it reminded me of Aaron Burr, that great enigma, and how he, too, had a daughter he loved and treasured.

Mr. WARNER. Will the Senator yield?

Mr. BYRD. Yes.

Mr. WARNER. I enjoyed that story. I have a great and abiding love for my eldest daughter. I think at that point, I depart from the background of Aaron Burr and his other features, but I would not suggest in any way that you were drawing an analogy. I found the story fascinating.

Mr. BYRD. Mr. President, that is a given. What the Senator talked about the love for his daughter, that is a given. I wasn't attempting to connect the Senator from Virginia with Aaron Burr in that respect. The Senator spoke of his daughter, and it awakened memories in my own mind. Burr was a great man, a brilliant man, Vice President of the United States. He killed one of the Founders of this Republic of ours—not this democracy, but this Republic. And he meant to kill him. In those days, they fought duels to kill.

Well, enough about dueling.

(Mr. BARKLEY assumed the Chair.)

Mr. DASCHLE. Will the Senator from West Virginia yield for a moment?

Mr. BYRD. Yes.

Mr. DASCHLE. Mr. President, I was watching the monitor in my office and noted that Senator BYRD was speaking. Senator REID and I noted as we were watching on television that while the Senator from West Virginia celebrates his 85th birthday, he looks today like a man 25 years younger than 85. He looks youthful, vibrant, and rested. We all remarked as to how it would be possible for him to look as good as he does after the weeks he has had, the hours he has spent on this floor. He has regaled us with yet another story and has reminded us that, while on birthdays it is commonplace in our country and traditional to give gifts to those who are celebrating, it is another reminder of what a gift he is to us. He is a treasure, and we love him for so many reasons, but we especially acknowledge that treasure on this day, given his physical appearance, his eloquence, and his lessons from history. I thank him for that.

Mr. BYRD. Mr. President, I am grateful indeed for these encomiums being said by my colleagues. I deeply appreciate what the distinguished majority leader has just said. I appreciate his friendship on this day and the friendship of so many of my colleagues. I shall always treasure the words he has spoken on this day.

Oh, to be 70 again. The Lord has blessed me. I see his blessing in each of us. He has blessed me extraordinarily. Plato thanked the gods for his being a man. He also thanked the gods for his being a Greek. And he thanked the gods for having permitted him to live in the age of Sophocles. Well, I thank God on this day for what he has given to me. And I don't deserve it. I don't deserve the things God has given to me.

But for God, but for Him and his gracious mercy, I could have been in a penitentiary today; I could have been dead today many times over. It was a mother's wish that I be given to the wonderful couple who raised me. That mother died on the night of Armistice Day, November 11, 1918. I was just a week short of being a year old.

To go on, I thank God for a wife of more than 65 years. I am trying to think of a great Greek. The name starts with an A. He was a great orator. It was not Aristides. It was a very common name in ancient history, but when he in a speech could not think of the right word, he paused until the right word came to his mind. He paused.

He was not like today's speakers, many of whom when they cannot think of a right word they say: You know, you know, you know. That is a mind that is not in sync with the tongue—you know, you know, you know. Not this man, a great—Alcibiades. No. Anyhow, I thank God for having spared my life on many occasions and for giving me the opportunity to serve in this body.

I say to the distinguished Senator in the Chair, who has been here only a few days and who will be with us but a few days more, I could go home today, and I could write a letter to the Disbursing Office and say I am retiring tomorrow. I doubt that I would know the difference in my check that I get every month, twice a month. I doubt that I would know the difference between that check after I had gone home and sat down with my wife of 65 years, who is probably worrying, and in some manner of thinking that is where I ought to be, but I would get practically the same amount of money I would receive as a Senator. So I am not here today for my payroll, and I probably could earn much more money not being Senator or go on some board or be a lobbyist, if I ever deign to be one. I could probably get a lot more money. I do have grandchildren, and my wife and I have great-grandchildren. I probably ought to try to leave them as much money as I can leave them. But that has never been my desire. Wealth has never been a goal of mine.

My only goal is to serve this country, and I have been here 50 years come this January 3. Having studied the history of the Romans, the Greeks, the Persians, the people of the British Isles, and our own colonial forebears, my roots of love and admiration and respect for this country's Constitution, this country's history, colonial history, our forebears is so deep with me. That is why I am here.

I want to say that in the vote last evening, of which we had nine votes—who saw the same thing as I saw at the end—I saw on TV this morning that four of those nine were the oldest in seniority Members of the Senate: BYRD, KENNEDY, HOLLINGS, and INOUYE, the four oldest and senior. PAUL SARBANES, our dear friend from Maryland among the nine, but these are the four senior Democrats, and they voted as I did.

Do you think we collaborated about that? Does the Chair think—I am not asking for an answer; the Chair cannot respond—but does the Chair for a moment think that these nine Senators talked ahead of the vote and said: Will you vote this way? I am going to vote this way. I hope you will vote this way. How are you going to vote? Never a word. I never knew who those Senators were going to be and did not know who they were until after the vote.

I say that to say this: I serve here because I want to serve here and because the people of West Virginia want me to serve. They do not all agree with me. I do not seek to curry favor at home or here. But I do what I think best, and I like that Constitution. I want to compliment, I want to express my deep appreciation to those other eight Senators on this side of the aisle, one of them an Independent, JIM JEFFORDS of Vermont. These men gave up something when they did that. They are going to meet that vote down the road probably one day when they run for reelection.

Did it deter them? No, not for a moment. Nor did they do it because I asked them to do it. I would not have had the temerity to ask them to do it. I would have no business asking them

to do that. I spoke my mind, they spoke theirs, and they voted their way.

Some of the Senators came to me afterward and while the vote was going on and said: Senator, I have been with you down to this point, but I am going to vote for this bill. They were kind enough—they did not have to do that. They did not have to come to me and tell me they were going to vote that way.

I had them come right here to me and say: Senator, I am going to leave you on this one. I have been with you thus far, but looking at the overall picture, I am going to vote the other way.

It was nice of them to do that. I thought it showed a tremendous respect for my viewpoint, and they did it on their own. They did not owe me anything. They did not need to tell me how they were going to vote. But how good of them to come to me and say: I am going to vote the other way.

Does the Senator from North Dakota wish to speak again? I will be happy to yield. I have said about everything I want to say.

I am going to yield the floor now, but I just want to pay homage to these other eight Senators. I am sure it was more difficult for any one of them to vote against the homeland security bill than it was for me because I cut this out in the beginning. I saw where it was going. I was determined not to be for this kind of thing because it was shifting power from the legislative branch to the executive branch. I am not for that. I was not at the beginning when I first said we ought to have a Department of Homeland Security.

That was the course I took. If it meant standing alone, that was all right. I did not mind being the only vote against it. But I never did it with any thought that my speeches would change anybody's mind. That was not it.

Why did I speak that way, knowing that this was almost a foregone conclusion? Not because I was trying to convince any of my colleagues or believing that my speeches would. I spoke for my grandchildren, for my grandchildren's grandchildren, and for future Senators who will be in this body. The record that was made will be a record until the crack of doom, be it 1,000 years, 10,000 years, or a million. If this Republic still exists, those words will be there. That is not my words so much that count, but these were words in support of the Constitution of the United States and of the institution of the Senate. That was my total feeling.

I was well rewarded, exceedingly well rewarded, with the supporting votes of eight other Senators, and the supporting thoughts and words of Senators on this side even beyond that. So I was well paid. I pay homage to these Senators who stood on their feet and reached this conclusion themselves.

I yield the floor.

Mr. SARBANES. Mr. President, I know the able Senator from North Dakota has been waiting, but I want to take a moment, with his indulgence.

I take this opportunity to wish the very able and distinguished Senator from West Virginia, and my good friend, ROBERT C. BYRD, a very happy birthday. There is no doubt that this institution is a better and stronger place because of not only his presence but his leadership and influence in helping to shape the Senate over decades. We are all enormously appreciative and grateful to him for that.

He carries the Constitution in his pocket. He understands the constitutional structure of our Nation and the role of the Senate within that constitutional structure. I have always greatly admired the fact that he is what I would call a constitutionalist. He understands that we have to have strong institutions in order to make representative democracy work. Without those strong institutions, we are in great danger of losing our liberties and the balance that has served this Republic so well for more than two centuries. I join my colleagues and pay respect to him today on his birthday.

In today's New York Times, there is a wonderful story about the distinguished Senator. I ask unanimous consent that the article be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. SARBANES. It is headlined: ''Byrd, at 85, Fills the Forum With Romans and Wrath.''

They should have gone on and added one other thing. They should have said ''and wisdom,'' because that is exactly what he has provided to all of us. We are appreciative to him for it, and we wish him a happy birthday, and many more.

Mr. REID. Will the Senator yield?

Mr. BYRD. Mr. President, before the distinguished Democratic whip speaks, I feel I must say this, and I must say it now, right at this point. Here is a true son of Athens. This is a true son of Sophocles, and Socrates and Plato and, yes, one more. I had it on my tongue just a moment ago. Not Alcibiades, but a man whose name I was trying to think of earlier. It came to me while the Senator was speaking. I am sorry because this really is ruined by what I wanted to say. That great Greek who left Athens and who went to the—what was that other part of Greece that had the emphasis always on——

Mr. REID. Sparta?

Mr. BYRD. Yes, went to Sparta. He went to Sparta. But anyhow, I just wanted to make reference to that and how this man who has been here—we have worked together so long, and now he said these things. I keep being bothered in what I am saying. I am trying to come up with the name. It will come to me.

Mr. REID. Make one up. We would not know the difference anyway.

Mr. BYRD. I thank the Senator from Maryland.

Mr. REID. I asked the Senator to yield because I wanted to, through the Chair, mention a word about you.

Mr. BYRD. The name that keeps bothering me is Aristides. But this was Alcibiades. He was a great speaker, and when he could not think of a word, he paused. He just stopped. He did not say, ''you know, you know,'' or, ''ah, oh, ah, you know, ah, you know.'' He paused.

I thank the distinguished Senator from Maryland very much.

Mr. SARBANES. I thank the Senator.

Mr. REID. Through the Chair, I wish Senator BYRD happy birthday. But I also want to say the Senator from Maryland, as we all know, is a Rhodes scholar. Being a Rhodes scholar is a tremendous distinction. Those of us who work with the Senator from Maryland know he deserved that academic opportunity, and certainly he has fulfilled anything that they thought could be done or should be done, and he is still doing such great things.

I am not a Rhodes scholar. I am a Byrd scholar. I have been trained for 20 years being a Byrd scholar. I have so far to go. I do not know many of the Greek names. I have listened intently to the speeches given on this Senate floor on the fall of the Roman Empire. As my distinguished friend knows, a professor who has since retired taught a course at the University of Nevada at Las Vegas on the Byrd speeches dealing with the Roman Empire. I have picked up a few traits from the Senator from West Virginia. I have my Constitution with me every day.

I have had a wonderful life, but this life has been made so much more full as a result of having become a Byrd scholar.

EXHIBIT 1

[From the New York Times, Nov. 20, 2002]

BYRD, AT 85, FILLS THE FORUM WITH ROMANS AND WRATH

(By John Tierney)

WASHINGTON, NOV. 19.—As his colleagues hurriedly tried to give the president a domestic security bill, Senator Robert C. Byrd took the floor this morning to tell them of a ''truly great'' senator from the first century A.D. named Helvidius Priscus. One day this Roman was met outside the senate by the emperor Vespasian, who threatened to execute him if he spoke too freely.

''And so both did their parts,'' Mr. Byrd said. ''Helvidius Priscus spoke his mind; the emperor Vespasian killed him. In this effeminate age it is instructive to read of courage. There are members of the U.S. Senate and House who are terrified apparently if the president of the United States tells them, urges them, to vote a certain way that may be against their belief.''

Mr Byrd, of course, is not one of those timid souls, and his recent speeches have been extraordinary even for the maestro of senatorial rhetoric, who turns 85 on Wednesday. While his colleagues have debated the fine points of the domestic security bill, he has been virtually alone in asking the larger question: Why is this new department suddenly so necessary? What will the largest and hastiest reorganization of the federal government in half a century do besides allow politicians to claim instant credit for fighting terrorism?

''This mon-stros-ity,'' Mr. Byrd has been calling the bill, repeatedly lifting its 484 pages above his head with trembling hands

and flinging them down on his desk with the fury of Moses smashing the tablets. Mr. Byrd used to be known less for his distaste of federal bureaucracy than for his love of federal aid—he once vowed to be West Virginia's ''billion-dollar industry,'' while his critics crowned him the ''prince of pork.'' But now he is riffing against big government.

''Osama bin Laden is still alive and plotting more attacks while we play bureaucratic shuffle-board,'' Mr. Byrd told the Senate. ''With a battle plan like the Bush administration is proposing, instead of crossing the Delaware River to capture the Hessian soldiers on Christmas Day, George Washington would have stayed on his side of the river and built a bureaucracy.'' Mr. Byrd imagined Nathan Hall declaring, ''I have but one life to lose for my bureaucracy,'' and Commodore Oliver Perry hoisting a flag on his ship with the rallying cry, ''Don't give up the bureaucracy!''

It would not be strictly accurate to say that Mr. Byrd's speeches have fallen on deaf ears in the Senate, since the chamber was mostly empty when he spoke. But thanks to C–Span, his recent oratory has won this traditional Democrat new allies across the political spectrum—from Barbra Streisand to Phyllis Schlafly, according to the letters his office has received. While liberals have hailed his opposition to the president on Iraq, which generated more than 50,000 letters, conservatives have joined him in warning of a threat to privacy from the domestic security bill.

As he was waiting to speak on the floor yet again this afternoon, Mr. Byrd sat in his office and marveled at the rush to pass the bill.

''That Department of Homeland Security will not add one whit of security in the near future to the American people,'' he said. ''In the meantime, the terrorists are going to be very busy. I'm concerned that in our drive to focus on the war in Iraq and the Department of Homeland Security, we're going to be taking our eyes off what the terrorists may do to us.''

Mr. Byrd advocated slowly creating the department, with Congress overseeing the process, and he pulled out the ever-present copy of the Constitution from his breast pocket to make his point. ''We're being recreant in turning over to this president the power shift that is included in that bill,'' he said.

One Democrat senator who voted for the domestic security department said he and his colleagues were exasperated by Mr. Byrd's delaying tactics on this and other measures.

''More and more of our members feel he's dragging it on and on ad infinitum, which is not necessary,'' that senator said. ''Make your point. Have a vote. And move on. He's not willing to do that. He's from a different school. At some point you have to say, 'Enough is enough.' ''

That senator, acknowledging that Mr. Byrd is a powerful colleague, declined to be named publicly, saying, ''I'll get killed.''

Mr. Byrd's long speeches have irritated some of his colleagues anxious to adjourn, but he has his defenders even across the aisle.

''I don't happen to agree with Senator Byrd's position on homeland security, but he deserves to be heard,'' said Senator Chuck Hagel, Republican of Nebraska. ''Some senators think we ought to be on a bus schedule, but I don't have any sympathy for people whining about being delayed. This is our job. I agree with Senator Byrd that we sometimes need to spend more time considering issues as important as this.''

Mr. Byrd, who will celebrate his 50th anniversary in Congress in January, said he had no illusions that his oratory was going to change the outcome of the final vote. So why was he on the floor day after day? What was he accomplishing?

''To me, that question misses the point, with all due respect to you for asking it,'' he said. ''To me, that matter is there for a thousand years in the record. I stood for the Constitution. I stood for the institution. If it isn't heard today, there'll be some future member who will come through and will comb these tomes.''

N O T I C E

Incomplete record of Senate proceedings.

Today's Senate proceedings will be continued in the next issue of the Record.

Daily Digest

HIGHLIGHTS

Senate agreed to S. Con. Res. 160, Adjournment Resolution.

Senate

Chamber Action

Routine Proceedings, pages S11661–S11683

Measures Introduced: Six bills and nine resolutions were introduced, as follows: S. 12–15, S. 3180–3181, S. Res. 361–368, and S. Con. Res. 160. **(See next issue.)**

Measures Reported:

S. 2945, To authorize appropriations for nanoscience, nanoengineering, and nanotechnology research. (S. Rept. No. 107–350) **(See next issue.)**

Measures Passed:

Thanks to the Vice President: Senate agreed to S. Res. 361, tendering the thanks of the Senate to the Vice President for the courteous, dignified, and impartial manner in which he has presided over the deliberations of the Senate. **Page S11670**

Thanks to the President pro tempore: Senate agreed to S. Res. 362, tendering the thanks of the Senate to the President pro tempore for the courteous, dignified, and impartial manner in which he has presided over the deliberations of the Senate. **Page S11670**

Commending the Republican Leader: Senate agreed to S. Res. 363, to commend the exemplary leadership of the Republican Leader. **Page S11670**

Commending the Democratic Leader: Senate agreed to S. Res. 364, to commend the exemplary leadership of the Majority Leader. **Page S11670**

Adjournment Resolution: Senate agreed to S. Con. Res. 160, providing for the sine die adjournment of the One Hundred Seventh Congress, Second Session. **Page S11672**

Peace Corps Charter for the 21st Century: Senate passed S. 12, to amend the Peace Corps Act to promote global acceptance of the principles of international peace and nonviolent coexistence among peoples of diverse cultures and systems of government. **(See next issue.)**

Iraqi Scientists Liberation Act of 2002: Committee on the Judiciary was discharged from further consideration of S. 3079, to authorize the issuance of immigrant visas to, and the admission to the United States for permanent residence of, certain scientists, engineers, and technicians who have worked in Iraqi weapons of mass destruction programs, and the bill was then passed, after agreeing to the following amendment proposed thereto: **(See next issue.)**

Reid (for Biden) Amendment No. 4979, in the nature of a substitute. **(See next issue.)**

Indian Probate Reform Act: Senate passed S. 1340, to amend the Indian Land Consolidation Act to provide for probate reform with respect to trust or restricted lands, after agreeing to a committee amendment in the nature of a substitute: **(See next issue.)**

National Flood Insurance Program Authorization Extension: Senate passed S. 13, to extend authorization for the national flood insurance program. **(See next issue.)**

National Runaway Prevention Month: Committee on the Judiciary was discharged from further consideration of S. Res. 339, designating November 2002, as ''National Runaway Prevention Month'', and the resolution was then agreed to. **(See next issue.)**

Congratulating the People of Brazil: Senate agreed to S. Res. 365, congratulating the people of Brazil on the completion of peaceful, free, and fair elections in Brazil and the election of President da Silva. **(See next issue.)**

Urging the Government of Egypt and other Arab Governments: Senate agreed to S. Res. 366, urging the Government of Egypt and other Arab governments not to allow their government-controlled television stations to broadcast any program that lends legitimacy to the Protocols of the Elders of Zion. **(See next issue.)**

Archie Edwards Blues Heritage Foundation Community Services Recognition: Senate agreed to S. Res. 367, recognizing the community services of the Archie Edwards Blues Heritage Foundation, designating the fortnight beginning November 29, 2002, as the "Blues Heritage Appreciation Fortnight, and designating Friday, November 29, 2002, as "Blues Friday". **(See next issue.)**

Refugees Assistance: Senate agreed to H. Con. Res. 349, calling for effective measures to end the sexual exploitation of refugees. **(See next issue.)**

World Coffee Prices: Senate agreed to S. Res. 368, expressing the Sense of the Senate concerning the decline of world coffee prices and its impact on developing nations. **(See next issue.)**

Protection of Family Farmers Act: Senate passed H.R. 5472, to extend for 6 months the period for which chapter 12 of title 11 of the United States Code is reenacted, clearing the measure for the President. **(See next issue.)**

Naval Mineral Leasing Activities: Committee on Armed Services was discharged from further consideration of H.R. 2187, to amend title 10, United States Code, to make receipts collected from mineral leasing activities on certain naval oil shale reserves available to cover environmental restoration, waste management, and environmental compliance costs incurred by the United States with respect to the reserves, and the bill was then passed, clearing the measure for the President. **(See next issue.)**

New Hampshire-Vermont Interstate School Compact: Senate passed H.R. 3180, to consent to certain amendments to the New Hampshire-Vermont Interstate School Compact, clearing the measure for the President. **(See next issue.)**

Indian Programs Reauthorization and Technical Amendments Act: Senate passed S. 2711, to reauthorize and improve programs relating to Native Americans, after withdrawing a committee amendment in the nature of a substitute, and the following amendments proposed thereto: **(See next issue.)**

Reid (for Inouye) Amendment No. 4980, in the nature of a substitute. **(See next issue.)**

Reid (for Inouye) Amendment No. 4981 (to Amendment No. 4980), to make certain improvements to the bill. **(See next issue.)**

Fisheries Conservation Act: Senate passed H.R. 1989, to reauthorize various fishing conservation management programs, after agreeing to a committee amendment in the nature of a substitute, and the following amendments proposed thereto: **(See next issue.)**

Reid (for Kerry/Hollings) Amendment No. 4982, to provide authority for the acceptance of voluntary services. **(See next issue.)**

Reid (for Kerry) Amendment No. 4983, to establish criteria governing the use of fishing quota systems. **(See next issue.)**

Holocaust Restitution Tax Fairness Act: Committee on Finance was discharged from further consideration of S. 2577, to repeal the sunset of the Economic Growth and Tax Relief Reconciliation Act of 2001 with respect to the exclusion from Federal income tax for restitution received by victims of the Nazi Regime, and the bill was then passed. **(See next issue.)**

Holocaust Restitution Tax Fairness Act: Senate passed H.R. 4823, to repeal the sunset of the Economic Growth and Tax Relief Reconciliation Act of 2001 with respect to the exclusion from Federal income tax for restitution received by victims of the Nazi Regime, clearing the measure for the President. **(See next issue.)**

Hydrographic Services Improvement Act Amendments: Senate passed H.R. 4883, to reauthorize the Hydrographic Services Improvement Act of 1998, clearing the measure for the President. **(See next issue.)**

American Indian Higher Education Consortium 30th Anniversary: Committee on Indian Affairs was discharged from further consideration of S. Res. 321, commemorating the 30th Anniversary of the Founding of the American Indian Higher Education Consortium (AIHEC), and the resolution was then agreed to. **(See next issue.)**

Farm Reconstitution Provisions Extension: Senate passed S. 14, to amend the Agricultural Adjustment Act of 1938 to extend the farm reconstitution provision to the 2003 and 2004 crops. **(See next issue.)**

Ozark-St.Francis and Ouachita National Forests Land Exchange: Committee on Agriculture, Nutrition, and Forestry was discharged from further consideration of S. 2063, to authorize the Secretary of Agriculture to sell or exchange all or part of certain administrative sites and other land in the Ozark-St. Francis and Ouachita National Forests and to use funds derived from the sale or exchange to acquire, construct, or improve administrative sites, and the bill was then passed. **(See next issue.)**

Andersonville National Historic Site in Georgia: Senate passed H.R. 4692, 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, clearing the measure for the President. **(See next issue.)**

Historically Black Colleges and Universities Appropriations: Committee on Energy and Natural Resources was discharged from further consideration of H.R. 1606, 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 matching requirement related to such appropriations, and the bill was then passed, after agreeing to the following amendment proposed thereto:

(See next issue.)

Reid (for Bingaman) Amendment No. 4984, of a technical nature. **(See next issue.)**

Oil Region National Heritage Area Act—Amendment Correction: A unanimous-consent agreement was reached providing that, notwithstanding passage of H.R. 695, to establish the Oil Region National Heritage Area (passed the Senate on November 19, 2002), that it be in order for the Senate amendment to be corrected as follows: on page 57, line 9, insert a "$" before "10,000,000".

Page S11677

Indian Financing Amendments Act: Senate concurred in the amendment of the House to S. 2017, to amend the Indian Financing Act of 1974 to improve the effectiveness of the Indian loan guarantee and insurance program, clearing the measure for the President. **(See next issue.)**

Nominations Confirmed: Senate confirmed the following nominations:

Bruce R. James, of Nevada, to be Public Printer. (Prior to this action, Committee on Rules and Administration was discharged from further consideration.) **(See next issue.)**

Nominations Returned to the President: The following nominations were returned to the President failing of confirmation under Senate Rule XXXI at the time of the sine die adjournment of the 107th Congress:

Thomas C. Dorr, of Iowa, to be Under Secretary of Agriculture for Rural Development.

Thomas C. Dorr, of Iowa, to be a Member of the Board of Directors of the Commodity Credit Corporation.

Eugene Scalia, of Virginia, to be Solicitor for the Department of Labor.

Emil H. Frankel, of Connecticut, to be an Assistant Secretary of Transportation.

Jeffrey Shane, of the District of Columbia, to be Associate Deputy Secretary of Transportation.

Dennis L. Schornack, of Michigan, to be Commissioner on the part of the United States on the International Joint Commission, United States and Canada.

Charlotte A. Lane, of West Virginia, to be a Member of the United States International Trade Commission for a term expiring December 16, 2009.

Walter H. Kansteiner, Assistant Secretary of State (African Affairs), to be a Member of the Board of Directors of the African Development Foundation for a term expiring September 27, 2003.

Claude A. Allen, Deputy Secretary of Health and Human Services, to be a Member of the Board of Directors of the African Development Foundation for a term expiring September 22, 2003.

The following named officers for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

Colonel Marshall K. Sabol, 5866, to be Brigadier General.

The following Air National Guard of the United States officer for appointment in the Reserve of the Air Force to the grades indicated under title 10, U.S.C., section 12203:

Colonel Douglas M. Pierce, 9562, to be Brigadier General.

The following named officer for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

Col. Thomas F. Deppe, 3181, to be Brigadier General.

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

Maj. Gen. John D.W. Corley, 9553, to be Lieutenant General.

The following named officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

Col. Dawn R. Horn, 3444, to be Brigadier General.

The following Army National Guard of the United States officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

Col. Rex E. Thompson, 7954, to be Brigadier General.

The following named officers for appointment in the United States Army to the grade indicated under title 10, U.S.C., section 624:

Brigadier General Dennis E. Hardy, 6357, to be Major General.

The following named officer for appointment in the United States Army to the grade indicated under title 10, U.S.C., section 624:

Colonel Ervin Pearson, 3468, to be Brigadier General.

The following named officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

Col. Steven J. Hashem, 9921, to be Brigadier General.

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

Maj. Gen. Robert T. Clark, 7273, to be Lieutenant General.

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

Maj. Gen. Jerry L. Sinn, 7044, to be Lieutenant General.

The following Army National Guard of the United States officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

Brigadier General Emile P. Bataille, 3318, to be Major General.

The following Army National Guard of the United States officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

Col. Brett L. Hanke, 7165, to be Brigadier General.

Joaquin F. Blaya, of Florida, to be a Member of the Broadcasting Board of Governors for a term expiring August 13, 2002.

William A. Schambra, of Virginia, to be a Member of the Board of Directors of the Corporation for National and Community Service for a term expiring September 14, 2006.

Donna N. Williams, of Texas, to be a Member of the Board of Directors of the Corporation for National and Community Service for a term expiring October 6, 2006.

Cheryl Feldman Halpern, of New Jersey, to be a Member of the Board of Directors of the Corporation for Public Broadcasting for a term expiring January 31, 2008.

R. Bruce Matthews, of New Mexico, to be a Member of the Defense Nuclear Facilities Safety Board for a term expiring October 18, 2005.

Gerald Reynolds, of Missouri, to be Assistant Secretary for Civil Rights, Department of Education.

Edward F. Reilly, of Kansas, to be a Commissioner of the United States Parole Commission for a term of six years.

Cranston J. Mitchell, of Missouri, to be a Commissioner of the United States Parole Commission for a term of six years.

Jeremy H.G. Ibrahim, of Pennsylvania, to be a Member of the Foreign Claims Settlement Commission of the United States for the term expiring September 30, 2002.

Jeremy H.G. Ibrahim, of Pennsylvania, to be a Member of the Foreign Claims Settlement Commission of the United States for the term expiring September 30, 2005.

David B. Rivkin, Jr., of Virginia, to be a Member of the Foreign Claims Settlement Commission of the United States for the term expiring September 30, 2004.

Mark Moki Hanohano, of Hawaii, to be United States Marshal for the District of Hawaii for the term of four years.

Thomas Dyson Hurlburt, Jr., of Florida, to be United States Marshal for the Middle District of Florida for the term of four years.

Christina Pharo, of Florida, to be United States Marshal for the Southern District of Florida for the term of four years.

Dennis Arthur Williamson, of Florida, to be United States Marshal for the Northern District of Florida for the term of four years.

Harlon Eugene Costner, of North Carolina, to be United States Marshal for the Middle District of North Carolina for the term of four years.

Richard Zenos Winget, of Nevada, to be United States Marshal for the District of Nevada.

Humberto S. Garcia, of Puerto Rico, to be United States Attorney for the District of Puerto Rico for the term of four years.

Leonardo M. Rapadas, of Guam, to be United States Attorney for the District of Guam and concurrently United States Attorney for the District of the Northern Mariana Islands for the term of four years.

Grant S. Green, Jr., of Virginia, to be Deputy Secretary of State for Management and Resources.

Otto J. Reich, of Virginia, to be an Assistant Secretary of State (Western Hemisphere Affairs).

Emil H. Frankel, of Connecticut, to be an Assistant Secretary of Transportation.

Jeffrey Shane, of the District of Columbia, to be Associate Deputy Secretary of Transportation.

Raymond T. Wagner, Jr., of Missouri, to be a Member of the Internal Revenue Service Oversight Board for the remainder of the term expiring September 14, 2004.

Naomi Churchill Earp, of Virginia, to be a Member of the Equal Employment Opportunity Commission for a term expiring July 1, 2005.

Linda M. Springer, of Pennsylvania, to be Controller, Office of Federal Financial Management, Office of Management and Budget.

Feliciano Foyo, of Florida, to be a Member of the Advisory Board for Cuba Broadcasting for a term expiring August 12, 2004.

Ellen L. Weintraub, of Maryland, to be a Member of the Federal Election Commission for a term expiring April 30, 2007.

Michael E. Toner, of the District of Columbia, to be a Member of the Federal Election Commission for a term expiring April 30, 2007.

Michael E. Toner, of the District of Columbia, to be a Member of the Federal Election Commission for a term expiring April 30, 2007.

Joseph Timothy Kelliher, of the District of Columbia, to be a Member of the Federal Energy Regulatory Commission for the term expiring June 30, 2007.

Diana E. Furchtgott-Roth, of Maryland, to be a Director of the Federal Housing Finance Board for a term expiring February 27, 2004.

Peter Eide, of Maryland, to be General Counsel of the Federal Labor Relations Authority for a term of five years.

Dale Cabaniss, of Virginia, to be a Member of the Federal Labor Relations Authority for a term of five years expiring July 29, 2007.

Stanley C. Suboleski, of Virginia, to be a Member of the Federal Mine Safety and Health Review Commission for a term expiring August 30, 2006.

Alejandro Modesto Sanchez, of Florida, to be a Member of the Federal Retirement Thrift Investment Board for a term expiring October 11, 2002.

Patrick Lloyd McCrory, of North Carolina, to be a Member of the Board of Trustees of the Harry S Truman Scholarship Foundation for a term expiring December 10, 2005.

William Preston Graves, of Kansas, to be a Member of the Board of Trustees of the Harry S Truman Scholarship Foundation for the remainder of the term expiring December 10, 2005.

Juanita Alicia Vasquez-Gardner, of Texas, to be a Member of the Board of Trustees of the Harry S Truman Scholarship Foundation for a term expiring December 10, 2003.

Jose A. Fourquet, of New Jersey, to be a Member of the Board of Directors of the Inter-American Foundation for a term expiring September 20, 2004.

Adolfo A. Franco, of Virginia, to be a Member of the Board of Directors of the Inter-American Foundation for the remainder of the term expiring September 20, 2002.

Adolfo A. Franco, of Virginia, to be a Member of the Board of Directors of the Inter-American Foundation for a term expiring September 20, 2008.

Roger Francisco Noriega, of Kansas, to be a Member of the Board of Directors of the Inter-American Foundation for a term expiring September 20, 2006.

Dennis L. Schornack, of Michigan, to be Commissioner on the part of the United States on the International Joint Commission, United States and Canada.

Lillian R. BeVier, of Virginia, to be a Member of the Board of Directors of the Legal Services Corporation for a term expiring July 13, 2004.

Robert J. Dieter, of Colorado, to be a Member of the Board of Directors of the Legal Services Corporation for a term expiring July 13, 2002.

Robert J. Dieter, of Colorado, to be a Member of the Board of Directors of the Legal Services Corporation for a term expiring July 13, 2005.

Thomas A. Fuentes, of California, to be a Member of the Board of Directors of the Legal Services Corporation for a term expiring July 13, 2002.

Thomas A. Fuentes, of California, to be a Member of the Board of Directors of the Legal Services Corporation for a term expiring July 13, 2005.

Michael McKay, of Washington, to be a Member of the Board of Directors of the Legal Services Corporation for a term expiring July 13, 2004.

Frank B. Strickland, of Georgia, to be a Member of the Board of Directors of the Legal Services Corporation for a term expiring July 13, 2004.

The following named officer for appointment in the United States Marine Corps Reserve to the grade indicated under title 10, U.S.C., section 12203:

Col. Craig T. Boddington, 6953, to be Brigadier General.

The following named officers for appointment in the United States Marine Corps Reserve to the grade indicated under title 10, U.S.C., section 12203:

Brig. Gen. John W. Bergman, 6022, to be Major General.

Brig. Gen. John J. McCarthy Jr., 8507, to be Major General.

The following named officer for appointment in the United States Marine Corps Reserve to the grade indicated under title 10, U.S.C., section 12203:

Brig. Gen. Douglas V. O'Dell Jr., 0212, to be Major General.

The following named officer for appointment in the United States Marine Corps Reserve to the grade indicated under title 10, U.S.C., section 12203:

Col. Douglas M. Stone, 0227, to be Brigadier General.

Susanne T. Marshall, of Virginia, to be Chairman of the Merit Systems Protection Board.

Neil McPhie, of Virginia, to be a Member of the Merit Systems Protection Board for the term of seven years expiring March 1, 2009.

Susanne T. Marshall, of Virginia, to be Chairman of the Merit Systems Protection Board.

Rickey Dale James, of Missouri, to be a Member of the Mississippi River Commission for a term of nine years.

Rear Admiral Nicholas Augustus Prahl, National Oceanic and Atmospheric Administration to be a Member of the Mississippi River Commission, under the provisions of Section 2 of an Act of Congress, approved 28 June 1879 (21 Stat. 37) (22 USC 642).

Robert Boldrey, of Michigan, to be a Member of the Board of Trustees of the Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation for a term expiring May 26, 2007.

Malcolm B. Bowekaty, of New Mexico, to be a Member of the Board of Trustees of the Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation for a term expiring October 6, 2006.

Herbert Guenther, of Arizona, to be a Member of the Board of Trustees of the Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation for a term of two years.

Richard Narcia, of Arizona, to be a Member of the Board of Trustees of the Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation for a term expiring August 25, 2006.

Bradley Udall, of Colorado, to be a Member of the Board of Trustees of the Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation for a term expiring October 6, 2006.

Celeste Colgan, of Texas, to be a Member of the National Council on the Humanities for a term expiring January 26, 2008.

David Hertz, of Indiana, to be a Member of the National Council on the Humanities for a term expiring January 26, 2006.

Stephan Thernstrom, of Massachusetts, to be a Member of the National Council on the Humanities for a term expiring January 26, 2008.

Marguerite Sullivan, of the District of Columbia, to be a Member of the National Council on the Humanities for a term expiring January 26, 2008.

Lawrence Okamura, of Missouri, to be a Member of the National Council on the Humanities for a term expiring January 26, 2008.

Sidney McPhee, of Tennessee, to be a Member of the National Council on the Humanities for a term expiring January 26, 2008.

Stephen McKnight, of Florida, to be a Member of the National Council on the Humanities for a term expiring January 26, 2006.

Elizabeth Fox-Genovese, of Georgia, to be a Member of the National Council on the Humanities for a term expiring January 26, 2008.

Dario Fernandez-Morera, of Illinois, to be a Member of the National Council on the Humanities for a term expiring January 26, 2008.

Jewel Spears Brooker, of Florida, to be a Member of the National Council on the Humanities for a term expiring January 26, 2008.

Phyllis C. Hunter, of Texas, to be a Member of the National Institute for Literacy Advisory Board for a term of two years.

Douglas Carnine, of Oregon, to be a Member of the National Institute for Literacy Advisory Board for a term of three years.

Blanca E. Enriquez, of Texas, to be a Member of the National Institute for Literacy Advisory Board for a term of three years.

Rene Acosta, of Virginia, to be a Member of the National Labor Relations Board for the remainder of the term expiring August 27, 2003.

Elizabeth J. Pruet, of Arkansas, to be a Member of the National Museum Services Board for a term expiring December 6, 2004.

Edwin Joseph Rigaud, of Ohio, to be a Member of the National Museum Services Board for a term expiring December 6, 2002.

Edwin Joseph Rigaud, of Ohio, to be a Member of the National Museum Services Board for a term expiring December 6, 2007.

Harry Robinson, Jr., of Texas, to be a Member of the National Museum Services Board for a term expiring December 6, 2003.

Terry L. Maple, of Georgia, to be a Member of the National Museum Services Board for a term expiring December 6, 2005.

Steven C. Beering, of Indiana, to be a Member of the National Science Board, National Science Foundation, for the remainder of the term expiring May 10, 2004.

Barry C. Barish, of California, to be a Member of the National Science Board, National Science Foundation, for a term expiring May 10, 2008.

Ray M. Bowen, of Texas, to be a Member of the National Science Board, National Science Foundation, for a term expiring May 10, 2008.

Delores M. Etter, of Maryland, to be a Member of the National Science Board, National Science Foundation, for a term expiring May 10, 2008.

Kenneth M. Ford, of Florida, to be a Member of the National Science Board, National Science Foundation, for a term expiring May 10, 2008.

Daniel E. Hastings, of Massachusetts, to be a Member of the National Science Board, National Science Foundation, for a term expiring May 10, 2008.

Douglas D. Randall, of Missouri, to be a Member of the National Science Board, National Science Foundation, for a term expiring May 10, 2008.

Jo Anne Vasquez, of Arizona, to be a Member of the National Science Board, National Science Foundation, for a term expiring May 10, 2008.

Elizabeth Hoffman, of Colorado, to be a Member of the National Science Board, National Science Foundation, for a term expiring May 10, 2008.

Richard F. Healing, of Virginia, to be a Member of the National Transportation Safety Board for a term expiring December 31, 2006.

The following named officer for appointment in the United States Naval Reserve to the grade indicated under title 10, U.S.C., section 12203:

Rear Adm. (lh) Robert R. Percy III, 4869, to be Rear Admiral.

The following named officer for appointment in the United States Naval Reserve to the grade indicated under title 10, U.S.C., section 12203:

Capt. Craig O. McDonald, 8124, to be Rear Admiral (Lower Half).

The following named officers for appointment in the United States Naval Reserve to the grade indicated under title 10, U.S.C., section 12203:

Capt. David O. Anderson, 4824, to be Rear Admiral (Lower Half).

Capt. David J. Cronk, 9384, to be Rear Admiral (Lower Half).

Capt. Dirk J. Debbink, 0752, to be Rear Admiral (Lower Half).

Capt. Frank F. Rennie IV, 3148, to be Rear Admiral (Lower Half).

The following named officer for appointment in the United States Naval Reserve to the grade indicated under title 10, U.S.C., section 12203:

Capt. Raymond K. Alexander, 2501, to be Rear Admiral (Lower Half).

The following named officer for appointment in the United States Naval Reserve to the grade indicated under title 10, U.S.C., section 12203:

Capt. Ben F. Gaumer, 1618, to be Rear Admiral (Lower Half).

The following named officer for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

Capt. Brian G. Brannman, 2227, to be Rear Admiral (Lower Half).

The following named officer for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

Capt. Thomas K. Burkhard, 8249, to be Rear Admiral (Lower Half).

The following named officer for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

Capt. Richard E. Cellon, 1250, to be Rear Admiral (Lower Half).

W. Scott Railton, of Virginia, to be a Member of the Occupational Safety and Health Review Commission for a term expiring April 27, 2007.

Collister Johnson, Jr., of Virginia, to be a Member of the Board of Directors of the Overseas Private Investment Corporation for a term expiring December 17, 2001.

Tony Hammond, of Virginia, to be a Commissioner of the Postal Rate Commission for the remainder of the term expiring October 14, 2004.

Harold Damelin, of Virginia, to be Inspector General, Small Business Administration.

Priscilla Richman Owen, of Texas, to be United States Circuit Judge for the Fifth Circuit.

Charles W. Pickering, Sr., of Mississippi, to be United States Circuit Judge for the Fifth Circuit.

John G. Roberts, Jr., of Maryland, to be United States Circuit Judge for the District of Columbia Circuit.

Jeffrey S. Sutton, of Ohio, to be United States Circuit Judge for the Sixth Circuit.

Timothy M. Tymkovich, of Colorado, to be United States Circuit Judge for the Tenth Circuit.

Terrence W. Boyle, of North Carolina, to be United States Circuit Judge for the Fourth Circuit.

Deborah L. Cook, of Ohio, to be United States Circuit Judge for the Sixth Circuit.

Miguel A. Estrada, of Virginia, to be United States Circuit Judge for the District of Columbia Circuit.

Carolyn B. Kuhl, of California, to be United States Circuit Judge for the Ninth Circuit.

Mary Ellen Coster Williams, of Maryland, to be a Judge of the United States Court of Federal Claims for a term of fifteen years.

Charles F. Lettow, of Virginia, to be a Judge of the United States Court of Federal Claims for a term of fifteen years.

Marian Blank Horn, of Maryland, to be a Judge of the United States Court of Federal Claims for a term of fifteen years.

William H. Steele, of Alabama, to be United States Circuit Judge for the Eleventh Circuit.

David W. McKeague, of Michigan, to be United States Circuit Judge for the Sixth Circuit.

Susan Bieke Neilson, of Michigan, to be United States Circuit Judge for the Sixth Circuit.

Henry W. Saad, of Michigan, to be United States Circuit Judge for the Sixth Circuit.

Timothy C. Stanceu, of Virginia, to be a Judge of the United States Court of International Trade.

Frederick W. Rohlfing III, of Hawaii, to be United States District Judge for the District of Hawaii.

Bruce E. Kasold, of Virginia, to be a Judge of the United States Court of Appeals for Veterans Claims for the term of thirteen years.

Susan G. Braden, of the District of Columbia, to be a Judge of the United States Court of Federal Claims for a term of fifteen years.

Jay S. Bybee, of Nevada, to be United States Circuit Judge for the Ninth Circuit.

James C. Dever III, of North Carolina, to be United States District Judge for the Eastern District of North Carolina.

Fern Flanagan Saddler, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.

Richard A. Griffin, of Michigan, to be United States Circuit Judge for the Sixth Circuit.

S. James Otero, of California, to be United States District Judge for the Central District of California.

Robert A. Junell, of Texas, to be United States District Judge for the Western District of Texas.

Sandra J. Feuerstein, of New York, to be United States District Judge for the Eastern District of New York.

Richard J. Holwell, of New York, to be United States District Judge for the Southern District of New York.

Gregory L. Frost, of Ohio, to be United States District Judge for the Southern District of Ohio.

Ralph R. Erickson, of North Dakota, to be United States District Judge for the District of North Dakota.

S. Maurice Hicks, Jr., of Louisiana, to be United States District Judge for the Western District of Louisiana.

Thomas L. Ludington, of Michigan, to be United States District Judge for the Eastern District of Michigan.

William D. Quarles, Jr., of Maryland, to be United States District Judge for the District of Maryland.

Victor J. Wolski, of Virginia, to be a Judge of the United States Court of Federal Claims for a term of fifteen years.

Glen L. Bower, of Illinois, to be a Judge of the United States Tax Court for a term of fifteen years after he takes office.

Alan G. Lance, Sr., of Idaho, to be a Judge of the United States Court of Appeals for Veterans Claims for the term of thirteen years.

Cormac J. Carney, of California, to be United States District Judge for the Central District of California.

John R. Adams, of Ohio, to be United States District Judge for the Northern District of Ohio.

J. Daniel Breen, of Tennessee, to be United States District Judge for the Western District of Tennessee.

Thomas A. Varlan, of Tennessee, to be United States District Judge for the Eastern District of Tennessee.

Daniel Pearson, of Minnesota, to be a Member of the United States International Trade Commission for the term expiring June 16, 2011.

Albert Casey, of Texas, to be a Governor of the United States Postal Service for a term expiring December 8, 2009.

James C. Miller III, of Virginia, to be a Governor of the United States Postal Service for the term expiring December 8, 2010.

Michael D. Ellerbe in the Army to be Colonel.

Michael H. Gamble in the Marine Corps to be Lieutenant Colonel.

Franklin McLain in the Marine Corps to be Lieutenant Colonel.

Jeffrey L. Miller in the Marine Corps to be Major.

Gerald R. Manley in the Navy to be Captain.

(See next issue.)

Messages From the House: (See next issue.)

Executive Communications: (See next issue.)

Petitions and Memorials: (See next issue.)

Additional Cosponsors: (See next issue.)

Statements on Introduced Bills/Resolutions: (See next issue.)

Additional Statements: (See next issue.)

Amendments Submitted: (See next issue.)

Privilege of the Floor: (See next issue.)

Adjournment Sine Die: Senate met at 10 a.m., and in accordance with S. Con. Res. 160, adjourned sine die at 6:12 p.m., until 12 noon, on Tuesday, January 7, 2003 for the convening of the first session of the 108th Congress.

Committee Meetings

(Committees not listed did not meet)

TERRORISM FUNDING

Committee on the Judiciary: Committee concluded hearings to examine an assessment of the tools needed to fight the financing of terrorism, after receiving testimony from Robert J. Conrad, Jr., United States Attorney for the Western District of North Carolina, Department of Justice; Jimmy Gurule, Under Secretary of the Treasury for Enforcement; Jonathan Winer, Alston and Bird, former Deputy Assistant Secretary of State, Salam Al-Marayati, Muslim Public Affairs Council, Allan Gerson, George Washington University, and Nathan Lewin, Lewin and Lewin, all of Washington, D.C.

House of Representatives

Chamber Action

The House was not in session today. It will next meet on Friday, Nov. 22 at 11 a.m.

Committee Meetings

No committee meetings were held.

COMMITTEE MEETINGS FOR THURSDAY, NOVEMBER 21, 2002

Senate

No meetings/hearings scheduled.

House

Committee on Small Business, hearing on Federal Prison Industries Unfair Competition with Small Businesses: Potential Interim Administrative Solutions, including discussion of H.R. 1577, Federal Prison Industries Competition in Contracting Act of 2002, 10:30 a.m., 2360 Rayburn.

Next Meeting of the SENATE

12 noon, Tuesday, January 7, 2003

Senate Chamber

Program for Tuesday: Senate will convene the first session of the 108th Congress.

Next Meeting of the HOUSE OF REPRESENTATIVES

11 a.m., Friday, November 22

House Chamber

Program for Friday: Pro forma session.

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