

figure of a \$950 million increase. The House would not go along. We compromised out at \$907 million. The next year we added \$1 billion; the year after, \$2 billion; the year after that, \$2.3 billion, which was cut a little on an across-the-board cut. This year we put in \$2.7 billion, now reduced to \$2.5 billion. But we have a total of almost \$9 billion added in these last five cycles and they have made tremendous strides on the most dreaded diseases—Parkinson's and Alzheimer's and cancer and heart ailments and the whole range.

It is my hope in the future that whoever chairs the subcommittee will have better cooperation on all sides to present the bill to the President before the fiscal year ends. I think, had that been done, we could have mustered a very strong position that our priorities were superior to what the President had in mind, and that if he were going to veto the bill, we ought not to be fearful of his veto but we ought to accept it as his view and then take the case to the American public. I think, had the bill been submitted to the President on September 5, we would have won that fight. Or if we had not won it outright, we would have compromised in terms so we wouldn't be here on December 15, still arguing about this Labor-HHS-Education bill as the principal source of contention.

(The remarks of Mr. SPECTER pertaining to the introduction of S. 3280 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. SPECTER. Mr. President, I again thank my distinguished ranking member, Senator JAY ROCKEFELLER, who works collaboratively on veterans affairs matters and all members of the Veterans' Affairs Committee. It is a committee which has worked in a bipartisan way. It has a very excellent staff, with staff director Bill Tuerk. I thank the staff for their assistance and commend to the public and the CONGRESSIONAL RECORD the legislation which has been passed during the 106th Congress.

I know my time has expired, and I note the presence on the floor of a distinguished Senator, Ms. COLLINS. I yield the floor. I was about to say "another distinguished Senator," but I modified that to "a distinguished Senator."

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, before the Senator from Pennsylvania leaves the floor, if that is his intention, I thank him for the exceptional job he has done in ensuring that we do have funding increases for critical programs such as those at the National Institutes of Health.

I heard the Senator from Pennsylvania, the chairman of the subcommittee, describe it as the crown jewel of the Federal Government, and I

totally agree with his comments. He has also been an advocate for more education funding, combined with more flexibility. I wish we had followed his advice earlier this year and sent the appropriations bill down to the White House, completing his work in a very timely fashion back in July, I believe it was.

I commend the Senator for being an outstanding chairman. I am a great admirer of his and appreciate all of his hard work.

Mr. SPECTER. Mr. President, I express my thanks to Senator COLLINS. We work very closely together with a very distinguished group of Senators—Senator JEFFORDS, Senator SNOWE, and who is the fifth member? Yes, Senator CHAFEE, who is presiding. I thank the Chair and thank Senator COLLINS.

EXTENSION OF MORNING BUSINESS

Ms. COLLINS. Mr. President, I ask unanimous consent that morning business be extended until 1:30 p.m., with the time equally divided.

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

THE STEEP COST OF A MAINE WINTER

Ms. COLLINS. Mr. President, I rise today to speak on the importance of the Low Income Home Energy Assistance Program known as LIHEAP in helping low-income Maine families cope with the high cost of our long Maine winters.

As Callie Parker from Little Deer Isle, Maine, so eloquently testified before the Senate Health, Education, Labor, and Pensions Committee earlier this year, heating your home during a Maine winter is a matter of life and death. When the cold reaches into the very marrow of one's bones, when a glass of water you left on a night stand freezes during the night should your furnace go out, you simply cannot get by without heat.

Unfortunately, not everyone has enough money to buy the fuel necessary to heat their home. Far too many Maine families have had to choose whether to buy groceries or to pay their rent or mortgage or to keep warm. These are choices that no one should be forced to make, but unless we increase funding for energy assistance now, these choices will become increasingly common.

Winter has not even officially begun, although you would not know that in the area of the country from which the Presiding Officer and I come. The high price of fuel and cold temperatures have already driven a record number of households in Maine to seek home heating assistance. Already the Community Action Program agencies in Maine have identified 28,000 households

in need of LIHEAP funds to get through this winter. That compares to only 10,000 applicants at this time last year; in other words, it has more than doubled the amount of households seeking this kind of assistance. Another 19,000 families are waiting to be reviewed by the CAP agencies.

The problem is, there is simply not sufficient money. As this chart shows, a Maine winter exacts a steep toll. Today, in Maine, a gallon of home heating oil, on average, costs \$1.56. Last year at this time, home heating oil in Maine went for \$1.03 a gallon—and we thought that was very high. That number is high because just two years ago the average price of home heating oil in Maine was just 78 cents a gallon. In short, home heating oil prices have increased by 100 percent in just two years. For the 75 percent of Mainers who rely on home heating oil to keep their homes warm, this is a steep price to pay indeed. Those heating their homes with natural gas also are facing difficulties. Consumer prices for natural gas have shot up over 50 percent compared to last year.

As the second column on this chart shows, last year Maine's CAP agencies distributed an average of \$488 to each household. That was the average LIHEAP benefit. Despite the rising costs of fuel, this year the Maine CAP agencies are able to distribute an average benefit of only \$350.

So you see the situation we have, Mr. President, and see why it is such a problem. We have the price of home heating oil far higher than last year, and more than double what it was two years ago. The high cost of fuel has put more strain on more families, and as a result many more households need assistance. That has caused the average LIHEAP benefit to be cut significantly.

What does this mean? When the price of oil is 50 percent higher than last year, and the LIHEAP benefit is \$138 less than last year, it means that people are not able to buy very many gallons of oil to heat their homes. Last year's LIHEAP benefit purchased 474 gallons of home heating oil. This year's benefit will purchase less than half that amount—a mere 224 gallons of oil.

So we have the worst of all situations. We have the price of home heating oil at record highs; we have the benefit amount having to be cut to less than last year's; and the result is that low-income families are able to purchase far less home heating oil.

And this year's winter is already shaping up to be colder than last year's. Mainers will need more oil to keep warm this winter, not less. When the furnace remains silent no matter how far you turn the thermostat dial, we need to be there to put oil in the tank.

The bottom line is we need to provide more assistance to more families.

The legislation before us today will provide an extra \$300 million in

LIHEAP assistance to be used this winter. And that is very helpful. It is almost a 30-percent increase above last year's funding level. I know how hard Senator SPECTER and Senator STEVENS have fought for this significant increase. I thank them for their efforts on behalf of the thousands of Maine residents who will benefit greatly from these much needed funding increases. Yet it simply is not enough. With the price of fuel 50 percent higher this year than last, and with almost three times as many families in need of LIHEAP assistance this year compared to just 1 year ago, even a 30-percent increase will only go so far. It is certainly needed, and we are grateful for it, but we are still going to have a shortfall.

I am also concerned and disappointed that by placing the year 2002 funding for LIHEAP on the chopping block, the Clinton administration lacked the foresight to realize the obvious: This is not our Nation's last winter. There will be another winter next year; I can guarantee it. We must lay the groundwork now to allow the planning to occur that will ensure that people stay warm next year, too.

By eliminating the "advance appropriation" for LIHEAP for the next fiscal year, this appropriations bill has not laid any of the necessary groundwork for next year's winter. That will contribute to a supply crunch next fall, I fear.

I call on the President and the congressional leadership to make LIHEAP a top priority, not only this year but next year as well. I am pleased to see and applaud the language that was included in the managers' statement pledging to fund LIHEAP in the next fiscal year at this year's level or at a greater level. I would have preferred to see a commitment for advance funding, but I know the conferees will keep the commitment they have made.

Finally, I pledge my personal efforts to ensure that low-income families in Maine and throughout the Nation stay warm through our long winters.

I yield the floor.

Mr. President, seeing no one seeking recognition, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. INHOFE). Without objection, it is so ordered.

Mr. LEAHY. Mr. President, what is the parliamentary situation?

The PRESIDING OFFICER. The Senator from Vermont is informed we are in a period of morning business with speakers not to exceed 5 minutes.

Mr. LEAHY. Mr. President, I do not see others seeking the floor. I ask

unanimous consent I be allowed to speak for not to exceed 10 minutes.

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

JOHNNY PAUL PENRY

Mr. LEAHY. Mr. President, during the past year there has been an extraordinary amount written and spoken in this country about the death penalty—actually more than I can recollect having seen before. We have learned that the system of administering capital punishment is gravely flawed, and that scores of people have ended up on death row, often for many years, even though they were completely innocent of the crime for which they were sentenced to death.

We have seen how the justice system has serious flaws at every stage, and especially if the accused is poor, as are most criminal defendants who are sentenced to death. Lawyers defending people whose lives are at stake are often inexperienced or incompetent, and poorly paid. Two thirds of death penalty trials nationwide are marred by serious constitutional errors, according to reviewing courts.

We have seen public support for the death penalty decrease significantly. It is still over 50 percent nationally, but it falls below 50 percent if the alternative is life in prison with no opportunity for parole.

We have seen Governor Ryan of Illinois appoint a commission of experts, both supporters and opponents of capital punishment, to determine whether the death penalty can, under any circumstances, be administered reliably so innocent people will never be executed. The findings and recommendations of that commission will be important for the entire country.

In Virginia, a State with many people on death row, the legislature recently took note of the growing concerns surrounding capital punishment, and decided to review the administration of the death penalty in Virginia where there have been serious mistakes.

In October, the Virginia Governor pardoned Earl Washington, a mentally retarded farmhand, after new DNA tests cleared him of the rape and murder that once brought him within 9 days of execution.

Just this morning, the Washington Post reported that DNA tests had cleared another death row inmate—unfortunately, too late to be of any help. Before dying of cancer earlier this year, Frank Lee Smith spent 14 years on Florida's death row for a rape and murder that it now appears he did not commit.

I have introduced legislation with Senators GORDON SMITH, SUSAN COLLINS, and 12 other Senators, to address some of these most egregious flaws. I have spoken many times about our bill,

the Innocence Protection Act, which we plan to pursue in the 107th Congress.

Our legislation addresses the horrendous problem of innocent people being condemned to death. But today I want to mention briefly a related issue which is illustrated by a case in Texas, the State which this year has executed more people than any other State in the post-war era.

The Supreme Court stayed the execution of Johnny Paul Penry on November 16, 2000, less than four hours before he was scheduled to die by lethal injection in Texas. The Court has now scheduled the case for argument.

Johnny Penry, who in 1979 raped and murdered a 22 year old woman, has been on death row for twenty years. He committed a terrible crime; there has never been any doubt about that. But besides the crime itself, what makes Johnny Penry's case so disturbing is that he has an IQ of 56. What that means is that he has the intelligence of a 6-year old child.

Mr. President, 11 years ago the Supreme Court ruled that it is not cruel and unusual punishment to execute the mentally retarded. I disagree with that decision. But more importantly, despite the Supreme Court ruling, 13 States with capital punishment and the Federal Government have forbidden execution of the mentally retarded, and a clear majority of Americans oppose the practice.

The State Senator who in 1998 sponsored Nebraska's bill to prohibit execution of the mentally retarded later said that it should not have been necessary because "no civilized, mature society would ever entertain the possibility of executing anybody who was mentally retarded."

Executing the mentally retarded is wrong; it is immoral. People with mental retardation have a diminished capacity to understand right from wrong. As Justice Brennan wrote:

The impairment of a mentally retarded offender's reasoning ability, control over impulsive behavior, and moral development . . . limits his or her culpability so that, whatever other punishment might be appropriate, the ultimate penalty of death is always and necessarily disproportionate to his or her blameworthiness.

Proponents of the death penalty argue that it "saves lives," but executing the mentally retarded cannot be justified on the grounds of deterrence. Let me again quote Justice Brennan, writing in 1989:

The very factors that make it disproportionate and unjust to execute the mentally retarded also make the death penalty of the most minimal deterrent effect so far as retarded potential offenders are concerned. Intellectual impairments in logical reasoning, strategic thinking, and foresight, the lack of the intellectual and developmental predicates of an ability to anticipate consequences, and impairment in the ability to control impulsivity, mean that the possibility of receiving the death penalty will not