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Senate

The Senate met at 10 a.m. and was called to order by the Honorable LISA MURKOWSKI, a Senator from the State of Alaska.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Sovereign Lord, You are our God and strong deliverer, a refuge for all who call on Your name. Send to us the power and grace we need today to glorify Your name. Give us the purity of heart that will shut the door to all evil.

Today, bless the Members of this body. Keep their feet in the path of integrity that they may walk securely. Develop in them a perseverance which

refuses to leave any task half done. Empower them with a diligence that will never offer You less than their best.

Lord, strengthen our military for the battles of today and tomorrow. Stand at the right hand of freedom's warriors and lift up their heads. We pray this in Your mighty Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable LISA MURKOWSKI 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. STEVENS).

The assistant legislative clerk read the following letter:

U.S. SENATE,

PRESIDENT PRO TEMPORE,

Washington, DC, November 18, 2004

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable LISA MURKOWSKI, a Senator from the State of Alaska, to perform the duties of the Chair.

TED STEVENS,

President pro tempore.

NOTICE

If the 108th Congress, 2d Session, adjourns sine die on or before November 20, 2004, a final issue of the Congressional Record for the 108th Congress, 2d Session, will be published on Monday, December 13, 2004, 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 10. The final issue will be dated Monday, December 13, 2004, and will be delivered on Tuesday, December 14, 2004.

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.

Senators' statements should also be submitted electronically, either on a disk to accompany the signed statement, or by e-mail to the Official Reporters of Debates at "Record@Sec.Senate.gov".

Members of the House of Representatives' statements may also be submitted electronically by e-mail, to accompany the signed statement, and formatted according to the instructions for the Extensions of Remarks template at <http://clerk.house.gov/forms>. The Official Reporters will transmit to GPO the template formatted electronic file only after receipt of, and authentication with, the hard copy, and signed manuscript. Deliver statements to the Official Reporters in Room HT-60.

Members of Congress desiring to purchase reprints of material submitted for inclusion in the Congressional Record may do so by contacting the Office of Congressional Publishing Services, at the Government Printing Office, on 512-0224, between the hours of 8:00 a.m. and 4:00 p.m. daily.

By order of the Joint Committee on Printing.

ROBERT W. NEY, *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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Ms. MURKOWSKI thereupon assumed the Chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

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

SCHEDULE

Mr. McCONNELL. Madam President, today we will begin a period of morning business which will extend well into the afternoon. A number of Senators have indicated they will come to the floor and pay tribute to our colleagues who will not be running for the 109th Congress. We certainly want to accommodate those requests and have set aside time accordingly.

At the close of our business this week, we will print those tributes to honor our departed colleagues. If Senators are not available to come to the floor to deliver their remarks, they are invited to submit those statements for the RECORD. Again, they will be printed as part of this larger document to which I just referred.

As a reminder, the majority leader has filed a cloture motion on the miscellaneous tariffs bill. That cloture vote will occur tomorrow morning. We expect cloture to be invoked; therefore, we hope to finish that conference report at an early time on Friday.

In addition, as everyone is aware, we continue to await completion of the Omnibus appropriations bill. It is still our hope and desire to finish our work on Friday, if at all possible.

BIPARTISANSHIP

Mr. McCONNELL. Madam President, after this month's historic election, a lot of political pundits are ardently trying to figure out what the results may have meant. I have been in politics for a period of time, so I would like to share my point of view on the matter.

Obviously, people on our side of the aisle are pleased that the electorate has returned President Bush for a second term, and obviously we are equally pleased that the larger Republican majority in both Houses of Congress will be available to work with the President next year. The last time a reelected President returned to office with larger majorities of his party in both the House and the Senate was back in 1936 when President Roosevelt was running for reelection the first time. If the American people suddenly speak louder than they have in 70 years, I think it is clear that they would like to see some action.

The voters didn't send any of us Republicans or Democrats up here just to sit in these chairs. They sent us here to get things accomplished. Republicans can't and shouldn't do that alone. We

will need to cooperate with our colleagues across the aisle to produce results, which is what we were sent here, of course, to do.

Soon Republicans will fill 55 seats in this Chamber. That is a nice number but it is not 60. And it often takes 60, as we all know. Frequently—actually most of the time—it takes 60 to get results in the Senate.

So to our Democratic friends on the other side, let me say we want to work with you. The voters expect us to work in a bipartisan manner to make our country more secure, our economic opportunities more plentiful, and our common values more respected. To do that, we need your support, and we will work to earn it.

Last week, Senator LIEBERMAN, a good friend of mine and a good friend of many of us in the Senate, came to my hometown of Louisville, KY, where he spoke at the University of Louisville, my alma mater, where he gave an outstanding speech. In it he said:

It is critically important that we put first things first, and national interests ahead of our party interests.

I commend the Senator from Connecticut for his exemplary spirit of goodwill. I think that is a good guidepost for all of us as we begin the 109th Congress in January.

I say to my Democratic friends that we are all willing to work with them in that same spirit which JOE LIEBERMAN outlined. Together, we are going to accomplish great things of which this body can truly be proud.

We will have hard tasks ahead of us. The Social Security system is a speeding train heading for a brick wall and really must be set right for future generations. The tax system is burdensome and unfair and must be reinvented to fit our 21st century economy. We have to finish the job in Iraq so we can bring our troops home safely and with honor.

We have tackled tough challenges before. Working together—Republicans and Democrats—successfully reformed the welfare system and put millions of Americans on the path to self-reliance and financial stability. Working together—Republicans and Democrats—projected American power into the former Yugoslavia to halt the killing of innocents and provide humanitarian aid. Working together—Republicans and Democrats—we moved the brutal Taliban regime from Afghanistan and struck a fatal blow against al-Qaida.

Now we have a chance to make history again. Republicans are not likely to accomplish much alone. The same is true for our Democrat colleagues. This Senate should heed America's call for action. The voters of our States didn't send us here to simply mark time. They sent us here to build a better America for our sons and daughters, and future generations yet to come.

As we move forward, this new Congress must be prepared to get to work, and to get to work on a bipartisan basis.

I yield the floor. what

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

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

The Senator from New Jersey.

BIPARTISANSHIP

Mr. CORZINE. Madam President, first, let me say that it is this Senator's personal desire, following the comments the Senator from Kentucky has so ably given, that we came here to try to make things better for the world in the years beyond and for our children. So much of what he talk about—whether it is Social Security or the Tax Code or our needs and in foreign policy—does require that we work together.

I commend the Senator for his comments. We do have to work together as we go forward.

In fact, one of the things I want to talk about, and why I came to the Senate, one of the areas is where bipartisanship and joint effort has been fundamental to raising an issue, framing it, and getting it in front of the American people. I come to the Senate today to talk about the genocide in Darfur, Sudan, and what we, the United States of America, are going to be doing about it.

Today, the U.N. Security Council is meeting in Nairobi, Kenya, to discuss Sudan and to seek the end of the civil war between the north and the south. This is a good thing and I congratulate Ambassador Danforth, in particular, for his personal efforts in making this possibility real and tangible.

Multilateral diplomacy is critical. Peace between north and south is an important component of an overall political solution for the Sudan. At the end of the day, if we do not stop the killing in Darfur—which is independent in many ways from the north-south issue—if we do not stop the genocide, then we fail.

Members will hear me say repeatedly words are important; deeds are a reality. Lives are at stake. What greater moral imperative can we have than to stop genocide? What greater moral failure can there be than allowing genocide to occur? The death toll is mounting in Darfur with all kinds of estimates—70,000, over 100,000, 125,000.

The issue is stark: life or death. Deeds, not words, are what matters. History will judge us based on whether we actually stop this genocide—not whether we gave great speeches or

passed great resolutions or made statements, but what have we done to stop it.

The words have all been said. In July, this body unanimously passed a bipartisan resolution introduced by Senator BROWNBACK and myself, declaring that the atrocities in Darfur were genocide. On the same day, the House passed a similar resolution. In September, Secretary Powell made the same declaration for the administration. We all welcomed the announcement.

Since then, the situation has only deteriorated. The death toll may have already gone over, as I suggested, 100,000 human beings. Armed militias continue to rape women and girls with impunity. Civilians are being driven from their homes by the hundreds of thousands. Now the refugees are being driven from one camp to another camp, or even out of the camps altogether. The displaced population in Darfur is over 1.5 million. That is what is confirmed.

In the last few weeks, Janjaweedes have attacked these IDP camps, the refugee camps, destroying shelters, beating civilians, and forcibly moving people from one location to another.

The escalating violence preventing humanitarian organizations from reaching needy people is also occurring. Already, nearly one-quarter of the children under the age of five in Darfur are certifiably malnourished and close to half of the families do not have enough food.

Recently, food convoys have been attacked and large areas of Darfur are now effectively closed to the humanitarian organizations that are distributing food, medicine, and other elements. Hundreds of thousands of needy refugees cannot be reached.

Before this wave of violence—even before it—World Food Program reported that it served 175,000 fewer people in October than September. Get that: Statistics for our program serving the needy are going down, 175,000 fewer people in October than in September.

When I visited Darfur in August, the conditions were grim. The one ray of hope was the pressure from the international community, including a threat of sanctions that forced the Government in Khartoum to allow access by humanitarian organizations. Humanitarian workers were overwhelmed by the number of refugees, but they were working hard and saving lives. As a result, estimates of the death toll, which could have gone as high as a million, were scaled back after that. With the violence intensifying and humanitarian organizations again restricted in their movements, we sadly revisit our gravest fears.

The other recent development is the disintegration of order in the region. Anger and resentment are on the rise among the displaced, and civil war between Khartoum and the rebels is escalating. All the conditions are in place for a complete collapse, for long-term

instability and an indefinite humanitarian crisis.

As Jan Pronk, the U.N. Special Representative for Sudan, warned on November 4:

Darfur may easily enter a state of anarchy; a total collapse of law and order.

Permitting such a thing to happen is not only immoral, it is antithetical to our national security interests. Remember, Sudan is the country that once harbored Osama bin Laden. The prospects of becoming a terrorist breeding ground are real. This is something that needs to be addressed now.

This has not happened since the administration declared genocide was taking place. Whatever the message that declaration sent, it was clearly not enough and may even have sent the wrong message that the United States may declare that genocide is existing and then not act to stop it.

Words without deeds violates the moral and legal obligation we have under the genocide convention but, more importantly, violates our sense of right and wrong and the standards we have as human beings about looking to care for one another. Words without deeds is an affront to the principle that guides our Nation and makes a mockery of the values we as public servants claim to love. The American people know this, which is why people of faith, of all religions and denominations and civic groups throughout the country, call for concerted, resolute, effective action.

Details matter. What will it actually take to stop this genocide? In September, this body passed by voice vote an amendment offered by myself and Senator DEWINE to provide \$75 million for an expanded African Union force in Darfur. The funding is now being negotiated with the House of Representatives in the so-called Omnibus bill but has had little if any support from the administration and some in the Senate.

Senator DEWINE and myself offered the amendment after the U.N. Security Council passed a resolution calling for assistance to the AU and after Secretary Powell testified the current United States contribution of \$20 million would not be enough. Get that, \$20 million—not billions, trillions, which we normally are talking about.

An expanded African Union force of 3,000 will cost roughly \$220 million. The European Union recently pledged half that amount would be forthcoming. We can afford to pay for the rest. We cannot afford to walk away from our moral obligation. Madam President, \$75 million is less than half of what the administration sought for waste disposal in Iraq. It is insignificant compared to the costs of the wars that are waging around the globe. What we cannot afford is to provide anything less. Short-changing AU troops or delivering only incremental assistance may be worse than doing nothing. They do need helicopters, vehicles, communication equipment, and housing to patrol Darfur. We are moving forces into

Darfur, but we do not give them the tools they need to be able to do what they are there for and we are setting them up for failure. We risk undermining the very credibility of a burgeoning ability to deal with some of these crises that happen all across Africa, and not just in Darfur. It is precisely now when we need to give them the resources to be able to succeed.

We should not kid ourselves about the effectiveness of the AU force. They are responsible for monitoring the April cease-fire. There was an agreement reached November 9 that includes a no-fly zone that the AU force must enforce. To quote the current AU chair, Nigerian President Obasanjo, these agreements “won’t be worth the paper they’re written on if they are not scrupulously implemented on the ground.” His words are right. Words without deeds, without resources, is meaningless.

The potential for the situation to overwhelm the AU force is real. The region is enormous and every day as the violence gets worse, the challenge grows. The answer is not to dismiss the AU force but to do whatever it takes to make it effective. If 3,000 troops is not enough, we should consider others and more. If \$220 million is not enough, we should, along with our allies, push to have additional resources. Hundreds of thousands of lives are at stake. If the AU cannot set up command-and-control communications or intelligence right away, we should help them do it.

In the end, the only test is whether we stop the killing. The same test applies to sanctions. This week’s efforts to reach a north-south agreement are important, but we must not weaken in any way the pressure on Khartoum with regard to Darfur. Only consistent, strong, credible international pressure has ever changed Khartoum’s behavior. I heard one senior administration official say that when their lips are moving, they are lying. This means we need to apply pressure. This means an embargo, seizing assets, restricting travel of government officials and, yes, going after Sudanese oil and gas companies that deal in the finances that allow this tragedy to continue to unfold. We should be working with our allies to put in place effective sanctions. If members of the U.N. Security Council are not amenable, we should work with the EU. We also have leverage through our own capital markets. The test is whether we are prepared to stop genocide, something we have all declared exists, something the administration has declared.

How can we be discussing these options? We should be acting. There is no more critical moment than now. The pieces are in place.

Today, the U.N. Security Council is meeting in Nairobi preparing to issue another resolution on Sudan, although I hear the discussion is very limited with regard to actions they will take with regard to Khartoum. The United States has rightfully called this genocide. The U.N. Security Council has

agreed on paper that sanctions should be imposed if Sudan does not stop the violence. That violence has not stopped.

The Security Council has called on member states to support an expanded AU force, and the African Union, 2 years old, has stepped up. Its leadership is committed to preventing another genocide if we will help. We are the world's only superpower. Genocide is happening and we must act. President Bush campaigned on a platform of acting wherever necessary to protect our interests overseas regardless of world opinion.

With all that has happened in the last few years, how can we claim to be constrained in this situation with this action taking place against the human race? We are the world's superpower. If we do everything that we should do, history will judge that we acted. But they will judge us harshly if we do not step up to save these lives that will be lost in the years and the months and the days ahead. If we hesitate now, if we make excuses, most of us think we will have a hard time forgiving ourselves for what we did not do. Rwanda is burned in our memory. We should not allow hundreds of thousands of people to die. We will have doomed the AU to ineffectual operations on the ground, and we will have damaged its credibility and its underlying ability to respond to crises in the future.

I hope we will act. I hope we will not turn the pages of this omnibus financing without giving the resources to act. Words are not good enough; deeds are required. I hope we will not have failed our people and our values we hold dear.

I thank you, Madam President. I yield the floor.

Madam President, I suggest the absence of a quorum.

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

The assistant legislative clerk proceeded to call the roll.

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

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

REQUESTING RETURN OF PAPERWORK—S. 2283

Mr. CHAMBLISS. Madam President, I ask unanimous consent that the Senate request the House to return the papers with respect to S. 2283.

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

TRIBUTES TO RETIRING SENATORS

ZELL MILLER

Mr. CHAMBLISS. Madam President, I rise this morning to pay tribute to a very special friend of mine and a friend of Georgia's and a friend of the United

States of America. We are in what we think are our last couple of days of the 108th session. That being the case, this will be the last few days that Senator ZELL MILLER will be in Washington in his capacity as the senior Senator from our great State of Georgia. I want to take a minute just to talk about this man who has been such an inspiration to any number of politicians and others in my State relative to his public service to our State and to our country.

ZELL MILLER was born in a little town called Young Harris, GA, which is in the mountains of north Georgia, one of the most beautiful parts of our State. His father, unfortunately, died when he was 17 days old, so he was raised by his mother, whom he has repeatedly talked about in the books he has written as well as in his speeches. His mother Birdie was the most influential person in his life. She did a heck of a job with ZELL MILLER as a young man and remained an inspiration to him throughout his adult life, and particularly in his life as a public servant to our State.

ZELL did one of the best things any man can do; and that is, he married way over his head early in his life. He married his sweetheart, Shirley. Before he went into the Marine Corps, he tells the story about leaving for boot camp and he was afraid when he got back she might not marry him, so while they were in the mood they ran over to South Carolina, which is not far away from his hometown of Young Harris, and got married; and they have had decades of glorious years together. They have two wonderful sons and four grandchildren and now four great-grandchildren whom the two of them have enjoyed. Now he will have even more of an opportunity to spend time with them and enjoy them even more.

ZELL entered the Marine Corps at an early age. Again, as he has repeatedly said in his books, as well as in his speeches, it is the best thing he ever did in his life from the standpoint of straightening him out. All of us go through difficult times in our early years, and there are specific instances that make us what we are and sort of chart the course for where we are going to be in future years. ZELL has been very open about the fact that the Marine Corps is the institution that really put his mind in the right frame that it needed to be for his adult years.

ZELL began his educational career at Young Harris College following his tenure in the Marine Corps, and then ultimately graduated from the University of Georgia, which happens to be the same institution of which I graduated. Again, having a colleague such as ZELL to look to as a fellow alumnus is a great privilege.

ZELL then began a teaching career, and also very shortly entered a public service career. He served two terms as a State senator from his home county area of Young Harris. I think that was the foundation for what was going to ultimately become an outstanding ca-

reer for him in public service. Like all of us, he suffered defeat as well as victory. He ran unsuccessfully for the U.S. House of Representatives twice. Having run for Congress myself, and lost the first time, I know it is not much fun, but you also find out it is the greatest experience of your life. You meet the nicest people in the world, and you get a real sense of the fact that there are just literally thousands and thousands of people in that congressional district who have the same beliefs and philosophy that you do, so you want to continue to make a difference.

Even though ZELL lost those races when he ran twice, that did not deter him from continuing in public service. He served as our Lieutenant Governor for four terms, 16 years. He just did a masterful job. The Lieutenant Governor in Georgia has a little more power than some of the Lieutenant Governors in other States around the country. He presided over the State senate, and in that capacity had the obligation and the power to appoint committee chairmen and to be involved in legislation from a direct standpoint. He did an outstanding job as Lieutenant Governor.

Following those four terms, he ran for Governor and, in 1990, was elected Governor of our State for the first of his two terms. In 1990, he campaigned on the fact that if we were going to have a State lottery—that was one of the hot issues on the ballot that year—that if we were going to have a State lottery, he wanted to make sure the funds that were generated by that lottery were used for one purpose, and one purpose only, and that was to improve the quality of education in our State.

I have to say if there is any one man who is responsible for the improvement of the quality of education in my State of Georgia, it is ZELL MILLER because he not only campaigned on doing that, he made absolutely certain all the funds generated from that State lottery went to improve the quality of education.

He is the father of the HOPE Scholarship. It is kind of interesting, in every campaign now, every statehouse campaign and gubernatorial and lieutenant gubernatorial race now, those folks who have been involved in State politics for a while who are running for those races all claim responsibility for the HOPE Scholarship. But everybody knows that the father of the HOPE Scholarship, the person who was responsible for its passage and implementation, is ZELL MILLER.

The HOPE Scholarship is a provision in our law which says, if you graduate from a high school in Georgia and you have a B average, you can go to any State institution that you are successful in applying to and getting into, and your tuition will be paid for. As long as you maintain a B average, that tuition will be paid for throughout your college career. It has been one of the best things we have ever had happen in our State.

We have been successful keeping our top students at home and attending our State universities. One of the main reasons is the HOPE Scholarship. We have kids who might otherwise go to a school in the Northeast or the West Coast that has a much greater national reputation, but they do not give the scholarships like the HOPE Scholarship to all their students who maintain those averages.

So ZELL MILLER has been primarily responsible for keeping an awful lot of the top kids graduating from our public institutions as well as our private institutions in Georgia at our State institutions. As a result of that, we have seen the average SAT scores at the University of Georgia, for example, rise every single year since the HOPE Scholarship went into effect. I do not know what the exact number is for the entering class this year, but I have confidence in saying the average SAT score for the entering freshmen class at the University of Georgia this year is well in excess of 1250, probably closer to something in excess of 1300. At Georgia Tech it is higher than that. And in other institutions we have seen the same impact. We are simply getting the brightest and the best because of ZELL MILLER and his commitment to the people of Georgia and his commitment to increasing the quality of education in our State.

As Governor, he put into effect a voluntary pre-K program for 4-year-old kids. All of us know that the earlier we involve our children in the education process, the more likely they are to come out, at the end of the day, with a better education. It is one of the best things we ever did from the standpoint of putting our kids in touch with the school system at an early age. And it has worked.

I could go on and on talking about the things that Senator MILLER did as Governor, but I want to sum it up with two anecdotes.

First, again, education-wise, he was committed to ensuring that the education of the children of our State improved every year he was in public service. I will never forget his last 4 years—and I know this; I remember specifically because my wife was a teacher in the public school system at that point in time. We were ranked 49th out of 50 with respect to the average teacher salaries. ZELL MILLER put into place—and he made a commitment to the teaching community and made a commitment to the legislature that they were going to have to abide by this. He was going to provide a 6-percent increase in teacher salaries every year for his last 4 years, about a 25-percent increase for teacher salaries across the board. He not only made the commitment, but he did it. We went from 49th in average teacher salaries to somewhere in the high twenties over the 4 years of ZELL MILLER's last tenure as Governor of our State.

He also made a commitment to the people of Georgia that if you elect me

for 4 more years, then I am not going to be just your average Governor and put it on cruise control and go out as a popular guy—and he had every opportunity to do that.

I will never forget riding back up here on an airplane after one weekend, and I happened to sit beside ZELL. This was several years after he had left the Governor's office, but I was a Member of the House. I said: ZELL, I guess if there is anything about you, and I were to remember one thing over everything else, it is the fact that in your last 4 years you did what you thought was right, irrespective of the fact that you could allow the legislature to pass whatever they wanted to and you could sign it into law. A lot of the legislation were very popular bills with the people back home, but they simply were not the right thing to do. He would veto them. He would veto them, not because he had anything against the issue or the people promoting the bill, but it was the right thing to do. It was not in the best interest of all Georgians.

A lot of people ask me today, Why has ZELL MILLER changed? ZELL MILLER has never changed. In his heart, he believes we live in the greatest country in the world. He believes in his heart that he and I live in the greatest State in this great country. He is totally committed to doing what he thinks is right. He did it then when he vetoed a lot of popular bills, and he didn't have to do that; it would have been easy not to do that. That is why today when he speaks it is from his heart because he is doing what he thinks is right.

As he closes out his career, he and I are both mindful every day of the fact that ZELL MILLER didn't want to be here. It was not his wish that he serve in the Senate when he was asked to serve. He ran for the Senate in 1980 and was not successful. But he had no intention of coming back to the Senate. Unfortunately, Paul Coverdell, who was his very close friend and one of my political mentors, passed away in 2000, and our Democratic Governor, Roy Barnes, went to ZELL MILLER and said: Your State needs you, your country needs you, and I need you to fill the unexpired term of Paul Coverdell. So ZELL, after much thought about it, decided to leave the mountains of north Georgia and his hometown of Young Harris and go back into public service, to come to Washington. He and Shirley have been here since July of 2000, when he was appointed to fill that unexpired term. He ran in 2000 and was elected to the remainder of the unexpired term. So it wasn't his desire to come back, but, as always, when he has been called upon to fill a void and to be a public servant for his State and his country, he has answered that call—not unlike when he joined the Marine Corps.

As he leaves this great institution at the end of this term in another 6 or 8 weeks, this man is going to be missed by those who have looked up to him from a political perspective. He has been a person that all of us in politics

admire because he has always operated in a bipartisan way and made sure he reached across the aisle and brought Republicans into his Democratic administration when he served as governor. Probably one of the highlights of that is the man who is replacing him in the Senate, my good friend JOHNNY ISAKSON, who has been a longtime Republican in our State.

In ZELL's second term as governor, he knew that with education being a priority he needed a top-flight person to head up our State board of education. He reached out to JOHNNY ISAKSON, who was then out of politics, and brought him into his administration to chair the State board of education. JOHNNY did a terrific job. As a result of that, he came on to the House to replace Newt Gingrich, and now he will be replacing ZELL MILLER in the Senate. That is simply the kind of guy ZELL MILLER is.

So it wasn't politics; it was what was in the best interest of our State, what could he do to continue to improve the quality of the education of our kids. He just did the right thing. It is the same as he did in supporting our Republican President. He knew it was the right thing to do. That is why he was so vocal about it. Irrespective of the consequences politically, he did what in his heart he thought was the right thing to do.

So now as ZELL goes back to Young Harris, I fully expect him to stay engaged in the process. He is not the kind of guy who is going to wilt away, but he will not be as active as he has been for the last three decades. He will be sitting on his front porch with his two dogs, Gus and Woodrow, playing with his grandchildren, and enjoying his family. I am sure his mind will, at times, wander back to his times in Atlanta at the State capital, and to the days he spent in this institution, and he will have some great memories. But those of us who have had the privilege and the opportunity to serve with him are going to have even better memories.

ZELL MILLER is a great American, a great Georgian, and he is somebody all of us are going to miss in the day-to-day world of politics. But he is somebody who, when we look back and say, you know, if I charted my course the way he did, I can leave this institution with a great feeling knowing that I have done what was in the best interest of my State and in the best interest of my country. So to ZELL MILLER and to Shirley, I say thank you. Julianne and I have a great appreciation for you and a great friendship with you. We look forward to continuing that friendship. We will miss you here in the U.S. Senate. God bless you.

I yield the floor and suggest the absence of a quorum.

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

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. NELSON of Florida. Mr. President, what is the parliamentary procedure that we find ourselves in?

The PRESIDING OFFICER. The Senate is in morning business.

Mr. NELSON of Florida. Mr. President, I will address the Senate in morning business.

The PRESIDING OFFICER. The Senator from Florida is recognized.

CULTURAL ISSUES IN AMERICA

Mr. NELSON of Florida. Mr. President, it seems that several things have happened with regard to questions of matters of faith and what some would call cultural issues that seem to be upside down in America.

Just in the last few days, we have seen several ABC stations across the country that have had a fear of being fined by the Federal Communications Commission for showing the award-winning movie, "Saving Private Ryan," because of some of the language that is used in this extraordinarily heroic film that is one of the most accurate portrayals of the fog and heat of war that has ever been made.

At the same time, we find that ABC, in its leading up to Monday Night Football, has fostered an advertisement to promote one of its nightly network prime time shows in which a risqué kind of setting is displayed for an audience that would inappropriately include children, particularly, who are watching at around 6 o'clock in the Pacific time zone of this country. On the one hand, ABC stations are taking off the air a movie that really has a great deal of portrayal of the strength of this country and all of its patriotic values and, at the same time, the network, ABC, is then promoting what some would find questionable.

It seems to me we have lost our sense of balance, our sense of direction, that it is entirely upside down as to what we should be doing.

So, too, I have noted in a Washington newspaper today the fact that Secretary of Defense Rumsfeld is urged to defend the Boy Scout movement, the title of the headline, and of which critics are pointing out that a settlement by the Department of Defense of an ACLU suit back a few years ago is going to continue to drive, to force the military to cut off all taxpayer support to the Boy Scouts of America which, in this case, uses military bases for meetings and events, such as their annual Boy Scout jamboree that is held on a Virginia military base.

It seems that we have it, again, upside down, for if the objection is that the Boy Scouts of America have, as part of their oath, an allegiance to God, and if that is the reason for the suit, might I remind the Members of the Senate that when we took the oath of office, it said at the end of the oath, "so help me God."

But isn't it interesting that the U.S. military has taken a position in a settlement which, if taken to its logical conclusion, would keep the Boy Scouts of America off a military facility when, in fact, every military officer in the U.S. military, including this former officer of the U.S. Army, took an oath that said the following:

That I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of this office upon which I am about to enter, so help me God.

That is the part of the oath every U.S. military officer takes, and it is the one I took decades ago when I entered as an officer of the U.S. Army.

It seems to me there is a great deal of inconsistency then that the U.S. Department of Defense would take a position where every one of its officers has sworn to uphold their oath, and at the end of that oath state, "so help me God," and yet they are moving to a position to knock the Boy Scouts out of being able to use public facilities—in this case, military facilities—because they have a similar oath.

I come back to my opening comments. We have something that is upside down. There is not a Senator here who does not passionately believe in freedom of expression, freedom of speech, and freedom of belief in what any person chooses to believe, but are we getting so mixed up that we lose sight of what are the accepted ways in which we conduct ourselves and the respect we have for one another in our respective beliefs?

Really, is there anyone who wants to kick the Boy Scouts out of their annual jamboree on a Virginia military facility? Of course there isn't.

In this week that has just passed where we see the ABC network saying to some of these stations that we are not going to allow "Private Ryan" because it has bad words in it, and at the same time promoting a commercial that certainly has questionable viewing characteristics for young children at the 6 o'clock timeframe on the west coast of this country, and where today's news is bringing us to the point at which our own Department of Defense is taking a position that ultimately would lead to kicking off the Boy Scouts because the Boy Scouts believe in God, then I think this country has gone too far. It is time to stand up and speak out about common sense and principles that were set in place for this country by its Founding Fathers of a belief in Divine Providence and a respect for that belief.

So what I will be doing is offering a resolution to the Senate today, and that resolution will conclude that:

It is the sense of the United States Senate that the Department of Defense should continue to exercise its longstanding statutory authority to support the activities of the Boy Scouts of America, in particular the

periodic national and world Boy Scout jamboree.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. BURNS). The Senator from Kentucky.

TRIBUTES TO RETIRING SENATORS

ZELL MILLER

Mr. MCCONNELL. Mr. President, the late Senator Paul Coverdell was a great Senator and dear friend of many of us in this body. His untimely passing left a great hole in our hearts. But it also took from Georgia and from America a great leader.

At the time, none of us had any idea how we would ever manage without him. I remember when we were doing tributes to him after his death. There was great emotion on the floor of the Senate. I remember Senator Phil Gramm tearfully giving Senator Coverdell a farewell. We all felt great affection for him.

So when the Governor of Georgia, Governor Barnes, needed someone to step into Paul Coverdell's place to be the voice for Georgia, he called upon a fellow whom I had not previously met but had heard of for some time, former Gov. ZELL MILLER.

Happily retired and without personal ambition for further public office, ZELL MILLER responded to the call of duty. And what a difference he has made in this body. In a time of turmoil, a time of terrorist attacks, of economic challenge, of foreign war, when America needed somebody to lead, Providence blessed America with a great Senator, ZELL MILLER.

During his short tenure here, this old marine has been critical to our efforts to obtain economic opportunity, homeland security, and national security for this Nation. I can say with total certainty that Paul Coverdell would be proud—proud—of the accomplishments of ZELL MILLER. They have been good for Georgia, and they have been good for America.

A review of every major battle this administration had in the last 4 years shows that ZELL MILLER was in the middle of each one and the linchpin to each success. ZELL MILLER was instrumental to the economic recovery our Nation now enjoys. ZELL MILLER was the key to the homeland security our Nation has attained. ZELL MILLER was one of the strongest voices to harden our Nation's resolve to fully wage the war against terrorism. On these, the most critical issues upon which history will judge this Nation, this President, and this Congress, it was ZELL MILLER whose vote and voice made the difference.

ZELL made the difference when the numbers didn't add up to victory. Like our mutual friend, Phil Gramm, apparently being outnumbered was never a cause for concern to ZELL. ZELL served in the proud line of Truman Democrats. Like Harry Truman, he called for unity during a time of war and, like

Harry Truman, gave hell to anybody who played games with our national security.

Like John Kennedy, he knew that tax cuts were not just good for the economy but they were good for the take-home-pay of workers and their families. But from ZELL we didn't just hear the thoughts of old-school Democrats, we also rediscovered the truths of our Nation. He showed us that integrity still matters, that nation comes before party, and that thinking first of our children and grandchildren is the right and proper way to judge national policy. Any time ZELL looked for his bearings, he gazed to those fixed stars of his favorite constellation: His wife Shirley, his children, his seven grandchildren, and two great-grandchildren. This internal compass served him well because no one could ever accuse ZELL of being confused about what he believed in and why.

So ZELL MILLER heads back to the Appalachian Mountains of north Georgia, whence he came. He returns with his wife Shirley back to the base of Double Knob Mountains, where the ravines flow to the Brasstown Creek and then the Hiawassee River and on to the Gulf of Mexico. He returns to the dirt roads he walked as a lad, where he worked with his mother, to haul stones from a nearby field to build a rock-walled house with no rafter, no subfloor, and a ladder for a staircase in which he was raised.

From such modest beginnings, and such a modest man, the world is better because of his leadership. He stands as a lesson for all and for all time. Because of ZELL MILLER, I can say, be you a Senator, a college graduate, a single mother, or an elementary school student, never, never, never doubt the impact a single person with clear vision and a strong heart can make for your family, your community, your nation, and, yes, your world—not just for now but for generations to come.

So, Senator MILLER, we will miss you around here.

Mr. President, we have had the privilege over the last 4 years to serve with a truly great American who has made a difference in a body in which it is very difficult for an individual Senator to frequently make a difference. Farewell, Senator MILLER. We look forward to seeing you in the coming years.

I yield the floor.

The PRESIDING OFFICER (Mr. GRAHAM of South Carolina). The Senator from Alabama.

ZELL MILLER

Mr. SESSIONS. Mr. President, I thank the assistant majority leader for his fine words. I certainly agree with those about ZELL MILLER. Democracies in general, America in particular, seem blessed that in times of turmoil, leaders do step forward and give us the guidance we need. During a time of war and economic challenge, America got such a leader in ZELL MILLER. It is not too much to say that he was the key, the very hinge upon which much of the

fate of the agenda of the last several years swung. For the goals of President Bush, from homeland security to economic growth to the war on terrorism, ZELL MILLER has been the difference between victory and defeat, the gap between almost and barely.

I think part of the willingness of Senator MILLER to step forward, break ranks, and support President Bush came because he is a man of experience and judgment and integrity. He got to know President Bush. He looked into his heart, he examined his policies, and he believed him. He had a particular belief in this man at this point in history, based on his study of history, his writing, and his experience, and he was willing to step forward in an unusual degree and take a lot of grief for it, to stand up for what he believed was right.

When President Bush proposed a tax cut to get the economy moving in 2001, and things were not going well, ZELL MILLER was the first Democrat to support that plan. He cosponsored the bill with Phil Gramm of Texas, a great Senator. When they teamed up I thought of that slogan in the Alabama football network. Bear Bryant would have a TV show every week to talk about the game. He promoted Coca-Cola from Georgia, I guess, and Golden Flake potato chips, and the slogan was: "Great Pair Says the Bear." So when ZELL MILLER and Phil Gramm joined forces, it was indeed a great pair. When it came time to protect the homeland against terrorist attacks, it was ZELL MILLER who stood with the President in 2002 to make sure we had a Department that functioned more like the Pentagon than the post office in protecting the lives of American citizens. After 4 months and 11 votes and a national election, finally it took. We passed the Homeland Security bill that has succeeded in keeping us safe, since 9/11, at least—a feat not many would have predicted possible at the time.

I would just say this: Senator MILLER understood the importance of that issue. I believe he called three press conferences. He urged those who were blocking the Homeland Security bill for some sort of internal governmental union-type politics, not on the real merits—he warned them that this was bad. It was bad for America, and it was bad politically for those who blocked it.

They didn't listen. I think they wished they had. Certainly, after the election they were quite willing to pass the bill they had been blocking before the election.

When the economy slowed down due to the attacks and the corporate scandal, and it came time to accelerate the tax cuts in 2003, once again it was ZELL MILLER who made the economic incentive plan the law of the land.

On the question of judges for America, ZELL MILLER had the classical view of the role of a judge consistent with his good friend, the wonderful Judge Griffin Bell, who was a court of appeals

judge and also Attorney General of the United States under President Jimmy Carter. He follows that philosophy. As a matter of fact, he analyzed each nominee who came forward and I believe saw fit to support the nominees, consistently, that President Bush sent forward—not because of politics but because he believed those judges would follow the law, not make law. They would be constructionists, not activists.

Oftentimes, on each one of these issues it came down to this one man making the difference, either taking the lead or casting the key vote on those issues. He taught us once again that nation, family, faith, heritage, and principle are more important than politics and party. In this he reaffirmed the belief that government for, of, and by the people can work.

When he spoke, people listened. I will tell you why people listened. I asked him how he found time, how he did his speeches. He personally writes his speeches. It is not written by staff. It is not generated by some computer. It is not regurgitated from some document or some memorandum or some summary somewhere. It comes from his heart, his experience, his head, and his understanding of this great Republic of which we are blessed to be a part. That is why people listen to his speeches.

Most of us recall his speech in New York at the convention, where he, in Trumanesque fashion, blasted those who play games with our national defense. They squalled and thought it was hell. He was just telling the truth, I suggest.

It was clear, passionate, and powerful and helped change the course of the national debate. It changed the course of the national debate because it was true. What he said was important. It had to do with whether this Nation would have leadership committed to a strong America. He also had some very fine words right here on the floor of the Senate.

On the Energy bill, he rose in "defense of that great American workhorse," in his words, the pickup truck. He told a story of meeting a guy who was a PHD—that is a post hole digger—who said:

If you really want to know when times are bad, take notice of the number of people having to sell their pickups. Look at the ads in the paper and the "for sale" signs in the yards. The more you see, the worse it is because pickups are the very symbol of the working man. As the pickup goes, so does the working man and the very heart of this country.

He added:

Pickups are as essential to the carpenter as his hammer; as essential to the painter as his paintbrush. So we must leave this American workhorse, the pickup truck, alone. Don't pick on the pickup.

Then he shared with us a tune called "Talking Pickup Truck Blues." He spared us the agony of singing it, but he did share one verse.

Sure, an SUV is classy travel, but it ain't much good for hauling gravel, or hay or bovine feces. So please do not make my pickup truck an endangered species.

That is not often heard on the floor of this Senate—words of eloquence that bring a smile to us all but more than that drives home a truth about real people who serve America day after day in pickup trucks.

So this man knows America. Given all the good he has done in so little time—he has given so much to it—he leaves much too soon. He has done a great job for this Nation and for Georgia in replacing the departed Paul Coverdell who we all loved and admired. He has been a great leader and a great Senator, and the Senate will miss the presence of this old Marine sergeant.

I can say without contradiction I believe that few Senators in the history of this Republic have in one short term contributed so much to the health and welfare of our Nation and made such a tremendous impact on it.

It is because he put his Nation first; he stood for what we believe in. He was true to his raising.

I thank the Chair. I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. MILLER. Mr. President, I have listened with a grateful heart to the generous words of my colleagues, the Senator from Kentucky and earlier this morning the Senator from Alabama. I will remember and cherish those words as long as I am on this Earth. I thank each of them for their friendship.

I see my good friend from Montana on the floor. I thank him, a fellow marine, for his friendship.

This means more to me than I have words to express. I did not come to this Senate expecting events to unfold as they have. I guess I am living proof that politics is not an exact science.

In Shakespeare's "Hamlet," his friend Laertes is going off to college and his father Polonius is giving him the usual advise that you give when your sons go off to college. After all the words of caution that I hope fathers still give their sons, Polonius ended with these words:

This above all: to thine ownself be true,
And it must follow, as the night the day,
Thou canst not then be false to any man.

I have always believed that and I have tried to live that.

I have had a most blessed personal life—personal and political. Since 1959, voters in Georgia have been putting me in one office or another, and I am deeply grateful to them.

God has richly blessed my personal life. My wife Shirley has been the perfect partner for over 50 years. She has been my companion, my critic, my crutch. We have two wonderful sons, Murphy and Matthew, and our daughters-in-law and our grandchildren and our great-grandchildren. We are very blessed.

If he had lived, Paul Coverdell would be ending his second 6-year term. As I

told some of my colleagues last night, not a day has gone by since I have been here that I have not thought of this good man who left us so suddenly and so tragically.

My most fervent hope during these 4½ years has been that Paul would be pleased with the way I have served and finished out his term. I know Paul is pleased, as I am, that our mutual friend JOHNNY ISAKSON, one of the finest public servants I have ever known, will soon be our successor in this great body.

I also wish to say what an honor it has been to serve the last 2 years with my colleague from Georgia, Senator SAXBY CHAMBLISS.

Now as this page turns on the final chapter of my career as a public servant, I cannot help but remember how it was in that first chapter of my life. Growing up in a remote Appalachian valley, we lived in a house made of rocks my mother gathered from a nearby creek with only an open fireplace for heat, no indoor plumbing, no car, no phone, and no father.

On summer nights before the TVA dammed up the Hiwassee River and brought electricity to that Appalachian valley, after the Moon had come up over the mountain, the lightning bugs were blinking, while the frogs croaked down at the creek and the katydids sang, every once in a while a whippoorwill's lonesome cry could be heard.

I remember after my mother had finally quit working and was getting us quiet and ready to go to bed, we would play a game. The game would start when the headlights of that rare car would penetrate the darkness, maybe once every half hour or so on that narrow strip of asphalt across a big ditch in front of our house. We would stare at the headlights of the car as it made its way around the steep curves and finally over Brasstown Mountain. We would count and see how long it took from the time it went by our house until its taillights would disappear through that distant gap and was no longer a part of that one and only world I knew.

It was often at this time my mother would laugh and say, "You know what's so great about this place? You can get anywhere in the world from here."

That world has turned many times since I first traveled that narrow road through that gap and out of that valley. It has been a long road with many twists and turns, ups and downs, bumps, and, yes, a few wrecks, a road that twice carried me to the highest office of the ninth largest State in this Nation, to all the continents and famous cities of the world and, finally, to the Senate.

So I leave this Senate, knowing that once again my mother has been proved right. One could get anywhere in the world from that little mountain valley and back again. Everywhere I have ever been really was on my way back home.

I thank all of you. I thank my family. I thank my very special staff who has stayed with me through thick and thin. I thank my friends and especially my God. It has been one heck of a ride.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BURNS. Mr. President, I wish to say a few words about my friend from Georgia, Senator MILLER, who preceded my remarks.

I was raised in the Midwest. We both come out of an era of rural America. It was a different life. I remember when we did not have electricity. We did not live on a gravel road. We did not have running water in the house. In fact, the water bucket froze on cold winter nights. We didn't have the best clothes in the world. But they were clean. And I have never gone to bed hungry.

I have an idea my mother was kind of like Mrs. Miller. A home full of love on a badlands farm made up of two rocks and one dirt, trying to hang on to it, coming out of tough times called the Depression of the dirty 1930s. It shaped a lot of character. It put a lot of fiber in a lot of people who went on to love this country and would serve her and our States at any cost.

The highest compliment one could pay to any person we meet in this body, comes from the West in an expression that says: We'll not say goodbye; we'll just say so long because you are welcome to sit at my fire anytime.

That is my feeling toward this old marine. I only have one disappointment, that we never did get a trip to the Pacific to visit Iwo Jima. I have been there but he never got to go. We tried every way in the world. We had a couple trips scrubbed because of business in the Senate. We never did make it, but we are not going to give up.

So we say so long to ZELL MILLER, a good friend, a good Senator, a great representative of Georgia, and a great representative of this country.

I came down here today to talk about other men who will be leaving this Senate, including Senator HOLLINGS from South Carolina. He was chairman of the Commerce Committee when I first came here in 1988 and 1989. I was up to my eyes in confusion, trying to drink out of a fire hydrant to take it all in. My former chairman of the Commerce Committee was part of my education, a very important part of it, in understanding the work done in the committees and this business of setting policy that conforms to the wants and desires of our States and what is good for the country.

One time I offered a little amendment that had a far-reaching effect in the debate of regulating the cable industry. I didn't want to do that but I wanted to give him a little competition to make them better. I offered an amendment without telling anybody on the committee, without telling a soul.

I will tell the Presiding Officer I know what it is like to sit way down at the end of the committee because when I came here my seniority was S100.

I remember the chairman, Mr. HOLLINGS, saying, I've never heard of anything like that. It was pretty obvious we were going to have to go to a vote. He didn't know if he had enough votes to defeat it and I didn't know if I had enough votes to pass it. An instance such as that calls for a little backroom sit-down, talk about this, and see what it does to the issue.

I was right there with him. Senator INOUE from Hawaii was also in the meeting. One can start to learn the ways of the Senate especially in the areas of committee work.

I will miss ERNEST HOLLINGS because he has been an institution here serving from the 89th through the 108th Congress. That is a great tradition.

The Presiding Officer knows and understands ERNEST HOLLINGS. We may disagree on philosophy but we did not disagree on America.

DON NICKLES will leave this Senate in this year, having arrived in 1980 with President Ronald Reagan. The real voice of conservatism, a fiscal conservative, who stood in this Senate and fought wasteful spending and did it with grace, did it with knowledge, a leader among all.

There again, he being 8 years ahead of me, he was a mentor and someone I could look to, study and learn from.

In 1987 or 1986, TOM DASCHLE came to the Senate. A neighbor from South Dakota from Aberdeen, SD, we both learned a little bit here. He was much more successful than I, reaching into leadership of his party. We had a lot of common friends in South Dakota. I will be sorry to see TOM DASCHLE leave the Senate. But he has left big tracks here. There are fond memories on issues that we agreed on and issues that we did not agree, but we did not do it being disagreeable.

BOB GRAHAM from Florida I learned was in the Angus business and he leaves this year.

JOHN BREAUX from Louisiana. I worked with him on the Commerce Committee regarding energy issues. His wisdom will be missed.

I am afraid I took much more from these men than I could ever return to them.

I served only one term with JOHN EDWARDS and PETER FITZGERALD. They, too, will be missed in the Senate. Their contribution was huge.

BEN NIGHTHORSE CAMPBELL served from the 103rd to the 108th Congress. But my, the knowledge he has had and the experiences he has had.

It seems as if he has always ridden dangerous things, including old broncs and horses, which are unpredictable, and, you might say, not the safest things. What a great thrill being the cover Senator for Harley Davidson. He, too, has lived a great life. He, too, understands the West. He is also a member of the Northern Cheyenne Tribe. The reservation is in my State of Montana.

We campaigned together, learned from each other. Now he will be return-

ing back to his Colorado, back to the High Country. He is looking forward to that.

PETER FITZGERALD comes from Illinois. As to all of these men, I want to say you do form relationships here, and there is a certain bond that attracts us all, as we learn that even though you may be on the same side of the aisle or the opposite side of the aisle, one could always agree or disagree without being disagreeable. That is what makes the Senate a special place.

We will miss all of these men, but I am looking forward to those who take their place as, there again, new relationships will be developed, a new bond dealing with the old challenges of a free society, with those who love the Constitution and love this country who were prepared to die for it and would if asked to do so today. No one doubts the depth of their patriotism nor their service to their country. We welcome them as we say goodbye to old friends, old relationships that will never be forgotten.

Mr. President, I yield the floor, and 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. ALEXANDER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. ALEXANDER. Mr. President, I ask unanimous consent that I be allowed to speak for up to ten minutes in morning business.

The PRESIDING OFFICER. The Senate is in morning business. The Senator from Tennessee is recognized.

1989 EDUCATION SUMMIT

Mr. ALEXANDER. Mr. President, right after the election, on November 3, 2004, I went to the Miller Center at the University of Virginia. The purpose of the occasion was a discussion of the 1989 Education Summit. It had been 15 years since the President of the United States and the Nation's Governors—all of our chief executives—gathered in Charlottesville, VA, to establish the first ever national education goals for our country.

It is astonishing to me that 15 years have gone by since then, and it was to most other governors who were there. It was important to look back on what had happened in 1989, to see how it happened, and to think about what happened since then.

The summit at the University of Virginia had gone remarkably well. President George H.W. Bush had convened it. Terry Bransted, the Governor of Iowa, was chairman of the National Governors Association that year. He had appointed the Governor from Arkansas, Bill Clinton, whose library is opening today, and Carroll Campbell of South Carolina as the lead Governors. Working with the President's rep-

resentatives, they came up with those first national education goals. There had been a long prelude to all of this activity in 1989. I was a part of that prelude, and I saw a lot of it happen.

In 1978, when I was elected Governor and Bill Clinton was elected Governor of Arkansas, and Dick Riley of South Carolina, and our colleague, BOB GRAHAM, who was Governor of Florida, we were all faced with the same issues. Our States were behind; the world was changing, and we needed a better education system, particularly at the elementary and secondary level. So that by 1983, when the report of the U.S. Department of Education, called "A Nation at Risk," came out saying we were greatly at risk because of the mediocrity of the education system, it was into that environment that it came.

The Governors in 1985 and 1986 all worked for a year on education. I was chairman of the NGA that year, and Bill Clinton was the vice chairman. It was the first time in the history of the governors organization that we all focused for a year on one subject. Then, by 1989, we had a President of the United States, George H.W. Bush, who became the first of three consecutive Presidents to say he wanted to be an education President. The goals that the governors adopted with the President in 1989 were very straightforward.

No. 1, all children in America will start school ready to learn.

No. 2, high school graduates will increase to 90 percent.

No. 3, American students will leave the fourth, eighth, and twelfth grades having demonstrated competency in math, science, English, history, and geography.

No. 4, America would be first in the world in math and science.

No. 5, adult Americans would be literate.

No. 6, every school would be free of drugs and violence.

Those were the goals. You might say after a decade of unprecedented school reform and concern, America backed into its goals for reform. That was 15 years ago. A lot has happened since then.

When I became Education Secretary in 1991, we created something called America 2000, which was to try to move America community by community toward those national education goals. Governor Clinton became President Clinton, and he changed the name to Goals 2000 and tried his brand of moving us in that direction.

Now we have another President, the son of the man for whom I worked, who has, through No Child Left Behind, working in a bipartisan way, tried to set from Washington accountability standards that will help make sure that all children are learning. I rise to talk about this today only for this reason: That the national summit of governors and the President, on its 15th anniversary, should not go by without mentioning it on this floor.

There has never been anything like it before. One of the most important

parts of it was that members of Congress were not involved. A lot of members of Congress—it was a Democratic legislature at that time—were not very happy about that. But I think that was the correct decision because, in my view, elementary and secondary education is a national concern, central to almost everything important that we do, but it is not necessarily a Federal Government concern.

The fact that the governors and the President, the chief executives of our country, met together to establish these goals and begin to move us toward those goals was, I think, the correct way to do that.

I would like to salute the University of Virginia's Miller Center for holding this celebration. It included former Education Secretary Dick Riley, Rod Paige, the current Education Secretary, and I was there as well. It also included JOHN SUNUNU, a former Governor of New Hampshire, who was at the education summit and who was Chief of Staff at the White House at the time it was organized, and Jerry Baliles, the former Governor of Virginia, who was Governor of Virginia at the time the education summit was held.

I thought Governor Baliles' remarks were especially interesting and useful. He talked about the political context of the times and how the governors were able to do this without interference from Congressmen and Senators in Washington, DC. He talked about the competitiveness of our country and the world, and how we are driven to realize that better schools meant better jobs and that most of our standard of living depends upon the research, the inventions, and technology that we have at our great system of colleges and universities in the world. And, he talked about where we had come in the last 15 years.

I ask unanimous consent to print in the RECORD, following my remarks, the full remarks of the Honorable Gerald L. Baliles, the former Governor of Virginia, which he made at the Miller Center of Public Affairs and the Curry School of Education in Charlottesville on November 4, 2004.

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

(See exhibit 1.)

Mr. ALEXANDER. Mr. President, I think it is worthwhile, in addition to this, to give a little credit to former President George H.W. Bush. I still believe that when the dust settles and history books are written, President Bush's leadership in education will be among his most significant and lasting contributions.

His tour of duty was interrupted by the voters in 1992, so he was not able to finish the job. But his America 2000 community effort had a variety of initiatives which set the agenda for American education in the 1990s. They included a new set of national standards in core curriculum subjects, including science, history, English, geography,

arts, civics, and foreign languages. It included a national voluntary examination system geared to those new standards. They included new generation, thousands of start-from-scratch, "break-the-mold schools." We call them today charter schools, but then there were only perhaps ten such charter schools. It included giving teachers more autonomy and flexibility in their classrooms by waiving federal rules and regulations, something Congress eventually did more of later. It also included a GI bill for children, to give middle and low-income families \$1,000 scholarships to spend at any lawfully operated school of their choice, thereby giving those parents more of the same choices that wealthy parents already had.

That was an excellent agenda in the early 1990s. It is still a good agenda today. The summit on education, the national education goals created in 1989, need to be remembered, and so does the leadership of President George W. Bush on education.

I yield the floor.

EXHIBIT 1

THE REMARKS OF THE HONORABLE GERALD L. BALILES, FORMER GOVERNOR OF VIRGINIA AND PARTNER, HUNTON & WILLIAMS, BEFORE THE MILLER CENTER OF PUBLIC AFFAIRS AND THE CURRY SCHOOL OF EDUCATION, THE UNIVERSITY OF VIRGINIA, CHARLOTTESVILLE, VIRGINIA, NOVEMBER 4, 2004

THE 1989 EDUCATION SUMMIT: A REEVALUATION

At the beginning of the 1992 Vice Presidential debate, Ross Perot's running mate, Admiral Stockdale, opened the debate by looking into the camera and saying, "Who am I and why am I here?"

Today, I am here because 15 years ago I, along with the rest of the nation's governors, met with the first President Bush and his cabinet for an unprecedented Education Summit here at the University of Virginia.

I am a strong believer in the importance of context; in the notion that to truly understand an event or a series of events, one must understand the times in which those events occurred. And that is my role here today.

The agenda is filled with Education Secretaries, educators and others who have played a critical role in how the results of the Summit were implemented. They have been on the front lines of education in the fifteen years since the Summit, while I retired from public office just three and-a-half months after the Summit's conclusion. I look forward to their assessments of the progress made and the challenges that confront us.

I believe that former New Hampshire Governor and White House Chief of Staff John Sununu and I are the only ones here who actually attended the Summit, and all of its meetings, as principal participants. So it is that the Miller Center has asked me to provide some context, to discuss what was going on at the time, why the meeting was held, what battles were going on behind the scenes, and what our expectations were for the Summit.

I am delighted to be here today to share the program with Governor Warner, Secretary Paige and so many others who have advanced the cause of education in our country.

I just mentioned John Sununu. I served as Vice Chair of the National Governors Association under John and then succeeded him as Chairman. Not long after that, John

joined President Bush in Washington as his Chief of Staff. One of the best things about that 1989 summit was the opportunity to see and work with John again, and I am delighted he is here today for this retrospective event.

It is also a pleasure to be here with my former colleagues Dick Riley and Lamar Alexander. I remember well my first National Governors' Association Meeting, in August, 1986, hosted by Governor Dick Riley at Hilton Head, South Carolina and chaired by a Tennessee Governor named Lamar Alexander. The major theme of the meeting was education; the NGA had done a great deal of work on education reform during Governor Alexander's chairmanship and the results were being released.

Lamar Alexander and Dick Riley, through their work as Governors and later as U.S. Secretaries of Education, have done more than any two people I can think of to advance the cause of quality education in the United States over the past quarter century. We all owe them a tremendous debt.

Now to the task at hand.

You might recall that the 1989 Summit was greeted with equal measures of anticipation and cynicism, hope and skepticism. Many noted at the time that Americans periodically make brave and impressive noises about education, but that we frequently fail to achieve the necessary breakthroughs to give education the priority it merits.

No question, some expected the Charlottesville Summit to be little more than a variation on disappointing earlier efforts. But others—and I counted myself among them—believed that something different and important could happen here, something which might foretell a favorable turning point in our national commitment to education.

The day before leaving Richmond to come to Charlottesville for the Summit, I made the following observation at a press conference: "While it seems unlikely to me that fundamental solutions to the problems of education will emerge out of a meeting that will last little more than 24 hours, the Summit could well be the start of a significant national effort."

Fifteen years later, I believe the Summit was not only the start of a significant national effort, but in many ways was a seminal event; nationalizing the importance of educational policy, sharpening the focus on results, and making executive political leadership more important.

To understand why, and to understand the context in which the Summit was held, I want to focus on three factors in particular:

First, I want to focus on the political context of the time. Much of the media and public reaction to the Summit centered around political questions—especially in the days leading up to the Summit. How much of the Summit was designed to cater to the President's political needs? How did Congress view the Summit? What did the Governors expect? What tensions existed between the different levels of government? Those questions were being posed at the time, and it is important to examine them.

Second, I want to look at the substantive context of the time. There was consensus across the political spectrum in 1989 that the United States faced a challenge, almost a crisis, of international competitiveness. While people of various political stripes disagreed sharply on specific remedies, it had become conventional wisdom that, by a variety of international measures, including educational achievement, the United States was not as competitive as most of its trading partners and competitors in the global economy, and was falling further behind. This may be difficult to comprehend today, but the fact is that the competitiveness issue

permeated most political debates of that time, and much of the educational reform effort in the Nation was fueled by competitiveness concerns.

Finally, I want to look at the debate over the Federal role in education. In 1989, the very idea of a Federal role in education was still an open question. Today, we largely argue over what form the Federal role should take and how much it will cost. Very few will question the Federal role. We do not challenge the need for national standards or a national approach to educational policy. Back then, things were quite different, and the Summit played a major role—perhaps THE major role—in settling the basic question of whether there should be a Federal role in education.

I want to focus on those three factors of politics, competitiveness and the Federal educational role because they really laid the foundation for much of what has followed, both at the State and Federal levels. And, yes, that includes Virginia's "Standards of Learning" and the Federal "No Child Left Behind" legislation.

POLITICS

Let's begin with the political dimension.

It is well known that during the 1988 campaign, the then-Vice President Bush had proclaimed that he'd like to be known as the "Education President." There was a belief, I think, that this would not only allow him to compete for voters the Democratic nominee was taking for granted, but that it would also allow the Vice President to set himself apart from President Reagan whose rhetoric and budgets, especially in the early years, demonstrated opposition to Federal involvement in education.

If that was President Bush's strategy, it worked. His opponent in 1988, Massachusetts Governor Michael Dukakis, took the education issue somewhat for granted and the Vice President was able to use it to his advantage. For those who feared a replay of Reagan-era proposals to eliminate the Department of Education, the new President's words assuaged their worries.

When President Bush talked of a "kinder, gentler" administration, many believed that he was talking about education. Yet, when President Bush went on to observe, in his inaugural address, that the U.S. Government had "more will than wallet" in the face of mounting needs AND mounting deficits, many worried that he would walk away from his commitment to education.

Indeed, the first several months of the Bush administration saw little or no action in the education area. This was understandable. A new administration was getting organized, momentous things were beginning to happen in Eastern Europe and the Soviet Union, and pro democracy demonstrators spent the spring of that year camped out in Tianamen Square in Beijing.

In addition, hostages were being taken in the Middle East. The budget deficit was increasing rapidly. There were many serious international priorities. That nothing was happening on education should not have been a surprise, though the fact did give rise to some grumbling and increased pressure on the Bush Administration to do something.

When President Bush came to Chicago in August, 1989 to address the annual meeting of the National Governors Association, there was much to talk about—in fact, the major story in the news the day he visited concerned the death of a U.S. hostage taken in the Middle East.

Indeed, the President broke the news of the hostage's death to the public at the beginning of his speech to the Governors. But during the course of his remarks, he announced that he would meet with the Governors in a

"Summit" sometime that fall to discuss education. It would be only the third time a President would meet in a specially-called, Summit-type, meeting with Governors, and the first time that the subject would be education. The exact time and place had not then been determined, nor had the University of Virginia been selected as the site of the Summit.

Naturally, there were pundits who believed that the meeting would be nothing more than a photo opportunity; a chance for the President to quiet criticism of himself for not spending as much time on education as some people wanted. It was summertime, Congress was out of session, and after the National Governors' Association meeting there was little hard news for the press to focus on, at least in the domestic arena. So, people were free to speculate about the President's motives for holding the Summit, and about the agenda for the meeting.

About two weeks after the President had proposed the meeting, the White House announced that the Summit would be held here at the University of Virginia, and that it would be held at the end of September, about a month later. The fact that we now had a specific set of dates, and a location, only raised the intensity of the debate, as well as the political temperature.

To begin with, Congress was unhappy about being excluded from the discussion. Up until 1989, Federal education policy was primarily a congressional concern. Presidents might express opinions but otherwise were reduced mostly to signing bills passed by Congress. Here was a President who had proposed to alter that balance, who made it clear that the Summit was limited to himself and the 50 State Governors and the Governors of the territories.

Congressional leaders, particularly the chairmen of the education committees, were outraged—and not just at the President. Relations between Congress and the Governors were a little frayed at the time, particularly between Democratic Governors and Democratic members of Congress.

At that Chicago NGA meeting that I chaired, 49 of the 50 Governors signed a letter to congressional leaders asking for a moratorium on new Medicaid mandates. Continued expansion of Medicaid was exacting a major toll on State budgets around the country, and the Governors were asking for a brief moratorium on new mandates in order to find ways to fully fund what was already in the pipeline.

Congressional leaders were incensed. Congressman Henry Waxman, who chaired the subcommittee in charge of Medicaid, wrote to all Democratic Governors accusing them of a variety of sins for their position in support of a moratorium on new Medicaid mandates. Things were especially tense between the gubernatorial wing of the Democratic party and the congressional wing (in those days, Democrats controlled both houses of Congress).

So, there was the fear that congressional prerogatives were being stripped away and anger at Governors, particularly Democratic Governors, for being complicit in upsetting this balance.

Congressional leaders found an ally in the then-Governor of New York, Mario Cuomo. Governor Cuomo, who was also the only Governor not to sign the Medicaid mandate letter, began working with Senator Kennedy, Chairman of the Senate Human Resources Committee, and Congressman Hawkins, his House counterpart. They wanted Congressional leaders to participate in the Summit since Congress would have to fund any Federal initiatives, and they were also urging Democratic Governors to go to the Summit with an agenda demanding full Federal fund-

ing of a variety of programs, and the creation of several new Federal programs as well.

Many of the Democratic Governors believed this approach to be misguided, that if the Governors' conversation with the President on education simply mirrored Washington's fights over formulas and funding, then the public would view the meeting skeptically, and we would lose an important opportunity to articulate a national commitment to education.

Arkansas Governor Bill Clinton was the Lead Democratic Governor for Education, and he and I worked together to convince our Democratic gubernatorial colleagues of this point of view. It was a difficult challenge and the outcome was uncertain. Attempts were made by some to convince individual Democratic Governors, and their staffs, that the Summit was a clever trap devised by the administration to ensure that no new resources would go into education.

In the end, we convinced most of the Democratic Governors that the best way forward was an approach that focused on a set of challenging goals and standards; stringent enough that the goals could not be reached without a major financial commitment at all levels of government.

We believed that if we just asked for more money, we would lose the public debate; that people would not support money divorced from results; that both needed to go hand-in-hand.

We believed, in short, that the best way to obtain additional resources for education was to set goals that could not be achieved without those new resources.

So, if one is looking for a reason why the major result of the Summit was a commitment to develop national goals, this is a good place to start.

In the meantime, the Republicans were having their own discussions. Most of them also revolved around funding, with the administration being wary of calls simply to provide more Federal money. Congressional Republicans largely agreed with the new administration in opposing more money, with some even wanting to make cuts in education spending. Republican Governors wanted to be supportive of their President in holding the line against demands for major new cash infusions, but they also realized that more resources were required. Some of the most conservative Republicans were concerned that the Summit would all but enshrine a Federal role in education that they opposed.

In the end, Republican Governors came to a very similar conclusion as their Democratic counterparts—that national goals would be the best way forward. My impression was that they were under much less pressure from their congressional counterparts than the Democratic Governors were from congressional Democrats; the pressure Republican Governors faced came more from an administration not wanting to be pressured into major new infusions of Federal money. But Governors of both parties ultimately came to similar conclusions prior to the Summit.

In today's partisan political climate, this bipartisan consensus seems almost impossible to believe. There were many reasons for this bipartisan convergence in thinking.

Perhaps it is because Governors have always been—or at least were then—better able to work across Party lines than members of Congress.

Perhaps it is because Governor Clinton and South Carolina Governor Carroll Campbell, who was the Lead Republican Governor for Education, got along so well or because Iowa Governor Terry Brandstad and Washington Governor Booth Gardner, the new Chairman

and Vice Chairman respectively, of the National Governors Association got along so well, or because we all got along with John Sununu, who as White House Chief of Staff played a major role in Summit preparations. Who knows?

The fact is, however, that the political needs and desires of both Democratic and Republican Governors happened to coincide in an important way at that time, and the Governors went in to the Summit pretty much united over the need for fairly aggressive national goals. It was, to resurrect a phrase, a time of harmonic convergence.

And what about the White House? As I mentioned earlier, the main political worry from the White House was that the Summit would lead to intense pressure for a major infusion of new Federal dollars. I remember, very specifically, that this was the one non-negotiable demand from the White House—the Summit would not be allowed to focus solely on discussions of new Federal money.

Some on the White House staff wanted little more than a statement saying that the President and Governors shared a common commitment to education. Others believed that such a result would be seen as inadequate and would merely confirm the suspicion many had that the entire Summit was pure politics.

I want to state, by the way, that my belief has always been that President Bush was sincere in his desire to chart a new way forward in education. This view was confirmed by what I observed at the Summit and by conversations I had with the President in the months and years after the Summit—including a visit to Camp David a couple of years later. In this, he had the effective assistance of John Sununu and, later, Lamar Alexander. But there were some in the administration in September, 1989, who advocated a minimalist approach, to say the least.

But others at the White House, echoing the President, believed that we had the opportunity to achieve more than a “Mom and Apple Pie” joint statement on the value of education. They were no more interested in committing the administration to major new Federal spending than the minimalists, but they did believe that we had a golden opportunity to focus the country’s attention on the need for a shared national goal of education excellence.

Thus was the consensus born that the Summit would attempt to articulate a set of national educational goals, or at least begin a process in which such goals could be developed.

So, yes, politics was critically important to how the Summit unfolded and concluded. But as my UVA friend Larry Sabato likes to say, “politics is a good thing.” And in this case, politics led to a shared approach and a constructive outcome for educational reform.

COMPETITIVENESS

Let me turn now to my second point, the substantive international policy concerns of late 1989.

It is hard to remember now, with most of Europe and Japan stuck in a decade-long economic funk, but in the late 1980’s the major issue hanging over the education debate—permeating debates over everything in fact—was competitiveness. At the time, the best way to get attention for one’s issue was to link it to the effort to make the American economy more competitive on a global basis. The book shelves were filled with tomes written by academics, journalists, politicians, sports coaches and others about competitiveness.

Education was a major issue affected by the competitiveness debate. The changes that so challenged the Nation—the changes

that inspired the Education Summit—were as much external as they were internal. And they were viewed as quite real, even threatening.

The case for viewing education in this light was first made with the 1983 publication of “A Nation at Risk.” That report completely transformed the education reform issue; it began to nationalize the issue, and it placed education firmly in the middle of the competitiveness debate.

Listen to the language in the opening paragraphs of that report: “[America’s] once unchallenged preeminence in commerce, industry, science, and technological innovation is being overtaken by competitors throughout the world. . . . [T]he educational foundations of our society are presently being eroded by a rising tide of mediocrity that threatens our very future as a Nation and as a people. . . . We have, in effect, been committing an act of unthinking, unilateral educational disarmament.”

Tough stuff. Of course, the intent of the words was to jolt the public, the press and our political institutions out of their complacency and remove the inertia of the status quo. The fact that the report came from a panel created by President Reagan’s Secretary of Education, Terrell Bell, made the words all the more powerful.

Well, if the intent was to jolt, it worked. Within just one year of the report’s release, 41 States had toughened high school graduation requirements in line with the report’s recommendations. Thirty-five States had raised teacher certification standards, twenty States had increased instructional time and nineteen had improved school discipline policies.

In 1986, the National Governors’ Association released “A Time for Results.” This report proposed a series of actions to be completed by 1991—to strengthen teaching, increase the use of technology and raise the level of local educational standards. This report was to be updated each year in a series called “Results in Education.”

Also in 1986, the Southern Governors Association Advisory Council on International Education released a report calling for improvements in the teaching of languages, geography and other international subjects. The report stated: “By every measure, Americans are not prepared to compete and to participate in the international marketplace.” The report continued: “We, as a nation, are constantly surprised by world political and economic events. They occur in places we never heard of, for reasons we do not understand.” The title of the report?

CORNERSTONE OF COMPETITION

In 1987, the National Governors Association launched a year-long initiative called “Jobs, Growth and Competition” which focused on a variety of issues, including education, that were deemed important to improving our international competitiveness. In 1989, the National Governors’ Association launched an initiative during my chairmanship called “America in Transition, the International Frontier.” The final report was entitled “A Competitive Nation.” A series of earlier reports had focused on a variety of issues, including education.

But, this competitiveness concern wasn’t just for Governors. Congress and the President got in on the act as well.

Congress created the Competitiveness Policy Council and charged it with reporting yearly on a series of actions that the nation could take to enhance its competitiveness in transportation, technology, trade, fiscal policy and education.

The White House created a Competitiveness Council, chaired by the Vice President. So, this topic was a concern at every level of government.

At the 1989 Education Summit’s opening press conference, I noted that: “We increasingly cannot compete with overseas nations. . . . The problem is that successful state and local programs are not enough; we need national educational excellence, and a national commitment to obtain it.”

So, the competitiveness issue permeated the political landscape, it impacted everything else. There was consensus across the land that we had a “competitiveness problem” And education was a part of that problem—and solution.

What did this mean?

It meant that education could no longer be strictly a local or state issue. For if we had a national problem of competitiveness, then we needed national solutions. We could not leave it to chance that every State and locality would properly educate their young people; after all, our competitors had not. We needed a national conversation about education, we needed national results. We needed—voilà—national goals, just like our competitors had. That’s why the Joint Statement issued by the President and Governors at the conclusion of the Summit began with these words: “The President and the nation’s Governors agree that a better educated citizenry is the key to the continued growth and prosperity of the United States. . . . Education has always been important, but never this important because the stakes have changed: Our competitors for opportunity are also working to educate their people. As they continue to improve, they make the future a moving target.”

And in the introduction to the National Education Goals agreed to five months later by the President and the Governors, you will find these words: “America’s educational performance must be second to none in the 21st century. Education is central to our quality of life. It is at the heart of our economic strength and security, our creativity in the arts and letters, our invention in the sciences, and the perpetuation of our cultural values. Education is the key to America’s international competitiveness.”

The need to fit education into a national competitiveness strategy, combined with the political conclusions arrived at by Governors of both parties and the White House, forced a focus on national goals as the way forward.

FEDERAL ROLE

Finally, let me focus on my third point: the concern in 1989 over Federal involvement in education.

If the political mood and economic imperative seemed to be converging on the idea of national education goals, there was still an unease many people felt about Federal involvement in education. This had been the subject of considerable debate a decade earlier when the U.S. Department of Education was created during the Carter Administration. It was the topic of campaign rhetoric on the campaign trail in 1980, and it was certainly argued in the halls of Congress on an annual basis in the early to mid-1980’s when President Reagan proposed eliminating the department in his proposed budgets.

Among those most uncomfortable with the idea of an Education Summit were those who were ideologically opposed to the very idea of Federal involvement in education. Many writers, including William Safire, warned explicitly that the Bush Administration was setting the stage for a large expansion of the Federal role in education and for nationalizing the issue.

They were right.

In fact, I would argue that the major achievement of the 1989 Education Summit was to settle, once and for all, the argument over a Federal role in education; whether education would be a national issue. The

President and the Governors, by agreeing to the need for national education goals and agreeing on a strategy for developing those goals, had agreed upon a framework. There WOULD be a Federal role; education WOULD be a national issue, addressed with national solutions.

It meant that educational decisions would no longer be settled solely at the local level. It meant that legislative deliberations at the State and Federal levels would become relatively less important, and executive decision and vision relatively more important. That's what happens when results are required; when speeches, money and programs are just not enough.

This all seems like conventional wisdom today, but we can easily forget it was not always so. The 1989 Summit had a real impact, far beyond the imagining of those of us privileged enough to have participated. It fundamentally changed the balance of political power on education issues, and it nationalized education policy in a way few would have conceived just a few years earlier.

CONCLUSION

When the President called for a Summit with the Nation's Governors to discuss education, many observers may not have known what to expect. I don't recall any of the Governors believing beforehand that, while we agreed on the need for national goals, we would settle the argument over Federal involvement in education, or that we would shift the Federal focus on education from one end of Pennsylvania Avenue to the other.

I do recall a great deal of skepticism and criticism from outside observers, especially Congress and the press. But I do not recall anything but the most constructive attitude being expressed by any of the principal participants. And, by the way, this was a meeting of principals, very few staff aides were permitted much of a role at all.

It is worth noting, by the way, that the participants—despite all of the good will and convergence of thinking on the value of setting national goals—did not settle on specific goals at the Summit. We agreed on the need for goals, and, in general, what those goals should address. The actual goals themselves, however, were not developed until several months later.

But, for the first time, the President and Governors were discussing on a national level a series of important questions. Many of these had long been discussed and debated in the States, and particularly in the Southern Regional Education Board states. These questions included, among others:

Intervention: Could we do a better job of preparing children for first grade?

Dropout rates: Could we slow the tide?

Adult literacy: Could we put a dent in it, even eliminate it?

Teacher quality: Could we motivate and inspire it?

Decentralized management: Could it produce better results?

And, parental choice: Could this be a workable technique or just the latest fad?

In the end, it was a focus on such questions that formed the basis of the goals and the national education policy that we know today.

I believe the Education Summit was, to paraphrase Winston Churchill, the "beginning of a new beginning" in education policy. I believe the way we think, as a Nation, about the goals and objectives of education began to change in September, 1989. Unsurprisingly, we did not find all the answers at the Summit. But we were asking the right questions—and for the first time, we were asking them as a Nation.

In one sense, this should not have been all that surprising, because throughout our na-

tional history, educational reform has been a vital and characteristic part of the American impulse. We have always believed that we can, by the force of our own imagination and determination, improve tomorrow by improving ourselves and our children.

But, never has it been more important that our traditional convictions give rise to deliberate action.

If ignorance is the enemy of democracy, in an international economy, ignorance could well be an invitation to national decline. In 1989, it was clear and apparent that the time had arrived for us to put ourselves on the spot. That was the message I heard in Charlottesville.

Accountability and the measurement of student performance, we declared, must be an integral part of our educational process. Indeed, Charlottesville portended a significant shift in our approach to education: From here on, we said that we are going to be increasingly measured by more than the resources we invest. Instead, we declared that we are going to be questioned and examined on the progress our students achieve—or fail to achieve.

Frankly, I think that is how it should be—for there is too much at stake for it to be otherwise.

In 1989, the President and the governors joined efforts to ensure that America becomes a Nation resolved to using education as the best means for shaping the future. The reason we are here today is to assess our national performance since 1989. Where are the benchmarks of progress? Where are the guideposts for confronting the challenges?

Our speakers and panelists today are here to help us make those assessments. I share your interest in their opinions of how far we have come, and I am confident that they will focus our attention on the significant challenges at hand.

Today, as in 1989, we recognize that we have a lot of work to do, and we should always keep in perspective that all of our educational goals, commitments and resources come down to two fundamental points:

First, education's role as a transmitter of civilization's knowledge and values must not be diminished. It is part of the glue that binds together the fabric of our society.

Second, education is, also, increasingly, the engine that drives the American economy—our economic future depends upon our ability to compete, but our ability to compete depends upon our ability to educate. It is just that simple.

Thank you. I look forward to the rest of the Conference.

Mr. ALEXANDER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CHAMBLISS). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. JOHNSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded and I be recognized to speak in morning business.

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

TRIBUTES TO RETIRING SENATORS

TOM DASCHLE

Mr. JOHNSON. Mr. President, it is with great sadness that I rise to bid official farewell to one of my best friends and to one of the greatest Senators

ever to grace this body, TOM DASCHLE of South Dakota.

Unsurprisingly, I am sure I have known TOM longer than anyone here. I vividly remember his first campaign for Congress in 1978, the same year I ran for the South Dakota House of Representatives for the first time. We were two young candidates, almost the same age, recent graduates, the same year, of South Dakota colleges. While we were running for very different offices, I felt an immediate bond with him at that time.

TOM's first race for Congress was in many ways predictive of the career that would follow. He was then, and still is, the hardest working, most focused person I have ever met in any sphere of my life. That year he knocked on more than 40,000 doors, personally asking South Dakotans for their vote. I can tell you, knocking on 40,000 doors in the middle of a South Dakota winter is a real challenge.

TOM looked so young he was once mistaken as the paperboy at one of those doors—a woman asked how much money she owed him. I have a photo I cherish to this day of TOM and me together during that first campaign, both of us looking like we were 14 years old. It makes you wonder how anyone voted for either of us at that time.

I remember watching the election returns coming in for TOM's campaign that evening and it didn't look very good, frankly. In fact, when I went to bed that night I was almost certain he had lost. It was only when I woke up that I found TOM was only behind by 50 votes with a recount certain, and as it turned out, he was certified the winner officially by 14 votes out of 130,000 votes cast. Who would have dreamed that such a close victory in South Dakota would have been the beginning of such a distinguished career?

In the intervening years, I watched with admiration while TOM's career advanced in the House of Representatives. He was a natural leader, and I do not believe that many who knew him were surprised, in 1986, when he decided to run for the Senate, taking on the same man who, 6 years previously, defeated Senator George McGovern, an institution in our State.

It was far from an easy race, but TOM prevailed in the end, and his leaving his House seat opened it for my election that year as well. It was the culmination of those two elections which led to an extremely close working relationship but also to a very close friendship.

I have spent the last 18 years working side by side with TOM DASCHLE. I cannot imagine a better partner with whom to work. He is, as I mentioned earlier, the hardest working person I have ever known. He is also the most patient person I have ever known, as well as unfailingly generous—qualities that served him very well as Senate Democratic leader, an extremely demanding job.

There have been fewer than 2,000 Senators who have served our Nation in

this body, but there never has been one who cared as much or worked as hard for his home State as TOM DASCHLE. I can list his many and varied accomplishments but I would be here for hours and that would not serve the purpose of this farewell. It was the Greek philosopher Plato who said, "The measure of a man is what he does with power." And it is that test that so clearly shows the character and the humanity and the values of TOM DASCHLE. TOM never used the power that he had attained for self-aggrandizement. He used it to build a better South Dakota, and a stronger America.

He has always realized that our country works best when people have an opportunity to live up to their own potential, when our children are not shackled by poverty and lack of education, when our people who need a helping hand are given one, and when our older Americans are able to live out the balance of their lives with dignity. The truth is, if it weren't for TOM DASCHLE and his untiring work, there are children who would not be educated and families who would not be housed and vulnerable people who would be uncared for.

TOM DASCHLE's priorities and values have been the priorities and values of his strong family and his devout faith.

It was Jesus Christ who said:

Inasmuch as ye have done unto one of the least of these, my brethren, ye have done it unto Me.

And no matter what level of accomplishment and power TOM DASCHLE attained, he never forgot the "least of the people" who Christ referenced.

While we will no longer have TOM DASCHLE to lead us in this body, we are both instructed and warmed by the example he gave us during his 26 years in his congressional career. He and his wife Linda have made an extraordinary team and will always be among the closest of friends to my wife Barbara and me. I will never serve with a man I admire more than TOM DASCHLE, and it is with very great sadness that I say goodbye to his presence in this body. But more than anyone I have ever served with, or ever will serve with, he has given glory and meaning to the term "United States Senator."

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

COUNTRY-OF-ORIGIN LABELING FOR MEATS AND VEGETABLES

Mr. DORGAN. Mr. President, in recent days there have been news reports about our colleagues on the other side of the Capitol Building deciding that

they would like to get rid of something called country-of-origin labeling for meats and vegetables. This is a law that has been previously enacted by the Congress saying that consumers have a right to know where their meat and vegetables come from. So a Member of the House and the Speaker of the House and the majority leader of the House have indicated they would like to find a way, in these waning days, perhaps in the Omnibus appropriations bill, to repeal the requirement to establish country-of-origin labeling for meat and vegetables.

Country-of-origin labeling is now the law of the land. The Secretary of Agriculture has been dragging her feet for some long while in implementing it. While she was dragging her feet, the Congress decided to extend the time for implementation, so that time was extended over the objection of many of us. My colleagues, Senator DASCHLE, Senator JOHNSON, and many others here in the Chamber objected to that. But, nonetheless, it was done last year in one of these omnibus bills.

If those who are making decisions about what to put in omnibus bills these days decide they want to repeal the country-of-origin labeling law in an omnibus bill this year, they will do a great disservice to American consumers. They will pull the rug out from under farmers and ranchers in our country. Why? Because the fact is, we produce the highest quality food in the world.

Consumers want to know where their food comes from. Almost any consumer in this country can take a look at his or her T-shirt or their shoes, and on the label it will say: Made in the U.S.A. Made in China. You will find out exactly where it was made. We know where shirts come from, and we know where shoes come from because it is all labeled. But meat is not labeled. The law requires it to be, but it is not at this point. So the question is, Will this law remain, and will it, in fact, be implemented, or will it not?

We had a U.S. Department of Agriculture report about the condition of meat that has been imported into this country. And I would like to just show a couple of comments from that report. The report was talking about conditions inside a meatpacking plant in Hermosillo, Mexico. That plant in Mexico supplied raw beef to the American consumers. It had never been inspected and was finally inspected once. Here is what they found. They found:

"Shanks and briskets were contaminated with feces."

A U.S. Department of Agriculture official wrote of his tour of the plant:

"In the refrigerator a disease-condemned carcass was observed ready for boning and distribution in commerce . . . Paint and condensation from dirty surfaces were dripping on the meat."

The official found that workers were literally walking on the beef that was going to be approved for export to the United States. They found that a side

of beef approved for processing was infected with bacterial blood infection.

The problem is not limited to the Mexican plants. This is one plant in Mexico. Incidentally, this plant was shut down, then reopened under another name, and to my knowledge has never again been inspected.

Mr. President, by unanimous consent let me ask to show this piece of beef from a supermarket.

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

Mr. DORGAN. Mr. President, no one knows where this comes from. No Member of the Senate will know where this originated. Did this come from the Mexican plant I just described? Does it come from a French plant that was also inspected and contaminated? Does this come from one of those plants, or does it come from a domestic source in this country in which inspection, we know, is rigorous? Does it come from a domestic source where we have farmers and ranchers who produce the best supply of meat available in the world? Where does this piece of beef originate? No one knows. Consumers deserve to know. They have a right to know.

The country-of-origin labeling requirement passed by the Congress will give them the opportunity to know, but some of our colleagues around here, hailing the call of the big packing plants and others, decide now they want to try to repeal that. Maybe, just once, this place can stand up on the side of farmers and ranchers and consumers, just once, and ignore the call of the bigger economic interests who say: Let's not do this. We clearly should do this.

Labeling is important. Labeling empowers consumers. Labeling protects American producers who are producing the best quality food at the lowest disposable income of any country in the world. So my message to those who are now sauntering around the Chambers watching this Omnibus appropriations bill be put together is this: It would be a very foolish mistake to believe that the Omnibus appropriations bill should, without any debate, carry a provision that would repeal something Congress has already done that will give people the right to understand where their meat and vegetables come from, where the origination point is for the vegetables and the meat that is being consumed by the American people.

If, in fact, the majority party decides to do this—as I indicated, one Member of the U.S. House especially is proposing it. It has been, it is reported, supported by the Speaker of the House and the majority leader of the House. If they move in this direction, it will be a very serious mistake, in my judgment.

INTERNATIONAL TRADE DEFICITS

Mr. DORGAN. Mr. President, I would like to, on another subject, speak for just a moment about the area of international trade.

Yesterday, the Senate approved an increase in the debt ceiling by \$800 billion. That is the fiscal policy debt, that is the amount of money that is spent over that which is collected in revenues. That means our kids and grandkids assume this responsibility. It is Federal debt.

The budget deficit is the highest in history. This is a completely, thoroughly irresponsible fiscal policy. There is no question about it. Oh, I know people say we have had economic slowdowns or recessions or wars or terrorism and this and that and the other thing.

Look, we have had that for a century. But we have never had the size of the deficits we have now had in times like this. As far as I know, we have never before decided to fight a war with borrowed money and ask generations that come after us to pay for it.

But I want to talk about another debt that is growing, and it is larger than the fiscal policy indebtedness that we have. And that is the foreign debt, which arises from trade deficits. This chart goes back to 1998. I could go further. It shows that we have the largest trade deficits in history, by far. Last month, it was \$54.1 billion, the third highest in history. You can see where it is going. It is growing and growing and growing.

Last month alone, the trade deficit with China—just one country—was \$15 billion. Now, nobody talks about this. Nobody seems to give a rip. Some people apparently think this will have no consequence for this country or its long-term prognosis. But they are wrong. This trade deficit is dangerous and will be debilitating to the country's economy unless we do something about it.

Month after month after month we see these reports. And on this chart, this red ink has everything to do with jobs, which define the quality of life in this country. There is no social program in this country that is as important as a good job that pays well, that gives someone an opportunity to go to work, have some security, have benefits, and take care of their family and have a good life. The expansion of jobs and opportunity in this country will determine what kind of a country we have, what kind of opportunity exists for our kids and our grandkids. And jobs are leaving the country.

Yesterday, I had a call from some American workers. I will not describe the company. They are workers for a company that produces a great product. They want to sell that product in China.

Now China has a \$15 billion monthly surplus with us this past month. They ship us their shirts, their shoes, their trousers, their trinkets. They ship it all to us, and we buy it. But can we get our products into China?

These workers say they've been told that to have their product be sold in China, it has to have a 40- to 50-percent Chinese content, otherwise you cannot

get it in. So, therefore, the workers are concerned that the company is now going to begin processing operations in China. Why? Because China insists on it.

Well, look, that violates the World Trade Organization.

That does not come as a shock, of course. There is a systematic violation all the time, by these countries that decide they want to ship all of their products to the United States, but they want to keep their markets closed to us. That means our good jobs are leaving, not coming.

There are a lot of reasons for it, one of which is we have had incompetent trade negotiators under Republican and Democratic administrations, completely incompetent. They think their job is to negotiate agreements, the more the better, and they don't care what's in them. If they don't get an agreement, they think they fail. So they negotiate an agreement, and give away the store.

We just negotiated a bilateral trade agreement with China. Do you know what our negotiators agreed to? On automobile trade, they agreed to this: After a phase-in, China can impose a 25-percent tariff on U.S. automobiles sold in China, and we will impose a 2.5-percent tariff on any Chinese vehicles sold in the United States. Let me say that again. Our negotiators agreed with China that we would allow them to impose a tariff 10 times higher than the tariff we would impose on them in reciprocal automobile trade.

Now, what on earth would possess negotiations to result in that, with a country with whom we have a very large trade deficit?

We know China is ramping up an automobile industry and an export automobile industry, and we now have a trade agreement with them where our negotiators said it is all right to have an imbalance that is tenfold in reciprocal automobile trade.

What does that mean? To strip all the varnish from it, it means it is all right with our negotiators for American jobs to be obliterated and Chinese jobs created on automobile trade. That might be all right with some unnamed trade negotiator, but it is not all right with me. Whoever negotiated that was fundamentally incompetent.

We have some companies these days that are not American companies. Oh, they are American in terms of charter. They get a charter, a corporate charter, that allows them to become an artificial person, be able to sue and be sued, and to contract and be contracted with. They have all the rights of people, except they don't die. They can go broke, but they will never die. These artificial people are responsible only to their shareholders.

These companies have decided they would like to have all the benefits of doing business in the United States as American companies, and all the protection that exists from that, except they don't want to have the obligation

of paying taxes in the United States. Therefore, they do business through a mailbox in a tax haven country. They can set up a business in the Grand Cayman Islands or the Bahamas. In some extreme cases, they have even decided they want to renounce their American citizenship to avoid paying their tax obligation to the United States, in what is known as an inversion.

In addition to that, we now have company after company—and all you have to do is open up the Wall Street Journal every day to see it—doing something called outsourcing. That means taking American jobs and moving them somewhere else in the world, where it is cheaper. Instead of doing business in America, paying American workers \$10, \$15 an hour, they can perhaps do it in Sri Lanka, Bangladesh, Indonesia, or China. I have described at length on the floor of the Senate the fact that Huffy Bicycles decided to do that, and the little red wagons, Radio Flyer wagons—that firm was in America for 100 years. They decided to move production elsewhere. Why? Because they can pay sub-minimum wages. Huffy Bicycles used to pay \$11 an hour to American workers. They got fired because they were too expensive. You can make them for 30 cents an hour in China, and you can work those people 7 days a week and 12 hours a day.

So we have what is called outsourcing. American companies are outsourcing jobs. That is a fancy term that describes the firing of American workers, in most cases, and employing overseas workers to do the same job at a fraction of the price.

What's even more nuts is that our tax code provides incentives for outsourcing. That's right, when a company wants to outsource, when a company wants to shut down their plant in South Carolina or in Ohio, and do that production in China, we say to that company: We have a treat for you. Get rid of your American workers, shut down the plant, move the whole thing to China and you can get a special tax break.

I happen to think that is absolutely nuts. What kind of a country provides a tax incentive for its companies to get rid of American workers and employ foreign workers? What kind of a country's tax system does that? This country's tax system does it. Yes, we voted on that. I offered an amendment to close that insidious loophole, that perversion in the Tax Code. Guess what. I lost in the Senate.

Here's something else. In a recent bill, the Senate Finance Committee, in conference, decided that U.S. companies who have foreign controlled subsidiaries and have not repatriated their overseas earnings to the United States will be able to repatriate that income at a tax rate of only 5.25 percent. Well, I have a lot of constituents who would love to have that tax rate. Wouldn't that be a wonderful thing? If it is good enough for the biggest companies, which outsourced jobs, it ought to be good enough for all Americans.

Ma Ferguson was Governor of Texas once and was involved in a debate about the English-only language back in the 1930s. She had a press conference and held up a Bible and she said, "If English was good enough for Jesus, it is good enough for Texas." It is the good-enough theory, I guess. The 5.25-percent tax rate is good enough for corporations that moved American jobs overseas. Why is a 5.25-percent tax rate not good enough for people named Johnson and Olsen? Why is 5.25 percent not good enough for everybody?

Why is it that this Congress, when it looks at these issues, won't even take a baby step in the right direction? We are hemorrhaging good jobs in this country. This is a race to the bottom. We fought for a century about important things. We fought for a century about the right of workers to organize. It is a very important right in America. It was a similar fight that lit the fuse that caused freedom all over Eastern Europe. Lech Walesa led that fight, the right to organize. People died in the streets on that issue—the right to say that we are not going to have 12-year-old kids working down in a mine, or in a factory. Child labor laws, safe workplace laws—a whole range of issues. We fought for a century to create safe workplaces, child labor laws, minimum wages, the right to organize, all of these issues, which have, in my judgment, made this a better place.

The fact is, there are American companies now that simply pole-vault over the issues and say we don't have to worry about that, about hiring kids. We can hire kids, we can hire 12-year-olds, work them 12 hours a day, pay 12 cents an hour, and we don't have to worry. How do we do that? We hire them overseas, hire them elsewhere. That means those who have to compete in this new world order have to compete with countries that have decided they are going to make it illegal for workers to organize. You have to compete with 12-year-old kids who are paid 12 cents an hour.

If you wonder whether that is happening, I can show you stories. There is one about a woman named Sadisha, who is making tennis shoes for 16 cents an hour. This is an hour and a half of labor in a pair of tennis shoes that comes to our store shelves for \$80 a pair, and Sadisha's pay is 24 cents for making the tennis shoes.

You think that doesn't happen? It does. I can tell you stories about the kids in India who were making carpets, who came to this country and testified before the Congress about the conditions in which they worked. The people they worked for took gunpowder and lit the gunpowder on the children's fingertips to create scarring, so these little kids could be employed to sew these carpets. And the carpets were sent to our store shelves so we could buy them, and congratulate ourselves on the low prices.

Is there an admission price to the American marketplace? Is there? Are

there some basic set of standards, or is this a race to the bottom to have us compete with that sort of situation?

I held a hearing not too long ago with some young women from Honduras working in a sweatshop making designer shirts, for a very prominent American label. They were working under incredibly abusive conditions. The story is the same all over.

People talk about this being free trade. Look, this is simply a sea of red ink, a trade deficit that is weakening this country, and we have not paid any attention to the rules of trade that would begin to stop this. We had better wake up and decide that our interest is to be protective—and, yes, I use that word even though it is a pejorative word these days—protective of the economic interests of this country. We must do that.

I spoke of Lech Walesa. Let me describe his speech to a joint meeting of the Congress, one of the most remarkable moments I recall in my service here.

He told us about a Saturday morning in a shipyard in Gdansk, Poland, when, having been fired as an electrician in that shipyard, this unemployed electrician was leading a strike against the Communist government demanding rights for the labor movement in Poland.

He said they grabbed him that Saturday morning and began to beat him. The Communist secret police grabbed him and beat him severely and threw him over the barbed wire fence at the edge of the shipyard. He laid there, having been beaten severely, face down, bleeding in the dirt. He said he wondered while laying there, this unemployed electrician having been beaten severely, what to do next. Well, he picked himself up, and climbed right back over the barbed wire fence, right back into the same shipyard, to continue the fight. Ten years later this unemployed electrician was announced at the door of the U.S. House of Representatives as the President of his country, the President of Poland.

This was not an intellectual, not a scholar, not a diplomat, not a soldier, but an unemployed electrician with uncommon courage. He said this to us: We didn't have any guns. The Communists had all the guns. We didn't have any bullets. The Communists had all the bullets. We were armed only with an idea, a powerful idea: People ought to be free to choose their own destiny. And then he said: Ideas are more powerful than guns.

There was a lot of applause that day, and appropriately so—applause of courage, the progress towards freedom and labor rights in Poland. But around here, we seem to have short memories. We are trading away our hard-won rights.

The first baby step we should have taken in this Congress we decided not to take. I offered an amendment, and it was defeated, to stop the perverse and insidious tax breaks that incentivize

American jobs going overseas. Let's not reward companies that move our jobs overseas. Stop it; stop it now. It is a baby step to decide to shut down that tax incentive.

We did not get it done this time. I lost that vote. But I am relentless, and I will again be on this floor the minute we return in January demanding once again an opportunity to debate and to vote on this issue. This is about American jobs. It is about hope and opportunity in this country. It is about expanding this great American experiment, and this issue, I assure you, will not go away.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

TRIBUTES TO RETIRING SENATORS

ZELL MILLER

Mr. NICKLES. Mr. President, I wish to make a couple of comments regarding the departure of one of our colleagues, Senator ZELL MILLER. I have had the pleasure of working with Senator MILLER for the last several years and I think the world of him. He comes from a great line of fantastic Senators from the great State of Georgia.

When I was first elected, I served with Senator Sam Nunn and Senator Mack Mattingly. Both were very good friends. Both were outstanding Senators. Senator Paul Coverdell, a very good, close friend of mine, served in the Senate for a little over a term and, unfortunately, had a very sudden illness and passed away. ZELL MILLER was appointed to take his place.

I remember thinking at the time that Paul Coverdell was a great loss to the Senate. I believe that today. He had a great future in the Senate. He was actually elected to the Senate leadership, which was very unusual for his first term in the Senate. Paul Coverdell was one of my closest friends. I really did mourn his loss.

I did not know his replacement appointed at that time, ZELL MILLER, but I got to know him very quickly. I grew to know him, respect him, and admire him as a patriot and as a Senator. He did a fantastic job in service not only to his state of Georgia but, frankly, to this country. He made a valued, positive, and considerable impact on the Senate and, frankly, on our country. I will talk about that for a second.

I remember he was a real leader in passing the Homeland Security legislation. That was very tough legislation. It passed by a very narrow margin. We did that in his first year in the Senate.

He supported efforts to enact tax reform. I was chairman of the Committee on the Budget in 2003, and we passed a budget, frankly, by one vote. ZELL MILLER's vote helped make it happen. We had about 80 something amendments to the budget during consideration of the budget process. ZELL MILLER was with me on every one. He cosponsored the budget. He was my principal cosponsor of that budget.

That budget enabled us to pass the tax relief we did later that year, the economic tax reform bill of 2003. That bill made a lot of changes, I might add, a lot of positive changes, that would not have passed had it not been for ZELL MILLER. He cosponsored that bill with me. I was honored the President asked me to sponsor it, and I was honored to ask ZELL MILLER if he would cosponsor it with me, and he did.

We defeated a lot of amendments designed to gut the legislation, and we passed the budget. Again, we passed it with the Vice President breaking the tie. It would not have passed without ZELL MILLER's leadership, without his sponsoring the legislation.

What did that legislation do? It made a difference on every American taxpayer in this country. That legislation allowed us to have a \$1,000 tax credit per child. That legislation allowed us to expand and provide marriage penalty relief. For a couple making \$58,000, marriage penalty relief boiled down to about \$905. That passed because ZELL MILLER stood with us on that legislation.

It also allowed us to reduce the capital gains tax rate from 20 percent to 15 percent. It allowed us to say that we would not double tax corporate dividends, at least not as punitively as we did before. We reduced the corporate tax on dividends. Actually, the bill we passed in the Senate had zero double taxation. The bill that came out of conference was 15 percent, instead of the ordinary rates. That is a big and positive change because this country, unfortunately, taxed distributions from corporations higher than any other country. We are tied with Japan at a net effective tax rate of 70 percent.

Why would corporations distribute earnings to their owners if the Government would get 70 percent? Many did not. They would accumulate earnings, hide the money, or do something different with them. We passed that legislation, and now people are paying dividends.

Microsoft announced a multibillion-dollar distribution because of that legislation. We tax it now at the individual rate, 15 percent. When we started marking up that legislation, the Dow Jones was at 7,700. Today it is over 10,500. That legislation made a difference. That legislation passed because ZELL MILLER stood with us on the floor to pass that legislation.

It is not too often you can actually say you passed legislation that made a real and positive impact. There are over two million jobs that have been created in the last 14 months as a result of that legislation. I believe the President signed it in June of 2003. It has been almost a year and a half now, and a couple of million jobs have been created since we passed that legislation. The economy is moving. Revenues are coming into the Government. The deficit is \$100 billion less than estimated previously, 9 months ago, because, there is economic revival. We do

have new jobs being created. There are positive signs. A lot of that happened because of the courage and conviction of the Senator from Georgia.

I said Paul Coverdell was my friend. He has certainly been missed in this Senate, and that is a fact. I will also say that ZELL MILLER is my very dear friend and he will be missed in the Senate. He only served for a few years in the Senate, but he had a great impact, a very positive impact, not only on taxpayers, and the country but to our body politic, the body of the country. As a patriot, a former marine, former mayor, former State senator, former Lieutenant Governor, and as a former Governor, he had enormous impact.

He was a speaker at the Republican National Convention. I told him his speech wasn't so much that of a Democrat or Republican; his speech was that of a patriot who was speaking out strong because he believed strongly in this country. You could see it. You could sense it. You could believe it.

I am very proud to have ZELL MILLER as my friend. He and his wife Shirley have been a blessing to this body and a blessing to this country. I thank God for the fact I had the opportunity to serve with him and the fact that he served in this body. I think our country is much better for it, and I wish him every good wish in the years ahead.

I yield the floor, and 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. NICKLES. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

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

BEN NIGHTHORSE CAMPBELL

Mr. NICKLES. Mr. President, I wish to make a couple of comments regarding my very good friend, BEN NIGHTHORSE CAMPBELL, who is retiring with me at the end of this session. Senator CAMPBELL is a unique Senator. All Senators are unique, but he is especially unique. He is a very special Senator, the only Native American presently serving in the Senate and he is chairman of the Indian Affairs Committee.

He has a very distinguished career. He was in the Air Force. He served in Korea. He served in the State legislature. He served in the House of Representatives. I believe he was elected in 1986. He was elected to the Senate as a Democrat in 1992, 12 years ago. He was reelected in 1998. In March of 1995, he had the courage and the conviction to change parties. That is not easily done. He did it and I greatly respect him and admire him for that, but also for his service to our country.

He is a jewelry designer.

I have had the pleasure of knowing BEN NIGHTHORSE CAMPBELL and his wife, Linda, fairly well for the last 12 years. I have great respect for him. He has passed a lot of legislation. A lot of

people are not aware of that. Many of his bills have become law. In many cases, he is a quiet legislator. He is effective and he gets things done.

He is on the Appropriations Committee. He has had his fingerprints on a lot of legislation. He is chairman of the Indian Affairs Committee. That committee considers a multitude of issues. Some of us kind of moved around and made way for him to become chairman of that committee. We thought it was very special to have a Native American become chairman of the Indian Affairs Committee for the first time.

He is unique from the standpoint that he rides a Harley. He has a great love for the West.

I think he has made a valuable, important contribution to this body, the Senate.

He has represented his State of Colorado very well. Colorado has had some great Senators. Bill Armstrong was one of my favorite Senators and one of my mentors. WAYNE ALLARD is another outstanding Senator from Colorado. BEN NIGHTHORSE CAMPBELL certainly falls in that role of being an outstanding Senator. I think he and Linda both will be missed in this body, the Senate.

I congratulate him and Linda for their many years of service going all the way back to the military, to the State legislature, to serving in the House of Representatives, and now 12 years in the Senate. He has given a lot of public service to this country, and given it well. He has served well. As the Bible says, "Well done thou good and faithful servant". He has certainly done that. He has made the State of Colorado very proud and, frankly, the country very proud. The Senate is better off for his service. I congratulate him for his service.

The Senate will miss the services and the laughter of BEN NIGHTHORSE CAMPBELL. I compliment him for his service.

I yield the floor and 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. BAUCUS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

DR. HARRY FRITZ

Mr. BAUCUS. Mr. President, I rise today to honor a distinguished man and educator, Montana's 2004 Professor of the Year award winner, Dr. Harry Fritz.

Harry was born in the State of Maryland, but he graduated from Missoula County High School in Montana in 1956. He attended Dartmouth College to earn his bachelor of arts degree. Harry's relationship with the University of Montana, located in Missoula, began when he attended the university to get his master of arts degree.

After earning his Ph.D. from Washington University in St. Louis, Harry returned to the University of Montana, and that is where he has hung his hat ever since.

Harry is the chairman of the Department of History and a full-time professor at the University of Montana. He exemplifies the type of professor Montana has come to expect from its higher education community. He is a first-rate guy. He is just aces. He is an educator who meets the highest standards of professional excellence. And he is a student's teacher. He connects with students and draws them into our Nation's history.

I might say, I first met and knew Harry Fritz back about 1972, somewhere in there, when I was practicing law in Missoula, MT, and was running for the State legislature. Professor Fritz and a couple friends of ours would get together about every couple, three weeks and have pizza and beer. We called ourselves the "Beer Committee," and Harry was head of the Beer Committee. It was a super bunch of friends. We would talk about the world's problems and service and what needed to be done for Montana and the Nation. It was, in many respects, the enthusiasm and knowledge of Harry Fritz that got me interested in public service. He is that kind of a guy.

I might also say, he has a wonderful sense of humor. He is a tall man. He looks a lot like Abe Lincoln. When he puts on his beard, he portrays Abraham Lincoln and performs little skits. As a history professor, he is able to bring President Lincoln and lots of other aspects surrounding President Lincoln into his classes at the University of Montana.

I might say, too, his classes are always the first to be fully subscribed. People want to go to Professor Fritz's history classes because he connects so much, he brings history to life so much, with a sense of humor, with compassion, and with insight and perception. It is no wonder he has been named Professor of the Year for 2004.

Many of us who know Harry also are reminded of all the ways he has served. He not only is a history professor, a terrific professor at that, but he also served in the State legislature in Montana in the Montana Senate and the Montana House. He wants to do what he can to serve the people of our State. His wife Nancy is equally active, equally dedicated to service. Nancy, too, was a representative in the Montana State legislature at one time. So they are people who exemplify the best of human nature; that is, serving people.

I have a view that the most noble human endeavor is service. It is service to community, it is service to church, it is service to friends, service in whatever way makes the most sense for each one of us. Many of us here believe that. That is why we are here. I certainly know that is why the Presiding Officer is here, who has so much believed in service in the various capac-

ities that he has served his State and this Nation.

Harry Fritz is another who believes in service. I think it is important to honor and recognize people such as Harry, because the more Harry Fritzes there are in this country, in this world, by far, the more quickly we are going to solve some mutual problems.

I again pay my highest compliments to a wonderful friend, a terrific man, and one of the best professors any student could ever have, Professor Harry Fritz.

Mr. President, I yield the floor and 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. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

TRIBUTES TO RETIRING SENATORS

Fritz Hollings

Mr. BYRD. Mr. President, the end of the 108th Congress marks the end of an era. It marks the end of a remarkable career of a remarkable man.

I will not say goodbye to Senator HOLLINGS. His personality, his sense of humor, his achievements, his legacy will forever be a part of this Chamber. But I do take a few minutes of the Senate's time to thank Senator ERNEST HOLLINGS.

I thank him for being an outstanding Senator. I thank him for his service to our country. I thank him for being a friend. I have been honored to call him my colleague for almost 40 years.

The man who is destined to become a legend in the political history of South Carolina politics was a New Year's Day baby. He was born on January 1, 1922. After graduating from the Citadel, he served in the U.S. Army during World War II. This combat veteran, who served in North Africa and in Europe, was awarded seven campaign stars and was discharged with the rank of captain.

After the war, he earned his law degree from the University of South Carolina in 1947 and then began his extraordinary career in public service in 1947. That was the year in which he earned his law degree.

In 1947, at the age of 26, he was elected to the South Carolina State Legislature where he served until 1954, while 1947 was the year in which I was sworn in at the West Virginia House of Delegates in Charleston, WV.

During his last 3 years in the South Carolina State Legislature, he served as its speaker pro tempore.

In 1954, at the age of 32, he was elected Lieutenant Governor of South Carolina.

Four years later, in 1958, at the age of 36, he became one of the youngest men ever elected Governor of his beloved

State. From what I understand, he was an outstanding Governor. Senator HOLLINGS would be outstanding in any office in which he would ever serve. He earned a reputation as the education Governor because he raised teachers' salaries, launched new and innovative educational programs, including a superb technical training program, and set up a commission that improved the State's higher education system.

In 1966 he was elected to the Senate. Here he has stayed for 38 years. I am glad he stayed. He has been a very colorful Senator, an outstanding and outspoken Senator with a booming voice.

The stentorian voice could be heard, I am sure, throughout this Chamber, without a public address system. When he first came here we had no public address system in the Senate. When I first came here, we had no public address system in the Senate, but we had Senators who could be heard. It was a practice in those days for other Senators to gather closer to the Senator who was speaking. It was also a practice for other Senators to be informed when a new Senator was going to speak. New Senators did not speak the first week or the first month, but only after several months did they speak. Before they spoke, the word went around that so and so was going to deliver his maiden speech or her maiden speech. In those days there was one lady in the Senate, Margaret Chase Smith of Maine. But we didn't have any public address system.

I recall when we started to discuss having a public address system in the Senate, I was opposed to it. I wanted the Senate to remain the Senate of the decades that had preceded our own times.

But he was colorful and he was a Senator who had that booming voice that could be projected and heard in the galleries, and today Senator HOLLINGS does not need a microphone.

He was from the old school of Senators who placed public interest over partisan politics. Oh, that we had more Senators like that, more Senators like Senator HOLLINGS who put first the public's interest, the interest of those people who are watching through that electronic eye just behind the Presiding Officer's desk; the eyes of the people come through that electronic eye, which extends the galleries beyond the capacity that we see here. It extends those galleries out to the outermost parts of the country, north and south, out to the Pacific, out to the great Rocky Mountains, out to the broad prairies, out to the farms, out to the hills of West Virginia, that great medium.

This Senator from South Carolina, unlike so many Senators of today, placed the public interest over partisan politics. And he still does. He never hesitated to criticize a President of his own political party as well as the opposition party when he knew in his heart and in his conscience that President

was wrong. If it were a President of his own party, let it be.

While in the Senate, Senator HOLLINGS has served on the Senate's Budget and Appropriations Committees, served as chairman of the Senate Commerce Committee, served as chairman of a number of Senate subcommittees. Just as he had been a loyal and proud servant of his own State of South Carolina, he has been a loyal and proud servant of our country. In the Senate, he has been a forceful advocate of a responsible energy policy. In fact, as early as 1967, Senator HOLLINGS was warning that our country faced a future of energy crises, and he was calling for a national energy policy.

He authored legislation to create the Department of Energy and the Automobile Fuel Economy Act that requires the miles-per-gallon sticker on new cars.

He has been a determined advocate of a cleaner and healthier environment. In this effort, he formulated legislation to protect our marine environment, sponsored legislation to prevent the dumping of polluting materials in the ocean, and authored the Coastal Zone Management Act to protect our coastal waters and tidelands. He is the recognized legislative "father" of the National Oceanic and Atmospheric Administration, NOAA.

In the Senate, Senator HOLLINGS continued promoting technical training as he fought to establish trade schools that specialize in retraining workers and offer alternatives for people who choose not to pursue a university degree.

In the Senate, Senator HOLLINGS has tenaciously opposed trade deals that threaten American jobs. Oh, if there were more like him. His fights in this area have involved opposing Presidents, opposing Presidents whom he charged were "giving away the store" in our trade treaties. He has fought to protect and increase Social Security benefits for our elderly Americans.

Concerned about the widespread poverty across the South, in 1968, he undertook a series of "hunger tours" that highlighted the issue. He later authored a powerful study, "The Case Against Hunger: A Demand for a National Policy" that advocated programs to address the persistence of abject poverty in the United States. Putting his words into action, he helped lead the congressional effort to establish the Women, Infants, and Children—WIC—nutritional assistance program, and he helped to advance the Nation's community health centers, which provide primary and preventive health services in underserved communities.

Long before the Bush administration's record-breaking budget deficits, long before today's incredible \$7 trillion national debt, Senator HOLLINGS was an eloquent and powerful advocate of budget discipline. I did not always agree with his efforts, such as the Gramm-Rudman-Hollings law, but I

never questioned Senator HOLLINGS's dedication to trying to restore fiscal sanity to America's deficit addictions.

Although he has long been a Senator of power and influence, during the great majority of his time in this Chamber, he remained the junior Senator from his State. Even after serving 36 years in the Senate, he was still out-ranked by his colleague from South Carolina, Senator Strom Thurmond, making Senator HOLLINGS the longest serving junior Senator in history, whatever that means. I have often wondered, having been a junior Senator and being a senior Senator now, what we mean by "junior Senator"? Well, we know what it means, but that is all.

It was at the age of 80 that Senator HOLLINGS finally became the senior Senator from South Carolina. He had earned it. He had earned it just as he has earned the respect and the gratitude of the people of South Carolina and the men and the women in this Chamber.

Now, unfortunately, my friend and colleague is leaving us. Again, I will not say farewell to him. I will only thank him for his service and wish him well in his private life.

I will always remember and cherish our years of working together on the Appropriations Committee and for the best interests of our great country.

It isn't enough that we say in our hearts
That we like a man for his ways;
And it isn't enough that we fill our minds
With psalms of silent praise;
Nor is it enough that we honor a man
As our confidence upward mounts;
It's going right up to the man himself
And telling him so that counts.

Then when a man does a deed that you really
admire,

Don't leave a kind word unsaid,
For fear to do so might make him vain
Or cause him to lose his head;
But reach out your hand and tell him, "Well
done",

And see how his gratitude swells;
It isn't the flowers we strew on the grave,
It's the word to the living that tells.

Now, unfortunately, my friend and colleague—a strong colleague on the Appropriations Committee, where we two have served all these many years—is leaving us. Again, I will not say farewell to Senator HOLLINGS. I will only thank him for his service and wish him well in his private life. I will always remember and cherish our years of working together.

I shall always remember, too, that loyal, dedicated, devoted helpmate, Peatsy, who stood always at his side, always there to be his best confidant. Yes, Erma and I will miss Peatsy.

In closing, then, let me speak just a few words from the "Character of the Happy Warrior" by William Wordsworth, because I think they represent my feelings toward ERNEST FRITZ HOLLINGS:

Who is the happy Warrior? Who is he
That every man in arms should wish to be?

* * * * *
'Tis, finally, the Man, who, lifted high,
Conspicuous object in a Nation's eye,

Or left unthought-of in obscurity,—
Who, with a toward or untoward lot,
Prosperous or adverse, to his wish or not—
Plays, in the many games of life, that one
Where what he most doth value must be won:
Whom neither shape or danger can dismay,
Nor thought of tender happiness betray;
Who, not content that former worth stand
fast,

Looks forward, persevering to the last,
From well to better, daily self-surpass:
Who, whether praise of him must walk the
earth

For ever, and to noble deeds give birth,
Or he must fall, to sleep without his fame,
And leave a dead unprofitable name—
Finds comfort in himself and in his cause;
And, while the mortal mist is gathering,
draws

His breath in confidence of Heaven's applause:

This is the happy Warrior; this is he
That every man in arms should wish to be.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SANTORUM. Mr. President, I am happy to yield to the Senator from Oklahoma.

Mr. INHOFE. Mr. President, I ask unanimous consent that at the conclusion of the remarks of the junior Senator from Pennsylvania, I be recognized to speak as in morning business for up to 25 minutes.

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

The Senator from Pennsylvania is recognized.

POLISH VISA WAIVERS

Mr. SANTORUM. Mr. President, I rise very briefly to offer another unanimous consent request. This is a unanimous consent request on a piece of legislation that Senator MIKULSKI and I introduced earlier this year regarding Polish visa waivers.

A visa waiver is a provision given in law to allow people from a country with which the United States has good relationships to come into this country for a temporary period of time as visitors, tourists, without having to obtain a visa. In other words, this waives the visa requirement that is generally imposed on people coming from other countries to America. I believe we have done this with 27 other countries because of the unique relationship we have with them and the bond that the countries have with the U.S.

Poland, unfortunately, has not been granted that status. If you look at the continent of Europe and at the great allies that we have on the continent of Europe, obviously, the two that come to mind—in my mind at least—are the Brits and the Italians. But Poland has shown, since its release from the Soviet Union's sphere of influence, a remarkable affinity for the United States and has shown tremendous strides and advances both in terms of democracy, economy, and in their culture. It is very much a country that is leaning and facing west. It is, to me, a real injustice to the people of that country, who have been our steadfast supporters, particularly in the most recent

conflict in Iraq, that we would not present them the opportunity we do virtually every other country in Europe.

Senator MIKULSKI agrees, I think, with the statements I have made, and she has said so on the floor of the Senate. We have been working in the past couple of months to clear this legislation so it can pass the Senate and be sent to the House, with the hope, at this late date, of becoming law but, if not, accelerating the opportunity for it to become law next year. Even at this late date, the hope is that once the bill would get to the House, there would be the kind of support we have seen in the Senate to pass it. The support is nearly unanimous.

As we all know, at this point in time in the Senate, nearly unanimous isn't good enough. We need unanimous consent, or all Members of the Senate to agree. I can speak on behalf of the Republican side of the aisle. I have spoken to all Senators, or their offices, and every Republican Senator has agreed to allow this bill to clear the Senate and to pass today. We were willing to pass this bill before we broke in October. We were willing to give this bill a chance to become law and be signed by this President. I am hopeful that he would sign this legislation.

But I have been informed that in spite of the good efforts of Senator MIKULSKI, we may not be able to clear this legislation on the other side of the aisle. That is a great disappointment to me and I know to Senator MIKULSKI. I know it is a great disappointment to many Polish Americans—9.3 million Polish persons. Over 100,000 Poles per year come to this country to visit relatives and friends. Yet we cannot extend this, I argue, minimal courtesy to those who have allied with us and have shown their good hand of friendship toward us.

Mr. President, I will ask unanimous consent, in the hopes that maybe even later after this consent request, which I am told will be objected to, others will reconsider, and perhaps we can later tonight, or tomorrow, or Saturday, or however long we will be here, be able to work through this problem and get unanimous consent on this vitally important piece of legislation for not just the 9.3 million Poles in this country, but for all of us in America who would like to extend a further hand of friendship and accord to the people of Poland who have been such steadfast allies of our great country.

I ask unanimous consent that the Senate now proceed to the immediate consideration of calendar 715, S. 2844.

Mr. BYRD. Mr. President, reserving the right to object. I must say for the record that there are Members who strongly support this bill—Senator MIKULSKI and others. However, on behalf of others, I must object. Therefore, I do object.

The PRESIDING OFFICER. Objection is heard.

Mr. SANTORUM. Thank you, Mr. President. I know the Senator from Oklahoma intends to speak.

At this point, I ask unanimous consent that an explanation of this issue be printed in the RECORD.

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

S. 2844—DESIGNATING POLAND AS A VISA
WAIVER COUNTRY—CALENDAR NO 715

WHAT DOES THIS BILL DO?

Designates Poland as a visa waiver country. Citizens visiting the U.S. within a 90-day period would not need to apply for a visa.

WHY SUPPORT THIS LEGISLATION?

Since the founding of the United States, Poland has proven its steadfast dedication to the causes of freedom and friendship with the United States. In addition, Polish History provides pioneering examples of religious tolerance.

The United States is home to 9 million people of Polish ancestry, including 429,000 in Florida, 854,000 in Michigan, 240,000 in Minnesota, 576,000 in New Jersey, 433,000 in Ohio, 824,146 in Pennsylvania, and 497,000 in Wisconsin. Polish Immigrants have contributed greatly to the success of industry and agriculture in the United States.

Since the demise of communism, Poland has become a stable, democratic nation. Poland has adopted economic policies that promote free markets and economic growth.

Poland demonstrated its commitment to global security by becoming a member of NATO. Poland also just recently became a member of the EU.

Poland was a staunch ally to the U.S. in Operation Iraqi Freedom. Poland has committed 2,300 soldiers to help with ongoing peace efforts in Iraq.

In 1991, Poland unilaterally repealed the visa requirement for U.S. citizens traveling to Poland for less than 90 days. And today, more than 100,000 Polish citizens travel to the United States annually.

POLISH VISA REFUSAL RATE

Refusal rate can be an inaccurate measure because it is based on decisions made by consular officers rather than the actual behavior of non-immigrants. It does not reflect the propensity of nationals from that country to overstay their visas.

Nonetheless, Poland's visa refusal rate is declining dramatically, from around 43% in FY 03 to approximately 30% in FY 04.

Polish citizens who apply for a visa have on average, a one and a half minute interview. This obviously is not enough time for a consular officer to make a decision on whether or not they will overstay their visas. In other western European countries, the average interview is five minutes.

Consular Officers still have a 1980s view of Poland, a country in serious economic trouble and under tyranny. This is an unfair view as Poland is now a stable, democratic nation that promotes free markets and economic growth.

Warsaw airport is in the pilot program for airport screening, so most Poles who would travel to the U.S. under Visa Waiver would face an INS determination of whether they will be admitted before they get on a plane.

Poland's refusal rate does not reflect a high propensity for terrorism. The State Department has given no indication that the potential for terrorism in Poland significantly exceeds that of the 27 countries currently participating in the Visa Waiver Program.

IMPORTANT TO SUPPORT OUR STRONG ALLY AT
THIS CRUCIAL TIME

Poland was a staunch ally to the U.S. in Operation Iraqi Freedom. Poland has com-

mitted 2,300 soldiers to help with ongoing peace efforts in Iraq.

Though a staunch ally, Poland has legitimate concerns about our appreciation of their efforts. President Aleksander Kwasniewski reiterated these concerns when Poland was not included as an ally in Iraq during the Presidential Debate.

As Lech Walesa said, this would be a very symbolic gesture for both the government and the people of Poland. We owe the Poles our appreciation for their camaraderie and sacrifice in a pivotal point in our history. This legislation would go a long way in showing our appreciation for their alliance with us.

CURRENT PARTICIPANT COUNTRIES IN THE VISA
WAIVER PROGRAM

Andorra, Australia, Austria, Belgium, Brunei, Denmark, Finland, France, Germany, Iceland, Ireland, Italy, Japan, Liechtenstein, Luxembourg, Monaco, the Netherlands, New Zealand, Norway, Portugal, San Marino, Singapore, Slovenia, Spain, Sweden, Switzerland, United Kingdom.

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

Mr. SANTORUM. Mr. President, as I said before, I hope we can get agreement. I know there are one, or maybe more, Senators on the other side of the aisle who have found a concern with this. I ask that while this is somewhat unusual in the way we put forth this legislation, it is vitally important for us to send a very strong and positive signal to one of our strongest allies in the world that we stand with them and accept them as one of our closest and dearest allies, and we will treat them accordingly, with respect to the visitation of Polish people who visit relatives and friends in the United States.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Oklahoma is to be recognized for 25 minutes.

The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, if the Senator from Oklahoma comes, I will yield the floor quickly to him. At this moment, under the current circumstances, I had sought to be recognized and I do so for the purpose of speaking for not more than 12 minutes. I ask unanimous consent that I may be recognized for no more than 12 minutes.

The PRESIDING OFFICER. Without objection, the Senator is recognized.

TRIBUTES TO RETIRING
SENATORS

TOM DASCHLE

Mr. BYRD. Mr. President, there is an old Chinese curse that says, "May you live in interesting times." A Senate equivalent of that saying could very well be: May you lead the Senate in interesting times. If so, the Senate leadership of Senator TOM DASCHLE would certainly qualify. He led the Senate with a very quiet integrity during some of the most difficult times in American history.

In 1994, Senator DASCHLE became Senate Democratic leader by a single

vote. No sooner had he become Democratic leader than he was forced to deal with the Republican revolution of 1994, including House Speaker Newt Gingrich and his short-lived "Contract With America." I never read it, never signed it, and was not a disciple of it.

While he served as the Democratic leader for nearly a decade, there was a period of 17 months in which he went from minority leader to majority leader and back to minority leader.

He was the Senate Democratic leader during the first impeachment of an American President in 131 years. He was the Senate Democratic leader on September 11, 2001, when America experienced the worst terrorist attack in the history of this great land. One month later, a bioterrorist attack on his Senate office in the Hart Building exposed 20 of TOM DASCHLE's staffers to deadly anthrax spores.

As the Senate Democratic leader, Mr. DASCHLE has had to deal with three different Republican leaders. During these turbulent circumstances, he remained reassuring and inspiring. TOM DASCHLE's soothing personality and his mild-mannered demeanor were comforting under very trying circumstances.

Looking back, it seems strange that many people once considered this likable, soft-spoken young man to be too likable and too soft spoken to be an effective Senate leader. I am pleased and proud to say that we were wrong. I say "we" because many people will recall that I initially opposed his candidacy for Senate Democratic leadership. But after TOM DASCHLE was elected leader, I was impressed as I found him to be an engaging man with whom to work, a most interesting man, a leader who has a way of putting other people at ease, even in troubled as well as in pleasant times.

He was always working to seek a consensus. He was always listening. He was one of the best listeners I have ever met during my 46 years in this body.

Even in the Senate's darkest moments, he retained his sense of optimism, always preferring to see the glass as half full rather than half empty. And that optimism was infectious. Therefore, 2 years later, it was my pleasure to nominate TOM DASCHLE for reelection as Senate Democratic leader. In nominating him, I announced:

I was totally wrong about this young man. He has steel in his spine, despite his reasonable and modest demeanor.

As a former Senate leader myself, I can say that a Senate leader who can bring together and develop a consensus on tough controversial measures must have the patience of Job and the wisdom of Solomon.

As a former Senate Democratic leader, I want to express my gratitude to Mr. DASCHLE for the service that he rendered to this Chamber, to our Nation, and to our political party.

During the interesting times in which he led the Senate, Senator

DASCHLE was always working for the common good. Because of his principled—let me say that again—because of his principled opposition to the Bush administration, critics denounced and demonized him as an obstructionist. If placing the national good over blind obedience to any President makes a Senator an obstructionist, then let me say that our democracy—indeed, all democracies—need more TOM DASCHLE's.

Senator DASCHLE stayed above it all, as he refused to engage in the gutter politics of his opponents. He always retained and maintained the dignity that has characterized him as a man and as a Senator. But then this mild-mannered South Dakota Democrat, the only South Dakotan ever to be elected to the Senate leadership, has always served the people of his State and the people of our Nation proudly and honorably, with diligence, sincerity, and distinction.

His entire career in public service has been based on standing up for the common good. He has been a true friend of rural America, especially America's farmers. Among the many measures he promoted to benefit American farmers, Senator DASCHLE pushed the development and the commercialization of alternative agricultural products.

He was an aggressive advocate of health issues, having authored legislation that expanded health services in rural areas.

As a veteran himself, having served as an intelligence officer in the Strategic Air Command of the U.S. Air Force, TOM DASCHLE was a powerful advocate for American veterans. In 1991, he won his 11-year struggle for legislation to assist Vietnam veterans suffering from exposure to Agent Orange.

I am sorry that I must now say goodbye to this decent man and this outstanding Senator, especially in such circumstances. And he is a decent man. He was always good to me. He was always listening. He always listened to whatever I had to suggest to him—always listening and always tried to be helpful. So many times he spoke good words concerning me. He was always asking about my wife Erma: How is your wife? How is your wife Erma?

But as anyone involved in politics knows, political life has its defeats as well as its victories, its sorrows as well as its joys, and we must accept them as they come, always looking forward, not backward, and knowing that the future will present other opportunities to serve our Nation.

I hope that Senator DASCHLE will continue a life of public service because our Nation will always need men of his background and experiences but, most importantly, his wisdom, his integrity, and his optimism.

Let me say on behalf of Erma and myself that we are so grateful to Senator DASCHLE and his lovely wife for their many courtesies extended to us, their many kindnesses which we will never forget. I am confident that despite the happenings of November 2,

Senator DASCHLE still sees the glass as half full rather than half empty.

And so my wife Erma and I extend our best wishes to Senator DASCHLE and his wife Linda in all of their future endeavors.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. CORNYN. Mr. President, I also ask unanimous consent that I be allowed to speak in morning business for as much time as I may consume.

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

JUDICIAL SELECTION PROCESS

Mr. CORNYN. Mr. President, recently there has been a lot of discussion about, not just the role of the judiciary in our democracy, but the process by which judges are selected. To me, this all boils down to something that Daniel Webster once said when he opined that "justice is the greatest desire of man on Earth." It is, in fact, the judges, the ones who wear the black robe, the men or women who serve on local or State or Federal benches who are the ones with whom we identify that common yearning for justice.

Unfortunately, here in the Senate over the last couple of years, we have gone through an experience that not only reeks of injustice but also of unfairness and, indeed, rises to the level of unconstitutionality when it comes to the filibuster used against President Bush's judicial nominees.

Never, before these last 2 years, has a nominee for a Federal court, whether it is the Federal district court or circuit court or the United States Supreme Court, been blocked by the use of a filibuster when there was a bipartisan majority of the Senate who stood ready to confirm that judge—never before the current Congress, dating back now 2 years.

We all know the judiciary plays a critical role in our form of government. As high school students, or perhaps even earlier, we learn that our three branches of government play important but distinct roles in our constitutional democracy. It is the judiciary, which at one time in our Nation's history has been called the least dangerous branch, that has produced some of the most dangerous decisions, at least so far as it concerns our right to self-government. What I mean by that is when we see courts strike down the Pledge of Allegiance because schoolchildren cannot say the words "under God" when they pledge allegiance to the flag; when we see county clerks, indeed, when we see judges themselves

authorize the issuance of marriage licenses to same-sex couples on TV and across our country; and when we see courts, on the basis of lawsuits that have been filed, tell military bases that they cannot grant access to their facilities to the Boy Scouts of America, we know these are not a product of a vote of the people.

In each of those instances it is the act or the dictate of a judge, a judge that I submit has lost any tether, any sort of anchor with the fundamental premises upon which the power of a judge is granted.

We want to make sure in this country, I believe, whether we are Democrats, Republicans or independents, that our judges are not politicized. In other words, we want to make sure when we walk into a courtroom when our case is decided that the judges have not already made up their minds before hearing what the facts are. We want to make sure that that judge does not have some sort of political or personal agenda which makes it impossible for them to be fair.

But what we have seen over the last couple of years is a political situation of the judicial selection process where good men and women who are highly qualified to serve as Federal judges at the Federal district court level and at the circuit court level have been not only obstructed by this unconstitutional filibuster process, which has never before been used in America history—what we have seen is also character assassination. We have seen individuals who spent a lifetime creating a reputation and developing a career as a judge totally smeared by various interest groups whose desire it is to politicize not only the judicial selection process but the decisionmaking process by judges. And that is wrong.

We know, in addition to the other important judicial vacancies that exist around this country which we have been unable to fill because of the filibuster, that in all likelihood during President Bush's second term of office he will have the opportunity to nominate one or more nominees to the U.S. Supreme Court. I am sorry to say these nominees will undoubtedly be savaged by some of these same interest groups who are bound and determined to politicize not only the act of judging—that quest for justice—but in fact the selection process itself. Unfortunately, these kinds of venomous politics are something we have come too often to expect when it comes to selecting these important members of the judiciary.

I firmly believe we are a big and diverse country. We have people who come from different places across the planet, who pronounce their name in different ways, who have different traditions, creeds, beliefs. And the great thing about this country is we can all live here in this one place and we can argue for what we strongly believe in. We can defend those views when they are attacked. But in the end, we settle those disputes—maybe not change

someone's mind but we settle the dispute at least for a while by having an election.

On November 2 of this year, 60 million people not only chose to reelect President George W. Bush, but I believe in part cast their votes for the kind of judicial nominees this President has nominated in the past and which he can be expected to nominate in the future.

Men and women are drawn to service in the judiciary because they believe in that quest for justice, and they want to play an important role in making sure that desire for justice, that quest for justice, is satisfied, at least as much as is humanly possible, in courtrooms all across this country.

But we know—at least in the past, based on sad experience—there are those who will not be satisfied with an election; that people will not put their grievances and their anger behind them but will continue to pursue these policies of destruction and character assassination when it comes to the President's judicial nominees. Unfortunately, these angry individuals have not come to accept what the vast majority of Americans have agreed is the way we should work; that is, we do our best, we fight our best fight, we get our voters out, and then we have an election and we resolve those differences at the election.

We have seen time and time again how these tactics have been used shamelessly to smear some of the President's judicial nominees. It is only logical to expect some of these same tactics, notwithstanding what I have said, will be used again.

What we have seen in this Senate—and I believe the American people cast a vote, at least in part, on November 2—is, as I have said, unconstitutional filibusters. And what I believe the American people cast a vote on on November 2, particularly when it came to the Senate minority leader race, the race in South Dakota, was a repudiation of obstructionism and the unconstitutional use of the filibuster to block the President's nominees who, if allowed the simple dignity of an up-or-down vote, would have been confirmed as I speak.

The Constitution makes clear what the role of the Senate is. That role is to provide advice and consent. Yes. The Judiciary Committee, on which I am honored to serve, has a responsibility to review the credentials and background and experience, the temperament of these nominees to make sure they understand they are not just another branch of the legislature which is at liberty to enact through judicial edict their personal or political or any other agenda. Our job is to make sure they respect the separation of powers which makes the judiciary a distinct and unique branch which is supposed to interpret the law, not make the law.

Unfortunately, we have seen an obstinate minority in this body that has denied this Congress the ability to pro-

vide that advice and consent; that is, trying to elevate the de facto requirement under the Constitution for confirmation to 60 votes by claiming that the Senate rule which requires 60 votes to cut off debate trumped the Constitution.

You might ask, How is that possible? The Constitution is the fundamental law of the United States of America, and all other laws passed, including those of Congress, are inferior to that law. If the act of Congress is inferior to that law and when it conflicts, it must fall, surely a Senate rule that purports to require a supermajority vote of the Senate to confirm judges must fall when there is conflict with the U.S. Constitution.

The Constitution provides that in specific but limited instances a supermajority vote is required for passage, notably the ratification of treaties and notably the amendment of the Constitution itself. But nowhere in the Constitution is it provided that to confirm a judge, more than a 51-vote majority is required.

That is why over these last 2 years we have heard Members on this side of the aisle time and time again come to the Senate and say not only is this filibuster unfair, but, indeed, blocking an up-or-down vote by a bipartisan majority of this body is, in fact, in violation of the fundamental law of our land.

In order to be suited by virtue of temperament to serve in elected office, you have to be an optimist by nature, and I am. It is my sincere hope, it is my sincere request and entreaty to our colleagues on the other side of the aisle, that these tactics stop. They must stop not only for the good of the Senate but out of respect to the President who received almost 60 million votes on November 2 and out of respect for the Constitution itself. What has happened these last 2 years is wrong, it is unfair, and, indeed, it is unconstitutional.

Should President Bush have the opportunity to nominate one or more judges to vacancies on the U.S. Supreme Court, it is my sincere hope we will have learned something from the mistakes of the past. We will have also learned there is a political penalty to be paid for obstructing judges, for treating them unfairly and in an unconstitutional fashion.

As an astute observer not only of the human condition but also of politics in general, I am confident that all of my colleagues in the Senate, all 100, paid close attention to the verdict of the American people on November 2 when it came to a referendum on whether these unconstitutional, unfair obstructionist tactics should continue or end. It is my hope we all got the same message and that, indeed, we will treat the President's nominees fairly, that we will do what the Constitution requires, that we ask the questions, make sure they are qualified by virtue of experience, education, and temperament, that they understand what the role of

the judge is, and that they are not just a legislator wearing a black robe and with lifetime tenure.

I believe on November 2 the American people rejected the tactics of obstructionism and demonization of the President's nominees. Frankly, I worry that the good men and women who have been nominated by the President to serve in these important positions, after those behind them see how they have been treated, or I should say mistreated, how long can we expect other good men and women, when called by the President, will answer the call only to know they will be smeared, strung out before the world and, indeed, then, obstructed by an unconstitutional process?

It is my hope we will have learned something over these last 2 years and to repudiate these tactics.

I will say something to my constituents and the people who may be listening who have contacted my office in very sincere concern for what they have seen played out on the Senate floor and in the judicial confirmation process.

I say to all of them, I appreciate your passion. I appreciate your concern. I appreciate your interest in the instruments of the Government that ultimately the people of this country control. We are going to need the involvement, the attention, the passion of all of the people and, indeed, we are going to need to appeal to our better angels in the Senate and in the Senate Judiciary Committee when it comes to the next nominees for the U.S. Supreme Court.

We all remember, whether it is the confirmation process by which Judge Bork was blocked, by which Clarence Thomas was ultimately confirmed—after going through a process that no one should have to go through—my hope is we will have learned that is not the way the Senate should conduct itself and that we will resolve among ourselves and resolve among the American people and to the people we represent that we will treat the President's judicial nominees fairly, that we will treat them with dignity, and that we will provide the up-or-down vote the U.S. Constitution demands when it comes to the confirmation of the President's judicial nominees.

I am not suggesting for a minute that anyone violate their conscience. Indeed, any Senator with a sincere belief that an individual judge should not be confirmed should come to the Senate, as no doubt they will, and explain to their colleagues why they feel so strongly, why they conscientiously object to this nominee and invoke their conscience. Every Senator should do that, and I trust they will.

But no one, no Senator has the right, no group of Senators has the right, no minority has the right to tyrannize the majority of the Senate when we stand ready in a bipartisan fashion to cast a vote, up or down, for a judicial nominee.

I sincerely hope we will not have only learned from the mistakes of the past when it comes to obstruction of the President's judicial nominees, but we will conduct ourselves with the kind of dignity the American people have come to expect from Senators and that we will conduct ourselves uprightly, with fairness and dignity, and treat all we come in contact exactly the same way.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I intend to speak on another matter at some point. I see several of my colleagues are in the Senate. Senator LEVIN, I believe, wishes to speak for a short time. I see Senator BOND is in the Senate, as well.

I will take 5 minutes to say I have deep respect for my colleague from Texas. I like him and I am pleased he is a Member of this body. I have deep disagreement with what he has said, and I will take this moment to respond to it.

There is a newfound passion, apparently, for providing votes for nominees for judgeships. When I say a newfound passion, let me explain that I was here in the 1990s. There were 60 nominees for the Federal court that never got a vote in the Senate by a Republican-controlled Senate. Many of them never even got 1 day of hearings. It was unbelievable what went on with the majority party in this Chamber when the Clinton administration was sending down nominees.

Contrary to what my colleague just indicated, this notion of obstructionism, this is a newfound technique. You create your own reality and debate from that reality. There was no obstructionism. This Senate approved 201 Federal judges; 201 of the nominations for Federal judgeships that were sent down here by this President. We held up about 10 of them.

Now, the Constitution says something about our obligations. This is not about obstruction. It is not about unconstitutional behavior. It is not anything of the sort. It is about those in the Senate who understand that the Constitution says we have a responsibility when it comes to putting someone on the Federal bench for a lifetime.

When someone sends a name to this Senate as this President did that says, I want this man to serve for a lifetime on the Federal bench—by the way, this person has a record of writing articles saying that his belief is that women are subservient to men—I say, wait a second. It is not somebody I want to sit on the Federal bench for a lifetime. I don't happen to think that sort of thinking represents what I want to put on the Federal bench.

We held up, I believe, 10 nominees and approved 201. We approved 93 percent of the President's requests. We are told this is obstructionism? And now we are told, today, there is a lesson in the South Dakota Senate race as a re-

sult of this? This "obstructionism" created a result in the Senate race in South Dakota of which we all need to be mindful?

Let me state what the South Dakota Senate race was about. It was not about obstructionism and judgeships. It was about \$20 million coming out of the basement of the White House through various orifices and devices, directed at the minority leader in the State of South Dakota in a campaign that in many respects, in my judgment, was shameful. But it was not about obstructionism. It was not about judges because the fact is we approved 201 Federal nominees sent to us by this President. We have been extraordinarily cooperative.

Let me say again, I was here during 8 years of the Clinton administration when 60 nominees were sent down here that never got a vote. Some of them never got one day of hearings. Let me say that on my behalf I want to cooperate with this President. But my colleagues and I have constitutional responsibilities with respect to putting someone on a Federal bench for a lifetime that involves two steps: One, the President proposes a nominee; and, second, under advice and consent, the Senate then makes its judgement. We have a responsibility here. It is a constitutional responsibility.

I have read and reread that Constitution. I am proud of what we have done. We have been extraordinarily cooperative with this President and will continue to be so. But that does not mean all of us walk to this Chamber with ink on our shoes and become a giant rubber stamp to say: Me too. Yes, sign me up. OK, I am fine, I am with you. It is not our role and it is not our responsibility.

When we approved 201 Federal nominees to the Federal court from this President, which was 93 percent of the nominees of this President, I think it strains credibility to somehow call this obstructionism. And it certainly strains our sense of irony to hear those calling us obstructionists when not very long ago there were 60 nominees, some of which never got a day of hearings, and none of which got a vote on the floor of the Senate.

Going forward, I think we ought to understand this: The so-called lesson we were described moments ago about the election in South Dakota, that is all nonsense. It is not what that was about. We believe we have a responsibility to cooperate. We will. We also believe we have a constitutional responsibility to use our heads, our hearts and our minds to make good decisions about the future of this country. We will continue to do that as well.

Incidentally, I have in my hand a record of two votes during the Clinton administration where there were cloture motions that were required for nominees. So this notion that somehow it is the first time ever there was a filibuster, nonsense, that's just not true.

I have records of both votes. It has been done before. It has been done by the majority party. It is just when they do not get 100 percent of their nominees, they do not get a rubber stamp coming out of this Chamber, that somehow they have a problem with that. The American people should not have a problem with it. The Constitution certainly does not have a problem with it, and I do not.

I want to be cooperative, but I do not want to sit and listen to a re-creation of reality that does not square with what we have done in the Senate.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I wonder if I could ask unanimous consent to line up speakers. Does the Senator from North Dakota want to do that? And is that agreeable to the Senator from Missouri and the Senator from Oklahoma that speakers be lined up by unanimous consent? When I asked Senator DORGAN to yield to me for 5 minutes, he was wondering if he could then be next in order. But I know Senator BOND is here, too.

Mr. BOND. Mr. President, I ask for 5 minutes.

Mr. DORGAN. Mr. President, let me follow Senator BOND.

Mr. INHOFE. Yes. If I could ask the Senator from North Dakota about how much time will he be using?

Mr. DORGAN. I intended to use 20 minutes. I would be happy to follow the Senator.

Mr. INHOFE. I would be close to that amount of time, too, so I will go ahead and wait. If I could lock in after the Senator from North Dakota, that is fine.

Mr. DORGAN. Mr. President, let me suggest the Senator from Michigan begin, and then be followed by the Senator from Missouri, and then myself, followed by the Senator from Oklahoma. I ask unanimous consent that be the order.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

CLOTURE VOTES FOR JUDICIAL NOMINATIONS

Mr. LEVIN. Mr. President, while Senator DORGAN is in the Chamber, he made reference to the fact there have been cloture votes required on judges throughout the years. I want to expand on the RECORD some of the names of judges where cloture votes were required, in fact, where cloture votes were not agreed to and led to their defeat in a number of instances: Justice Fortas in 1968; now Justice Bryer but then circuit court nominee Steven Bryer in 1980, with two cloture motions; Rosemary Barkett, to the Eleventh Circuit in 1994; Lee Sarokin in 1994, with a cloture motion required; Marsha Berzon in the year 2000; Richard Paez in the year 2000.

Cloture is not a new phenomenon when it comes to the debate over

judges. Yet we hear now that suddenly the requirement that there be a cloture vote is something that is new to this Senate. It is not. It has been historically used. It is appropriate, and it is rare.

As Senator DORGAN pointed out, 93 percent of the judges who were nominated by President Bush were confirmed when there were votes that came to the floor of the Senate. Ninety-three percent of these judges were confirmed. And the comparison to that of the Clinton years, where so many judges could not even get a hearing, where there was a filibuster in the Judiciary Committee because of the refusal to grant judges a hearing, is quite a contrast. We do not hear much about that. Instead, hearing that the refusal to have an up-or-down vote and a requirement for cloture is somehow labeled obstructionism is altogether out of line, as far as I am concerned, and inaccurate historically, inappropriate, and needs to be contested.

TRIBUTES TO RETIRING SENATORS

TOM DASCHLE

Mr. LEVIN. Mr. President, that is not why I came to the floor, although it relates to why I came to the floor this afternoon because I came here to pay tribute to a dear friend, our Democratic leader, TOM DASCHLE of South Dakota. This sadness is only tempered by the belief that TOM DASCHLE will continue to play a vital role in our Nation's public life in the future.

TOM DASCHLE has had a distinguished career as a legislator on behalf of the interests of the people of South Dakota and all of the people of our Nation. He has fought for a fair share for the farmers of his State and for farmers around the country. He has been in the forefront of rural health, veterans' health, a fair tax system, and a very broad range of other issues.

He has been as a leader of the Democrats in the Senate, both as majority leader and minority leader, through one of the most difficult periods of the Senate's history where TOM DASCHLE has made his mark. He has been a remarkable leader. As a principled and tireless advocate for the issues he believes in, he has led by example. On countless difficult and contentious issues, he has led by carefully listening to all sides. Time and time again, on complex and challenging legislation, he has led by tireless negotiation and by building consensus. And, where appropriate, he has been able to organize Democrats to insist on our rights as a minority in the Senate.

It is, indeed, a bitter irony of the most recent election that TOM DASCHLE, who is a legislator to the core, and a man of compromise and soft-spoken wisdom, a seeker of dialogue, solutions, and consensus, was caricatured as an obstructionist. In the time-honored tradition of Senate leaders of both parties, he stood tall when

principle required it. In reality, though, it was TOM DASCHLE's style to reach across the aisle, time and time again, in an effort to legislate in the Nation's best interest. Often he worked closely with the Republican leader in some of the Senate's finest and most difficult hours.

In the face of a very difficult impeachment trial that tested this Senate, in response to the September 11 terrorist attacks, and when he himself was targeted in the anthrax attack, as in countless other instances, TOM DASCHLE demonstrated his talent for calm, inclusive, and wise leadership.

As this session of Congress ends in the next few days, the people of South Dakota will be losing a vigorous, effective, and committed Senator. Democrats in this body, indeed, all Senators, will be losing a great leader. And all Americans will be losing a voice of reason, judgment, and wisdom. I will be losing a friend and a confidante. TOM DASCHLE is a beautiful human being and a nonpareil leader. His good nature will enable him to overcome this momentary defeat so that the contributions he makes to public life will soon flower in a different place.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. BOND. Mr. President, I ask unanimous consent that Senator SHELBY be recognized for 10 minutes following me, and that Senator BREAUX be recognized for 15 minutes thereafter.

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

JOHN BREAUX

Mr. BOND. Mr. President, it has been a pleasure to work with the Senator from Louisiana. We have appreciated his leadership on many issues not only important to Louisiana but to our energy future and important to navigation in the heartland, which is something that is vitally important for all of us.

LEADERSHIP AT THE CIA

Mr. BOND. Mr. President, I am here today to talk about an old-fashioned virtue: doing what you said you were going to do. That is a test a lot of people apply in politics. They say if you tell us what you are going to do when you get elected, are you going to do it?

It seems to me in the intelligence field we have an example of that. The reaction is somewhat surprising. We have had, I think, 128 or 130 hearings in the Intelligence Committee since I joined it in January 2003. One of the lessons we learned is that, while there are many outstanding dedicated men and women in the CIA and throughout the intelligence community, the system is broken; it didn't give us the adequate or accurate prediction of the scope of the terrorist danger to the U.S. before 9/11. We went into Iraq with the Director of Central Intelligence so confident of the intelligence analysis

that we would find weapons of mass destruction that he advised the President it was a "slam dunk."

We now find out that while there was great danger in Iraq, it was very different from the danger that the CIA had assessed. The estimates were really faulty. We have seen this. The CIA and the intelligence community, as I said, have outstanding, dedicated people; but they are not focused properly on doing the job that the new worldwide threat of an unrelenting, vicious, terrorist war directed at us and all free-minded people presents. So everybody came to the conclusion there needed to be a new direction.

The President nominated one of the Members of Congress who had done a great deal of oversight of the CIA and actually had served in the clandestine service himself, Porter Goss of Florida. Everybody said they wanted change. Porter Goss told the President and the Congress in his confirmation hearings that we are going to make some changes. He went over to the CIA. He is making some changes. What a surprise. The critics are now saying he is making changes at the CIA. I am a little bit confused about what they thought he was going to do. If he didn't make changes at the CIA, that is when I think we should be challenging him.

Something has to change. I have spoken with Director Goss, and I know our chairman, Senator ROBERTS, has. We both have confidence in his ability, because it appears to us that Director Goss is doing exactly what he told Congress he would do, and that is to make changes in order to improve the CIA.

Why are we surprised or critical that there is a change with new leadership? Obviously, changing means there are going to be some people who are going to be displaced. We thank them for their service and wish them well. But why are we arguing over the fact that some people are going to be removed or replaced?

Director Goss testified at his confirmation hearing that he would make changes that emphasize the CIA's missions and capability and focus on delivering a better product to the President and Congress. That is because, as I said, we have had report after report, including the Senate's inquiry that we spent a lot of time putting together, that shows failures at many levels within the CIA, resulting in an inadequate product presented to us and the administration. The status quo is not acceptable.

Director Goss has a very big challenge ahead of him. We need to give him room to address it. Change is tough, people don't like it, but it is necessary. Take two aspirins and call me in the morning. Sit back and take a deep breath and don't get upset because he is making changes.

There are some critics who are going after him tooth and toenail. I believe the New York Times had a headline today that said "New CIA Chief Tells Workers to Back Administration Poli-

cies." Wait a minute. That is not what he said. I have the copy of the statement Director Goss made. He said that we will support the administration, but he says we will provide intelligence to support it. We don't come out and argue for it. He said that as agency employees, we do not identify with, support, or champion opposition to the administration or its policies. We provide the intelligence as we see it and let the facts alone speak to the policymaker. In other words, their support is by providing the best intelligence estimates available.

Now, Michael Scheuer, who wrote that anonymous book and made headlines with the "Imperial Hubris" book, criticized timid leadership at CIA. Why are we criticizing the DCI for shaking up the management? If the Director of CIA is making mistakes, or if he is going down the wrong path, we on the Intelligence Committees here and in the House are going to be monitoring the situation. If we see there is a problem, we are in a position to call him on it or to point out remedies that are needed. But, so far, I see a man willing to take on an entrenched and some might say constipated bureaucracy.

Many of the senior intelligence officials to quit have been with the agency for decades. It is a shame we are going to lose that experience, but some would say—and I agree—new blood is needed at the CIA.

I am encouraged that Director Goss is willing to shake things up at the CIA. I hope he employs the same vigor in getting the rest of the intelligence community to work together and share information with each other.

Some of the people who are leaving and whining, I question their mettle. There are thousands of soldiers and marines in Afghanistan and Iraq, including special forces, who are yelled at every day by their sergeants, not to mention being shot at and living in the mud. I am glad they all have the fortitude to say: I am not going to quit because I am yelled at or somebody doesn't like what I am doing.

Perhaps these CIA officers should remember their mission and work with the DCI as the quiet service, keep their mouths shut, and work within the system to provide the best intelligence for the administration, for the Congress, and for the warfighters who need to rely on it and whose lives depend upon it.

Parochialism is one of the CIA's biggest problems. These career CIA officers, while having valuable experience, also carry the baggage of being resistant to change. The status quo may be comfortable to them, but it is dangerous to the country.

We on the Intelligence Committee have heard CIA officers say that everything is just fine, no changes are needed. Those people are clearly in a state of denial.

We on the Intelligence Committee take our oversight responsibilities seriously and will, of course, address legiti-

mate concerns over how Director Goss is running the intelligence community. We appointed and confirmed him to make difficult changes, and I don't think it is appropriate to jump to conclusions or second-guess his management style.

I thank the Chair and my colleagues. I yield the floor.

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

Mr. DORGAN. Mr. President, I believe I was to be recognized for 20 minutes following the Senator from Oklahoma.

The PRESIDING OFFICER (Mr. CORNYN). That is correct.

Mr. DORGAN. And two additional Senators as well.

TAX CODE OVERHAUL

Mr. DORGAN. Mr. President, this morning in the newspaper we read a report of that which we know, that the administration is going to propose a Tax Code overhaul. I think almost every American would believe that it is worth overhauling the Tax Code. The Tax Code is so complicated, and it desperately needs an overhaul.

The headline reads: "Bush Plans Tax Code Overhaul. Changes Would Favor Investment, Growth."

It says:

The Bush administration is eyeing an overhaul of the tax code that would drastically cut, if not eliminate, taxes on savings and investment . . .

I want to read just for a moment an op-ed piece that appeared in the Washington Post. It is an op-ed piece written by I believe the second richest man in the world, Warren Buffett. Warren is a charming, delightful man. I had the opportunity to get to know him some. He has been incredibly successful as an American businessman. He wrote an op-ed piece about taxes and the tax burden that I want to read into the RECORD.

I ask unanimous consent to print his entire op-ed piece in the RECORD. It is entitled "Dividend Voodoo."

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

[From the Washington Post, May 20, 2003]

DIVIDEND VOODOO

(By Warren Buffett)

The annual Forbes 400 lists prove that—with occasional blips—the rich do indeed get richer. Nonetheless, the Senate voted last week to supply major aid to the rich in their pursuit of even greater wealth.

The Senate decided that the dividends an individual receives should be 50 percent free of tax in 2003, 100 percent tax-free in 2004 through 2006 and then again fully taxable in 2007. The mental flexibility the Senate demonstrated in crafting these zigzags is breathtaking. What it has put in motion, though, is clear: If enacted, these changes would further tilt the tax scales toward the rich.

Let me, as a member of that non-endangered species, give you an example of how the scales are currently balanced. The taxes I pay to the federal government, including the payroll tax that is paid for me by my employer, Berkshire Hathaway, are roughly the

same proportion of my income—about 30 percent—as that paid by the receptionist in our office. My case is not atypical—my earnings, like those of many rich people, are a mix of capital gains and ordinary income—nor is it affected by tax shelters (I've never used any). As it works out, I pay a somewhat higher rate for my combination of salary, investment and capital gain income than our receptionist does. But she pays a far higher portion of her income in payroll taxes than I do.

She's not complaining: Both of us know we were lucky to be born in America. But I was luckier in that I came wired at birth with a talent for capital allocation—a valuable ability to have had in this country during the past half-century. Credit America for most of this value, not me. If the receptionist and I had both been born in, say, Bangladesh, the story would have been far different. There, the market value of our respective talents would not have varied greatly.

Now the Senate says that dividends should be tax-free to recipients. Suppose this measure goes through and the directors of Berkshire Hathaway (which does not now pay a dividend) therefore decide to pay \$1 billion in dividends next year. Owning 31 percent of Berkshire, I would receive \$310 million in additional income, owe not another dime in federal tax, and see my tax rate plunge to 3 percent.

And our receptionist? She'd still be paying about 30 percent, which means she would be contributing about 10 times the proportion of her income that I would to such government pursuits as fighting terrorism, waging wars and supporting the elderly. Let me repeat the point: Her overall federal tax rate would be 10 times what my rate would be.

When I was young, President Kennedy asked Americans to “pay any price, bear any burden” for our country. Against that challenge, the 3 percent overall federal tax rate I would pay—if a Berkshire dividend were to be tax-free—seems a bit light.

Administration officials say that the \$310 million suddenly added to my wallet would stimulate the economy because I would invest it and thereby create jobs. But they conveniently forget that if Berkshire kept the money, it would invest that same amount, creating jobs as well.

The Senate's plan invites corporations—indeed, virtually commands them—to contort their behavior in a major way. Were the plan to be enacted, shareholders would logically respond by asking the corporations they own to pay no more dividends in 2003, when they would be partially taxed, but instead to pay the skipped amounts in 2004, when they'd be tax-free. Similarly, in 2006, the last year of the plan, companies should pay double their normal dividend and then avoid dividends altogether in 2007.

Overall, it's hard to conceive of anything sillier than the schedule the Senate has laid out. Indeed, the first President Bush had a name for such activities: “voodoo economics.” The manipulation of enactment and sunset dates of tax changes is Enron-style accounting, and a Congress that has recently demanded honest corporate numbers should now look hard at its own practices.

Proponents of cutting tax rates on dividends argue that the move will stimulate the economy. A large amount of stimulus, of course, should already be on the way from the huge and growing deficit the government is now running. I have no strong views on whether more action on this front is warranted. But if it is, don't cut the taxes of people with huge portfolios of stocks held directly. (Small investors owning stock held through 401(k)s are already tax-favored.) Instead, give reductions to those who both need and will spend the money gained. Enact

a Social Security tax “holiday” or give a flat-sum rebate to people with low incomes. Putting \$1,000 in the pockets of 310,000 families with urgent needs is going to provide far more stimulus to the economy than putting the same \$310 million in my pockets.

When you listen to tax-cut rhetoric, remember that giving one class of taxpayer a “break” requires—now or down the line—that an equivalent burden be imposed on other parties. In other words, if I get a break, someone else pays. Government can't deliver a free lunch to the country as a whole. It can, however, determine who pays for lunch. And last week the Senate handed the bill to the wrong party.

Supporters of making dividends tax-free like to paint critics as promoters of class warfare. The fact is, however, that their proposal promotes class warfare. For my class.

Mr. DORGAN. It reads:

Let me, as a member of that non-endangered species, give you an example of how the scales are currently balanced.

He means with the Tax Code. Again, this is the second richest man in the world.

The taxes I pay to the federal government, including the payroll tax that is paid for me by my employer, Berkshire Hathaway, are roughly the same proportion of my income—about 30 percent—as that paid by the receptionist in our office. My case is not atypical—my earnings, like those of many rich people, are a mix of capital gains and ordinary income—nor is it affected by tax shelters (I've never used any). As it works out, I pay a somewhat higher rate for my combination of salary, investment and capital gains income than our receptionist does. But she pays a far higher portion of her income in payroll taxes than I do.

His point is that he and the receptionist pay about the same percentage of their income. Understand, this is the second richest man in the world and his receptionist in his office.

Then he says:

Now the Senate says that dividends should be tax-free to recipients. Suppose this measure goes through and the directors of Berkshire Hathaway (which does not now pay a dividend) therefore decide to pay \$1 billion in dividends next year. Owning 31 percent of Berkshire, I would receive \$310 million in additional income, owe not another dime in federal tax, and see my tax rate plunge to 3 percent. And our receptionist? She'd still be paying the 30 percent, which means she would be contributing about 10 times the proportion of her income that I would to such government pursuits as fighting terrorism, waging wars and supporting the elderly. Let me repeat the point: Her overall federal tax rate would be 10 times what my rate would be.

I read that into the CONGRESSIONAL RECORD because I thought it was a fascinating description by Warren Buffett, one of the richest men in the world, about the issue of deciding that dividends should get extraordinarily preferential tax treatment. In fact, some say we should eliminate the tax on savings and investment, therefore, exempting interest, dividends, and capital gains from tax.

We have a lot of people who do different things. Some people work hard. Some people invest and clip coupons. Some people get up and shower in the morning. Some people work hard in difficult jobs, labor jobs and others that

require them to shower at night. Some people work outside. Some people work indoors. Some people have income from wages. Some people have income from dividends or earnings or royalties of some type.

So the question is how should the Tax Code treat all of this? I ask this question: Which is more worthy, work or investment? Or are they equally worthy? And if so, if work is as worthy as investment, then why would one decide to treat investment income with such preferences in the Tax Code? And why would one decide to tax work and exempt investment? Why would one decide to say we are going to take out this activity called work and sock it with a tax, and we are going to take out this activity called investment and make it tax exempt? What is the value system that says let's tax work but exempt investment?

I think the value system, although I do not subscribe to this, is one that says the most important element in this business cycle of ours, in this free enterprise system, is investment.

Investment is very important, there is no question about that. But so, too, is work. Let me read something I put in the CONGRESSIONAL RECORD in 1996 in the Senate. It was about a fellow who I think is a hero. I have only met him once. I did not know him at all at that point. I read about him in the Minneapolis Tribune as I came through the Minneapolis Airport one morning. His name is Robert Naegele, and this relates to the point of value of work relative to value of investment.

Robert Naegele and his wife Ellis did something very extraordinary, something that surprised me when I read it in the Minneapolis Star Tribune that morning at the Minneapolis Airport. He owned a company called Rollerblade, a very successful company, the largest company producing inline skates in America, rollerblades.

Most people know about rollerblades. I happen to like to rollerblade. I enjoy rollerblading. So he owned and was chairman of this company called Rollerblade.

He sold the company after it was very successful, and he made an enormous amount of money. Just before Christmas in the year 1996, just after he sold this company and made a substantial amount of money, he decided he was going to return some of the profits from the sale of that company to the employees who worked in that company. He did not tell any of the workers about it. They began opening what they thought were Christmas cards from the previous owner of this company, Mr. Naegele and his wife.

It turns out it was, in fact, a Christmas card with a check. The check was computed on the basis of the number of months these people had worked for the company. It was an amount of money that he wanted to return to the employees as a result of the profit he had made from selling this company that made rollerblades.

The checks were as high as \$20,000 to those who had worked there a long period of time. He said: By the way, I have prepaid the taxes on this bonus. So this is a check that is free and clear. I have paid the taxes on it for you. He said: I did this because while I was very fortunate to run a very successful company, I understand that this company was successful because of the wonderful men and women who worked there. They worked in the plant. They worked in shipping. They worked in manufacturing. They worked in the finance area. They made this company. They were this company. They helped make me successful, and I made a lot of money. But I want to share it with those workers.

I thought, what a wonderful story. What a heroic thing to do, to finally recognize something that has been so lost in this country in recent years: the value and the worth of the workers who perform the work, who make these companies.

These days, employees are too often treated like a wrench: Use it, use it up, throw it away; it is just another tool. Mr. Naegele understood an employee is not just another tool. An employee is a part of the personality and productivity of that company. The work is as important as the investment. It is workers and management. It is workers and investors. All of it together makes a company and makes a company successful. Very seldom do you see that ethic exist these days in how people look at these companies. But I put something in the Senate RECORD on January 10, 1996, paying tribute to this fellow.

I tell that story today because it describes the value of work and the understanding of what work contributes to this country, to the innovation of its business community, and to the capability of what America can offer its employees in the free enterprise system.

The question of how we tax is very important. We must build roads, we must provide for our country's common defense, we must build schools and educate children, we must provide health care to those who cannot provide for themselves—there are things we must do. So we must pay a tax.

The question of how we impose that tax burden on the American people is very important. And this ethic, somehow this notion, this value system that says, oh, by the way, let's tax work and exempt investment, is one that I think relates directly to values.

What is the value system that tells us work is less worthy than other enterprises? Work is not less worthy than other enterprises. It is an important part of what has helped build this country.

I do not diminish at all entrepreneurs and investors. They are an important part of this. But so, too, is the important labor force in this country.

I taught economics for a brief period in college. Samuelson, Econ. 101, you

teach the streams of income and what generates the streams of income. You teach the business cycle—all of these issues. Nothing has really changed very much over the years except there is a change with respect to those who want to create a new reality here, suggesting that somehow there is one element of this system of capitalism that is so much more important than the others. I do not believe that is the case. I believe all of this fits together like the picture of a puzzle. A significant part of America's progress has been the worker and the ethic of work and the value of work.

We will work together to overhaul this country's tax system. But I will not be a part of a system that says let's decide to impose a burden on the receptionist in the office that is 10 times the burden we will impose on the world's second richest man. That is not a value system that makes sense to me.

Oh, some will come here and say: But we have to do that to incentivize growth. That doesn't incentivize growth. That retards fairness, but it doesn't incentivize growth.

We have a lot to do to fix this tax system of ours. I proposed in the past and will again a way with respect to the current income tax system to remove the burden of some 70 to 80 million Americans from even having to file a tax return. We don't need to have the streets clogged on April 15 for people to get to the post office to get their tax returns postmarked. We can and should dramatically simplify this tax system. But we should not take a giant step in the direction of deciding there are some who will pay a substantial amount more than others, in reverse order here, with the highest amounts being paid by those who are least able to afford it, and the lowest amounts being paid by those who are most able to afford it.

We are blessed to be a part of this great country. We could have been born anywhere. We could live anywhere. We share this planet with 6 billion people and, through God's grace, somehow we ended up here. There is not another place like it. It is our job to take what we have inherited and make it better.

They say we inherit this from our folks and borrow it from our children. This great democracy of ours, including the progress over two centuries now that I am very proud of, requires nurturing and constant attention. Yes, one of the controversial and difficult areas has always been, How do you raise the revenue to do that which is necessary in our Government?

We can debate about how large government should or should not be. My colleague from Oklahoma will follow me today. He is working, probably today—I suspect almost every day for months and months, on this question of, How do we construct a new highway program? What amount of money is necessary? With what formula shall it be distributed? That is really important work. That is an investment in

the infrastructure of this country that is very important.

When he and others get a bill that we can finally get to the floor and create, I hope a 6-year program—then we have to figure out how we pay for that just as we have to pay for everything else. The question isn't whether there should be a tax system. There is a system by which we collect taxes. The question is how should that system be constructed so that it is fair to all Americans.

I look forward to a debate this coming year in which we talk about tax reform and changing our tax system because I think this is a system that is ripe for change. But it is critically important that we have a discussion about the tax burden and what is fair.

The President announced today he is going to have a commission, which is a good thing. I hope that all viewpoints will be involved in that commission. You can get a commission to propose almost anything here in this town. I saw a few of the names on that commission, and I certainly think it needs some more energy and some more thought from other points on the compass.

But I would say to the President, I think the Congress will welcome a debate about overhauling the Tax Code. But if it is proposed that we decide, for example, that dividends, interest and capital gains income shall be eliminated from the tax rolls, we will welcome that debate with a very aggressive discussion about what is the value of work and why should we diminish the value of work.

I indicated earlier today about the "good enough" description, by Ma Ferguson, the former Governor of Texas. I will not recall that story again, but if a 5.25-percent tax rate is good enough for companies who move their jobs overseas, why is it not good enough for all Americans? If a zero-percent tax rate is good enough for those earning dividends, why is it not good enough for the wages of workers.

Let me just show you, if you exempt investment income from taxation, the top 10 percent get most of the benefit—\$463 billion in realized dividend, capital gain and interest income. The bottom 90 percent have far less.

So you see, if you eliminate dividends, for example, from taxation, a massive amount of the tax breaks goes to the same old corner that it always goes, those who have the most.

Bob Wills and his Texas Playboys used to have a line in their 1930s song: The little bee sucks the blossom
And the big bee gets the honey.
The little guy picks the cotton
And the big guy makes the money.

Every time we focus on tax reform we find the same thing, especially in recent years.

Let me again say I am all for changing our Tax Code in ways that are thoughtful. We ought to simplify it. But we ought to resist efforts that will make it more unfair and strive to move

towards efforts that will make the burden fair to all Americans. That has certainly not been the case in recent years. My hope is when we next see a proposal dealing with America's Tax Code that we will see something that represents some semblance of fairness. Otherwise there is likely to be a debate breaking out in the Senate, which would be a very healthy thing, in my judgment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I have a number of things to address. I have been listening with great interest to my very good friend from North Dakota. I bow to his superior knowledge in economics. I was not aware that he was a professor of economics, or taught economics. They say confession is good for the soul. I will say to my friend from North Dakota, I went to nine different colleges and universities, all of them night school where I was stationed when I was in the military. I remember once I got out I backed a truck up to the University of Tulsa and shoved off all my transcripts, and they looked at it and said: You are an economist. So that is where I got my background in economics.

Mr. DORGAN. If the Senator will yield for a moment, I would say I was actually not a professor. I did teach economics at the college briefly, but I was able to overcome that experience.

Mr. INHOFE. Well, good.

I would like to make a couple of comments. That is not what I am here to talk about today. But this President has a commitment to do something about our tax system. I know there is a lot of class warfare that goes on and people are always talking about taxes and that the poor people are paying all the taxes. It is kind of interesting that this President wants to make a dramatic change in the tax structure. When I go back to my State of Oklahoma, no matter where I go the people are all united in saying they really want to have something different.

The interesting thing is, I was riding yesterday with a CPA from Oklahoma and said: If we are successful in dramatically simplifying the Tax Code, why would you support that because you might be out of work?

He said: I would gladly do it. I can always find something else. It is unfair and it is a system that needs to be cleaned up.

I would only caution people who are watching what is going on in this Chamber, when we get into a discussion of changing the Tax Code, every time there is someone who suggests that you lower the marginal rates of taxation, they assume that this is an unjust burden on the lower income people.

In fact, when this President did it he was lowering the tax rate on people who paid taxes. Obviously, if you don't pay taxes, you can't lower the rate. That is what he was faced with.

Also, we learned a lesson following World War I when they raised taxes. It brought a lot of revenue into the system to fight World War I. When it was over, they decided they would go ahead and reduce the taxes because they did not need the revenue anymore. They were shocked to find out when they reduced the taxes that the revenue increased.

Then again, a very smart President, one I admired very much, was the President of the United States by the name of Kennedy. When President Kennedy was in office we were expanding a lot of the things in the social programs in this country. He said we have to have more money, and we have to raise more revenue to take care of these programs. John Kennedy was a Democrat, not a Republican. He said the best way to raise revenue was to reduce marginal rates. So he reduced marginal rates, and sure enough, that opened it up and revenue increased.

Another person came in the White House, Ronald Reagan, in 1980. He said the same thing. He actually reduced the top bracket rate from some 95 percent down to about 25 percent; and all other brackets, too. Everybody got in on that good deal. The largest tax reduction in the history of America successfully reduced taxes and increased revenue.

The evidence of that, if you look at the total revenue that came from marginal rates in the 1980s, was \$244 billion. In 1990, it was \$466 billion. It almost doubled in that decade, that 10-year period. It was the largest reduction of taxes in this Nation's history.

I hope those who will be engaging in class warfare and are going to be talking about how this is unfair and how the rich need to be paying more taxes keep in mind that the people who are paying the taxes are middle-income Americans. These are the people who need the relief. They need to have more opportunities to do more with the money. That is how you increase revenues.

I hear a lot of people complaining about this President and the fact we have the deficit. Obviously, we have the deficit for three reasons.

No. 1, we had a recession. This President inherited a recession. That started in March of 2000. With the economic activity low, you have to use the formula that for each 1-percent increase in economic activity it produces \$46 billion in new revenue. So it was way down.

No. 2, he had succeeded President Clinton where he had cut the defense spending down to the bone with the myth floating around that somehow the cold war was over; we didn't need a military anymore. We were down to about half the Army divisions, down in tactical airwings, and half in ships, down 300 from 600. Then we realized we were in a more hostile world. By the time President George W. Bush had to start rebuilding the military, our modernization programs had stopped.

Then 9/11 came along. Here we are in a war.

I can tell you that the three factors which caused the deficit are factors that we are overcoming as we are speaking. But you might as well hold your breath for a while because the war is going to last a while.

TRIBUTES TO RETIRING SENATORS

DON NICKLES

Mr. INHOFE. Mr. President, I am so pleased that I have a chance to say a few good words about my colleague, DON NICKLES. It is hard to talk about DON NICKLES. I remember him when he was in the State senate. I believe DON NICKLES at that time was the president of the College Republicans in Oklahoma. I remember going to Ponca City and giving a speech at his invitation. Afterwards, he showed just an incredible interest in politics. This was back in the 1970s. He ran for State senate. I believe it was in 1978. And he won.

Midway through that term, in 1980, a seat opened and he decided he was going to run for the U.S. Senate. Everybody laughed. Who is this kid, anyway? He was about 30 years old. He still looks like he is about 35 years old. At that time he looked like he was about 18 years old.

He ran and defeated some of the real heavyweights in the State. Then he came and served in the Senate.

I understand that in those early years they wouldn't let him ride the Members' elevators because they didn't believe he was a Member. They thought he was a page.

Nonetheless, DON NICKLES started proving himself. I watched him mature in this job. As the years went by, every time a 6-year period ended, he would talk about dropping out. But we talked him into running.

Finally, he decided he needed to do something else with his life and do what is in the best interests of his family.

But he grew with the ability to offer expertise that I haven't seen in the Senate since I have been here, and I have been here for 10 years. I have watched DON NICKLES as he matured, as he gained knowledge in areas and expertise in not just one isolated area but in all areas. When he stands up to talk, everybody is quiet. They want to listen to him because they know he knows what he is talking about.

I can recall when ELIZABETH DOLE was first elected. We were making a tribute to DON NICKLES about 3 months after she was here. She said: I have watched him talk about the budget. I have watched him talk about how you finance Government. I have watched him go through all these very difficult things, and I have been here 3 months and I have to confess I don't even know what he is talking about. I said: ELIZABETH, don't feel bad. I have been here 10 years and I still don't know what he is talking about.

DON NICKLES developed that level of expertise that other people do not. It is because he studies. He works.

He is going to be sorely missed by a lot of people around here because of what he had to offer and because of the contributions he has made.

I am 15 years older than DON NICKLES. I have been his junior Senator. I guess it is now time I become senior Senator.

I will miss his expertise, his charm, his humor, and most of all I will miss him because he is my brother. I will miss him dearly. Don, it is going to be goodbye to you but hang around. We look forward to working with you and accepting your advice because I know it will be there when we need it.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. INHOFE. I thank the Chair.

(The remarks of Mr. INHOFE pertaining to the introduction of S. 2997 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

HONORING OUR ARMED FORCES

CPL. JOSEPH L. NICE

Mr. INHOFE. Mr. President, I rise today to honor Marine LCpl. Joseph L. Nice from Nicoma Park, OK, who made the ultimate sacrifice for his country on August 4, 2004. This fourth-generation soldier died defending the freedom he enjoyed and fighting to ensure it for others.

Lance Corporal Nice moved to Nicoma Park, OK from Newark, NJ, in 1998. He was a gifted young man—a musician, artist and sportsman, who used these gifts in the marching band and on the soccer team at Choctaw High School. From the age of 5, he had longed to follow in the footsteps of his father, his grandfathers, and his uncle in serving in the military. After weighing this tradition and putting on hold his plans to study law, Joseph Nice decided to join the Marine Corps in June 2003.

Lance Corporal Nice was assigned to 3rd Battalion, 7th Marines, 1st Marine Division, I Marine Expeditionary Force stationed at Marine Corps Air Ground Combat Center at Twentynine Palms, CA. His unit was deployed to Iraq in February 2004, where Lance Corporal Nice and his fellow Marines faced daily attacks in the Anbar province. During one of these attacks on August 4, 2004, Joseph Nice was killed.

I represent the State of Oklahoma in paying my condolences to the family of this American hero. A friend of his said about him: "If you had a problem, he was always there for you." Through his service in Iraq, LCpl Joseph Nice demonstrated his worthiness to receive this highest compliment. Our thoughts and prayers are with his family and friends today.

ARMY SPC. SONNY G. SAMPLER

Mr. President, we also pay homage to Army SPC Sonny G. Sampler from

Oklahoma City, OK, who died in the name of freedom in Iraq on 8 July 2004. He moved to Oklahoma City from Altus, OK and began attending John Marshall High School.

Specialist Sampler saw the Army as an opportunity for focus and direction and joined in 2001. He was deployed to Iraq with 1st Battalion, 26th Infantry Regiment, 1st Infantry Division based in Schweinfurt, Germany. In serving his country, Sonny Sampler did not shy away from his other duties. In the words of Maj. Gen. Douglas Dollar, "This young man was willing to go to a strange land and fight for people he didn't know." It is the same young man who sold some belongings to pay for a flight from Germany back to the United States at Christmas to surprise his mother. Such a family man is to be much valued.

Specialist Sampler was tragically killed when he was searching the Iraqi National Guard Headquarters for survivors, following an allied attack. When the ruins underwent an attack by insurgents, Sonny Sampler and five other U.S. soldiers died. He was 23 years old.

Our thoughts and prayers are with this American hero's family and friends at this very difficult time. We should never cease to be proud of this man.

SGT DANIEL LEE GALVAN

Mr. President, we also pay homage to Sgt Daniel Lee Galvan, who joined the Army to realize his childhood dream of working with helicopters. Earlier this year, Sergeant Galvan made the ultimate sacrifice for his country—his life. Sergeant Galvan was a dedicated defender of America who followed his father into the military. For this service and his sacrifice, I am proud to honor him in the Senate today.

Daniel Galvan was born in Fort Ord, CA, but later moved to Moore, OK, where he joined the Army reserve after high school but enlisted in 1996 to fulfill what he saw as his calling to be a soldier. Though he knew a career in the military would enable him to provide for his family, the paycheck was never his primary motivation. In the words of his wife, Sonya, "He joined because he believed in the cause. He believed in the military. And he was proud to wear the uniform and honored to be an American." Sergeant Galvan was a helicopter crew chief with the 2nd Battalion (Assault), 25th Aviation Regiment, 25th Infantry Division (Light), based out of Schofield Barracks in Hawaii.

On August 12, 2004, the Black Hawk helicopter that was transporting Sergeant Galvan and fourteen other soldiers in Afghanistan developed mechanical problems and crashed near the Pakistani border. The fourteen others were wounded, but Daniel Lee Galvan, an honorable Oklahoman and example for us all, paid the ultimate price. Sergeant Galvan left behind his wife as well as two children, his daughter Audrey, 13, and his son Joseph, 11. Our

thoughts and prayers are with his family for the loss of such a special man.

On behalf of the U.S. Senate, I ask that we pay tribute to Sergeant Galvan and the men and women like him, who know the true meaning of service and sacrifice. These men and women have tasted freedom, and wish to ensure that freedom for those who have never experienced it. I honor the memory of our sons and daughters who have died for this noble cause, and especially the memory of Oklahoma's son, Daniel Lee Galvan.

CPL NATHANIEL T. HAMMOND

Mr. President, I rise to honor the memory of a brave young American who gave his life defending the Nation. He felt a call to serve his country, to be part of something bigger than himself, and for that call he paid the highest price.

Cpl Nathaniel T. Hammond was assigned to the Marine Reserves' 2nd Battalion, 24th Marine Regiment, 4th Marine Division in Chicago. Nathan wasn't a native Oklahoman—he was born and raised in Brighton, MO, where he graduated from high school in 1998 and then joined the Marines, but he lived in Tulsa and had trained with the Anti-Tank Training Company, a Marine Reserve unit, in Broken Arrow.

On November 8 in Babil province, Iraq, he was killed in an insurgent attack. He gave his life for the freedom of millions of Americans, and also for the peace and prosperity of the Iraqi people only now beginning to recover from decades under a totalitarian regime.

Corporal Hammond had a long-held desire to serve the military as a member of the Special Forces, but even as a member of the Marine Reserve, he was "doing what he wanted to do and what the loved to do," according to a childhood friend and fellow soldier. His parents have described how Nathan evinced the selfless attitude toward service to country that is so evident in all our military men and women.

We are all glad Nathan Hammond was willing to serve. His loss is grievous to all of us. Our thoughts are with his parents and the rest of his family back in Missouri. At the same time, we recognize his valor and commitment. It is for men like Nathan Hammond that I am proud to be a part of this great country. He was a special soldier, a true Oklahoman, and a true American.

PFC NACHEZ WASHALANTA II

Mr. President, I honor the memory of a courageous young Oklahoman who died while defending his Nation. Marine PFC Nachez Washalanta II grew up in the great State of Oklahoma, went to school in Ardmore and Silo, and joined the Marines in April 2002.

The road wasn't always smooth for Wash, as his fellow Marines called him. He grew up in a foster home with four other boys, and got his GED instead of graduating from high school. Eventually, Private Washalanta found a home with the United States Marine Corps. He was the driver of a light-armored

vehicle, and although he sometimes complained that he joined the Marines to fight and not to drive, he got his chance in Iraq.

Private Washlanta was a member of the 1st Light-Armored Reconnaissance Battalion, 1st Marine Division, I Marine Expeditionary Force from Camp Pendleton, CA. He paid the ultimate price. When you think about these five great Oklahomans, as well as others around the country, and some 1,100 who have lost their lives, it is a shame that so many people in America do not understand what these soldiers understand.

Mr. President, I have the honor of being, I guess, the second or third ranking member of the Senate Armed Services Committee. Consequently, I may have made more trips over to Iraq and Afghanistan than anyone else. I am always approached by these young people. They say: Why is it, Senator, that the people back home don't appreciate what we are doing? These people are dedicated, and they know exactly what they are doing. Unfortunately, we have a media that tries to demean everything they are doing. And I give the assurance to these young people that even though it might be that the networks, CNN, and the New York Times and the Washington Post do not know and appreciate what they are doing, we do, the real people of America. And they are heroes.

I think most of our young people realize our country is facing the greatest risk it has ever faced. This is not conventional warfare. This is not something that is predictable. Sometimes I say I look back wistfully at the days of the Cold War where we had two superpowers, and they were predictable. We were predictable, they were predictable. This is totally unpredictable, but it is a war that has to be won. I pay homage not just to those Oklahomans I mentioned today, but all who are there and many who have paid the ultimate price for our freedom right here in this country.

SGT MORGAN W. STRADER

Mr. BAYH. Mr. President, I rise today with a heavy heart and deep sense of gratitude to honor the life of a brave young man from Brownsburg, IN. Sgt Morgan W. Strader, 23 years old, died on November 12. After completing his enlistment, Morgan voluntarily extended his service, choosing to accompany his unit back to Iraq—a selfless choice that would cost him his life. Morgan was shot while conducting combat operations in the Al Anbar Province of Iraq. With his entire life before him, Morgan risked everything to fight for the values Americans hold close to our hearts, in a land halfway around the world.

Before moving to Crossville, TN, Morgan attended school in Brownsburg. Morgan graduated from high school and followed in his grandfather's footsteps by joining the military. Morgan's father, Gary, told the Indianapolis Star that "He was a Ma-

rine from the day that he was born . . . His grandfather was in the Army during Korea. He latched onto that and loved it." It was clear that from a young age, Morgan felt compelled to serve his country in the Armed Forces, just as his grandfather had done.

Morgan was the thirty-seventh Hoosier soldier to be killed while serving his country in Operation Iraqi Freedom. He was assigned to the Kilo Company, 3rd Battalion, 1st Marines, Regimental Combat Team-1, 1st Marine Division, Camp Pendleton, CA. This brave young soldier leaves behind his father and stepmother, Gary and Janet; his mother and stepfather, Linda and Timothy; his grandparents, Onza and Estelle Morgan; his grandfather, William Strader; his sisters, Amber, Jessica and Rachel; and his brothers, Brian, Chris and Matthew.

Today, I join Morgan's family, his friends and the entire Hoosier community in mourning his death. While we struggle to bear our sorrow over this loss, we can also take pride in the example he set, bravely fighting to make the world a safer place. It is his courage and strength of character that people will remember when they think of Morgan, a memory that will burn brightly during these continuing days of conflict and grief.

Morgan was known for his dedication to family and his love of country. When looking back on Morgan's life, his father, Gary, recalled to the Indianapolis Star a conversation that he had with his son shortly before his departure for a second tour in Iraq. Gary was trying to convince his son that he had done his part and his service was complete. Morgan told his father upon deciding to reenlist, "Dad, the guys in my unit aren't experienced in this . . . I need to help them." Morgan died in the same fashion in which he had lived by putting the well-being of others before his own. Today and always, Morgan will be remembered by family members, friends and fellow Hoosiers as a true American hero and we honor the sacrifice he made while dutifully serving his country.

As I search for words to do justice in honoring Morgan's sacrifice, I am reminded of President Lincoln's remarks as he addressed the families of the fallen soldiers in Gettysburg: "We cannot dedicate, we cannot consecrate, we cannot hallow this ground. The brave men, living and dead, who struggled here, have consecrated it, far above our poor power to add or detract. The world will little note nor long remember what we say here, but it can never forget what they did here." This statement is just as true today as it was nearly 150 years ago, as I am certain that the impact of Morgan's actions will live on far longer than any record of these words.

It is my sad duty to enter the name of Morgan W. Strader in the official record of the U.S. Senate for his service to this country and for his profound commitment to freedom, democracy

and peace. When I think about this just cause in which we are engaged, and the unfortunate pain that comes with the loss of our heroes, I hope that families like Morgan's can find comfort in the words of the prophet Isaiah who said, "He will swallow up death in victory; and the Lord God will wipe away tears from off all faces."

May God grant strength and peace to those who mourn, and may God be with all of you, as I know He is with Morgan.

FAREWELL

Mr. BREAU. Mr. President and colleagues, the last time anyone does anything in their career or in their life, I think it is a time for a certain degree of sadness and a certain degree of nostalgic remembrance of the times past. This evening will probably be my last opportunity to address this body as a Member, as a Member of the Senate, representing my great and wonderful State of Louisiana.

While some would say, well, it has to be a very difficult time to speak for the last time on the floor of the Senate, looking back at all the great memories, I look back with nothing but great pleasure over the many years I have spent in the Senate as well as in the House of Representatives.

I have been very honored to serve and be elected seven times to the other body, serving 14 years as a Member of the House, representing southwest Louisiana—it was a great and wonderful time—and then moving on to the Senate 18 years ago, representing the entire State of Louisiana.

So when you look back over those years, I think a lot of people would say: Well, it is your last speech, and it must be a very nostalgic time, and you really are sad. I am not. I am pleased. I am happy. I am overwhelmed with the opportunity that was presented to me for those 32 years in the Congress to serve the people of Louisiana in one capacity or another, both in the House, as well as in this Chamber.

Thirty-five years ago, I, with my wife, came to Washington for the very first time as a young staff person, legislative assistant, having just gotten out of law school. I worked in the Seventh Congressional District office for then-Congressman Edwin Edwards. It was a great learning period for me.

Shortly after serving as a staff person, there was a vacancy that was created, and I ran for that vacancy as a young 28-year-old member of the Bar Association in my State. I ran for Congress and had a slogan I remember back then, when I was 28, when I was running for Congress for the first time. My slogan was: "Experience makes the difference."

Most of the people I was running against were old enough to be my grandfather or grandparent, certainly old enough to be my parent. Yet I had the audacity to print the slogan on a bumper sticker that "Experience makes the difference."

Of course, it aggravated the heck out of all the people I was running against because they said: How dare someone 28 years old talk about experience making the difference; He has none.

Well, I was the only person running who ever worked in a congressional office in Washington. I was the only person who had ever run a congressional office in the district. And I was the only lawyer who was running. I told the people in that first race that we were electing someone to go to Washington and make laws, and I was the only lawyer running. Therefore, they should vote for me.

That went over fairly well for a period of time until all of my opponents realized 98 percent of the people were not lawyers, and about 100 percent of them hated lawyers. So as soon as they started articulating that different viewpoint on the function of lawyers, I started going down in the polls, and thank goodness the election was only a couple weeks later.

To make a long story short, we were elected back in 1972 and came to Washington. I came with my wife Lois and two very small children, John, Jr., and Bill Breaux. I remember we had to rent a U-Haul truck to come to Washington. I had never had an opportunity to be up here. We came up, and I will always remember this: When we left Louisiana, my two sons did not want to go. My youngest son, the night before we left, when he was saying his prayers, said: Goodbye, God. We are moving to Washington.

My oldest son, who was about 4 or 5 at the time, ran away to a neighbor's house and crawled under the house. In Louisiana, the houses are built off the ground. He ran under the house and would not come out. And we had my mom Katie, my dad Ezra, my father-in-law Lloyd, and my mother-in-law Doris who were all there watching us get into the U-Haul to go to Washington, and I had to crawl under the house and literally drag John, Jr., out from under the house and make him get into the U-Haul truck so we could move to Washington. I finally got him here.

We came to Washington. I will always remember we came here on a Saturday. I wanted to go to see the Capitol because I knew it was going to be such an impressive place. I remember that night the Marine Corps Band was playing, how they do in the springtime. They have concerts. They used to do that on the front steps. And they were having a concert. I thought they were playing the concert for me.

We were so delighted as a family to be able to see our first impressions of the U.S. Capitol, with the playing of the band on a wonderful evening. It was a great memory then, and it is still a great memory 35 years later.

In those days when I was in the House, we had an arrangement, if you will. In those days when I arrived here, Carl Albert was Speaker of the House. And then Tip O'Neill became the Democratic leader and Speaker of the

House, and Bob Michel was the Republican leader. And Tip O'Neill and Bob Michel probably differed as much as any two people you could possibly know in terms of philosophy in how Government should work. Tip O'Neill was an FDR liberal Democrat from Massachusetts, and Bob Michel was from Peoria, IL, a middle America Republican. They did not agree on how Government should work necessarily from a philosophical standpoint, but they knew how to make Government work.

They spoke more in one day back then than some of the leaders later on spoke in a year because the House changed to a position where now many times leaders do not speak to each other. I would suggest that government was not any worse off when you had a Tip O'Neill and a Bob Michel traveling together, playing golf together, drinking in the evening and having a cocktail together, playing golf together, betting on sporting events together, which I know they did because they had a relationship that allowed them to find out, What do we have to do to accomplish what we both realize is best for this country? They were able to do that in a way that I thought was incredibly effective.

Hale Boggs swore me in to the House of Representatives, a truly great majority leader. I learned a great deal from him and had a great deal of respect for everything he taught me and taught so many.

That was back then. My two sons, who were crawling and saying their prayers before bed, are both 38 years of age. My oldest daughter, Beth, is 34 and is married to a wonderful person named Jeff Shepardson; and now we have three beautiful grandchildren, Anna Kate, Campbell, and C.J. Shepardson, age 2. Also, my youngest daughter, Julie, is now 28.

So after you have been here a while, you wake up one day and say where has all the time gone and how fast it went. I think about that often, but I also think about all of the wonderful things I have been privileged to witness, watch, and participate in, in those 32 years in Congress. It has been a real privilege and pleasure. I have had the honor of serving with three great Senators, including Russell Long, when he was the senior Senator from Louisiana and I was a House Member. I remember coming over to see Russell when I first got into the House of Representatives. I wanted to come and pay my respects. I had been in Congress about a week. So I came over to the Senate and walked up in the Senate office building to see Russell Long. I remember getting on the elevator and it went up to the second floor. The door opened and Senator Jim Eastland from Mississippi got on. He looked at me—and I was on the Members elevator, which shows you the audacity I had even then. He looked at me and said, "Hey, boy, what are you doing here?" I said, "I am a Congressman and I am going to see

Russell Long." He said, "You're not a Congressman." I said, "Yes, sir, I am." He looked at me and walked off the elevator. Those Members are so wonderful to look back on, and it is interesting to see how things have developed.

I learned a great deal from Russell Long. He taught me how to work with people. He could get more done in the evening over a bottle of bourbon than we can get done by having months and months of hearings and hours of debate because he knew how to bring people together. He had an incredibly great personality and sense of history of where he came from. And he learned from his father who also served in this body.

I also served with Bennett Johnston, a great person who could work both sides of the aisle. He became chairman of the Energy Committee and senior member of the Appropriations Committee. Bennett was outstanding. It was interesting because we never had a cross word politically. A lot of Members, I think, have natural competition between Members of the same State, particularly if they are in different parties. I have had the fortune to serve only with members of the Democratic Party in the Senate. Bennett and I had a wonderful working relationship. He would take the lead on some things, and I would try to take the lead on others. It was a wonderful relationship.

In the last several years, it has been MARY LANDRIEU, who I have seen develop into one of the greatest politicians and greatest leaders of our State. She comes from a great tradition, a long tradition of outstanding public servants in the State of Louisiana, particularly in the city of New Orleans. She learned from the masters, and the masters were her parents, brothers and sisters. They were all involved and they do a wonderful job in representing our State in so many different capacities.

So I have had a wonderful opportunity to serve with people from my State who have been friends and outstanding colleagues, along with all of the other folks that we have had the opportunity to serve with. I have looked at meeting people in Congress not just as colleagues who were elected to public office, but I looked at each one of them as a potential friend. I learned a long time ago that you have to understand where people come from to appreciate what they are all about. I think many times we take a position automatically that we don't like someone because of where they are from or what party they are in, without delving into their backgrounds, why they say what they say, and who helps develop those ideas.

I remember when I was in the House, I served on the Public Works Committee with Bella Abzug, who many thought was the most liberal person in the Congress. I remember Bella Abzug telling me, you know, where I come from, in my congressional district, they think I am too conservative. She

had the type of district that encouraged her and helped her and pushed her to represent the people as they wanted to be represented in the Congress of the United States. So if you understand where people come from and understand their background and who they represent, I think it helps you understand how people of different positions can be friends, because they are truly trying to represent their States the best they can. It is not just because of their politics but because of where they are from.

Let me say one other thing that I think we need to pay attention to in this body, the Senate. That is, we should not let outside forces dictate to us how we treat each other and how we work together. Many times, when Democrats have a caucus lunch on Tuesday right outside this Chamber, Republicans are having theirs separate from us at the same time. Many times, we hear people call in from the outside who are in public relations, PR men and women and pollsters, who spend an inordinate amount of time telling us how we can take actions that will show how the other side is wrong and we are right. Right across the hall, the Republicans are hearing some of the same type of public relation firms arguing to them how they can posture themselves to be able to blame the Democrats for failure.

Back in the old days, we used to do all this together. People would stand up and give their position, and the other side would give theirs and find out we are trying to accomplish the same thing, coming at it from slightly different venues and in a slightly different direction. I always feel that if you only listen to yourself, you are only going to hear an echo and you are never going to disagree. That is why it is so important to hear the other side, listen to what the other side has to say, understand what they say. You don't have to agree with them, but I think you are a better person if you understand and your position becomes stronger if you know what the other side is going to argue. It makes your position better and stronger.

But you also must realize that neither party has a monopoly on the truth. Both sides have good ideas. The real answer to this body and the House, and for democracies everywhere, is trying to take the best of what both sides can offer and blend them in a package that simply makes Government work for all of us. People back home are not so much concerned about who wins and loses as they are about whether we are getting the job done. Congress does not have to be like a Super Bowl. In the Super Bowl, you have to have one team that is going to win and one that will lose. If there is a tie, they have a play-off and go into overtime until one team wins and one team loses. There is nothing wrong with the Congress trying to find ways to reach agreement and blending the best from both sides and coming up with something so that ev-

erybody wins. Then we can argue and fight over which team won. That way, I can go back to Louisiana and tell them look what I did, and somebody from Texas or Illinois can go back to their State and say look what I did. And that is fine, because we can argue about success and not debate over failure and whose fault it was. The American people would be better served if the debate here could be a debate about how we accomplish something as opposed to why we didn't get anything done.

I leave with a great deal of appreciation for everybody who helped me, including my staff, many of whom are in the gallery. They helped me every day over and above the call of duty. I also thank the people on the floor with me, including Diana Bostic and so many of the friends we have worked with, like Lula, who was with Senator Long before, and all of the other people. This has been a joint venture, to say the least. I leave with a great deal of optimism.

I am not leaving because I am unhappy or because I am mad. I have enjoyed every single minute of it. I have to admit that some minutes I have enjoyed more than others, but by and large it has been a great and wonderful experience. I give nothing but the very best to my colleagues and wish them nothing but the very best in the future.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Illinois.

TRIBUTES TO RETIRING SENATORS

JOHN BREAUX

Mr. DURBIN. Mr. President, I am fortunate enough to have been here to hear my colleague from Louisiana give his farewell speech. It was my good fortune to have served with him both in the House and in the Senate. He is one of the favorites of both sides of the aisle. It is an amazing tribute to JOHN and his political career that he does have so many friends in the Senate. From the liberal wing to the conservative wing, Republicans, Democrats, North, South, East and West, you like JOHN BREAUX. You like him because he is a genuine person and also because he comes from a State that is a lot of fun and he is a lot of fun. Some of my best memories of JOHN are his hard work here and then his hard play at home.

When he would invite us to New Orleans for a Democratic leadership conference and other meetings and show us his major city in his home State, it was always a treat.

Then occasionally he would export a little bit of Louisiana to Washington and to the site of the Democratic Convention, and it was always a sellout event. People wanted to be there. JOHN never let them down. I saw him at the Los Angeles Convention where he gave a little party—and I use that term advisedly. It was not little at all, it was a big party. He was dressed in a cos-

tume for Mardi Gras that would have put Elvis Presley to shame. It was an amazing array of gold and sequins, the likes of which I have never seen. He looked so much at home in that outfit.

I said to him: How do the people back in Louisiana take to that kind of dress?

He said: You know, they would throw me out of office if I didn't do these things. They expect that of me.

I also went down to New Orleans with him and saw him in a musical performance with a zydeco band. He has musical talent most people don't know about.

I tell you these things because people who follow the Senate, hear the speeches, look at positions on issues and look at the party labels, forget that behind each and every one of us is a real life story.

I love the story of your family coming to Washington, JOHN. It is a beautiful story of packing up the kids and your first impression. Every one of us has that story to tell. There are new Senators coming and saving up those stories in their own minds for the day they stand behind that desk to say what it means to be one of the few Americans given a chance to serve in this great Chamber.

We are going to miss JOHN BREAUX and all that he brought to the Senate and all he brought to this Nation. He has been a problem solver. He has tried to reach across the aisle over and over to create bipartisan coalitions. Sometimes I was with him; sometimes I was not. It did not make any difference because it was a good-faith effort on JOHN BREAUX's part to serve his State and this Nation.

He has had a great career in the House and the Senate. His departure will leave a gap in terms of quality that many of us will work hard to fill. JOHN, I am honored I could serve with you and that I could hear your parting remarks this evening. I wish you and your family the very best.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

FRITZ HOLLINGS

Mr. SHELBY. Mr. President, I would like to take a few minutes to talk about our departing colleagues. I am going to start with the senior Senator from South Carolina, the senior Senator after many years of waiting in the wings, and that is Senator FRITZ HOLLINGS.

I first got to know FRITZ HOLLINGS after I came to the Senate in 1986. My wife Annette and I have worked with FRITZ and his wife Peatsy. We have traveled around the United States with them. We have been with them in their home. We visited them in Charleston. We traveled around the world with them.

He is a unique individual, to say the least, but he has had, as the Presiding Officer knows, a distinguished career as a State Senator in his native South Carolina and then lieutenant governor

and Governor of his State before he came to the Senate I believe in 1966.

He has had a distinguished career as chairman of the Commerce Committee for many years and as a senior member of the Appropriations Committee and chairman for many years, and ranking member now, of the Appropriations subcommittee dealing with State-Justice.

FRITZ, we are going to miss you. We are going to miss your humor. We are going to miss your frankness. We are going to miss your wisdom. And we are going to miss your wife Peatsy about whom we all care and love. You have invited a lot of us to visit you in Charleston. I hope you add some more rooms to that house there because a lot of us will be coming to see you. You have been a great American.

In addition to public service to his State and to the Nation, FRITZ HOLLINGS was a young graduate of the Citadel in his hometown of Charleston before the Second World War, and he served with distinction as an officer in Europe for a long time through many battles.

I respect you, FRITZ. I commend you for your service, and I look forward to visiting you both here and in Charleston in the years to come.

DON NICKLES

One of my other colleagues we all care about and work with is DON NICKLES of Oklahoma. He came here as a very young man in 1980. He has been here 24 years. He was the whip, assistant majority leader. He was right here on this floor. He spent many days, many hours trying to herd us together as one of our leaders. He is now at the moment the chairman of the Budget Committee, and that is a feat in itself. He is a senior member of the Finance Committee.

We wish you had stayed around, but you chose to leave the Senate on your own volition. DON, we will see you, we will miss you, and I commend you for your service to the Nation and to your great State of Oklahoma.

JOHN BREAU

JOHN BREAU was just on the floor a few minutes ago. I first met JOHN BREAU when I came to the House of Representatives in 1978. He had preceded me, although he is a little younger. He was a young man in the House of Representatives. He was very involved and was one of the first people I met there.

He tried to work with both sides, the Democrats and Republicans. He has been involved in the forging of a lot of compromises—meaningful ones—over the years. He has represented his State of Louisiana both as a Congressman and as a Senator well, I believe, for many years. JOHN, we wish you and your wife Lois the best. We know you are not going to go very far, but you have a lot of friends in the Senate on both sides of the aisle, and you know that.

TOM DASCHLE

TOM DASCHLE will be leaving us. He served this Nation well. He served in

the U.S. Air Force as an intelligence officer. He served as a staffer, and then he was in my class in 1978 as a member of the House of Representatives. That is where I first met TOM and worked with him and respected him. Sometimes we would be on other sides of the issues, but nevertheless, I always thought in his dealings with me and others he was a very honorable, decent person.

He is a relatively young man. He served us well, I thought, as majority leader. He was always fair and up front with us. He will go on to good things, I am sure. I wish TOM and his wife Linda the best.

BOB GRAHAM

Senator BOB GRAHAM is a friend of mine, a Democrat, a former Governor of Florida for two terms. He came to the Senate in 1986 when I did. We worked together on many committees, but we worked closely together on the committee you serve on today, Mr. President, and that is the Intelligence Committee.

I was the chairman of the committee and then he became the chairman when the Democrats got control of the Senate, and I was the vice chairman. I found BOB GRAHAM to be working day in and day out, to be a very upfront man, a very honorable man, a man of his word. I certainly wish him well in whatever he does in the future.

BEN NIGHTHORSE CAMPBELL

My friend Senator CAMPBELL, BEN NIGHTHORSE CAMPBELL, you talk about somebody unique. He is a unique American. He is a Native American. He is proud of who he is. He has represented the State of Colorado, both in the House of Representatives and in the Senate, very well. I wish him the very best. He will certainly not go away in the future.

ZELL MILLER

Senator ZELL MILLER, the colleague of the Presiding Officer, is a distinguished Senator from Georgia. He served as Lieutenant Governor of Georgia, I believe, State senator, and then Governor of Georgia for at least two terms. He came to the Senate and distinguished himself. He is someone for whom I have a lot of respect, for his integrity, for his forthrightness, for his grit, for his perseverance, and also his foresight.

ZELL, we will miss you in the Senate. But we will see a lot of you. I hope to visit you in north Georgia. You tell me what a beautiful place it is, and it is not too far from my State of Alabama, so I hope you have a room for us there. We will come see you, especially when the apples are ready to pick and you are ready to show us around.

JOHN EDWARDS

We have also Senator EDWARDS from North Carolina. I first met JOHN EDWARDS 6 years ago when he came to the Senate. He is a very accomplished lawyer, a very engaging person. He was the Democratic nominee, as we all know, for Vice President of the United States.

JOHN EDWARDS is a young man, a man with a lot of talent, and I am sure we will hear from him in some respect, political or otherwise, in the future as life goes on.

PETER FITZGERALD

Senator PETER FITZGERALD from Illinois is a very young man, one of the youngest men to come to the Senate. He chose to serve only one term. I think he has been involved in some of the big issues of the day. He is a man of integrity. He is a man who wants to do the right thing. He is always going to be involved in the issues of the day, as he has been.

PETER, we wish you and your family the best as you go back into the private sector where you have excelled and done things so well and for so long.

We are going to miss all these Senators, on both sides of the aisle, because collectively they bring a lot of experience and a lot of wisdom to the Senate. They have served, as I said, with distinction and honor here.

TOM DASCHLE

Mr. CONRAD. Mr. President, I want to take some time today to pay tribute to one of my closest and best friends in the U.S. Senate, our Democratic leader, TOM DASCHLE.

It is hard to put into words how much I will miss Senator DASCHLE when he leaves the Senate at the end of this session. Senator DASCHLE and I were both first elected to the Senate in 1986. He immediately became a friend, and that friendship has only grown stronger over the years. Senator DASCHLE had already served South Dakota in the House of Representatives for many years when he came to the Senate, so he was able to help show me the ropes when I first arrived in Washington in 1987. His advice and counsel were given freely. But what really drew me to TOM were his genuine delight in seeing and greeting friends, staff and colleagues; his selfless passion for serving the people of South Dakota; and, above all his wonderful, self-effacing sense of humor. Put simply, Senator DASCHLE was able to take on issues very seriously without taking himself too seriously.

Over the years, we have served together on the Agriculture, Finance and Indian Affairs Committees. We have fought side-by-side in numerous battles to serve the interests of the people of the Dakotas.

On the Agriculture Committee, Senator DASCHLE was a tireless advocate for the interests of the northern plains producers we both represent. We fought together for targeted farm assistance to ensure that scarce Federal dollars for commodity programs would most benefit average size family farms. We fought together against concentration in the agriculture industry. We fought together against unfairly traded imports of Canadian grain. We fought for disaster aid time and time again. And we joined to make sure a new farm bill was enacted in 2002.

It is safe to say that without the active leadership and support of Senator

DASCHLE, we would not have had a new farm bill in 2002. And if we had not written the bill in 2002, I firmly believe that mounting budget pressures would have made it virtually impossible to write good legislation in 2003 or 2004. So family farmers all across this country, many of whom might not ever have heard of TOM DASCHLE, have lost a champion.

On the Finance Committee, Senator DASCHLE fought passionately for better health care for all Americans. We fought together to strengthen the Medicare program and improve payment rates for rural health care providers. We fought to preserve the Medicaid program, which provides a health care safety net for the most vulnerable among us. We fought to create the State Children's Health Insurance Program, which expanded health coverage for children who otherwise would have no insurance. And Senator DASCHLE again and again took the lead on trying to reform our health care system to make health care affordable and accessible. So average workers all across the country who worry about losing their health coverage or skyrocketing health costs have lost a champion.

And Senator DASCHLE took a special interest in working on behalf of Native Americans. He has fought to bring attention to the terrible epidemic of Fetal Alcohol Syndrome among Native Americans. And he has led the fight to secure increased resources for the Indian Health Service to help end the health care rationing that occurs on too many reservations. He also has been a strong proponent of the tribal colleges. His efforts have helped put a college education within reach of many Native Americans who might not otherwise get the opportunity. Finally, Senator DASCHLE stood up and gave a voice to the thousands and thousands of individual Indians seeking a full accounting of their trust assets and fought to make sure that the Federal Government fulfilled its trust obligation. So Native Americans all across the country have lost a champion.

As Democratic leader, he continued to work on all these issues. And because he was leader, he delivered real results for real people, time and again. That was especially the case when it came to causes important to South Dakota. Senator DASCHLE tirelessly used his clout to ensure that South Dakota's interests were protected.

But Senator DASCHLE's role as a Senator and as a leader cannot be summed up in a simple listing of the causes and issues he championed, often without fanfare or great recognition. The job of leader has often been compared to herding cats. It is not easy, but Senator DASCHLE did an outstanding job. Senator DASCHLE was a strong leader—and a great Senator—because he didn't just listen to people, he heard their concerns. He didn't just propose compromises, he built consensus. It took enormous patience, great flexibility, strong persuasive skills—and a liberal

dose of good humor and humbleness. It also meant that much of what Senator DASCHLE accomplished was done quietly behind the scenes. Too often, he did not get the public credit he deserved for the painstaking hours he spent building consensus and moving issues forward to benefit the American people. Instead, he quietly stepped back and let others take credit.

You cannot be successful as a Senator, and especially as a leader, if other Senators cannot trust you. Senator DASCHLE may at times have left our colleagues on the other side of the aisle frustrated by his mastery of Senate rules and political tactics. But they always knew he was someone they could deal with in good faith. They always knew they could trust his word. And they always knew he would work hard to achieve the result he had committed to.

At the end of the day, that is the ultimate measure of Senator DASCHLE's values—the values he and I learned growing up in the Dakotas. He was honest, fair and hard working. He gave credit to others. And he genuinely respected his colleagues and enjoyed their company. South Dakota, the Senate, and the Nation are losing a true champion, in every sense of the word.

As Senator DASCHLE goes on to other things, my wife Lucy and I wish all the best to TOM and his wife, Linda.

BOB GRAHAM

Mr. President, as the 108th Congress draws to a close, the Senate will lose one of its most distinguished and accomplished members, Senator BOB GRAHAM. Few Senators have had such an outstanding career in public service. BOB GRAHAM served as a Florida State legislator between 1967 and 1978; as Governor between 1978 and 1982; and as U.S. Senator from 1987 to 2004. I am honored that Senator GRAHAM and I were in the same class following our elections to the Senate in 1986.

Throughout his years in public service, Senator GRAHAM has taken a leadership role in protecting our environment, advocating on behalf of seniors and children for adequate health care, working to make certain that our children achieve their highest potential in schools, and making certain that our country lives up to its obligations to veterans and active duty military personnel.

Early in his career as Governor of Florida, Senator GRAHAM launched one of our Nation's most significant efforts to protect the environment through the Save Our Everglades Program. In 2000, Senator GRAHAM achieved his goal of restoring the Florida Everglades through an unprecedented partnership among Federal, State, and local officials along with private industries. This initiative was a significant step to ensure protection of a critical wetland environment, the Florida water supply and endangered species. Senator GRAHAM's efforts were key to preservation of one of America's most important and environmentally sensitive natural treasures.

Throughout his career in public service, Senator GRAHAM has also taken a leadership role on behalf of public education. Long before the enactment of the No Child Left Behind Act, Senator GRAHAM worked to improve Florida public schools by making certain that children have the highest quality public education system. He advocated on behalf of rigid student testing for competency in academic courses, worked to reduce class size, to improve the learning environment through new school construction and to provide more opportunities for higher education assistance for college students.

Through our years together in the Senate, I was privileged to work with Senator GRAHAM closely on health care and Social Security issues. As a colleague for 10 years on the Senate Finance Committee, I noted, with admiration, his concern for the health care needs for the elderly, especially the need to strengthen Medicare and provide a prescription drug benefit for the elderly. Senator GRAHAM authored Medicare reform legislation to provide a prescription drug benefit and other preventative health care benefits. His Medicare Prescription Drug, Improvement and Modernization Act of 2003 was cosponsored by one third of the Senate.

When it came to Social Security and Medicare, Senator GRAHAM took a long view. He missed no opportunity to urge all of us to make a priority of ensuring the long-term solvency of these two crucial programs. His concern was not just the current needs of his Florida constituents, but the importance of these programs for the income and health security of generations to come.

Last, Senator GRAHAM assumed a leadership role on behalf of our Nation's veterans and active duty military personnel in his capacity as Ranking Member of the Senate Committee on Veterans' Affairs. While he focused considerable attention to the needs of our aging veterans population, working tirelessly to increase funding for VA medical care, he has also been sensitive to the needs of veterans living in rural America. Senator GRAHAM supported my efforts to improve access to VA medical care for rural veterans and to improve the quality of care for veterans at the Fargo VA Medical Center and through the expansion of outpatient clinics in rural communities. For this understanding and support for rural veterans, North Dakotans will be forever grateful.

There are many achievements by Senator GRAHAM that I could cite throughout his career in public service. The few accomplishments that I have noted demonstrate remarkable dedication to our country—dedication to improving the lives of our children, the elderly and our veterans. Senator GRAHAM represents the finest example of a dedicated and compassionate public servant. I hope that Senator GRAHAM's career will inspire young Floridians and other young people

across our Nation to service for our country. I have been privileged to serve with Senator GRAHAM and thank him for his distinguished service to our country.

TOM DASCHLE

Mr. FRIST. Mr. President, I would like to say a few words about the man from which I have stood across this aisle the past 2 years—TOM DASCHLE.

TOM, as we all know, is a good and decent man. He has a big heart for the people of South Dakota, for every Member of this body, and for all of the American people.

He has devoted his life to public service—from serving as an intelligence officer in the Air Force to serving four terms in the House to serving three terms in the United States Senate.

That is seven times TOM DASCHLE has been reelected statewide in South Dakota.

TOM has been such a successful leader, because he has always put others first. This selflessness, this sacrifice is the quality that I admire most about TOM.

Every year TOM returned to South Dakota for an “unscheduled driving” tour. He would travel without staff or a schedule—going wherever the road and the people of South Dakota would take him.

This driving tour helped him travel to each of South Dakota’s 66 counties—which he did every year.

But, most importantly, it was his way of staying in touch with the people who sent him time and time again to Washington to represent them.

TOM has served as the Democratic Leader for 10 years now. And those have been no easy 10 years for the Senate or for America.

The Senate itself has switched hands and back again. And we have helped lead the Nation through wars and recession and the horrific September 11th attacks.

But throughout this Congress and throughout his career, TOM DASCHLE has handled his job with grace and dignity. And I have always seen in him a gentle, yet stirring passion.

I wish TOM and Linda and their family all the best in the many years to come.

JOHN EDWARDS

Mr. President, JOHN EDWARDS came to the Senate just 6 years ago. Yet he has won us all over as friends for his sunny disposition, his positive attitude, his intelligence, and his hard work.

JOHN can make anyone smile. He forms a personal bond with nearly everyone he meets. No doubt this quality comes from the fact that he always remembers his roots.

The first member of his family to go to college, JOHN grew up the son of two textile workers, moving from town to town.

This upbringing shaped JOHN EDWARDS. It instilled in him a burning desire to improve the world and a strong commitment to populist values.

He became a lawyer. And with ardent trial advocacy, hard work, and genuine concern for others, he scored astounding success.

A terrible tragedy—the death of a child—marked a deciding point in his life. He did not let it destroy him. Never forgetting the terrible pain, JOHN turned tragedy into triumph.

He set out to change America for the better. A political unknown, he faced long odds, but he overcame them.

In the halls of the Senate, JOHN has won new laws to protect patients, increased funding for public schools, and improvements to our banking system.

He and Elizabeth, Catherine, Emma Claire, and Jack have been delightful additions to our Senate family.

And our prayers are with them as they strive to overcome the difficulty of Elizabeth’s recent diagnosis of breast cancer.

JOHN EDWARDS has already played a vital role in American public life. And whatever he chooses to do next, we wish him and Elizabeth and their entire family all the best for a bright future.

DON NICKLES

Mr. President, Senators follow many different paths on their way to this Chamber. Some come from the professions, others from a life in public service.

Few have lived the American dream the way DON NICKLES has.

At age 20, DON NICKLES was paying his way at Oklahoma State University, living in a trailer home, working as a janitor, and raising his growing family.

A few years later, he returned to his hometown. There he pulled his family business from the verge of bankruptcy. Pretty soon his neighbors elected him to the Oklahoma Senate.

Then, in 1980, at the age of 31, when few expected it, he became a U.S. Senator.

DON did not let his early success go to his head. He worked hard to keep our country a place where men and women can dream big and live those dreams.

In the Senate, he has been a friend to taxpayers, an opponent of overbearing regulation, a voice for traditional values, and an ardent advocate for Oklahoma.

DON NICKLES has worked to keep America a land of opportunity—a place where everyone has a valued place and nobody lacks the opportunities to succeed.

Through all of his hard work, through all of his toil, he has always put family first. He and Linda have been married for 36 years. And they have raised four wonderful children.

In DON’s favorite Bible chapter, Galatians 5, the Apostle Paul lists a godly man’s attributes. A godly man, says Paul, work hard and live a life of “love, joy and peace . . . kindness, goodness, faithfulness.”

I could not think of a better description of DON NICKLES. He has had an amazing career—and I take comfort in that he is just hitting his stride.

We all wish DON and his family the best in what will certainly be a bright future.

FRITZ HOLLINGS

Mr. President, FRITZ HOLLINGS is a passionate advocate for the people of South Carolina, a true statesman, and a fine gentleman. He is one of the most senior members of our body and, to all of us, he is a friend, a mentor and a guide. He has devoted his life to public service.

FRITZ HOLLINGS has always shown courage, conviction, and an ability to get things done. His work has touched every corner of our country and every American’s life.

FRITZ helped our Nation confront its spiraling budget deficits, maintain a strong posture against the Soviet Union, integrate our schools, and create the WIC program. His work has helped protect our coastal ecology, preserve our oceans, and defend our transportation networks from terrorists attack. And, when a family eats dinner without interruption, free from never-ending telemarketing calls, well, we can all thank FRITZ for that too.

On trade, on spending, on taxes, on military issues, and on Senate pay, he has never been afraid to speak his mind, even when his own party, or sometimes even most of the Senate, disagrees with him. In the end, he has always been a winner thanks to his grace and honor. A summary of FRITZ’ legislative achievements reads an astounding eight single-spaced pages. He’s always campaigned on the creed that: “Performance is better than promise.” And he has lived up to it.

We’ll all miss FRITZ: His friendship, his principles, and his willingness to tell it like it is. We wish FRITZ and Peatsy all the best and want them to know that they will always have a home, a family and a place in the history of the United States Senate.

BEN NIGHTHORSE CAMPBELL

Mr. President, BEN NIGHTHORSE CAMPBELL is a man of many talents. He is an Indian chief, a Korean war veteran, a champion quarter horse trainer, an Olympic judo competitor, a rancher, and a jewelry designer.

After his service in the military and a series of athletic victories, BEN settled down to run his ranch and design jewelry. But, by pure accident, politics entered his life. Colorado, the Senate, and America would never be the same.

In 1982, BEN attended a meeting to support a friend’s bid for Sheriff. He made a stunning impression and walked away drafted as a candidate for the Colorado State legislature. BEN served the people of Colorado there and in the House of Representatives. And 12 years ago, they elected him to the Senate.

More than 20 years after that fateful evening, BEN has left an indelible mark on the Senate. He has taken the lead on critical agricultural issues, fought excessive spending, argued for a balanced budget, and sponsored Federal drought relief for farmers. From drug

policy to natural resources conservation, he has advocated for Colorado interests, and he has brought home what the people of his State elected him to do. He has also sponsored or co-sponsored 54 Indian-related bills that became law. And he is the first American Indian ever to chair the Senate Indian Affairs committee. Without him, the spectacular Museum of the American Indian that graces our National Mall would not have become a reality.

BEN is as leader who stands firm by his beliefs and works hard for the people of Colorado and Americans everywhere. We wish him and his wife, Linda, all the best for the future.

JOHN BREAUX

Mr. President, the people of Louisiana first sent JOHN BREAUX to serve in this Capitol in 1972. He was only 28 years old. For the next 32 years, he would serve as one of the most respected and admired public servants—from both sides of the aisle—anywhere in American government.

JOHN BREAUX has been a superb United States Senator. He is not inextricably wedded to one ideology or one party's line. He is thoughtful. He is independent. He is deliberative. He is experienced. He always wants to do the right thing for Louisiana and for America.

What I admire most about John is his consensus-building skills. He never gives up on bringing people together. In fact, he has helped bring this body together on landmark pieces of legislation over the past two decades—from welfare reform to health insurance reform to balancing the budget.

I have enjoyed working with JOHN to reform Medicare. We proposed the first Breaux-Frist reforms in 1999. And we followed up with Breaux-Frist II in 2001. And we toiled together on the Bipartisan Commission on the Future of Medicare, which JOHN so ably chaired. Breaux-Frist laid the foundation for bipartisan work to come and, ultimately, the most comprehensive and meaningful improvements to Medicare since the program's creation.

JOHN's departure is bittersweet for me—as I am sure it is for every member of this body. We will miss him as a leader we all love and all can work with. But he still has many of his best years ahead—which he will no doubt enjoy spending with Lois and their wonderful and growing family.

PETER FITZGERALD

Mr. President, PETER FITZGERALD has devoted his life to public service.

He first ran for office before the ink on his law degree had dried. And, in the last 6 years, we have come to know Peter as a man of integrity, as a man of honor, and as a friend.

In the Illinois Senate, he was a staunch opponent of corruption. He often had to go it alone. But he still got results.

He continued his mission in the United States Senate—where he arrived in 1998 as our youngest member.

In only 6 years, he has made his mark. He helped uncover the dev-

astating corporate fraud and accounting scandals. And he helped us pass tough new regulations to prevent them from reoccurring.

He has been an ardent advocate for Illinois farmers and businesses, always working to make sure that markets are open and barriers are low.

Whether working to appoint honest federal prosecutors or taking a hard look at major federally-supported projects, he has always stood for doing the right thing.

PETER has made sure that we have tax relief that helps families and creates new jobs. And he has helped protect our children with tough new child safety seat laws.

Our Senate family will miss PETER, Nina, and Jake. They have each enriched our lives, their State, this Senate, and our country. And we wish them all the best in the future.

BOB GRAHAM

Mr. President, during his first campaign for the United States Senate in 1986, *People Magazine* compared BOB GRAHAM's mind to a Florida thunderstorm; resolute and impossible to deflect.

But as a member of this body for 18 years, BOB GRAHAM has shown that while he may have the energy of a lightning storm, his works are guided with far greater purpose and direction.

In 40 years, BOB has never lost a statewide election. He is one of Florida's most beloved politicians. And that is for good reason.

Always looking for ways to connect with his constituents, Senator GRAHAM uses his "workdays" to toil alongside everyday Floridians to understand the problems they face.

A true American patriot, he has consistently put country before party.

On the Senate Intelligence Committee he has helped us tackle the monumental task of overhauling America's intelligence agencies. We will all miss his knowledge, his expertise, and his ability to clarify difficult issues.

BOB and his wife, Adele, have been treasured members of the Senate family—as much for who they are as for what they have done. For a couple who has accomplished so much in their lives together, that's saying something.

I want to thank Senator GRAHAM for his valued contributions to our body and to our country. And we wish him and Adele the best in all their future endeavors.

ZELL MILLER

Mr. President, ZELL MILLER commands a certain respect. He has guts. He has integrity. He speaks simple truths. He is as good and honest a man as I know.

ZELL is the type of leader that takes a stand and doesn't yield an inch of ground—no matter how hard the political winds blow.

America saw this first-hand with his unwavering support of President Bush in the most recent election.

At the Republican Convention, ZELL described the President perhaps better

than anyone in our own party. He said the President is: "a God-fearing man with a good heart and a spine of tempered steel."

Those same words also describe Senator MILLER.

As a former Marine, ZELL has never wavered in his support of the men and women in uniform who defend our liberty—or the values he shares with them. And he has worked hard and steadfast to end the unprecedented filibuster of judicial nominees.

More than anything, ZELL loves his wonderful wife, Shirley, and their family. Of course, by family, I also include Gus and Woodrow, his two Labrador Retrievers.

ZELL will always be a touchstone of good ole' common sense for this body. He will forever remind us that all we need to do is what is right—nothing more, nothing less.

ZELL MILLER is one of the most colorful Senators ever to grace the halls of this Capitol. And he and Shirley have been two of the most valued members of the Senate family.

We will miss them both, sorely, as a special part of our daily lives.

I yield the floor.

I suggest the absence of a quorum.

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

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

Mr. FEINGOLD. Mr. President, are we in morning business?

The PRESIDING OFFICER. Yes, we are.

Mr. FEINGOLD. Mr. President, on Tuesday the President announced the nomination of National Security Adviser Condoleezza Rice to be the next U.S. Secretary of State.

I admire Dr. Rice's obvious intellectual gifts and her communication skills. I also believe that the President has the right to appoint Cabinet officers who reflect his ideology and his perspective. Barring serious concerns about a nominee's qualifications or ethical record, and in keeping with Senate practices and precedents, my inclination is to give the President substantial deference in his Cabinet choices.

But I am deeply troubled by the signal that this nomination appears to send—a signal suggesting that the modest moderating influence of the State Department over the last 4 years will disappear, and that the next 4 years will be guided even more closely by the voices that shouted loudest in the first term, and that led our country into seriously flawed foreign policies. Our country cannot afford to continue down the foreign policy path that was forged during the first term of the Bush administration.

Over the past 4 years, we have witnessed the greatest loss of a very valuable type of American power in our history: our power to lead, to persuade and to inspire. As Joseph Nye has pointed out, this power will not convert the extremists who oppose us no

matter what. Those people must be eliminated, pure, and simple. But it can thwart their plans, by denying them new recruits, undermining their appeal and their message, and unifying, rather than dividing, Americans and the rest of the international community. Rather than bolstering this asset, which has helped to make us the most powerful country on earth, we have squandered it.

In March, the Pew Research Center found that one year after the start of the war in Iraq, "discontent with America and its policies has intensified rather than diminished" across the world. Majorities in Pakistan, Jordan, Morocco and Turkey believe that the U.S. is exaggerating the terrorist threat, doubt the sincerity of the U.S. war on terrorism and say that it is an effort to control Mideast oil and dominate the world. The Center found that:

At least half the people in countries other than the U.S. say as a result of the war in Iraq they have less confidence that the United States is trustworthy. Similarly, majorities in all of these countries say they have less confidence that the U.S. wants to promote democracy globally.

Our motives are questioned, our public justifications and explanations viewed with skepticism, and our post-9/11 public diplomacy efforts have missed the mark, substituting pop music broadcasts, brochures and videos for the kind of respectful dialogue and engagement that could convince generations of angry young people that their humiliation is not our goal.

We have had over 3 years since September 11, 2001, to think strategically about how to win the fight against terrorism. But we have little to show for this time.

We have relied upon a doctrine that fails to recognize that our enemies do not rely on explicit state sponsorship of terrorism. By focusing almost entirely on possible state sponsors of terror, the administration failed to realize that our terrorist enemies operate effectively in weak and failing states and without the backing of national governments. This is a new enemy waging a new war against us, but the administration appears still to be stuck in an old cold war mindset.

We have muddled our language and our focus by conflating other priorities with the fight against terrorism, costing us credibility around the world and shattering the unified and resolved global coalition that emerged to support us in the aftermath of 9/11. By choosing to fight the war in Iraq in such a divisive and astronomically expensive fashion, we have diverted resources away from the fight against the terrorist networks that seek to destroy us and undermined our ability to win the hearts and minds of many whose support we will need to succeed in the long run.

We have recognized the dangers of nuclear proliferation in an age of terrorism, but have then pursued policies that may well create incentives for

states to develop nuclear weapons as quickly as possible.

We have developed essentially no measures of success or failure when it comes to one of our most urgent priorities, as the 9/11 Commission underscored—preventing the continued growth of Islamist terrorism. In fact, we do not even know where we stand today in this vital struggle.

We have not given any serious thought to how to avoid the mistakes of the cold war, when we gave a free pass to forces of repression and brutality, as long as they did not come with a Communist bent. Those mistakes, as we all know, helped to make Afghanistan the brutally repressive terrorist haven that it was on 9/11.

We have not made an adequate investment in bolstering our diplomatic resources and engagement around the world. From Northern Nigeria to Eastern Kenya, we have virtually no presence. In Somalia, despite knowing that al-Qaida-linked terrorists have operated in the country, we simply failed to develop any policy at all.

While the administration's policy was failing on all of these fronts, the President's team was devoting its time and attention to selling the world and the American people a war in Iraq with fundamentally flawed intelligence, manipulative and misleading characterizations, and rosy predictions that provided horribly, dangerously off-the-mark. The administration's Iraq policies in the first term painted a picture of an American government that isn't so sure it rejects torture; that isn't competent and careful enough to properly vet intelligence presented in major speeches and briefings; that willfully rejects the lessons of history and advice of its own experts; that is surprised when disorder results in massive looting; that misleads taxpayers regarding the costs and commitments entailed in its policies; that spends billions upon billions without any effort to budget for these predictable costs; and that is willing to politicize issues fundamental to our national security in the ugliest possible way.

We deserve better. Certainly the brave men and women of the U.S. military who are fighting every day to make this effort in Iraq work deserve better. We do not honor them by accepting lousy, irresponsible policy in the halls and hearing rooms of the Capitol and then leaving them holding the bag on the ground, when policy collides with the hard truth.

The administration's record of the past 4 years suggests a foreign policy careening out of control, driven by ideologies who want to test their theories in the laboratory of the Middle East one minute, by domestic political considerations the next, and by spiteful attempts to punish those who disagree with their methods the next. Where is this going? Who is in charge? No one ever seems to be held accountable for the blunders, the failures, the wildly inaccurate presentations and projec-

tions or the painfully ineffective initiatives.

Congress cannot simply accept more of the same, keep our heads down and hope that somehow we will muddle through. The stakes are far too high. Our national security, the stability of the world that our children will inherit, our troops—even our country's honor—are on the line. Congress has an obligation, not to oppose every administration effort, but to reassert our role in steering the ship of state wisely rather than recklessly. I look at our foreign policy over the past 4 years, and I know that America is so much better than this.

I look forward to the opportunity to raise these concerns with Dr. Rice when she testifies before the Foreign Relations Committee, and to receiving some assurance that she will work with Congress to put our country's foreign policy on a better, more effective footing.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

IN MEMORY OF KOMNINOS "GUS" KARELLAS

Mr. TALENT. Mr. President, I rise today with a heavy heart, to mourn the loss of Komninos "Gus" Karellas, who was known and loved by so many in the community of Mexico, MO. Though cut tragically short, his was a life surrounded by a strong family and a strong community, and he was a great example of an immigrant who came to America and took advantage of every opportunity this country gave him.

Gus was a native of Greece, and he ran away from home as a teenager with only a few cents to his name. He emigrated to American in 1965 via Oakland, CA, and even though he did not speak English very well then, he managed to succeed against all odds. He ended up in Iowa working at a pizza restaurant, where he met Jimmy and Angelo Aslanidis, who became his good friends. They ended up moving together to Columbia, MO, where Gus worked at the University of Missouri for a short time before the three of them helped start the G&D Steakhouse.

In 1971, Gus Karellas and his wife Mary moved away to help manage a new G&D Steakhouse in Mexico, MO. Gus bought the restaurant one year later and spent nearly every single day there, becoming a familiar fixture to the residents of Mexico for the next three decades. His popularity with people led some of his family to give him the affectionate nickname of "Governor Gus."

Guy instilled his strong work ethic in his family, and friends say nothing made him prouder than his children Michael, Nick, Joanna, and Andy, who is an aide in my office. I have come to know Andy very well in the two years he has worked for me, and he is an accomplished young man with an immense sense of pride and gratitude for his family.

Gus was robbed and murdered as he was leaving his restaurant several days ago. Since then, hundreds of people—friends and family, regulars of the restaurant, or even those who just casually knew Gus Karellas—have visited the restaurant, creating a makeshift memorial of flowers, candles, and cards to the man they came to know and love.

Gus Karellas was a loving husband and dedicated father, a good neighbor and good friend to many. He will be missed by all who loved him. May he rest in peace and may God comfort his family and friends in their grief at his loss.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. TALENT). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CHAMBLISS. I ask unanimous consent that the order for the quorum call be rescinded.

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

TRIBUTES TO RETIRING SENATORS

DON NICKLES

Mr. CHAMBLISS. Mr. President, I rise tonight to make a quick comment about a dear friend. The greatest thing about serving in the House of Representatives and the Senate is meeting the colleagues we have the opportunity to serve with on both sides of the aisle. As a Member of the House of Representatives, I had the opportunity to get to know a number of the Members of the Senate, one of whom is retiring at the end of this session.

DON NICKLES was elected to the Senate when he was too young to serve in the Senate. He actually had a few months after his election before he was old enough, but he was old enough before he was sworn in. That was back in 1980. He has now served with great distinction in this body for 24 years. He leaves with a record that not many Senators are able to claim after serving in this Senate for whatever period of time they may be here.

DON NICKLES has been a leader in the Republican Party, but most significantly he has been a leader in the Senate. He is a man who has provided strong leadership on any number of issues, whether they are fiscal issues as chairman of the Budget Committee and a longtime member of the Budget Committee, which is where I first got to know him in our conferences between the House and the Senate, or whether

it is on energy or social issues, DON NICKLES possesses all the assets that America holds dear.

He is a strong family man. He is a hard-working individual. He is a man of faith. He is a man who when he looks you in the eye and tells you something, you can go to the bank with it.

I am going to miss DON NICKLES. I will miss his quick wit. I am going to miss his being able to stand up in the Senate and quickly take on anybody on either side of the aisle with respect to whatever the issue may be or whatever the rule may be that applies to the issue that comes up.

I marveled at his ability to, off the top of his head, take on folks on the other side of the aisle relative to a particular issue and to point out issue by issue and point by point what must be done. That is a unique capability and something that must be studied and learned.

My predecessor, one of the folks who held my seat many years before I got here, was the master of that. That is Richard Russell. DON NICKLES knows the rules just as well as Richard Russell did.

I will miss DON in a number of respects off of this Senate floor. He is a close personal friend. He and his wife Linda are dear friends of Julianne and me. I will have to find somebody else to get money off of on the golf course because I have known DON so long now that I have come to spend the money before I play golf.

He is a terrific guy both in the Senate as well as outside the Senate. He is a man of great integrity. He is the kind of Senator who every citizen of Oklahoma should and has been proud of for his 24 years of service to the Senate.

I went back to his hometown a couple of months ago, his hometown of Ponca City, OK, a very small town in America. DON was a football hero. As in my home State of Georgia and my hometown, football is huge in Ponca City. They still remember DON as a high school fullback and linebacker.

His old coach was there that night to talk about DON and some of the things he did during his high school career. It is those foundations that people all across America build upon to come to the Senate.

The things that were said about DON back then could still be said about him today; that is, what a dedicated person he was, what a hard-working person he was, and what a student of the game he was, just like he has been a student of the Senate.

No one there was surprised at what a great job DON had done as a Member of the Senate and what a success he was, what a success he will be once he leaves. DON had the right kind of foundation and the right kind of instincts and the right kind of family stability, support, and love to make sure he did the right kind of job in the Senate, and he will continue to be successful when he leaves here.

To DON and to Linda, we say thanks for the service to our country. My children and my grandchildren are going to benefit from the service of the Senate of DON NICKLES. That is something for which I will forever be grateful.

Just as importantly, I have been a better Senator than I would have been otherwise because of DON NICKLES. In future years, because of what I have learned from DON NICKLES, I will be a much better Senator.

DON, we appreciate your service to our country. Thank you. God bless you and Linda.

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

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

MORNING BUSINESS

VICKI COX

Mr. SHELBY. Mr. President, I want to mention a staffer of mine. She is not a Senator but she is very important in my office, Vicki Lee Cox; Vicki Lee, as she was when she came to work with me in 1978 when I was elected to the House of Representatives. Her father was a naval officer in the Naval Academy. She lived around the world. She was born in Pensacola, FL, grew up part of her life in the San Diego area, the San Francisco area, and in Newport, RI. I have worked with her for 26 years, day in and day out. I tried to get her not to retire because these are very important employees. They make your office go. They make us look better than we should, day to day. They make things work in the office.

Vicki, we will miss you in the office. We hope you will not be far off because we might need to bring you back to help us out from time to time as we get in a bind.

We wish you and your husband Dale the very best, but we have a job opening for you if you want to change your mind. God bless you, and we enjoyed the 26 years.

PROTOCOL AMENDING THE EXISTING TAX CONVENTION WITH THE NETHERLANDS

Mr. LUGAR. Mr. President, I thank my Senate colleagues for passing the resolution providing advice and consent to the Protocol amending the existing U.S. Tax Treaty with the Netherlands through the unanimous consent procedure.

In spite of legislative hurdles that arose during the process, this Protocol will be enacted, and will bolster the economic relationship between the United States and a country that is already both a good friend and a critical

trade and investment partner. As the United States considers how to create jobs and maintain economic growth, it is important that we try to eliminate impediments that prevent our companies from fully accessing international markets. In the case of taxes, we should work to ensure that companies pay their fair share while not being unfairly taxed twice on the same revenue. Tax treaties are intended to prevent this double taxation so that companies are not inhibited from doing business overseas.

As the United States moves to keep the economy growing and to increase U.S. employment, international tax policies that promote foreign direct investment in the United States such as this Protocol, are critically important. I have received communications from several corporate employers. The foreign entities indicate that this Protocol will provide them with incentives to "insource" to the United States. The domestic companies indicate that this Protocol will provide overall advantages and benefits. For the benefit of my colleagues, I am attaching to my statement several of these communications.

I thank my colleagues again for agreeing to pass this important measure.

Mr. President, I ask unanimous consent the material I made reference to be printed in the RECORD.

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

NATIONAL FOREIGN TRADE
COUNCIL, INC.,

Washington, DC, October 22, 2004.

DEAR SENATOR: I am writing to express our strong support for the passage of the Tax Protocol with the Netherlands and to urge you to enact the agreement this year. Further delay in the passage of this agreement will subject U.S. companies to double taxation and adversely affect their global competitiveness. Foreign trade is fundamental to the economic growth of U.S. companies. Tax treaties are a crucial component of the framework that is necessary to allow that growth.

The National Foreign Trade Council, organized in 1914, is an association of some 300 U.S. business enterprises engaged in all aspects of international trade and investment. Our membership covers the full spectrum of industrial, commercial, financial, and service activities, and the NFTC therefore seeks to foster an environment in which U.S. companies can be dynamic and effective competitors in the international business arena. To achieve this goal, American businesses must be able to participate fully in business activities throughout the world. As global competition grows ever more intense, it is vital to the health of U.S. enterprises and to their continuing ability to contribute to the U.S. economy that they are free from excessive foreign taxes or double taxation and impediments to the flow of capital that can serve as barriers to full participation in the international marketplace.

This is why the NFTC has long supported the expansion and strengthening of the U.S. tax treaty network. The Senate has an excellent record in this area; ratifying tax agreements with Japan, Australia, the United Kingdom, Mexico, Sri Lanka, and Barbados during this Congress. The NFTC testified in

support of these agreements and of the Netherlands Protocol.

Senator Richard Lugar, Chairman of the Committee on Foreign Relations, recently sent a Dear Colleague letter encouraging all Senators to support passage of the Dutch Protocol in the post-election session. I hope that the full Senate can act favorably on this agreement in the time that remains in this session and reaffirm the historic opposition of the U.S. to double taxation.

Sincerely,

WILLIAM A. REINSCH,
President.

AIR PRODUCTS AND CHEMICALS, INC.,

Allentown, PA, October 26, 2004.

Re Ratification of the Protocol to the Income
Tax Treaty with the Netherlands.

Hon. RICHARD G. LUGAR,

Chairman, Committee on Foreign Relations,
Washington, DC.

DEAR CHAIRMAN LUGAR: On behalf of Air Products and Chemicals, Inc., I would like to thank you and the Committee for the prompt consideration and attention that you have given to the proposed protocol to the income tax treaty with the Kingdom of the Netherlands. This protocol is very important to Air Products and the United States economy. It is very important to us that the Senate ratify the protocol as soon as possible.

Air Products is a United States company with global headquarters in Allentown, Pennsylvania. It serves customers in technology, energy, healthcare and industrial markets worldwide with a unique portfolio of products, services and solutions, providing atmospheric gases, process and specialty gases, performance materials and chemical intermediates. The company has annual revenues of \$7 billion, operations in over 30 countries, and over 18,000 employees.

Air Products has operated in the Netherlands for over thirty years, and it has substantial operations in the Netherlands. Air Products also owns some of its other European operations through the Netherlands. Air Products generates substantial cash flow from these operations. The current 5 percent withholding tax rate discourages Air Products from repatriating this cash back to the U.S. This is especially true because Air Products is currently in an excess foreign tax credit position. The proposed protocol would remove this barrier to repatriating cash. This would benefit not only Air Products but the U.S. economy as a whole. The protocol would remove this repatriation barrier for all U.S. companies with Dutch holdings, and foreign companies would have a greater incentive to invest in the U.S. The sooner the Senate ratifies the protocol, the sooner these benefits will begin.

Accordingly, we respectfully request that the Senate consider ratification of the proposed protocol as soon as possible.

If you have any questions regarding Air Products' views on the proposed protocol, please contact me or Charles Stinner, our International Tax Director (610-481-2978).

Sincerely,

KENNETH R. PETRINI,
Vice President—Tax.

SUNOCO, INC.,

Philadelphia, PA, October 26, 2004.

Re Ratification of Protocol to United States-
Netherlands Income Tax Treaty.

Hon. RICHARD G. LUGAR,

Chairman, Senate Foreign Relations Committee,
Washington, DC.

DEAR CHAIRMAN LUGAR: On behalf of Sunoco, Inc., I am writing to urge the prompt ratification of the protocol to the Netherlands Income Tax Treaty signed on March 8, 2004. As you are aware, the proposed protocol

makes significant changes to the existing income tax treaty between the United States and the Netherlands. These changes include the elimination of source-country withholding on certain intercompany dividends, modernization of anti-treaty shopping provisions, coordination of the countries' pension rules and the provision of clear rules for investments using partnerships.

The changes negotiated in the protocol are important to the successful business operations of many companies, including Sunoco, and a failure to promptly ratify the protocol will have a detrimental impact on the conduct of business by many multinational corporations. Moreover, in a report dated September 30, 2004, the Joint Committee on Taxation estimated that ratification of the protocol would cause a negligible change in Federal budget receipts during the fiscal period 2005-2014.

Accordingly, for the reasons stated above, Sunoco believes that the protocol to the Netherlands Income Tax Treaty should be promptly ratified, and urges you to support its ratification.

If you or your staff would like to discuss this issue in more detail or if we can provide additional information, please contact the undersigned at (215) 977-6795. Thank you for your attention to this critical issue.

Sincerely,

MICHAEL J. MCGOLDRICK,
Director, Tax Administration.

MARY KAY,

Dallas, TX, October 29, 2004.

Re Dutch tax treaty.

Hon. RICHARD LUGAR,

U.S. Senate,

Hart Senate Office Building, Washington, DC.

DEAR SENATOR LUGAR: With the year fast running out, Mary Kay Inc urges you to ratify the US-Netherlands Tax Treaty. The new protocol has a zero percent withholding rate on dividends, which allows our company to repatriate more money for domestic investment. This increase in funds provides Mary Kay Inc with the funds to expand its US plant, increase research and development, which is accomplished in the United States and hire more US based employees.

Please ask Senator Frist to schedule the treaty as soon as possible, before time runs out.

Sincerely,

MICHAEL LUNCEFORD,
Senior Vice President.

SUN MICROSYSTEMS, INC.,

Washington, DC, November 2, 2004.

Senator RICHARD LUGAR,

Chairman, Senate Foreign Relations Committee,
Hart Senate Office Building, Washington,
DC.

DEAR CHAIRMAN LUGAR: On behalf of Sun Microsystems, Inc., I am writing to express our appreciation of your efforts to seek prompt ratification of the recent Protocol to the U.S.-Netherlands income tax treaty. We urge that these efforts continue so that this important new chapter in America's relationship with the Netherlands can commence before this year terminates.

As reflected in your Dear Colleague letter of October 20, 2004, your recognition of the importance of prompt ratification of the Protocol is most welcome. Compared to other U.S. tax treaties with major trading partners, the current treaty between the United States and the Netherlands is antiquated and contains obstacles to the free flow of trade between the two countries that will be eliminated by the new Protocol. There will be direct benefits to our company and to our employees.

Timely and quick action in bringing needed reform this year to the U.S.-Netherlands

treaty will help keep the American economy growing.

Sincerely,

CHRISTOPHER G. HANKIN,
Senior Director of Federal Affairs.

ABN AMRO ASSET MANAGEMENT,
The Netherlands, October 29, 2004.

Chairman LUGAR,
U.S. Senate,
Washington, DC.

DEAR CHAIRMAN LUGAR: On behalf of ABN AMRO Bank N.V., business unit Asset Management, I am writing to join the many other members of the U.S. business community that have expressed their appreciation of your efforts to seek prompt ratification of the recent Protocol to the income tax treaty between the United States and the Netherlands.

We urge that these efforts continue so that this important new chapter in America's relationship with the Netherlands can commence this year.

As reflected in your letter of October 20, 2004, your recognition of the importance of prompt ratification of the Protocol is most welcome. Compared to other U.S. tax treaties with major trading partners, the current treaty between the United States and the Netherlands is antiquated and contains obstacles to the free flow of trade between the two countries that will be eliminated by the new Protocol.

Treaty advancements reflected in the new Protocol not only eliminate barriers to trade and investment between the two countries, but also resolve uncertainties that target abusive use of the treaty, and promote improved cooperation in international enforcement. Prompt ratification of the new Protocol will promote closer ties with one of our longstanding major trading partners, encourage growth of the US economy and jobs, and support better international tax enforcement efforts.

Quick action in bringing this needed reform to the U.S./Dutch trade relationship will help keep the American economy growing.

Sincerely,

MAURICE BULJNSTERS,
VP Global Head of
Tax.

RICHARD DE HAAS,
Senior Tax Officer.

CHEVRONTXEXCO,

Washington, DC, November 2, 2004.

Re Netherlands Protocol.

Hon. RICHARD G. LUGAR,
Chairman, Committee on Foreign Relations,
Dirksen Senate Office Building, Wash-
ington, DC.

DEAR SENATOR LUGAR: I am writing to express ChevronTexaco Corporation's strong support for early ratification of the Protocol amending the existing tax treaty with the Netherlands. A strong tax treaty network is critical for U.S. businesses, such as ChevronTexaco, to compete in the global marketplace. We appreciate your efforts on tax treaties generally, and on this Protocol in particular.

We urge the Senate to ratify the Protocol before year end so that it may enter into force on January 1, 2005. Delaying ratification until 2005 would delay entry into force until January 1, 2006 and would delay the important reductions to withholding tax rates.

I sincerely hope that the Senate will ratify the Protocol in 2005 and we appreciate your efforts to ensure this.

Sincerely,

LISA B. BARRY,
V.P. and General Manager,
Government Affairs.

TIMEWARNER,

Washington, DC, November 1, 2004.

Hon. RICHARD LUGAR,
Chairman, Committee on Foreign Relations,
U.S. Senate, Dirksen Senate Office Build-
ing, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your continuing leadership in securing quick ratification of several important bilateral tax treaties this year. Bilateral tax treaties are an important means for reducing double taxation and eliminating foreign withholding taxes on our royalties, interest, and dividends.

In this regard, I want to underscore the importance of ratifying the U.S.-Netherlands bilateral tax treaty before Congress adjourns for the year. This treaty, like the previous ones the Senate has ratified, provides important tax savings to Time Warner that we will be able to reinvest and use to expand our business in the United States.

The Netherlands has already ratified this agreement. I offer our company's full support in helping to urge your Senate colleagues to agree to quick ratification of this treaty this year.

Sincerely,

ROBERT M. KIMMITT.

ALLIANT ENERGY CORPORATION,
Madison, WI, November 12, 2004.

Senator RICHARD LUGAR,
Chairman, Senate Foreign Relations Committee,
Dirksen Senate Office Building, Wash-
ington, DC.

DEAR CHAIRMAN LUGAR: Thank you for your continuing leadership in securing quick ratification of several important bilateral tax treaties this year. Bilateral tax treaties are an important means for reducing double taxation and eliminating foreign withholding taxes on our royalties, interest, and dividends.

In this regard, I write to underscore the importance of ratifying the U.S.-Netherlands bilateral tax treaty before Congress adjourns for the year. This treaty, like the previous ones the Senate has ratified, provides important tax savings to Alliant Energy that we will be able to reinvest and use to expand our business in the United States.

The Netherlands has already ratified this agreement. I offer Alliant Energy's full support in helping to urge your Senate colleagues to agree to quick ratification of this treaty this year.

Sincerely,

ERROLL B. DAVIS, Jr.,
Chairman & CEO.

AMERICAN CHEMISTRY COUNCIL,
Arlington, VA, November 15, 2004.

Re Ratification of Dutch Tax Treaty.

Hon. RICHARD G. LUGAR,
Senate Office Building,
Washington, DC.

DEAR SENATOR LUGAR: The American Chemistry Council urges ratification of the bilateral tax protocol between the United States and the Netherlands.

The ACC represents the leading companies engaged in the business of chemistry. Council members apply the science of chemistry to make innovative products and services that make people's lives better, healthier and safer. The business of chemistry is a \$460 billion enterprise and a key element of the nation's economy. It is the nation's largest exporter, accounting for ten cents out of every dollar in U.S. exports.

We commend your efforts as Chairman of the Foreign Relations Committee that resulted in negotiation of the tax protocol with the Netherlands. The treaty would enhance the ability of U.S. companies to compete in the important Dutch market, and if

history is a guide, the treaty would create U.S. jobs within the chemical industry and among our suppliers and customers, and it would encourage foreign companies to establish or expand manufacturing facilities in the U.S. Moreover, the information-sharing provisions of the treaty would aid the IRS and Treasury Department in identifying international tax-avoidance schemes that reduce federal tax receipts and impugn the motives of U.S. companies whose global operations represent a major element of an expanding U.S. economy.

Accordingly, we urge ratification of the Dutch Treaty during the time remaining in the 108th Congress. Timely ratification would result in early realization of treaty benefits, and aid companies in capital planning and business expansion.

Please call if we can answer questions or provide additional information.

Sincerely,

CHARLES W. VAN VLACK,
Executive Vice President.

DUPONT FINANCE,
Wilmington, DE, October 29, 2004.

Hon. RICHARD G. LUGAR,
Chairman, Committee on Foreign Relations,
U.S. Senate, Washington, DC.
Hon. JOSEPH R. BIDEN, Jr.,
Ranking Member, Committee on Foreign Relations,
U.S. Senate, Washington, DC.

DEAR SENATORS: On March 8, 2004, the United States and the Netherlands signed the Protocol Amending the Convention Between the United States of America and the Kingdom of the Netherlands for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income. We at DuPont would urge the Senate to ratify this Protocol before Congress adjourns.

As you learned during testimony on September 24th, the Protocol brings the existing Convention, concluded in 1992, into closer conformity with current U.S. tax treaty policy. Of particular interest to DuPont, considering the Company's manufacturing sites in the Netherlands, is the elimination of withholding taxes on certain types of cross-border direct dividends. This element of the Protocol creates a powerful tool for repatriating earnings the Company would then be able to devote to our priorities in the United States. In addition, the Protocol's reciprocal treatment of pension funds for international employment assignees allows DuPont employees to gain valuable experience through U.S.-Netherlands exchanges without jeopardizing the status of their retirement benefits.

DuPont also appreciates the benefits the new Protocol would offer the U.S. government. Among them, the improved communications measures between U.S. and Dutch tax authorities coupled with the assistance in the collection of taxes; and the modernized Limitation on Benefits article, designed to deny treaty-shoppers the benefits of the Convention.

The enhancement of economic ties between the United States and the Kingdom of the Netherlands in the form of the pending Protocol will promote the growth of trade and investment between the two countries to the benefit of both economies. As such, it is DuPont's hope that deliberations on the Protocol will be completed this year.

Sincerely,

MARSHALL G. MCCLURE.

DEBT LIMIT INCREASE

Mr. DODD. Mr. President, I speak about the vote that took place yesterday to raise the statutory limit of our

Nation's indebtedness. It is terribly unfortunate that for the third time in three years this administration has run up against the Federal debt limit, thereby forcing once again an increase in the National debt from \$7.384 trillion to \$8.184 trillion.

I think it is a mistake for this body to give the administration what is essentially an \$800 billion check to continue its irresponsible fiscal policies.

For quite some time now, the Treasury Department has been forced to halt payments owed to federal retirement accounts and take other extraordinary measures in order to keep the government from defaulting. And now we are in a position where the Treasury Department has said that Congress must increase the debt ceiling by the end of this week or the government will default on its obligations. What this says is that the government is living far beyond its means.

Just several years ago, when President Clinton was President, the National debt was shrinking, not growing. In 1997, the debt held by the public was \$3.745 trillion. By FY2001, it decreased by more than \$400 billion to \$3.296 trillion. Former President Clinton made it a goal to pay off the debt by 2013, so that America would be debt free for the first time since 1835. He recognized that eliminating the debt would strengthen our economy, allow investments in education and other critical priorities, and ensure that Social Security could meet the challenges to come when the baby boomers retire.

By contrast, under the Bush administration, the debt limit was raised by \$450 billion in 2002 and \$984 billion in 2003. And now, this year, in 2004 it will increase by \$800 billion. I find it astounding that just four years ago we were having compelling conversations in the Senate Banking Committee with Federal Reserve Chairman Alan Greenspan about what would happen if we paid off the debt too quickly. And now, here we are about to pass another increase of \$800 billion to the National debt.

This new increase will bring the grand total to more than \$2 trillion under President Bush—the largest total debt limit increase recorded under any President. Now instead of being eliminated, we are expecting the debt held by the public to reach \$6.5 trillion by 2011.

When President Bush first came to office he assured the nation that if we adopted his tax cuts, we would not only see job growth, but we would still be able to eliminate the publicly held debt by 2008. Instead, we have seen 1.5 million private-sector jobs lost, making this the first Administration since Herbert Hoover to actually lose jobs. In just 4 years, we have gone from a projected 10-year surplus of \$5.6 trillion to a 10-year deficit of over \$3 trillion. And now we are about to once again, for the third year in a row, increase the debt.

If additional debt is going to be accumulated, the administration and the

majority could at the minimum ensure that we are adequately investing in our children's education, the country's infrastructure, health care, the solvency of Social Security, and other vital national priorities. But that does not appear to be the case considering that we are seeing across the board cuts in the upcoming omnibus bill, and this Administration continues to push for policies that push us further in the red without any real results.

The administration's reckless policies will pass the burden of paying for them onto future generations, and unfortunately, the administration has shown absolutely no regard for the hardship this will cause. We often discuss the so-called "death tax", this administration's reckless fiscal policies are forcing a "birth tax" on every child born today.

What do I mean by the term "birth tax"? Simply this: a child born today is born owing his or her country \$25,000. That is that child's share of the national debt. This is unconscionable. We have a responsibility as lawmakers to leave our country better off tomorrow than it is today. With policies like this, I am afraid that this administration and its supporters are failing to meet this fundamental moral responsibility to our country and to future generations.

Also deeply troubling is that in order to cover increased borrowing, the U.S. is going deeper into debt to foreign countries. Japan, China, the United Kingdom, and Caribbean Banking Centers are now the largest foreign holders of U.S. Treasury Debt.

We have borrowed over \$720 billion from Japan, over \$174 billion from China, and even tens of billions of dollars from South Korea. During the term of the President's first four years, we have seen our foreign debt holdings increase 83 percent from just over \$1 trillion to over \$1.8 trillion. This is especially dangerous because these countries can collect their debt when it suits them, which could potentially puts our nation in a very difficult economic situation.

I find it astounding that the administration and the majority of this Congress have not put forward any plan to reduce the alarming increase in our nation's debt—an increase largely caused by their reckless tax and budget policies. Indeed, their only known plans to permanently extend tax breaks for the affluent and drain at least \$1 trillion from Social Security—would only make our current problems worse.

I strongly believe that increasing the debt limit once again without a plan is a big mistake. We owe it to future generations to do more to ensure that their future is economically sound. I hope that this Administration, and the majority of the Congress begin to enact more responsible fiscal policies before it truly is too late.

Mr. CORZINE. Mr. President, yesterday I voted against legislation that will authorize a massive increase in the

Federal debt. This bill highlights the gross irresponsibility of our Nation's current fiscal policies. And I hope that, in casting a negative vote along with many of my colleagues, we have helped send a message to the White House that it is long past time to change course.

When President Bush came to office, we were expecting to run a surplus over the next ten years of \$5.6 trillion. Instead, we now project a deficit of \$3.5 trillion. That is a reversal of more than \$9 trillion.

President Bush promised that he would not raid the Social Security trust fund. But, instead, under the Bush budget, we will spend every last penny of Social Security surpluses over the next 10 years, all \$2.4 trillion. These surpluses won't be saved. They won't be used to help us keep our promise to working Americans. They will be diverted for tax breaks and other spending programs. This is not what the President promised. It is the opposite.

In effect, the administration's policies are using payroll taxes paid by working Americans, and using them to finance tax breaks for the most fortunate among us. I think that is wrong.

The past few years have been marked by unprecedented fiscal recklessness. The 2004 deficit, even including the Social Security surplus, is \$413 billion. That is a record. Last year, the deficit was \$377 billion. That was another record. The budget is spinning out of control, and few in the administration seem to care.

Unfortunately, as bad as things have been in recent years, the outlook for the long term is even worse. The baby boomers are about to retire. And by 2050, 81 million Americans will be on Social Security—about double the current level. We need to prepare for that. We need to save for it. Instead, we are doing the reverse. We are putting ourselves deeper and deeper in debt.

In 2001, gross Federal debt stood at \$5.8 trillion. By 2014, that debt will have skyrocketed to almost \$15 trillion.

With more debt, of course, comes higher interest costs. The 10-year cost of Federal interest payments has gone up from \$622 billion in 2001, to \$2.4 trillion.

All this debt, and all these interest payments, have consequences. They reduce the capital available for productive investment. They increase interest rates. They slow economic growth. And they lower the standard of living for American families.

Another consequence of all this debt is that our Nation is slowly losing its economic independence. Foreign holdings of U.S. Treasury debt has increased 83 percent under this administration. Today, the U.S. owes China more than \$170 billion. We owe Japan more than \$700 billion. Increasingly, our Nation is dependent on these countries to bolster our economy and to maintain the value of the dollar. But if

those countries and other foreign investors pull out in the face of rising fiscal imbalances, as has happened elsewhere, the consequences for our economy could be very serious.

In my view, the current course of fiscal policy is not only unwise and dangerous, it is ultimately unsustainable. We can't go on like this. Either our leaders here in Washington will face reality and reverse course, or the markets will punish us until we do. Either the dollar will collapse, or interest rates will rise substantially, or inflation will rise, or all these problems will hit at once.

When that might happen is anybody's guess. But you can't reverse the basic laws of economics. Sooner or later, the piper gets paid.

So, I think we have made a mistake by increasing the debt limit so substantially. Needless to say, we must protect the full faith and credit of the United States. But we do not need a debt limit extension of this magnitude. And we should not have approved it yesterday. Instead, we should have passed a much smaller increase, in order to put real pressure on the Congress next year to finally get serious about the need for fiscal discipline.

Next year we will begin perhaps the most important domestic policy debate in a generation when we take up President Bush's call to privatize Social Security. At that point, Congress will have to make a decision. Either we will keep our promise to American workers, or we will break that promise and cut earned benefits. I think we should keep our promise and protect benefits. But we can only afford to do that if we quickly reestablish some measure of fiscal discipline. Increasing our debt by \$800 billion is not the way to do that and, in my view, is a serious mistake.

So for all these reasons, I cast my vote no yesterday. For the sake of our economy, for the sake of our future, and for the sake of our values as a Nation, we must restore fiscal discipline. And we must do it soon.

JUSTICE FOR MARINE CORPS FAMILIES VICTIMS OF TERRORISM

Mr. SPECTER. Mr. President, I seek recognition to describe legislation that I plan to introduce in the 109th Congress. I have been asked to pursue this legislation on behalf of the 158 families of the brave servicemen who died when the terrorist faction Hezbollah—with the support of the Government of Iran—sent a suicide bomber into the Marine Corps Barracks in Beirut, Lebanon, on October 23, 1983, killing 241 U.S. servicemen—18 sailors, 3 soldiers, and 220 Marines.

This legislation will provide an explicit private right of action for United States citizens against state sponsors of terrorism in our Federal courts, and will ultimately allow victims of such acts to collect court-ordered damages against state-sponsors of terrorism. The specific provisions of the legisla-

tion have been drafted to harmonize existing statutory law with the recent direction of the District of Columbia circuit in *Cicippio-Puleo v. Islamic Republic of Iran*, 353 F.3d 1024 (D.C. Cir. 2004), which held that “neither 28 U.S.C. §1605(a)(7) nor the Flatow Amendment to the Foreign Sovereign Immunities Act . . . , nor the two considered in tandem, creates a private right of action against a foreign government.” 353 F.3d 1024, 1032–33 (D.C. Cir. 2004).

In 1996, I supported the legislation that ultimately was enacted into the statutes that I have just cited. These statutes have been interpreted by the D.C. Circuit in *Cicippio-Puleo* to provide the following:

No. 1, 28 U.S.C. §1605(a)(7) provides an exception to sovereign immunity for state sponsors of terrorism and permits Federal courts to hear claims seeking money damages for personal injury or death against such nations and arising from terrorist acts they commit, or direct to be committed, against American citizens or nationals outside of the foreign state's territory; and No. 2, 28 U.S.C. §1605(a)(7)(note), also known as the “Flatow Amendment,” named for New Jersey student Alisa Flatow, who was killed when Palestinian Islamic Jihad bombed a Gaza bus on which she was riding, imposes liability upon an official, employee, or agent of a foreign state that is designated as a state sponsor of terrorism, only if that official, employee or agent is acting in their “official capacity.”

On October 23, 2004, in Philadelphia, I was privileged to take part in a memorial service held in honor of the servicemen killed in the 1983 Beirut attack. Some of the family members of those killed attended the event. Their moving comments about how they have been denied the ability to seek legal redress, despite clear findings implicating Hezbollah and Iran in the attacks, were both poignant and persuasive. It is vitally important to victims' families that they have a private right of action against the state sponsor itself, not just its officials, employees or agents acting in their official capacity. These victims and their families deserve not simply a day in court, but also the ability to recover damages against terrorist states that commit, direct, or materially support terrorist acts against American citizens or nationals. The former, in isolation, is a hollow right—in legal terms, a right without a remedy. The D.C. Circuit in *Cicippio-Puleo* tells us that only Congress can provide such a remedy. That is my intent.

I ask unanimous consent that the October 23, 2004, remarks by Lynn Smith Derbyshire, the sister of deceased Marine CPT Vincent Smith and a leader of the families advocating for this legislation, be printed in the RECORD.

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

REMARKS OF LYNN SMITH DERBYSHIRE,
BEIRUT MEMORIAL SERVICES, OCT. 23, 2004

We are here today to honor the men who died in Beirut, Lebanon on this day 21 years ago. As families, we believe that our first duty is to remember. Thank you for coming to help us commemorate the lost.

As you know, in 1996 Congress passed legislation that gave victims of state sponsored terrorism, and their families, the right to sue those nations in a United States Court. This legislation did two things: It gave us a path to pursue justice and compensation, and it provided a way to hold rogue nations accountable for their crimes, and thereby deter more terrorism. The problem with the existing legislation, however, is that it has loopholes. And the U.S. Government is using these loopholes to continually torpedo the efforts of the families to collect damages, and penalize terrorist states.

On October 23, 1983—21 years ago today—Hezbollah, at the behest of the government of Iran, sent a suicide bomber into the Marine Corps Barracks in Beirut Lebanon, killing 241 U.S. servicemen.

One of the young Marines who was killed that day was a blond, blue-eyed, bowlegged helicopter pilot, named Captain Vincent Smith. He had just turned 30. He had a wife named Ana, a 3-year-old son named Ian, and dog named Whiskey. Vince had a penchant for practical jokes, an infectious laugh and a contagious grin. He sang in the church choir with his velvety tenor voice, he loved to water-ski, and throw the football with his brothers on crisp fall afternoons—like this one, and have cookouts on the deck with his friends.

Vince was my brother. He was my protector, my confidant, and my friend. And I loved him deeply. Twenty-one years after his death there is still a hole in my heart and in my life, and in my family. I miss him more every day.

I have learned over the past 21 years that one does not “get over” the murder of a brother. Whoever said that time heals wounds was an idiot—and whoever said that never had a wound like this. My wound cannot completely heal, because every time there is another terrorist attack, the hole in my heart is ripped open again:

The U.S. Embassy in Beirut, the Achille Lauro, the murder of Robert Stetham of TWA flight 847, Khobar Towers in Saudi Arabia, the U.S.S. *Cole*, Madrid, and even this morning, a car bomb outside of Baghdad killed 10 and wounded 42.

And who here can ever forget that fateful day: September 11, 2001.

One after the next, after the next, these events have sliced open my scar-tissued heart, and I must grieve the brother I loved so dearly over and over again. All of these events bring me to my knees. And when I am on my knees I pray for justice—not revenge—justice.

I do not want vengeance. I do not want the sisters and mothers of young vibrant Iranian soldiers to have to weep at the closed casket of their brothers and sons as I did, knowing that his body is not even whole inside the box. I do not want anyone to discover as I have that this kind of grief is an incessant pain and it hurts all over. I would not wish the last 21 years of agonizing sorrow on a rabid dog. No. I do not want vengeance.

But I do want justice. And I do want the terrorism to stop.

In March 2003, the Beirut families brought suit against the country of Iran for the murder of our beloved brothers and sons and fathers and husbands. We proved in a court of law, that Hezbollah was carrying out the direct will of the Iranian government. Iran is guilty of the murder of my brother, and of

Freas Kreischer's son, and Shirla Maitland's brother.

That day in court was a moral victory for us. There was a tremendous sense of relief to finally be able to name the guilty party. But it's a hollow victory if Iran is not somehow held accountable. Terrorists continue to terrorize because they can. We have not held them accountable for their crimes, and so they laugh and build more bombs. There has been no justice, so there can be no healing.

And it is galling that my own government continues to allow Iran to get away with murder—literally.

It's a simple rule: one that the parent of any small child can grasp. If your child hits another child with a stick, you have to take the stick away, and give your child consequences. If there are no consequences, the child will keep hitting kids with sticks, because he has figured out that it gives him power.

I want the cruelty and senselessness of terrorism to stop. And there is only one way to do that. We have to take away the stick. There must be consequences.

Senator Specter, thank you for introducing a bill that will finally allow families like mine and Freas Kreischer's and Shirla Maitland's, to pursue rogue nations in the courts and to threaten them by threatening their assets. Their Achilles heel is financial. If we take away enough of their money, they will not be able to afford to build more bombs. And then perhaps you will be spared the agony of losing your brother or your son. If that happens, perhaps this gaping, bleeding wound in my heart will finally be able to heal.

Senator Specter, I want to thank you, on behalf of the families of the Marine Corps Barracks, Beirut bombing victims, for coming to our aid. Thank you for being willing to champion our cause in the Congress by sponsoring this bill. And Senator, I urge you to do everything in your power to enact this bill into law with the utmost haste.

Thank you very much, sir.

COUNCIL ON OCEANS POLICY AWARENESS

Mrs. DOLE. Mr. President, recently, the U.S. Commission on Ocean Policy made a series of far-reaching recommendations to help keep our oceans viable for future generations. While the Senate as a whole will not address these recommendations this Congress, I hope we may be able to work on these critical issues next year.

In the meanwhile, my home State of North Carolina has already begun to make real the recommendations of the Commission. For instance, North Carolina public schools have begun fostering formal ocean education in K-12 schools, after the State mandated inclusion of ocean curricula in middle school.

North Carolina is also leading the Nation in heeding the call for improved scientific understanding of the oceans. Of particular pride is the success of the Southeast Coastal Ocean Observing System, or SEACOOS, an umbrella organizations of institutions that is building a regional ocean monitoring and prediction system for the southeast States of North Carolina, South Carolina, Georgia and Florida.

Through the leadership of the University of North Carolina at Chapel

Hill, SEACOOS aggregates ocean information from federal and non-Federal sources for display and redistribution. This information system supports many uses, from search and rescue and hazardous spill response to providing information for recreational boaters and fishermen. This collaborative effort among dozens of institutions is a model of teamwork that will enable rapid development of a relevant, user-driven multi-purpose system.

As part of the larger IOOS system, SEACOOS will improve the decision-making process for coastal managers, severe weather response teams, and so many others in whose decisions coastal conditions are a factor. Through its scientific contributions to data collection and analysis, SEACOOS will advance the Nation's needs in such broad areas as: marine operations, e.g. shipping and offshore operations like drilling and mining; natural hazard mitigation, e.g. storm forecasting, surge prediction, tsunami warning; climate change and its effects, e.g. interannual variability in water temperature, salinity, nutrients, storminess, plankton species and abundance, fish species and abundance; national security, e.g. toxin trajectories, detection of covert operations; public health, e.g. unsafe biological activity, rip currents, harmful algal blooms; ecosystem health, e.g. changes in food web structure; and sustainable use of marine resources, e.g. fish stock assessments.

Among so many throughout the southeast who have made SEACOOS possible, I especially want to note and thank Harvey Seim, Associate Professor of Marine Science at UNC Chapel Hill. Professor Seim has been the visionary and leader in building this collaborative initiative. His dedication to advancing scientific knowledge that serves the public interest embodies the best spirit of higher education and the academic research enterprise that makes our nation great.

In keeping with the recommendations of the commission, SEACOOS is a model worthy of replicating around the country. It is consistent with the Integrated Ocean Observing System that is called for in the commission report. IOOS is a national, interagency program that the commission recommends be fully funded and implemented to provide a multipurpose ocean information system for the Nation. Legislation to authorize IOOS has already been unanimously passed by the Senate, S. 1400 and companion bills are pending in the House. I look forward to continued congressional support and continued success as we increase our knowledge and understanding of our oceans.

LOCAL LAW ENFORCEMENT ACT OF 2003

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. On May 1, 2003, Senator KENNEDY and I introduced the Local Law Enforcement Enhancement

Act, a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

On September 19, 1998, in Chicago, IL, three men were allegedly attacked by two men who made anti-gay remarks.

I believe that the Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

HAYWOOD COUNTY EMERGENCY OPERATIONS DAY

Mrs. DOLE. Mr. President, this past September marked a devastating hurricane season for many States. My home State of North Carolina was ravaged by not one, but four hurricanes this fall. Western North Carolina was particularly hit hard by Hurricanes Frances and Ivan, which destroyed homes, washed away roadways, and even took lives. Out of this ruin came the challenge of rebuilding and piecing together homes, lives, and communities. As I visited the devastation in Western North Carolina, I found encouragement in the selfless hearts of North Carolinians who went to great lengths to help those struggling through the wreckage left behind. There are many who came together during this crisis. I would especially like to thank the first responders who answered the call of duty. Our first responders are there for us in times of need, and they literally are on the front lines defending our homeland.

On November 21, 2004, the Town of Clyde and the Town of Canton are honoring all those who were involved in the rescue and emergency operations following the devastation which occurred as a result of the hurricane season. November 21, 2004, has officially been declared by those towns as "Haywood County Emergency Operations Appreciation Day."

I would like to commend the efforts of these men and women who are members of the following departments who brought the community together after such devastation: Haywood County Sheriffs Department, North Carolina Highway Patrol, North Carolina Probation and Parole, North Carolina Alcohol Law Enforcement, North Carolina Division of Motor Vehicles, Waynesville Police Department, Canton Police Department, Maggie Valley Police Department, Haywood County Emergency Management, Waynesville Fire Department, Cruso Volunteer Department, Clyde Fire Department, North Carolina National Guard, Canton Fire Department, North Canton Fire Department, Maggie Valley Fire Department, Lake Junaluska Fire Department, Crabtree Fire Department, Fines Creek Fire Department, Jonathan Creek Fire Department, Saunooke

Fire Department, Center Pigeon Volunteer Fire Department, Lake Logan Fire Department, Enka/Candler Fire Department, Haywood County Rescue Squad, Haywood County EMS, Blue Ridge Paper Emergency Response Team and Clyde Police Department.

TRIBUTE TO THE SOUTH DAKOTA STAFF OF SENATOR TOM DASCHLE

Mr. JOHNSON. Mr. President, I rise today to pay special tribute to a group of men and women who have served over the past 26 years as staff for Senator TOM DASCHLE in the State of South Dakota. I join my colleagues in providing the most heartfelt appreciation for the public service career of Senator DASCHLE and that appreciation extends to the work of his South Dakota staff.

The people of South Dakota have benefitted greatly over the years from the work of Senator DASCHLE's staff. These men and women worked tirelessly behind the scenes on behalf of South Dakota constituents. They served as the eyes and ears for Senator DASCHLE, maintaining contacts in South Dakota communities, attending meetings on projects and sitting down with individual constituents to discuss matters of importance.

Some of Senator DASCHLE's staff provided over two decades of dedicated service to the people of South Dakota. Their long hours of service, many of them spent driving on country roads, sitting in coffee shops or walking through drought-stricken corn and wheat fields, underscored Senator DASCHLE's commitment to serve the people of South Dakota.

Senator DASCHLE's South Dakota staff truly reflect the tireless work ethic, dedication, and professionalism that he has exemplified to all the citizens of our state. Whether attending economic development outreach meetings, sacrificing holidays and weekends to travel with Senator DASCHLE across South Dakota, or tending to the many casework issues facing our constituents, Senator DASCHLE's South Dakota staff has done a superb job.

It is my hope that these valued members of Senator DASCHLE's South Dakota staff recognize the importance of their work and the great appreciation that many in South Dakota hold for them for their great service.

Senator DASCHLE's current South Dakota staff includes:

Beth Smith, Betty Daschle, Jody Jordan, Maeve King, and Virginia Newquist in the Aberdeen office; Ace Crawford, Armon Gaddy, Dorothy Christensen, Jackie Heier, Georgeann Johnson, Rose Larson, and Sheila Lane in the Rapid City office; Bill Idema, Gene Dwyer, Jeff Wilka, Jenn Dolan, Mark Gerhardt, Mary Peters, Michele Seaton, Nicole Deak, Stephanie Devitt, Stephanie Koster Hoyne, Steve Dick, and Steve Erpenbach, Senator DASCHLE's State director, in the Sioux Falls office.

The work of Senator DASCHLE and his staff will be remembered by South Dakotans for many years to come. I want to thank them for their work and service and wish them all the very best.

HONORING THE WASHINGTON STAFF OF SENATOR TOM DASCHLE

Mr. JOHNSON. Mr. President, I rise today to pay special tribute to a group of men and women who have served over the past 26 years as staff for Senator TOM DASCHLE here in Washington, both in his personal office and those who served him as Democratic leader in the Senate for the past 10 years. Every member of the Senate understands that our success rests, in part, with the men and women we choose to work with us on a daily basis in our offices. I join my colleagues in providing the most heartfelt appreciation for the public service career of Senator DASCHLE and that appreciation extends to the extraordinary work of his staff here in Washington.

The people of South Dakota, members of the Senate Democratic Caucus, and the institution of the Senate have benefitted greatly over the years from the hard work and dedication of Senator DASCHLE's staff. These men and women worked tirelessly behind the scenes. Whether it be his personal staff or his leadership staff, every single person has been dedicated to making our State a better place to live, and to making our Nation safe and secure.

Some of Senator DASCHLE's staff provided over two decades of dedicated service to the people of South Dakota and came with him to join his leadership staff. Their long hours of service underscored Senator DASCHLE's commitment to lead our caucus and to serve the people of South Dakota and this Nation unselfishly. Senator DASCHLE's staff truly reflect the tireless work ethic, dedication, and professionalism that he has exemplified to all the citizens of our State.

While each and every member of Senator DASCHLE's staff is dedicated, committed, and hard working, I think three long-serving members of his Washington staff should be recognized separately. Those senior staff members are Pete Rouse, who served in Senator DASCHLE's leadership office as chief of staff, Nancy Erickson, his deputy chief of staff in the Capitol, and Laura Petrou, the chief of staff in his personal office. All three of these dedicated individuals served the State of South Dakota and the Senate Democratic Caucus unselfishly and with distinction.

It is my hope that all of these valued members of Senator DASCHLE's staff recognize the importance of their work and the great appreciation that many in South Dakota hold for them for their great service.

Senator DASCHLE's current personal and leadership staff in Washington includes: Aaron Fischbach, Amber

Danter, Bart Chilton, Brad Wolters, Brendan Hilley, Brian Hanafin, Chris Bois, Chris VandeVenter, Chris Wagner, Christiana Gallagher, Chuck Marr, Cindy Harris, Clint Highfill, Danny Franklin, Darcell Savage, Denis McDonough, Grant Leslie, Jane Loewenson, Jeff Nussbaum, Jennifer Duck, Jeri Thomson, Jessica Leonard, Jessica Scheufele, Jim Oleske, Joan Huffer, Jody Bennett, Jonathon Lehman, Kate Knudson, Kate Leone, Kelly Fado, Lara Birkes, Larkin Barker, Laura Petrou, Lisa Thimjon, Liz Dahan, Mark Childress, Matthew Varilek, Michelle Singer, Molly Rowley, Nancy Erickson, Nancy Hogan, Nick Bauer, Nick Papas, Pat Griffin, Pat Sarcone, Pete Rouse, Phil Schilliro, Phillip Assmus, Randy DeValck, Reid Cherlin, Sam Mitchell, Sarah Feinberg, Ted Miller, Tim Mitrovich, Todd Webster, Tom McIntyre, and Wizipan Garriott.

The work of Senator DASCHLE and his staff will be remembered by South Dakotans, and all the Senators and staff who have served with them, for many years to come. I want to thank them for their work and service and wish them all the very best.

SOUTH DAKOTA FARMERS UNION RESOLUTION COMMEMORATING SENATOR TOM DASCHLE

Mr. JOHNSON. Mr. President, I ask unanimous consent to submit the text of the attached resolution by the South Dakota Farmers Union commemorating 26 years of service by United States Senator THOMAS A. DASCHLE.

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

A RESOLUTION COMMEMORATING 26 YEARS OF SERVICE BY UNITED STATES SENATOR THOMAS A. DASCHLE

Whereas, Senator TOM DASCHLE has distinguished himself as more than a reliable friend to South Dakota Farmers Union and the cause of family-based agriculture, but more so as a true hero to our cause; and,

Whereas, Senator DASCHLE performed his duties faithfully to better the lives and opportunities of all South Dakotans, and conducted exemplary public service to South Dakotans with the assistance of his highly resourceful, talented and dedicated staff in his offices in Washington, D.C., Sioux Falls, Rapid City and Aberdeen; and,

Whereas, Senator DASCHLE championed the cause of ethanol since his first campaign for the U.S. Congress, and is chiefly responsible for its emergence as America's answer to energy independence because of his relentless pursuit of government support for its production and marketing; and

Whereas, Senator DASCHLE earned his reputation as America's most important Member of Congress for the advancement of legislation important to South Dakota Farmers Union, the National Farmers Union and family-based agriculture because of his sincere interest in promoting America's rural economy and because of his generous nature and approachability to all citizens seeking his assistance in Washington, D.C.; and

Whereas, Senator DASCHLE wisely used his influence and leadership powers to the benefit of South Dakota, resulting in unprecedented cooperation from urban states to help

advance the causes and unique, critical needs of rural states and agriculture in the form of federal funds and programs for agriculture, disaster aid, health care, education, energy needs, air transportation, highway maintenance, railways and water development; and

Whereas, Senator DASCHLE's powerful resources and status as Senate Majority Leader and Senate Minority Leader gave South Dakota unprecedented influence to pass legislation which was of the greatest benefit to all South Dakotans, especially to rural communities, farms and ranches; and,

Whereas, Senator DASCHLE was responsible for the allocation of unprecedented federal funds to South Dakota throughout his tenure in the United States Congress, and that Senator DASCHLE's last term ended with victories for South Dakota, including his quest to produce \$2.9 billion in disaster assistance for farmers and ranchers, against the long-standing resistance and indifference of the majority party in Congress and the White House; and,

Whereas, Senator DASCHLE's great influence and power on behalf of South Dakota and rural America will be missed in the unfinished battles for a Renewable Fuels Standard, a mandatory Country of Origin Labeling law, fair trade policies which are not predatory to South Dakota agriculture, sufficient drought relief, rural water development and a progressive agricultural agenda which supports a strong rural economy, as well as the fights to preserve social security and Medicare, lower prescription drug costs, and make health care coverage affordable and available to all Americans;

Now, therefore, we resolve that the Delegates of the 89th Convention of South Dakota Farmers Union commends and highly appreciates the lifetime dedication and service of Senator THOMAS A. DASCHLE to improve the economy and the quality of life in South Dakota and throughout the United States.

TROUBLING SITUATION IN CÔTE D'IVOIRE

Mr. FEINGOLD. Mr. President, I express my concerns about the troubling situation in Côte d'Ivoire.

As my colleagues know, in September 2002, rebellion broke out in Côte d'Ivoire, eventually dividing the country between the north, where rebels known as the Force Nouvelle established themselves, and the south, where President Laurent Gbagbo's government continued to exercise its authority. The Economic Community of West African states, or ECOWAS, helped to negotiate a ceasefire, and in January 2003 international efforts to mediate the crisis culminated in the signing of the Linas-Marcoussis Agreement of early 2003, which provided for an interim Government of National Reconciliation to move the country toward new elections. The United Nations established a peacekeeping mission and over 6,000 troops from around the world deployed to monitor the ceasefire and help the parties implement the peace accord—further evidence of international will to help the people of Côte d'Ivoire regain a stable footing and reestablish a just and peaceful unified government.

Throughout these diplomatic efforts, 4,000 French soldiers have served as the backbone of the international presence

that has worked to guarantee the peace. Much as the United Kingdom played a pivotal role in stabilizing Sierra Leone, France made an admirable commitment to the people of Côte d'Ivoire. And despite the friction between France and the U.S. on other important global issues, we have continued to work closely and cooperatively to resolve this crisis.

But over the many months that have passed since the Linas-Marcoussis Agreement was signed, progress toward implementing the accords has stalled, as both parties failed to take constructive steps to move the country toward lasting stability. Then, on November 4, President Gbagbo broke the ceasefire agreement, and in an apparent bid to find a military solution, launched air raids on rebel positions in the north. On November 6, the Ivorian forces bombed a French position, killing nine French soldiers and an American aid worker, and wounding dozens more. France retaliated by destroying the Ivorian air force. What followed was an orchestrated campaign, conducted largely via broadcasts on state-controlled media outlets, to encourage citizens to participate in a rampage of anti-French violence and looting.

I am heartened by the unity and resolve of the international community in confronting this crisis, and by the rejection of Ivorian efforts to justify the bombings and to vilify France. U.N. peacekeepers performed bravely in trying to protect the zone of confidence during the recent hostilities. South African President Thabo Mbeki moved quickly to reach out to all parties and open the door to dialogue that could diffuse the situation, though sadly, his efforts were not embraced by all parties. On November 15, the United Nations Security Council unanimously adopted a resolution establishing an arms embargo on Côte d'Ivoire, and indicating that a travel ban and asset freeze will be applied to anyone from among the government or rebel ranks found to be an impediment to progress on implementing the peace accords. I welcome this resolution and its insistence on accountability from all parties to Côte d'Ivoire's conflict.

In addition to accountable, constructive leadership, there is a desperate need for grassroots reconciliation efforts. The tensions that came to a boil in 2002 have, sadly, been simmering for some time. In the 1990s, some pursued a deliberate effort to promote a divisive, destructive, xenophobic brand of nationalism in the country, and if a lasting peace is to take hold and the people of Côte d'Ivoire are to be free from fear of a return to violence and chaos, a great deal of work must be done to lessen ethnic tensions and build confidence and trust in Ivorian communities. In recent days, French nationals have been the targets of ugly invective, but in the recent past it has been northern Ivorians, immigrants, and Muslims who have been demonized. I urge the administration to make com-

bating ethnic and regional divisions a major focus of U.S. efforts in Côte d'Ivoire. Even as we work with the international community to hold leaders accountable for their actions, we must also assist in laying the groundwork for peace among the people themselves.

The downward spiral in Côte d'Ivoire is especially troubling because the country had, not long ago, been a beacon of stability and important economic engine in a deeply troubled region. After all of the suffering in Sierra Leone and Liberia, and all of the costly efforts launched to bring stability back to West Africa, the international community cannot afford to lose Côte d'Ivoire to perpetual crisis.

PROBLEMS IN THE CENTRAL INTELLIGENCE AGENCY

Mr. AKAKA. Mr. President, I rise today to express my concern over recent news reports detailing turmoil inside the Central Intelligence Agency since the arrival of the new Director, Porter Goss, and former members of his staff in the House of Representatives.

As a senior member of the Senate Committee on Governmental Affairs with oversight responsibility for homeland security and the committee responsible for drafting the legislative reform on intelligence now in conference, I am deeply concerned about the impact the new leadership at the CIA may have on our national security.

Since the terrorist attacks against the United States on September 11, 2001, the Congress has been engaged as never before in efforts to reform our intelligence collection capability in terms of our ability to improve the technical means to collect and share critical information in a timely fashion. The key component to that reform is human capital. Time and time again in outside commissions, reports to the Congress, and in hearings, we have been told that our intelligence and law enforcement communities lack sufficient qualified personnel to collect and analyze information. I introduced legislation, S. 589, the Homeland Security Federal Workforce Act, which passed the Senate with bipartisan support last year and is now in the House, to help rectify that problem. Other Members of Congress on both sides of the aisle have also introduced legislation to improve our intelligence and law enforcement workforce.

This is why I am so disturbed by the news reports that senior members of the CIA are being forced to resign, are being pressured to fire subordinates, and there are fears that they may even be asked to tailor their analysis to support the administration's policies, according to the November 17, 2004, New York Times. I ask unanimous consent that the article be printed in the RECORD following my remarks.

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

(See exhibit 1.)

Mr. AKAKA. Among those who have been forced out or retired recently are the Deputy Director of the CIA, the Deputy Director of Operations, the second ranking member of the clandestine service, and the former head of the CIA bin Laden unit. Other resignations, retirements, or reassignments may follow.

Apparently, Director Goss brought with him at least 4 former staffers from the House of Representatives and inserted them into senior positions at the agency where they have begun to force these resignations.

This is troubling for two reasons: First, we cannot afford to lose any intelligence personnel, especially seasoned officers, in the midst of the war on terrorism. We have so few people we cannot fully staff the Terrorist Threat Integration Center, TTIC, that the President created to provide a coordinated counterterrorism response to the 9/11 attacks. Secondly, our intelligence staff have been working 24/7 since the war on terrorism and the war in Iraq began. They need morale boosters, not the morale downers that come from the forced resignations of well-respected leaders.

So desperate is the personnel situation that the intelligence reform bill, S. 2845, now in conference, authorizes the establishment of a National Intelligence Reserve Corps for the temporary reemployment of former intelligence community employees during periods of emergency.

Some would argue that the CIA is a "damaged agency" that needs to be reformed through "hard love." Perhaps that is the case. Perhaps the operations directorate needs to be given new direction. I understand that both President Clinton and President Bush, in his first term, were focused on reforming the clandestine operations through the efforts of Director Tenet and that those reforms were yielding results. But if those results are insufficient, more needs to be done.

If a ship needs to change course and requires a new crew, the new crew needs to know both how to pilot a ship and how to plot a course. So far, the current upheaval at the Central Intelligence Agency makes me worry that the current new crew may not measure up to that challenge. I would like to be proved wrong because our national security depends on it.

EXHIBIT 1

[From the New York Times, Nov. 17, 2004]
NEW C.I.A. CHIEF TELLS WORKERS TO BACK
ADMINISTRATION POLICIES
(By Douglas Jehl)

WASHINGTON, Nov. 16.—Porter J. Goss, the new intelligence chief, has told Central Intelligence Agency employees that their job is to "support the administration and its policies in our work," a copy of an internal memorandum shows.

"As agency employees we do not identify with, support or champion opposition to the administration or its policies," Mr. Goss said in the memorandum, which was circulated late on Monday. He said in the document

that he was seeking "to clarify beyond doubt the rules of the road."

While his words could be construed as urging analysts to conform with administration policies, Mr. Goss also wrote, "We provide the intelligence as we see it—and let the facts alone speak to the policymaker."

The memorandum suggested an effort by Mr. Goss to spell out his thinking as he embarked on what he made clear would be a major overhaul at the agency, with further changes to come. The changes to date, including the ouster of the agency's clandestine service chief, have left current and former intelligence officials angry and unnerved. Some have been outspoken, including those who said Tuesday that they regarded Mr. Goss's warning as part of an effort to suppress dissent within the organization.

In recent weeks, White House officials have complained that some C.I.A. officials have sought to undermine President Bush and his policies.

At a minimum, Mr. Goss's memorandum appeared to be a swipe against an agency decision under George J. Tenet, his predecessor as director of central intelligence, to permit a senior analyst at the agency, Michael Scheuer, to write a book and grant interviews that were critical of the Bush administration's policies on terrorism.

One former intelligence official said he saw nothing inappropriate in Mr. Goss's warning, noting that the C.I.A. had long tried to distance itself and its employees from policy matters.

"Mike exploited a seam in the rules and inappropriately used it to express his own policy views," the official said of Mr. Scheuer. "That did serious damage to the agency, because many people, including some in the White House, thought that he was being urged by the agency to take on the president. I know that was not the case."

But a second former intelligence official said he was concerned that the memorandum and the changes represented an effort by Mr. Goss to stifle independence.

"If Goss is asking people to color their views and be a team player, that's not what people at C.I.A. signed up for," said the former intelligence official. The official and others interviewed in recent days spoke on condition that they not be named, saying they did not want to inflame tensions at the agency.

Some of the contents of Mr. Goss's memorandum were first reported by The Washington Post. A complete copy of the document was obtained on Tuesday by The New York Times.

Tensions between the agency's new leadership team, which took over in late September, and senior career officials are more intense than at any time since the late 1970's. The most significant changes so far have been the resignations on Monday of Stephen R. Kappes, the deputy director of operations, and his deputy, Michael Sulick, but Mr. Goss told agency employees in the memorandum that he planned further changes "in the days and weeks ahead of us" that would involve "procedures, organization, senior personnel and areas of focus for our action."

"I am committed to sharing these changes with you as they occur," Mr. Goss said in the memorandum. "I do understand it is easy to be distracted by both the nature and the pace of change. I am confident, however, that you will remain deeply committed to our mission."

Mr. Goss's memorandum included a reminder that C.I.A. employees should "scrupulously honor our secrecy oath" by allowing the agency's public affairs office and its Congressional relations branch to take the

lead in all contacts with the media and with Congress. "We remain a secret organization," he said.

Among the moves that Mr. Goss said he was weighing was the selection of a candidate to become the agency's No. 2 official, the deputy director of central intelligence. The name being mentioned most often within the C.I.A. as a candidate, intelligence officials said, is Lt. Gen. Michael V. Hayden of the Air Force, the director of the National Security Agency, which is responsible for intercepting electronic communications worldwide. The naming of a deputy director would be made by the White House, in a nomination subject to Senate confirmation.

In interviews this week, members of Congress as well as current and former intelligence officials said one reason the overhaul under way had left them unnerved was that Mr. Goss had not made clear what kind of agency he intended to put in place. But Mr. Goss's memorandum did little to spell out that vision, and it did not make clear why the focus of overhaul efforts to date appeared to be on the operations directorate, which carries out spying and other covert missions around the world.

"It's just very hard to divine what's going on over there," said Senator Ron Wyden, Democrat of Oregon, who said he and other members of the Senate intelligence committee would be seeking answers at closed sessions this week. "But on issue after issue, there's a real question about whether the country and the Congress are going to get an unvarnished picture of our intelligence situation at a critical time."

Mr. Goss said in the memorandum that he recognized that intelligence officers were operating in an atmosphere of extraordinary pressures, after a series of reports critical of intelligence agencies' performance in the months leading up to the Sept. 11 attacks and the war in Iraq.

"The I.C. and its people have been relentlessly scrutinized and criticized," he said, using an abbreviation for intelligence community. "Intelligence-related issues have become the fodder of partisan food fights and turf-power skirmishes. All the while, the demand for our services and products against a ruthless and unconventional enemy has expanded geometrically and we are expected to deliver—instantly. We have reason to be proud of our achievements and we need to be smarter about how we do our work in this operational climate."

LIFTING HOLD ON NOMINATION OF DEBORAH MAJORAS

Mr. WYDEN. Mr. President, last May, I announced my intention to object to any unanimous consent request for the Senate to take up the nomination of Deborah Majoras to be the Chair of the Federal Trade Commission, FTC. I did so because despite several requests, I had received no assurance from Ms. Majoras that under her leadership, the FTC would take any steps to address anticompetitive practices that drive up gasoline prices nationwide and particularly in the Pacific Northwest. Oregon consumers typically pay some of the highest gasoline prices in the Nation.

Today, I received a letter from Ms. Majoras describing how she is moving forward on certain commitments she made to me concerning the FTC's policies for the oil and gasoline industry.

In particular, she committed to consult with outside experts to get to the bottom of the differences between the Government Accountability Office, GAO, and the FTC on the impacts of the FTC oil merger policies on gasoline prices. Ms. Majoras' letter states that she is working to do this by conducting a public review of the GAO report on the Effects of Mergers and Market Concentration in the U.S. Petroleum Industry. Following that review, Ms. Majoras also promises to share her views with me on the GAO report.

Ms. Majoras' letter indicates she is making a good-faith effort to take a fresh look at the issues raised by the GAO report. In light of this and the other actions Ms. Majoras has initiated to get to the bottom of the reasons why consumers in my part of the country are paying such high gasoline prices, I will no longer object to any unanimous consent request for the Senate to take up Ms. Majoras' nomination. I will, however, continue to closely monitor the FTC actions under Ms. Majoras' leadership to ensure gasoline consumers are not overpaying at the pump.

I ask unanimous consent that a copy of this statement along with Ms. Majoras' letter be printed in the CONGRESSIONAL RECORD.

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

FEDERAL TRADE COMMISSION,
Washington, DC, November 18, 2004.

Hon. RON WYDEN,
U.S. Senate,
Washington, DC.

DEAR SENATOR WYDEN, In response to your recent inquiries, I want to assure you that I am working to implement the actions that I laid out in my letter of June 10, 2004. For example, we are working on the public review by outside economic experts of the findings in the GAO Report, *Energy Markets: Effects of Mergers and Market Concentration in the U.S. Petroleum Industry* and the criticisms of that report. As you know, it is common for economists to submit their work for peer review and discussion, and I believe that such an assessment would be useful. Given your interest in the report, I plan to share my views with you about the findings and conclusions of this public discussion once we have completed that process.

Here at the FTC, we are working at full throttle to protect American consumers; I look forward to working cooperatively with the Congress in the coming session on these efforts.

Sincerely,

DEBORAH PLATT MAJORAS.

COMMENDING SECRETARY POWELL AND STATE DEPARTMENT ON MANAGING INTERNATIONAL GOVERNMENTAL RELATIONS FOR U.S. TERRITORIES

Mr. CRAIG. Mr. President, as our colleagues on the Senate Energy and Natural Resources Committee will attest, it takes years of experience to understand some of the nuances of Federal law and policy applicable in American Samoa, Guam, Puerto Rico, the Northern Mariana Islands and the U.S. Vir-

gin Islands. Yet, our current Secretary of State has shown remarkable knowledge of the sometimes complex issues arising from official international activities of local territorial governments.

In responding to international issues arising from Federal-territorial relations in the case of Puerto Rico, Secretary Powell has articulated sound principles that are relevant to Federal policy with respect to the other territories as well. Specifically, the record should reflect the success of measures adopted by the Department of State to ensure that local government officials in the Commonwealth of Puerto Rico do not take official actions inconsistent with the reservation of foreign relations powers to the federal government under the U.S. Constitution.

The Department of State has tried to show flexibility and include territories in international programs and activities when appropriate, as it does in the case of other domestic political subdivisions. However, Department of State oversight and regulation of all official international activities by local territorial governments is necessary to preserve the constitutional allocation of powers within the U.S. Federal system, especially as it relates to administration of territories with a political status defined by Federal statute rather than the U.S. Constitution itself. In the case of Puerto Rico, Federal authority in all official international matters is consistent with the Puerto Rico Federal Relations Act (64 Stat. 319), and required by the status of the Commonwealth of Puerto Rico as a territory subject to the authority of Congress under Article IV, Section 3, Clause 2 of the U.S. Constitution. All powers of the local government remain subject to the supremacy of Federal law.

The Department of State acted in the national interest and in the best long-term interest of our fellow citizens in Puerto Rico by not acquiescing in actions by U.S. citizen officials of the local government seeking international recognition and treatment for Puerto Rico that are reserved for sovereign nations. The Department must continue to adhere to the simple rule that the Commonwealth should not be permitted to act officially in the international sphere in a manner that would not be permitted for other political subdivisions, whether State, county, city or territorial, unless otherwise specifically provided by Congress.

By confirming the correct application of Federal law and policy in his cable to our embassies, Secretary Powell has given diplomatic expression to the principles of federalism that apply to Puerto Rico and other U.S. territories. This "Powell Doctrine", if you will, ends the ambivalence and ambiguity that have existed about these issues for too long. The Secretary of State applied the correct legal doctrine in these matters, based on the principle that the Federal Government conducts

the foreign policy of the United States and all its citizens, which includes the U.S. citizens of Puerto Rico under its current status.

The actions taken by the Department of State in this matter do not affect the process of self-determination as to the ultimate political status of Puerto Rico. Rather, this is a matter of confirming and in a proper manner implementing Federal powers and responsibilities beyond the realm of local politics regarding the status of the territory, until informed self-determination recognized under Federal law and policy leads to status resolution. Of course, neither local government powers nor the terms for political status resolution can be determined unilaterally by local law or political processes, because in each case Federal law is supreme and only changes in Federal law can change the status or define the extent that local governments can exercise sovereignty as to local matters.

For making these realities clear, and doing so in an impartial and entirely fair way, it is appropriate to commend our Secretary of State and the men and women of the U.S. State Department.

TRIBUTE TO INTERNS

Mr. HARKIN. Mr. President, today I extend my appreciation to my fall 2004 class of interns: Sonja Loges, Colleen Coffey, Lauryn Douglas, Cheri Rolfes, Sarah Helgen, Katie Callahan, Milan Dalal and Deborah Sundquist. Each of them has been of tremendous assistance to me and to the people of Iowa over the past several months.

Since I was first elected to the Senate in 1984, my office has offered internships to young Iowans and other interested students. Through their work in the Senate, our interns have not only seen the legislative process, but also personally contributed to our Nation's democracy.

It is with much appreciation that I recognize Sonja, Colleen, Lauryn, Cheri, Sarah, Katie, Milan and Deborah for their hard work this fall. It has been a delight to watch them take on their assignments with enthusiasm and hard work. I am very proud to have worked with each of them. I hope they take from their fall a sense of pride in what they have been able to accomplish, as well as an increased interest in public service and our democratic system and process.

TRIBUTE TO HOWARD TINBERG AND ROBERT BELL

Mr. KENNEDY. Mr. President, it is a privilege to take this opportunity to commend two college professors in Massachusetts for the national recognition they have won today. Professor of English Howard Tinberg at Bristol Community College in Fall River was named an Outstanding Community College Professor of the Year, and Robert Bell, professor of English at Williams College in Williamstown, was

named an Outstanding Baccalaureate College Professor of the Year.

The awards were presented by the Council for Advancement and Support of Education and the Carnegie Foundation for the Advancement of Teaching. Four professors were recognized at each level of higher education—community college, baccalaureate, masters, and doctoral/research—for their outstanding teaching, their commitment to undergraduate students and their contribution to teaching as a profession.

Howard Tinberg teaches literature and composition, and is renowned for involving his students in researching the use of literacy in families and communities. He was instrumental in the establishment of the Writing Center at Bristol Community College and the Center for Teaching and Learning on the campus. He also serves as editor of the national journal, *Teaching English in the Two-Year Colleges*.

Robert Bell's approach to teaching is grounded in his personal connections to his students and the exploration of literature through the details of the author's language. In 1994, he founded a mentoring program for new faculty members, the Project for Effective Teaching, which brings teachers together for weekly discussions, symposia and conferences.

The Professors of the Year Program was created in 1981 and is the only national program specifically designed to recognize excellence in undergraduate teaching and mentoring. This year's winners were selected from a pool of nearly 300 teachers nominated by their provosts and academic vice presidents and supported by colleagues, former students, and current students.

Massachusetts is proud of the national recognition earned by these two distinguished educators who have dedicated their careers to improving the learning and lives of their students and colleagues, and I congratulate them for their impressive leadership.

ADDITIONAL STATEMENTS

HONORING AKO ABDUL-SAMAD

• Mr. HARKIN. Mr. President, today I would like to call my colleagues' attention to the extraordinary work of one of my Iowa constituents. This year, Ako Abdul-Samad, a Des Moines-based activist, received the prestigious 2004 National Caring Award for his work with at-risk youth in urban areas throughout Iowa. His organization, Creative Visions, was founded in 1996 after gang violence killed a young woman in suburban Des Moines. By working with both community leaders as well as gang leaders, Ako has helped many youth overcome their troubled past.

I am proud to call Ako Abdul-Samad not only a fellow Iowan, but also a friend. Since 1996, his organization has aided countless Iowa youth. Without

his remarkable efforts and compassion, the urban areas of Iowa would not be the same. His progressive vision of today's youth places a positive outlook not only for the youth of today, but also the youth of the future.

Mr. President, I ask that the following magazine article be printed in the RECORD.

The article follows:

[From the Caring Magazine, Dec., 2004]

In 1996, a young woman from an outlying suburb of Des Moines, Iowa, was killed when caught in gang crossfire—a tragedy frequently played out in all too many American cities and towns. The community was outraged, and many people approached local activist Ako Abdul-Samad and asked what could be done. He replied, "Let's talk with the kids you're talking about. Let's hear what they need."

And so Chuck Johnson, president and CEO of Pioneer Hi-Bred and president of the Des Moines Chamber of Commerce, and Tom Glenn of the Des Moines Labor Institute met with Abdul-Samad for hours along with 14 of Des Moines' top gang leaders. Then Abdul-Samad met with the gang members alone, discussing an idea he had to build an organization to help at-risk youth.

Of the 14 gang leaders who showed up that day, six bought into Abdul-Samad's idea. And thus Creative Visions was born. The only thing the newly birthed organization asked of the six gang members who stayed on was to stop all of their illegal activity. "We didn't ask them to denounce their gang or to shed their gang colors," says Abdul-Samad. "And for two months we all worked out of my house—with members of the Crips, Bloods, Gangsta Disciples, and Vice Lords coming and going, much to my neighbors' wary curiosity."

"After the two months, we met again with the president of Pioneer Hi-Bred, among others. The gang members walked in wearing their colors, and then shortly into the meeting they all got up and walked out. I kept on talking, and it seemed like they weren't coming back, so I began to apologize to the president and attendees. Just then, all of them walked in again dressed in business suits ready to give their individual presentations. Tears streamed down my face."

In the eight years that have since passed, only one of the six original gang members who agreed to work with Abdul-Samad returned to his former ways, and now even he is starting to put his life back together again.

From that small but powerful beginning, Abdul-Samad estimates that Creative Visions has probably taken more guns and drugs off the street than any other organization in the Midwest. Their secret? Very simple, really. Give the so-called "lost-to-the-streets" youth and young adults a customized, holistic program of self-development, and you will see them transform into self-sufficient, productive citizens. The seeds for Creative Visions were planted 15 years before its formal founding. "I had a contract to visit and work in the prisons statewide," says Abdul-Samad. "One day I was in the intake center where all the prisoners come once they are sentenced. I met a 16-year-old who was about to serve an adult sentence, and before I left he asked me to tell his dad and uncles when I saw them that he was OK. I thought he meant when I got back to Des Moines to look them up. But no, he said his dad was in one state prison and his uncles were in another. Then I learned that all of them had been to El Dora, a well-known boys' training school that supposedly helped troubled youth avoid a life of crime. Obvi-

ously, we were failing to turn young lives around."

Abdul-Samad began to research the problem. He resigned his prison contract and went to work for a Des Moines organization called Urban Dreams, where he worked with kids already at El Dora. "But I wanted to catch the kids before they got to that institution," explains Abdul-Samad. "And I was tired of hearing people say we can fix kids. You can't 'fix' a child or an adult. You can provide resources for them to fix themselves because if the motivation to change doesn't come from their own heart, it doesn't work."

It was at that time that the young woman in Des Moines was killed in the crossfire, providing a catalyst to test Abdul-Samad's concept. "With Creative Visions we showed the kids we were willing to give them an opportunity," Abdul-Samad affirms. "We gave them a new family to belong to. We gave them an opportunity to have a building—that gave them ownership because they put the graffiti on the walls. Every young person who was here in 1996 was involved in all aspects of Creative Visions. We didn't do one program without their input. We would do focus groups until we got it right. And they saw me walking the talk."

And then came 1997 and a personal tragedy that tested Abdul-Samad's faith and ability to continue to "walk the talk." In December his only son, "Little Ako," was shot to death by a young man named Rodney. "When I went to the hospital, it was full of young people waiting to see what I would do," Abdul-Samad recalls. "The police declared it an accidental shooting. My family wanted me to press charges and send the killer to jail. And the gang members wanted to kill Rodney. I will tell you now that the walk became very difficult for me. I worked hard at just trying to think straight. Sometimes I wouldn't know what I was doing."

"I prayed for guidance. Within a week, I called a press conference and had Rodney and his mother there. And I forgave Rodney in public. I said that I've already lost my son and that it would do no good to lose another young man. I said if I could forgive him, who had the right not to? And then I took Rodney home with me for the next four or five days."

"I think this is what the fate of Creative Visions, because the kids and young adults now saw me walk the talk despite my personal pain. They saw I was willing to keep on giving, no matter what it cost. And not only me. There was another staff person whose son was shot and killed in a street not far from our office. The kids could see that there are people who work here that are in pain, but they keep on going." Lest one label Abdul-Samad and his co-workers "role models," he is quick to correct the term: "We don't use the term 'role model'; we use 'goal model.' Too many times we put our role models upon pedestals; we don't allow them to be human, which hinders their giving. We think a 'goal model' allows someone to make mistakes, to learn from those mistakes, and to grow. As goal models we 'model' setting goals, striving to reach those goals, and making those goals a reality."

Certainly part of what makes Creative Visions work is its peer counselors—some of whom are former gang members, drug addicts, and dealers themselves. They are especially able to form trusting relationship with young people who know they have "been there, done that."

Like many dedicated to a life of service, Abdul-Samad's reward is not accolades. "A reward is when a young street person, whom everyone else had given up on, goes through our program and then walks in the door one day and shows you their diploma, or tells you they've gone back to school, or shares

the career path they've chose to pursue. Nothing is more rewarding than to watch someone who is struggling and wearing a look of despair suddenly transform. You can begin to see hope in their eyes and the beginning of a smile."

There are many aspects of inner-city life that are not pretty. Abdul-Samad and his co-workers come face to face with often grim and gritty circumstances that most people would not want to even hear about, much less confront. Teen pregnancies, venereal diseases, drug overdoses, stabbings, are all part of the realities Creative Visions' counselors face each day. Abdul-Samad credits his relationship with God with helping him get through his pain. He also copes through the pen—often writing poetry at 3 a.m., which relaxes him and had led to the release of his first book, *A Deeper Truth/Relevations From the Soul*.

Abdul-Samad has spent most of his 53 years giving to others. Even as a child he tended to wounded animals or fixed broken bicycles and then gave them away to neighborhood kids. By the time he was 18, he was aligned with an organization that fed 300 children each morning—long before the school system began offering free breakfasts. "This was all during the 1960s, a good time in which to have grown up because of all the consciousness-raising going on—women's rights, civil rights, human rights," says Abdul-Samad. "Anyone young who got caught up in the counter-culture movement at that time couldn't help but identify with people who were struggling."

After eight years, the vision Ako Abdul-Samad conceived and built is flourishing. Almost two dozen programs are now operating through his center, from computer classes to 12-step meetings. Since its inception, Creative Visions has attracted and helped more than 6,500 men, women, and at-risk children and youth. Now calls are coming in from cities around the United States—and other countries including Mexico, the Netherlands, and Nigeria—also interested in starting similar organizations.

Abdul-Samad knows that many of the battles he undertakes won't be won in his lifetime. But his philosophy is to plant a seed, and he has planted many.●

REVEREND CECIL WILLIAMS

● Mrs. BOXER. Mr. President, I wish to recognize and share with my colleagues the compassion and dedication of Reverend Cecil Williams in honor of his 40 years of community service to the San Francisco community.

Reverend Williams has been Pastor of San Francisco's Glide Memorial Church since the early 1960s. He has built a community congregation of over 10,000 members and is recognized as a national leader on the leading edge of social change.

Reverend Williams has led Glide Memorial Church to be a political voice for equal rights and a safe haven for the oppressed. His congregation has lent its support to those who speak out on national issues of importance, such as the Vietnam war, nuclear weapon development, affirmative action and HIV/AIDS prevention.

When Reverend Williams joined Glide Memorial Church in the 1960s, he transformed it into a sacred space that honors diversity, expression, and the celebration of life.

I would like to share a couple examples of Reverend Williams' tremendous

work. In the 1960s, Reverend Williams launched a free meal program at Glide that expanded in the 1980s to providing three meals a day to the hungry and homeless. The program currently serves over 1 million meals a year to members of the larger San Francisco community.

In the 1990s, feeling the need to reach out to those involved in drug abuse, Reverend Williams took his message against drugs into the community, using a bullhorn in front of housing projects to call addicts and dealers out to recovery.

As Reverend Williams begins his 40th year at Glide Memorial Church, he is now serving as Glide's CEO and Minister of National and International Ministries. He continues to bring forth new ideas on how to battle the problems inflicting the San Francisco community, including poverty, drug abuse, violence and despair. He is a respected and revered leader who brings together people searching for acceptance, social justice and spiritual growth.

I hope you will all join me in celebrating the remarkable service of Reverend Cecil Williams for the past 40 years at Glide Memorial Church. I wish him many more years of rewarding experiences to the San Francisco community and beyond.●

IN TRIBUTE TO RHODE ISLAND BROADCASTING LEGEND SALTY BRINE

● Mr. CHAFEE. Mr. President, I want to pay tribute to a great Rhode Islander who passed away on Election Day: Walter L "Salty" Brine.

Salty Brine was a local broadcasting legend one might even say he was the voice of Rhode Island. For half a century, he hosted the morning program on WPRO-AM. It was Salty's voice that thrilled three generations of schoolchildren on snowy mornings with the announcement, "No school, Foster-Glocester!"

Salty's show was the soundtrack of a Rhode Island morning. The sound of his voice conjures up the following scene: It is dark outside, a bowl of steaming oatmeal is on the kitchen table, there is a mad scramble to locate a missing mitten before the school bus arrives.

Salty would preside over the recounting of the news and the weather. His wife Mickie would call in and give a report on what birds were at the birdfeeder. We would be on the edges of our seats waiting for him to say our school was closed. I suppose it is fair to say that Rhode Islanders associate Salty Brine with that singular elation aroused by a snow day. Salty was the ultimate bearer of good news.

Of course, Salty's career encompassed much more than reading the rolloall of school closures. From 1958 to 1968, he hosted a children's television program called "Salty Brine's Shack," which costarred his collie Jack and ended reliably with the admonition, "Brush your teeth and say your pray-

ers!" Having lost a leg in a train accident when he was a boy, Salty was a firm support and wonderful example for youngsters who were coping with a similar disability. Salty would demonstrate how the loss of a limb really would not set them back one bit.

Many charitable endeavors benefited from Salty's talent, energy, and good name. He was especially involved in the Big Brothers of Rhode Island, the Muscular Dystrophy Association, and was a board member, appropriately enough, of Save the Bay. Cardi's Furniture for whom he had recorded a trademark commercial—honored Salty for his service to our community just last year.

Born in 1918, Salty's life was framed by Red Sox World Series victories. This is entirely appropriate, as Salty was an ardent and devoted fan and even had aspired to be a ball player. Just last August, on Rhode Island Day at Fenway Park, Salty Brine was given the well-deserved honor of throwing out the first pitch.

Like the Big Blue Bug and Mr. Potato Head, Salty Brine, with his skipper's hat, was a Rhode Island icon, a one-of-a-kind and endearing institution that bound all Rhode Islanders together in a single fond experience. He was so much a part of our landscape that the legislature renamed a Narragansett State beach after him. The Salty Brine Beach endures as a permanent affirmation of our affection for our Salty.

Salty Brine was married to his first wife, Marion, known to all as Mickie, for 56 years. She died in 2000. He is survived by his wife, Roseanna, and his son Wally, who co-hosts the "Loren & Wally Morning Show" on WROR-FM in Boston.

Rhode Island will miss him.●

RETIREMENT OF VEE BURKE

● Mr. ROCKEFELLER. Mr. President, I commend Ms. Vee Burke for her years of public service as a member of the Congressional Research Service, CRS. She has demonstrated an enormous capacity for public service and tremendous insight on social policy. In over 30 years working for the CRS, Vee has proven herself to be a true expert in the field of public welfare.

Through her hard work and dedication, Vee has provided background reports and thoughtful analysis of low-income programs, especially welfare reform. Members need timely and clear information in order to make informed policy decisions. Vee has provided such information for many years. Her ability to immerse herself in the specific details of each program assured the completeness of her reports, and her consistent presence from one year to the next was essential in maintaining an overview of the larger welfare system that the individual programs collectively represent.

At the end of this month, Vee will be retiring from CRS. While she will be

missed, she has certainly earned the right to move on to the next phase of her life. The legacy she leaves behind will be difficult to match. Having been honored for her outstanding performance numerous times, it is clear that Ms. Burke has earned the respect of her colleagues within CRS, congressional Members and staff, and the larger research and policy community as a whole. Though many of them will never know her name, her knowledge and commitment to public service has affected the lives of millions of Americans. It is with the deepest respect and admiration that I thank Ms. Burke here today and wish her the best in all of her future ventures.●

LEWIS AND CLARK NATIONAL HISTORIC PARK

● Mr. SMITH. Mr. President, today, on behalf of the residents of Clatsop County, OR, I pay tribute to public servants who are usually referred to here in the U.S. Senate as nameless and faceless bureaucrats. I express my gratitude to the dedicated staff of the National Park Service staff at the newly designated Lewis and Clark National Historic Park—in particular, the superintendent, Chip Jenkins.

Fort Clatsop and the Lewis and Clark National Historic Park, which sits in the northwest corner of Oregon, serves as the exclamation mark to the Lewis and Clark expedition across this vast continent. Established in 1958, this unit of the national park system has grown to be one of the most popular tourist attractions along the northern Oregon Coast. For 46 years, this park has endeavored to tell the story of the Lewis and Clark Expedition and its impact on the settlement of the Pacific Northwest.

In preparation for the upcoming Lewis and Clark Bicentennial festivities, Chip Jenkins and his staff at the Fort have served as a driving force in planning, facilitating and coordinating region-wide efforts to help tell the tale of Lewis and Clark in the great Pacific Northwest. Along with many key members of the community, Chip's vision and leadership abilities have culminated in the recent passage of the Lewis and Clark National Historical Park Designation Act, which brings several State parks from both Oregon and Washington in partnership with the National Park Service to tell a comprehensive story of the Lewis and Clark experience at the mouth of the magnificent Columbia River. This Act was recently signed into law by President Bush on October 30, 2004.

Chip has made such an impact on the State of Oregon that the Oregon Business magazine recently named him one of Oregon's top 50 Great Leaders. Well known in his community for his role at Fort Clatsop, Chip still finds time for involvement in other local organizations and efforts such as the Astoria Children's Museum.

Mr. President, I offer my words of appreciation for Chip Jenkins and his

staff at the Lewis and Clark National Historic Park for their dedication to the public good. With the peak of Lewis and Clark Bicentennial celebrations coming in the summer of 2005, there is still much work to do. But I am confident that they will succeed and leave a legacy lasting well beyond this season of celebration. While the public servants of our many Federal agencies are often faceless and nameless to us in Congress, they are considered friends and partners in the communities they serve.●

IN RECOGNITION OF RICHARD WOOD

● Mr. CARPER. Mr. President, I rise today in recognition of Richard Wood, CEO of Wawa Inc., and to commend him and his company's commitment and dedication to Delaware and surrounding States. As CEO of Wawa, Richard Wood has instilled in his associates the wisdom to do the right thing, and this core value enables the company to place a high priority on local community involvement. I thank him for all that he and his associates have done to make Delaware a better place.

The company began in 1803 and was incorporated in 1865 as the Millville Manufacturing Company. Millville's owner, George Wood, lived in Philadelphia and brought his family to Wawa, a rural town in Delaware County, PA. The original house where his family lived had a red tile roof, and is now the site of Wawa's present headquarters, hence the name "Red Roof" for Wawa's corporate offices. In 1902, George Wood took an interest in dairy farming and started a small milk processing plant in Wawa, specializing in the home delivery of milk. By the 1960s, the grandson of George Wood, Grahame Wood, recognized the changing economic trends and had the vision to expand by selling milk in convenience stores. In April 1964, the first Wawa Food Market was opened in Folsom, PA.

One of the founding principles of Wawa is a commitment to the local communities that they serve. Today Wawa's core value of "people helping people" guides Wawa and its employees to give back to those in need. Just some of Wawa's charitable causes include support for children's health, cancer research, AIDS research, domestic violence, heart disease and hunger. A few of the organizations benefiting from the Good Neighbor program include: Food Bank of Delaware, Contact Delaware, AIDS Delaware, The United Way and The Salvation Army.

Wawa has made a tremendous difference in its efforts to raise funds to help eliminate Sudden Infant Death Syndrome. SIDS, the unexplained death of an apparently healthy infant, is the leading cause of death in infants between one month and one year of age. This deadly syndrome has impacted the lives of countless Delaware families.

Since 1997, Wawa and the CJ Foundation for SIDS have held Walk-a-Thons on the second Sunday in September. Walks are held at 12 locations in their five trading areas: New Jersey, Pennsylvania, Delaware, Maryland, and Virginia. With the strong support of Wawa area managers, supervisors and store personnel, Wawa has raised more than \$1.5 million over the last 8 years. Not only have Wawa customers, vendors and associates given generously of their time to make the SIDS walks an enormous success, but countless Wawa associates volunteer to work the phone banks in New York City each year for the benefit of the CJ Foundation for SIDS Radiothon. Howard Stoeckel, President, and Harry McHugh, Senior Vice President, have both spoken on the Radiothon on behalf of Wawa and their involvement in the fight against SIDS.

Money raised at the Wawa Walk-a-Thons is used to fund research to find the cause of SIDS and to educate parents on how to reduce the risk of SIDS. Proceeds from the walks have helped volunteer grassroots SIDS organizations expand to regional professional non-profits. Thousands of families have greatly benefited from the national "Cribs For Kids" program, which receives funding from the Wawa Walk-a-Thons. This program distributes cribs to low-income families to help them provide a safe sleep environment for their babies.

Throughout all this, one steady influence has been the leadership of Richard Wood, Wawa's CEO, who leads by his example in defining Wawa's culture and values. Born and raised in Pennsylvania, Richard graduated in 1956 from St. Paul's School, Concord, NH. He went on to receive his B.S. in Commerce from the University of Virginia in 1961, and an LLB from the University of Pennsylvania Law School in 1964. After graduating from law school, Mr. Wood served as a law clerk for one year in the Federal Court of the Eastern District of Pennsylvania for the Honorable Francis L. Van Dusen. He then joined the law firm of Montgomery, McCracken, Walker and Rhoads in Philadelphia, PA. In June of 1970, Mr. Wood joined Wawa, Inc. as General Counsel. He served in various capacities until becoming President in June 1977 and Chief Executive Officer in January 1981. Richard and his wife Jean reside in Wawa, PA.

Richard serves on several boards, including the Children's Hospital of Philadelphia, Greater Philadelphia Chamber of Commerce CEO Council for Growth, Pardee Resources Company, and QuikTrip Corporation. He has served as director for many organizations, including: Greater Philadelphia First, CoreStates Bank, N.A., Sheetz, Inc., Convenience Store, Foundation for Education and Research, Globe Ticket Company, Millville Savings & Loan Association, Overbrook School for the Blind, The Home of the Merciful Savior, The Philadelphia City Institute, Philadelphia Charity Ball, Inc.,

Crime Prevention Association, Upland Country Day School, Board of Managers of the Assemblies and Ludwig Institute. Richard was also past Board Chairman of the National Association of Convenience Stores, PQ Corporation, Riddle Memorial Hospital, and Gulph Mills Golf Club (past President).

Richard Wood will be retiring as Wawa's CEO at the end of 2004, and will assume the position of Chairman of the Board of Wawa Inc. I rise today to recognize Richard Wood and thank him for his compassion and leadership, and for the tremendous contributions he and the associates at Wawa have made to Delaware. I thank them for their commitment to strengthening all the communities that they serve.●

TERRY R. CARLSTROM

● Mr. SARBANES. Mr. President, I pay tribute today to Terry R. Carlstrom, a distinguished and respected steward of our Nation's natural and cultural resources. Terry is retiring after more than four decades of dedicated public service in the U.S. Department of the Interior, including 8 years as Director of the National Park Service's National Capital Region. I want to extend my personal congratulations and thanks for his many years of service and contributions to protecting and enhancing our national treasures.

Throughout his career, Terry has distinguished himself for his leadership and commitment to public service and to managing some of our Nation's most precious natural and cultural resources. Beginning as a young forester at Bridger National Forest in Wyoming in the early 1960s, Terry also served in the Bureau of Indian Affairs and the U.S. Fish and Wildlife Service before joining the National Park Service in 1972. He quickly advanced to positions in senior management in the National Park Service including Chief of Planning for the Denver Service Center Western Team and the Alaska Regional Office, Associate Regional Director for Professional Services in the National Capital Region and, most recently, as Regional Director.

During his 22-year tenure in the National Capital Region, I had the opportunity to work closely with Terry and members of his staff on a number of National Park initiatives in the State of Maryland and the broader Washington metropolitan region including land acquisitions at Monocacy Battlefield, the renovation of the Baltimore-Washington Parkway, the restoration of historic structures in the C&O Canal National Historical Park, at Fort Washington, and the restoration and joint management of Glen Echo Park in Montgomery County. Terry was also responsible for the difficult task of overseeing the construction and dedication of the Franklin D. Roosevelt Memorial, the Korean Veteran War Memorial, and the World War II Memorial, among other monuments. I know firsthand the extraordinary leadership

and expertise Terry brought not only to the National Parks and Monuments in this region, but equally important, to building and encouraging one of the finest, most professional teams of Federal employees in the Nation.

The legacy of Terry Carlstrom's 41-year career can be seen in our national parks across the country and especially here in the National Capital region but it can also be seen in the people who have been fortunate enough to come to know him. He has earned the admiration and respect of his colleagues in the National Park Service as well as the visitors to the parks he has worked to improve. It is my firm conviction that public service is one of the most honorable callings, one that demands unwavering dedication to the citizens and country they serve. Throughout his career, Terry has exemplified this commitment to his country and to his fellow citizens. I want to extend my personal congratulations to Terry on his very distinguished career and join with his friends and coworkers in wishing him well in the years ahead.●

TRIBUTE TO A DISTINGUISHED IOWA EDUCATOR, ANGIE KING

● Mr. HARKIN. Mr. President, one of the great joys of my job as Senator is working closely with talented, dedicated Iowans from all walks of life. I take a moment to salute one of those exceptional people, one of Iowa's most distinguished public educators, Angie King.

Angie King has dedicated her life to children and public education, first as a classroom teacher, later as two-term president of the 32,000-member Iowa State Education Association, and, until her retirement this week, as a senior staff member of that Association.

The fact is that, as an educator-leader, Angie King speaks with a special authority that can only come from decades of experience on the front line as a classroom teacher. For 21 years, she taught elementary students in the Des Moines public schools. Of all the titles Angie King has held in the course of her career, she prizes none more highly than the simple title of "teacher."

Angie King, as a teacher, leader and advocate is one reason why Iowa public schools are among the most respected and highest achieving in the United States. The marketplace claims that you get what you pay for. But in Iowa, when it comes to teachers, we get far, far better than we pay for. Despite modest salaries, my state is blessed with an extraordinary cadre of talented teachers. And most folks in Iowa know this and appreciate it. We hold our teachers in special esteem. And we're grateful for the long hours—and the generous hearts that they bring to their jobs.

For many people, there is a defining moment in their careers. For Angie King, that moment came one day in 1972 when she missed a staff meeting at

her elementary school. The next day, she discovered she has been elected in absentia to serve as a local representative of the Des Moines Education Association. Some people are born leaders; some people pursue leadership; and some people have leadership thrust upon them. That's what happened to Angie King. But she embraced her new role and responsibilities with energy and excellence.

As an association representative, she became more interested in the world of education beyond the four walls of her own classroom. She became a tireless activist, going on to serve as vice president of the Des Moines Education Association, a charter member of the ISEA Women's Caucus, an elected member of ISEA's executive committee, and, in 1985, chair of the ISEA Political Action Committee.

In 1990, Angie King was elected to serve the first of two terms as president of the Iowa State Education Association. She was one of a handful of women in history to be elected ISEA president, and the first elementary school teacher to hold that office.

In her farewell address at the conclusion of her second term in 1994, Angie King shared one of her favorite quotes from Albert Camus: "In the midst of winter I find there is in me an invincible summer." "That simple statement," she told the ISEA Delegate Assembly, "captures the very essence of who we are and what we do. In every child there is an invincible summer. It is our responsibility to nurture it and to foster it. And in each one of us there is, too, an invincible summer. It's what keeps us going back day after day, year after year, in the midst of sometimes very cold and dreary conditions."

Since 1994, Angie King has served as the political action specialist for the Iowa State Education Association. With her retirement this week, she concludes a distinguished career in public education spanning three and a half decades.

Angie King has made a real difference as a dedicated teacher, leader, and champion of public education. I know that she is looking forward to spending time nurturing the garden she has neglected while nurturing the children of Iowa. I am deeply grateful for her service, and I wish her all the best in the years ahead.●

THE PROJECT MANAGEMENT INSTITUTE

● Mr. TALENT. Mr. President, I rise today to salute the members of the Metro St. Louis Chapter of the Project Management Institute, in celebration of the chapter's 10th anniversary.

The Metro St. Louis chapter of PMI is dedicated to providing its members with services and forums to further the field of project management within the St. Louis region.

Internationally, PMI supports over 125,000 members in 140 countries. PMI members practice and study project

management in many different industry areas, including aerospace, automotive, business management, construction, engineering, financial services, information technology, pharmaceuticals and telecommunications.

Over time, PMI has become, and continues to be, one of the leading professional associations in project management. PMI's professional certification of Project Management Professional, or PMP, is highly respected across numerous industries. Professionals who have earned this credential are recognized daily for their value-added contributions to the organizations they serve.

The St. Louis chapter was founded on October 14, 1994, as the 71st chapter of PMI. At that time, the chapter had 24 charter members. Today, the St. Louis chapter is recognized as one of the fastest growing national chapters with over 600 members, more than 100 of whom have become certified PMPs. The chapter's board members and volunteers host monthly dinner and educational meetings, and they provide ongoing support for special events including national speaker presentations and PMP certification workshops.

The members of the St. Louis chapter are working professionals from regional businesses that include Fortune 500 companies, Federal, State and local government agencies, as well as mid-to-small size companies, start-ups and not-for-profits. Their efforts are important to the overall success of the region. I am honored to share their accomplishments with my colleagues, and I wish them all the best for the future.●

ST. LOUIS HURLING CLUB NATIONAL CHAMPIONS

● Mr. BOND. Mr. President, I wish to pay special tribute to the St. Louis Hurling Club on their National Championship of the North American Gaelic Athletic Association, Junior-C Division on September 3, 2004.

The St. Louis Hurling Club was founded in the Summer of 2002 by Paul C. Rohde, Daniel D. Lapke, and Patrick O'Connor. Their vision included introducing the sport of hurling to the greater metropolitan area of St. Louis, MO., creating opportunities to play the sport, and developing strong St. Louis representation in nationwide competition.

In just 2 short years the St. Louis Hurling Club has expanded to a four-team league, and has become the second-largest club of primarily American-born hurlers in North America. In just the first year of existence, the Gaelic Athletic Association extended the rare invitation to the St. Louis Hurling Club to join twenty-one other cities to the North American County Board. In September 2004, the St. Louis Hurling Club traveled to Colorado and returned with the National Championship by defeating clubs from Milwaukee and Seattle.

Paul Rohde, Daniel Lapke, and Patrick O'Connor are to be commended for their vision, leadership, and introduction of the ancient Irish sport as well as the continued growth of Irish culture to St. Louis, MO. Again, I wish to congratulate the St. Louis Hurling Club on their National Championship and wish them future success as they continue to evolve.●

MESSAGES FROM THE HOUSE

At 10:03 a.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House passed the bill (S. 1301) to amend title 18, United States Code, to prohibit video voyeurism in the special maritime and territorial jurisdiction of the United States, and for other purposes, with an amendment.

The message also announced that the House agreed to the amendment of the Senate to the bill (H.R. 1113) to authorize an exchange of land at Fort Fredrica National Monument, and for other purposes.

The message further announced that the House agreed to the amendment of the Senate to the bill (H.R. 1284) to amend the Reclamation Projects Authorization and Adjustment Act of 1992 to increase the Federal share of the costs of the San Gabriel Basin demonstration project.

The message also announced that the House agreed to the amendment of the Senate to the bill (H.R. 1417) to amend title 17, United States Code, to replace copyright arbitration royalty panels with Copyright Royalty Judges, and for other purposes.

The message further announced that the House agreed to the amendment of the Senate to the bill (H.R. 1446) to support the efforts of the California Missions Foundation to restore and repair the Spanish colonial and mission-era missions in the State of California and to preserve the artworks and artifacts of these missions, and for other purposes.

The message further announced that the House agreed to the amendment of the Senate to the bill (H.R. 1964) to assist the States of Connecticut, New Jersey, New York, and Pennsylvania in conserving priority lands and natural resources in the Highlands region, and for other purposes.

The message further announced that the House agreed to the amendment of the Senate to the bill (H.R. 3936) to amend title 38, United States Code, to authorize the principal office of the United States Court of Appeals for Veterans Claims to be at any location in the Washington, D.C., metropolitan area, rather than only in the District of Columbia, and expressing the sense of Congress that a dedicated Veterans Courthouse and Justice Center should be provided for that Court and those it serves and should be located, if feasible, at a site owned by the United States that is part of or proximate to

the Pentagon Reservation, and for other purposes.

The message also announced that the House agreed to the amendment of the Senate to the bill (H.R. 4516) to require the Secretary of Energy to carry out a program of research and development to advance high-end computing.

The message further announced that the House agreed to the amendment of the Senate to the bill (H.R. 4593) to establish wilderness areas, promote conservation, improve public land, and provide for the high quality development in Lincoln County, Nevada, and for other purposes.

The message also announced that the House passed the following bills, without amendment:

S. 434. An act to authorize the Secretary of Agriculture to sell or exchange all or part of certain parcels of National Forest System land in the State of Idaho and use the proceeds derived from the sale or exchange for National Forest System purposes.

S. 437. An act to provide for adjustments to the Central Arizona Project in Arizona, to authorize the Gila River Indian Community water rights settlement, to reauthorize and amend the Southern Arizona Water Rights Settlement Act of 1982, and for other purposes.

S. 1146. An act to implement the recommendations of the Garrison Unit Tribal Advisory Committee by providing authorization for the construction of a rural health care facility on the Fort Berthold Indian Reservation, North Dakota.

S. 1241. An act to establish the Kate Mullany National Historic Site in the State of New York, and for other purposes.

S. 1466. An act to facilitate the transfer of land in the State of Alaska, and for other purposes.

S. 1727. An act to authorize additional appropriations for the Reclamation Safety of Dams Act of 1978.

S. 2042. An act for the relief of Rocco A. Trescota of Fort Lauderdale, Florida.

S. 2302. An act to improve access to physicians in medically underserved areas.

S. 2484. An act to amend title 38, United States Code, to simplify and improve pay provisions for physicians and dentists and to authorize alternate work schedules and executive pay for nurses, and for other purposes.

S. 2486. An act to amend title 38, United States Code, to improve and enhance housing, education, and other benefits under the laws administered by the Secretary of Veterans Affairs, and for other purposes.

S. 2965. An act to amend the Livestock Mandatory Price Reporting Act of 1999 to modify the termination date for mandatory price reporting.

The message further announced that the House agreed to the concurrent resolution (S. Con. Res. 145) to correct the enrollment of H.R. 1417, without amendment.

At 4:57 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills and joint resolutions, in which it requests the concurrence of the Senate:

H.R. 5363. An act to authorize salary adjustments for Justices and judges of the United States for fiscal year 2005.

H.R. 5364. An act to designate the facility of the United States Postal Service located

at 5505 Stevens Way in San Diego, California, as the "Earl B. Gilliam/Imperial Avenue Post Office Building".

H.J. Res. 111. Joint resolution appointing the day for the convening of the first session of the One Hundred Ninth Congress.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 430. Concurrent resolution recognizing the importance of early diagnosis, proper treatment, and enhanced public awareness of Tourette Syndrome and supporting the goals and ideals of National Tourette Syndrome Awareness Month.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-9807. A communication from the Under Secretary of Defense, Comptroller, Department of Defense, transmitting, pursuant to law, the report of a violation of the Antideficiency Act, case number 03-05, relative to the U.S. Army Depot Support Activity-Far East, Seoul, Korea; to the Committee on Appropriations.

EC-9808. A communication from the Under Secretary of Defense, Comptroller, Department of Defense, transmitting, pursuant to law, the report of a violation of the Antideficiency Act, case number 98-05, relative to the United States Property and Fiscal Office for Colorado; to the Committee on Appropriations.

EC-9809. A communication from the Under Secretary of Defense, Comptroller, Department of Defense, transmitting, pursuant to law, the report of a violation of the Antideficiency Act, case number 03-02, relative to 2000 Operation and Maintenance, Navy appropriation; to the Committee on Appropriations.

EC-9810. A communication from the Director, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a supplemental update of the Budget; referred jointly to the Committees on Appropriations and the Budget.

EC-9811. A communication from the Secretary of Agriculture, transmitting, a draft of proposed legislation entitled "Forest Service and Community Partnership Enhancement Act"; to the Committee on Agriculture, Nutrition, and Forestry.

EC-9812. A communication from the Secretary of Agriculture, transmitting, a draft of proposed legislation "to establish a system for withholding or disclosing information obtained through the animal identification system established by the Secretary, and for other purposes"; to the Committee on Agriculture, Nutrition, and Forestry.

EC-9813. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Pine Shoot Beetle Hose Material from Canada" (Doc. No. 00-073-2) received on October 25, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC-9814. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Bees and Related Articles" (Doc. No. 98-109-2) received on October 25, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC-9815. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Bacillus Pumilus Strain QST 2808; Exemption from the Requirement of a Tolerance" (FRL#7684-4) received on November 4, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC-9816. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Deltamethrin; Pesticide Tolerance" (FRL#7683-5) received on November 4, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC-9817. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Pyraclostrobin; Pesticide Tolerances" (FRL#7681-9) received on November 4, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC-9818. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Thifensulfuron-methyl; Tolerance Actions" (FRL#7683-2) received on November 4, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC-9819. A communication from the Secretary of Agriculture, transmitting, pursuant to law, a report relative to resource management of a contract a private contractor to manage activities on Federal lands within the Stanislaus National Forest; to the Committee on Agriculture, Nutrition, and Forestry.

EC-9820. A communication from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Quality Control of Aviation Critical Safety Items and Related Services" (DFARS Case 2003-D101) received on October 14, 2004; to the Committee on Armed Services.

EC-9821. A communication from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Indian Incentive Program" (DFARS Case 2002-D033) received on October 14, 2004; to the Committee on Armed Services.

EC-9822. A communication from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Berry Amendment Changes" (DFARS Case 2003-D099) received on October 14, 2004; to the Committee on Armed Services.

EC-9823. A communication from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Definition of Terrorist Country" (DFARS Case 2003-D098) received on October 14, 2004; to the Committee on Armed Services.

EC-9824. A communication from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Acquisition Plans—Corrosion Prevention and Mitigation" (DFARS Case 2004-D004) received on October 14, 2004; to the Committee on Armed Services.

EC-9825. A communication from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Personal Services Contracts" (DFARS Case 2003-D103) received on October 14, 2004; to the Committee on Armed Services.

EC-9826. A communication from the Director, Defense Procurement and Acquisition

Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Consolidation of Contract Requirements" (DFARS Case 2003-D109) received on October 14, 2004; to the Committee on Armed Services.

EC-9827. A communication from the Chief of Naval Personnel, Department of the Navy, transmitting, pursuant to law, the report of the notification of a decision to convert to contractor performance a function of the Department of Defense performed by 290 DoD civilian employees; to the Committee on Armed Services.

EC-9828. A communication from the Director for Administration and Management, Office of the Secretary of Defense, transmitting, pursuant to law, a report relative to the cost for planning, design, construction, and installation for the renovation of Wedges 2 through 5 of the Pentagon; to the Committee on Armed Services.

EC-9829. A communication from the Acting Under Secretary of Defense, transmitting, pursuant to law, a report relative to purchases from foreign entities in Fiscal Year 2003; to the Committee on Armed Services.

EC-9830. A communication from the Secretary of Defense, transmitting, pursuant to law, the report of a retirement; to the Committee on Armed Services.

EC-9831. A communication from the Principal Deputy for Personnel and Readiness, Office of the Under Secretary of Defense, transmitting, pursuant to law, a report of the authorization to wear the insignia of brigadier general; to the Committee on Armed Services.

EC-9832. A communication from the Under Secretary of Defense for Personnel and Readiness, Department of Defense, transmitting, the report of a retirement; to the Committee on Armed Services.

EC-9833. A communication from the Principal Deputy for Personnel and Readiness, Office of the Under Secretary of Defense, Department of Defense, transmitting, pursuant to law, the approval to wear the insignia of lieutenant general; to the Committee on Armed Services.

EC-9834. A communication from the Assistant Secretary of Defense for Health Affairs, Department of Defense, transmitting, pursuant to law, a report of the Findings and Recommendations from the Department of Defense and the Department of Veterans' Affairs; to the Committee on Armed Services.

EC-9835. A communication from the Principal Deputy for Personnel and Readiness, Office of the Under Secretary of Defense, Department of Defense, transmitting, pursuant to law, a report of the authorization to wear the insignia of the grade of rear admiral (lower half); to the Committee on Armed Services.

EC-9836. A communication from the Principal Deputy for Personnel and Readiness, Office of the Under Secretary of Defense, Department of Defense, transmitting, pursuant to law, a report of the authorization to wear the insignia of the grade of vice admiral; to the Committee on Armed Services.

EC-9837. A communication from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Extension of Partnership Agreement—8(a) Program" (DFARS Case 2004-D015) received on October 26, 2004; to the Committee on Armed Services.

EC-9838. A communication from the Acting Under Secretary of Defense for Acquisition, Technology, and Logistics, transmitting, pursuant to law, the government-wide progress report and the DoD supplement required by the Federal Financial Assistance Management Improvement Act; to the Committee on Armed Services.

EC-9839. A communication from the Assistant Director for Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, the report of the discontinuation of service in acting role for the position of Deputy Under Secretary of Defense for Logistics and Materiel Readiness, Department of Defense, received on October 26, 2004; to the Committee on Armed Services.

EC-9840. A communication from the Assistant Director for Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, the report of a nomination for the position of Deputy Under Secretary of Defense for Logistics and Materiel Readiness, Department of Defense, received on October 26, 2004; to the Committee on Armed Services.

EC-9841. A communication from the Assistant Director for Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, the report of a nomination rejected, withdrawn, or returned for the position of Under Secretary of Defense for Logistics and Materiel Readiness, Department of Defense, received on October 26, 2004; to the Committee on Armed Services.

EC-9842. A communication from the Assistant Director for Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, the report of a nomination for the position of Assistant Secretary of the Navy for Financial Management and Comptroller, Department of Defense, received on October 26, 2004; to the Committee on Armed Services.

EC-9843. A communication from the Assistant Director for Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, the report of a nomination for the position of Secretary of the Army, Department of Defense, received on October 26, 2004; to the Committee on Armed Services.

EC-9844. A communication from the Assistant Director for Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, the report of a nomination for the position of Assistant Secretary of the Navy for Installations and Environment, Department of Defense, received on October 26, 2004; to the Committee on Armed Services.

EC-9845. A communication from the Assistant Director for Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, the report of a vacancy for the position of General Counsel, Department of the Army, Department of Defense, received on October 26, 2004; to the Committee on Armed Services.

EC-9846. A communication from the Assistant Director for Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, the report of a nomination confirmed for the position of Under Secretary of the Navy, Department of Defense, received on October 26, 2004; to the Committee on Armed Services.

EC-9847. A communication from the Acting Under Secretary of Defense for Acquisition, Technology, and Logistics, Department of Defense, transmitting, pursuant to law, a report entitled "Department of Defense Fiscal Year 2003 Environmental Quality Program Annual Report"; to the Committee on Armed Services.

EC-9848. A communication from the Principal Deputy for Personnel and Readiness, Office of the Under Secretary of Defense for Personnel and Readiness, transmitting, pursuant to law, a report of the approval to wear the insignia of brigadier general; to the Committee on Armed Services.

EC-9849. A communication from the Federal Register Certifying Officer, Financial Management Service, Department of the

Treasury, transmitting, pursuant to law, the report of a rule entitled "Endorsement and Payment of Checks Drawn on the United States Treasury" (RIN1510-AA99) received on October 13, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC-9850. A communication from the Deputy General Counsel for Equal Opportunity and Administrative Law, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a nomination for the position of Assistant Secretary for Community Development, Department of Housing and Urban Development, received on October 14, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC-9851. A communication from the Deputy General Counsel for Equal Opportunity and Administrative Law, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a nomination confirmed for the position of Associate General Counsel for Human Resources Law, Department of Housing and Urban Development, received on October 14, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC-9852. A communication from the Deputy Secretary of the Treasury, transmitting, pursuant to law, a report on the national emergency declared in Executive Order 12978 with respect to significant narcotics traffickers centered in Colombia; to the Committee on Banking, Housing, and Urban Affairs.

EC-9853. A communication from the Deputy Secretary of the Treasury, transmitting, pursuant to law, a report on the national emergency declared in Executive Order 13067 with respect to Sudan; to the Committee on Banking, Housing, and Urban Affairs.

EC-9854. A communication from the Chairman and President, Export-Import Bank of the United States, transmitting, pursuant to law, the report of a transaction involving U.S. exports to Malaysia; to the Committee on Banking, Housing, and Urban Affairs.

EC-9855. A communication from the Acting General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations; 69 FR 51380" (44 CFR 65) received on October 14, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC-9856. A communication from the Acting General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations; 69 FR 51375" (44 CFR 65) received on October 14, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC-9857. A communication from the Acting General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations; 69 FR 51373" (44 CFR 65) received on October 14, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC-9858. A communication from the Acting General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations; 69 FR 51388" (44 CFR 67) received on October 14, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC-9859. A communication from the Acting General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations; 69 FR 51382" (44 CFR 67) received on October 14, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC-9860. A communication from the Acting General Counsel, Federal Emergency Man-

agement Agency, transmitting, pursuant to law, the report of a rule entitled "Suspension of Community Eligibility; 69 FR 53835" (44 CFR 64) received on October 14, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC-9861. A communication from the Chairman, Federal Housing Finance Board, transmitting, pursuant to law, transmitting, pursuant to law, the Board's strategic plan for fiscal years 2003 through 2008, the Board's annual performance plan for fiscal year 2004, and the Board's annual performance budget for fiscal year 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC-9862. A communication from the Chief Financial Officer and Assistant Secretary for Administration, Department of Commerce, transmitting, pursuant to law, the Department's Annual Progress Report to Congress; to the Committee on Commerce, Science, and Transportation.

EC-9863. A communication from the Attorney Advisor, Maritime Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amended Service Obligation Reporting Requirements for State Maritime Academy Graduates" (RIN2133-AB61) received on October 18, 2004; to the Committee on Commerce, Science, and Transportation.

EC-9864. A communication from the Attorney Advisor, Maritime Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Electronic Options for Transmitting Certain Information Collection Responses to MARAD" (RIN2133-AB64) received on October 18, 2004; to the Committee on Commerce, Science, and Transportation.

EC-9865. A communication from the Attorney Advisor, Maritime Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amended Service Obligation Reporting Requirements for U.S. Merchant Marine Academy Graduates" (RIN2133-AB66) received on October 18, 2004; to the Committee on Commerce, Science, and Transportation.

EC-9866. A communication from the Senior Attorney, Research and Special Programs Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Hazardous Materials; Compatibility with the Regulations of the International Atomic Energy Agency; Correction; Final Rule" (RIN2137-AD40) received on October 18, 2004; to the Committee on Commerce, Science, and Transportation.

EC-9867. A communication from the Secretary of the Commission, East Central Region, Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled "Tire Advertising and Labeling Guides" received on October 14, 2004; to the Committee on Commerce, Science, and Transportation.

EC-9868. A communication from the Secretary of Energy, transmitting, pursuant to law, a report relative to the status of Exxon and Stripper Well oil overcharge funds; to the Committee on Energy and Natural Resources.

EC-9869. A communication from the Federal Register Liaison Officer, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Coal Production Fees" (RIN1029-AC46) received on October 13, 2004; to the Committee on Energy and Natural Resources.

EC-9870. A communication from the Assistant Secretary for Fish, Wildlife, and Parks, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for the Mariana Fruit Bat

and Guam Micronesian Kingfisher on Guam and the Mariana Crow on Guam and in the Commonwealth of the Northern Mariana Islands" (RIN1018-AI25) received on October 13, 2004; to the Committee on Environment and Public Works.

EC-9871. A communication from the Assistant Secretary for Fish, Wildlife, and Parks, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Interim Rule for the Beluga Sturgeon (*Huso huso*)" (RIN1018-AU02) received on October 13, 2004; to the Committee on Environment and Public Works.

EC-9872. A communication from the Director of Congressional Affairs, Office of General Counsel, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Adjustment of Civil Penalties for Inflation and Accompany Revisions to NRC Enforcement Policy" (RIN3150-AH55) received on October 26, 2004; to the Committee on Environment and Public Works.

EC-9873. A communication from the Chairman, Nuclear Regulatory Commission, transmitting, pursuant to law, a report on the status of the Commission's licensing and regulatory duties; to the Committee on Environment and Public Works.

EC-9874. A communication from the Acting General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Hazard Mitigation Planning and Hazard Mitigation Grant Program" (RIN1660-AA17) received on October 14, 2004; to the Committee on Environment and Public Works.

EC-9875. A communication from the Acting Director, Customs and Border Protection, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Prototypes Used Solely for Product Development, Testing, Evaluation, or Quality Control Purposes" (RIN1505-AB32) received on November 4, 2004; to the Committee on Finance.

EC-9876. A communication from the Secretary of the Treasury, Department of the Treasury, transmitting, pursuant to law, a report relative to trade and investment opportunities in Libya; to the Committee on Finance.

EC-9877. A communication from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare Program; Home Health Prospective Payment System Rate Update for Calendar Year 2005" (RIN0938-AM93) received on October 26, 2004; to the Committee on Finance.

EC-9878. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Treatment as Qualified Dividend Income for Purposes of Section 1(h)(11)" (Notice 2004-70) received on October 22, 2004; to the Committee on Finance.

EC-9879. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "2004 Base Period T-Bill Rate" (Rev. Rul. 2004-99) received on October 22, 2004; to the Committee on Finance.

EC-9880. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Coordinated Issues: Transfer of Sale of Compensatory Options or Restricted Stock to Related Persons" (UIL:9300.28-00) received on October 22, 2004; to the Committee on Finance.

EC-9881. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Applicable Federal Rates—November 2004" (Rev. Rul. 2004-102) received on October 22, 2004; to the Committee on Finance.

EC-9882. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Appeals Settlement Guidelines: Intermediary Transactions Tax Shelters" (UIL:9300.16-00) received on October 22, 2004; to the Committee on Finance.

EC-9883. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Coordinated Issue: Notice 2002-21 Tax Shelter" (UIL:9300.19.00) received on October 22, 2004; to the Committee on Finance.

EC-9884. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Bureau of Labor Statistics Price Indexes for Department Stores—August 2004" (Rev. Rul. 2004-101) received on October 22, 2004; to the Committee on Finance.

EC-9885. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Information Reporting and Other Guidance Distributions with Respect to Securities Issued by Foreign Corporations" (Notice 2004-71) received on October 22, 2004; to the Committee on Finance.

EC-9886. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Information Reporting Under Section 6050P for Discharges of Indebtedness" (RIN1545-AY35) received on October 22, 2004; to the Committee on Finance.

EC-9887. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Update of Revenue Ruling 96063 901(j) List" (Rev. Rul. 2004-103) received on October 22, 2004; to the Committee on Finance.

EC-9888. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "October-December 2004 Bond Factor Amounts" (Rev. Rule 2004-100) received on October 22, 2004; to the Committee on Finance.

EC-9889. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Section 1397E—Allocation of National Limitation for Qualified Zone Academy Bonds for Year 2004" (Rev. Proc. 2004-61) received on October 22, 2004; to the Committee on Finance.

EC-9890. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Classification of Certain Foreign Entities" (Notice 2004-68) received on October 22, 2004; to the Committee on Finance.

EC-9891. A communication from the United States Trade Representative, Executive Office of the President, transmitting, pursuant to law, a report relative to the United States-Bahrain Free Trade Agreement; to the Committee on Finance.

EC-9892. A communication from the Regulations Officer, Social Security Administration, transmitting, pursuant to law, the report of a rule entitled "Representative Pay-

ment Under Titles II, VIII, and XVI of the Social Security Act" (RIN0960-AF83) received on October 26, 2004; to the Committee on Finance.

EC-9893. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a rule entitled "Schedule of Fees for Consular Services, Department of State and Overseas Embassies and Consulates" (RIN1400-AB94) received on October 13, 2004; to the Committee on Foreign Relations.

EC-9894. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, the report of the texts and background statements of international agreements, other than treaties; to the Committee on Foreign Relations.

EC-9895. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, the report of the texts and background statements of international agreements, other than treaties; to the Committee on Foreign Relations.

EC-9896. A communication from the Director, Strategic Human Resources Policy, Office of, transmitting, pursuant to law, the report of a rule entitled "Cost-of-Living Allowances (Nonforeign Areas); Methodology Changes" (RIN3206-AK29) received on October 25, 2004; to the Committee on Governmental Affairs.

EC-9897. A communication from the Director, Trade and Development Agency, transmitting, pursuant to law, the Agency's report of the Office of Inspector General for Fiscal Year 2004; to the Committee on Governmental Affairs.

EC-9898. A communication from the Chairman, Office of General Counsel, Federal Election Commission, transmitting, pursuant to law, the report of a rule entitled "Coordinated and Independent Expenditures by Party Committees" received on November 4, 2004; to the Committee on Rules and Administration.

EC-9899. A communication from the Chairman, Office of General Counsel, Federal Election Commission, transmitting, pursuant to law, the report of a rule entitled "Coordinated and Independent Expenditures by Party Committees" received on November 4, 2004; to the Committee on Rules and Administration.

EC-9900. A communication from the Acting Under Secretary for Health, Veterans' Health Administration, Department of Veterans' Affairs, transmitting, pursuant to law, a report entitled "VA Research: Serving Our Nations' Veterans"; to the Committee on Veterans' Affairs.

EC-9901. A communication from the Office of Registration Policy and Management, Veterans' Benefits Administration, Department of Veterans' Affairs, transmitting, pursuant to law, the report of a rule entitled "Presumptions of Service Connection for Diseases Associated with Service Involving Detention or Internment as a Prisoner of War" (RIN2900-AM09) received on October 26, 2004; to the Committee on Veterans' Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Ms. COLLINS, from the Committee on Governmental Affairs, with an amendment:

S. 346. A bill to amend the Office of Federal Procurement Policy Act to establish a governmentwide policy requiring competition in certain executive agency procurements (Rept. No. 108-415).

By Mr. BENNETT, from the Joint Economic Committee:

Special Report entitled "The 2004 Joint Economic Report" (Rept. No. 108-416).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. SCHUMER (for himself, Mr. BIDEN, and Mr. DURBIN):

S. 2995. A bill to permanently extend the income tax deduction for college tuition expenses; to the Committee on Finance.

By Mr. SCHUMER:

S. 2996. A bill to provide for an additional place of holding court in the northern district of New York, and for other purposes; to the Committee on the Judiciary.

By Mr. INHOFE:

S. 2997. A bill to amend section 1928 of the Social Security Act to encourage the production of influenza vaccines by eliminating the price cap applicable to the purchase of such vaccines under contracts entered into by the Secretary of Health and Human Services, to amend the Internal Revenue Code of 1986 to establish a tax credit to encourage vaccine production capacity, and for other purposes; to the Committee on Finance.

By Mr. INHOFE:

S. 2998. A bill to promote the development of the emerging commercial human space flight industry, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. HATCH:

S. 2999. A bill for the relief of Heilit Martinez; to the Committee on the Judiciary.

By Mr. COLEMAN (for himself and Mr. FEINGOLD):

S. 3000. A bill to postpone the extension of normal trade relations to the products of Laos; to the Committee on Finance.

By Mr. TALENT:

S. 3001. A bill entitled the "Hybrid HOV Access Act"; to the Committee on Environment and Public Works.

By Mr. BOND (for himself and Mr. KENNEDY):

S. 3002. A bill to amend title 10, United States Code, to direct the Secretary of Defense to carry out a program to provide a support system for members of the Armed Forces who incur severe disabilities; to the Committee on Armed Services.

By Mr. REID (for himself and Mr. ENSIGN):

S. 3003. A bill to direct the Secretary of the Interior to convey to the City of Henderson, Nevada, certain Federal land located in the City, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. ROCKEFELLER:

S. 3004. A bill to amend chapter 99 of the Internal Revenue Code of 1986 to clarify that certain coal industry health benefits may not be modified or terminated; to the Committee on Finance.

By Ms. STABENOW (for herself, Mr. CRAIG, Mr. LEVIN, Mr. CRAPO, Mr. JEFFORDS, and Mr. ROCKEFELLER):

S. 3005. A bill to allow State Homeland Security Program grant funds to be used to pay costs associated with the attendance of part-time and volunteer first responders at terrorism response courses approved by the Office for State and Local Government Coordination and Preparedness; to the Committee on Governmental Affairs.

By Mr. GRAHAM of Florida:

S. 3006. A bill to amend the Haitian Refugee Immigration Fairness Act of 1998; to the Committee on the Judiciary.

By Mr. STEVENS (for himself and Mr. BAUCUS):

S. 3007. A bill to require the Secretary of the Treasury to mint coins in commemoration of the founding of America's National Parks, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. INHOFE:

S. Res. 470. A resolution honoring the life of astronaut Leroy Gordon Cooper, Jr; considered and agreed to.

By Mr. DURBIN:

S. Res. 471. A resolution authorizing the printing of tributes and other related materials in honor of the late Senator Paul Simon; considered and agreed to.

By Mr. MCCAIN (for himself, Mr. LUGAR, Mr. LIEBERMAN, Mr. BIDEN, and Mr. HAGEL):

S. Res. 472. A resolution to honor the people of Georgia on the first anniversary of the Rose Revolution; considered and agreed to.

By Mr. MCCAIN (for himself, Mr. LUGAR, Mr. SMITH, Mr. LIEBERMAN, Mr. GRAHAM of South Carolina, Mr. HAGEL, and Mr. BIDEN):

S. Res. 473. A resolution urging the Government of Ukraine to ensure a democratic, transparent, and fair election process for the Presidential run-off election on November 21, 2004; considered and agreed to.

By Mr. NELSON of Florida:

S. Con. Res. 147. A concurrent resolution expressing the sense of Congress that the Department of Defense should continue to exercise its statutory authority to support the activities of the Boy Scouts of America, in particular the periodic national and world Boy Scout Jamborees; to the Committee on Armed Services.

By Mr. BINGAMAN:

S. Con. Res. 148. A concurrent resolution honoring the life and contribution of Yogi Bajan, a leader of the Sikhs, and expressing condolences to the Sikh community on his passing; to the Committee on the Judiciary.

By Mr. HOLLINGS (for himself, Mr. NELSON of Florida, Mr. LOTT, and Mr. BREAU):

S. Con. Res. 149. A concurrent resolution commending the National Oceanic and Atmospheric Administration and its employees for its dedication and hard work during Hurricanes Charley, Frances, Ivan, and Jeanne; considered and agreed to.

ADDITIONAL COSPONSORS

S. 282

At the request of Ms. SNOWE, the names of the Senator from Washington (Mrs. MURRAY) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of S. 282, a bill to amend the Education Sciences Reform Act of 2002 to require the Statistics Commissioner to collect information from coeducational secondary schools on such schools' athletic programs.

S. 2163

At the request of Mr. DURBIN, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 2163, a bill to establish a national health program administered by the Office of Personnel Management to offer health benefits plans to indi-

viduals who are not Federal employees, and for other purposes.

S. 2395

At the request of Mr. CONRAD, the names of the Senator from Mississippi (Mr. COCHRAN), the Senator from Oklahoma (Mr. INHOFE), the Senator from Louisiana (Ms. LANDRIEU) and the Senator from Colorado (Mr. CAMPBELL) were added as cosponsors of S. 2395, a bill to require the Secretary of the Treasury to mint coins in commemoration of the centenary of the bestowal of the Nobel Peace Prize on President Theodore Roosevelt, and for other purposes.

S. 2433

At the request of Mr. BINGAMAN, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 2433, a bill to amend the Internal Revenue Code of 1986 to allow self-employed individuals to deduct health insurance costs in computing self-employment taxes.

S. 2553

At the request of Mr. DODD, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 2553, a bill to amend title XVIII of the Social Security Act to provide for coverage of screening ultrasound for abdominal aortic aneurysms under part B of the medicare program.

S. 2568

At the request of Mr. BIDEN, the names of the Senator from Hawaii (Mr. AKAKA), the Senator from Tennessee (Mr. ALEXANDER), the Senator from Colorado (Mr. ALLARD), the Senator from Minnesota (Mr. COLEMAN), the Senator from Texas (Mr. CORNYN), the Senator from Minnesota (Mr. DAYTON), the Senator from Nebraska (Mr. HAGEL), the Senator from Washington (Mrs. MURRAY), the Senator from Nebraska (Mr. NELSON), the Senator from Florida (Mr. NELSON), the Senator from Oregon (Mr. SMITH) and the Senator from New Hampshire (Mr. SUNUNU) were added as cosponsors of S. 2568, a bill to require the Secretary of the Treasury to mint coins in commemoration of the tercentenary of the birth of Benjamin Franklin, and for other purposes.

S. 2613

At the request of Mr. DURBIN, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 2613, a bill to amend the Public Health Service Act to establish a scholarship and loan repayment program for public health preparedness workforce development to eliminate critical public health preparedness workforce shortages in Federal, State, and local public health agencies.

S. 2657

At the request of Ms. COLLINS, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of S. 2657, a bill to amend part III of title 5, United States Code, to provide for the establishment of programs under which supplemental dental and vision benefits are made available to Federal employees, retirees, and their dependents,

to expand the contracting authority of the Office of Personnel Management, and for other purposes.

S. 2889

At the request of Mr. ALEXANDER, the names of the Senator from Utah (Mr. BENNETT), the Senator from Montana (Mr. BAUCUS), the Senator from Michigan (Ms. STABENOW), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Maryland (Ms. MIKULSKI), the Senator from North Carolina (Mrs. DOLE), the Senator from Nebraska (Mr. NELSON), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Kentucky (Mr. MCCONNELL), the Senator from Louisiana (Mr. BREAUX), the Senator from Kansas (Mr. ROBERTS), the Senator from Kentucky (Mr. BUNNING), the Senator from Illinois (Mr. FITZGERALD), the Senator from Oregon (Mr. WYDEN), the Senator from North Dakota (Mr. CONRAD), the Senator from Illinois (Mr. DURBIN) and the Senator from Alaska (Ms. MURKOWSKI) were added as cosponsors of S. 2889, a bill to require the Secretary of the Treasury to mint coins celebrating the recovery and restoration of the American bald eagle, the national symbol of the United States, to America's lands, waterways, and skies and the great importance of the designation of the American bald eagle as an endangered species under the Endangered Species Act of 1973, and for other purposes.

S. 2978

At the request of Mr. REID, the name of the Senator from Arizona (Mr. MCCAIN) was added as a cosponsor of S. 2978, a bill relating to State regulation of access to hunting and fishing.

S. RES. 269

At the request of Mr. LEVIN, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. Res. 269, a resolution urging the Government of Canada to end the commercial seal hunt that opened on November 15, 2003.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SCHUMER (for himself, Mr. BIDEN, and Mr. DURBIN):

S. 2995. A bill to permanently extend the income tax deduction for college tuition expenses; to the Committee on Finance.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2995

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PERMANENT EXTENSION OF TUITION DEDUCTION.

(a) REPEAL OF TERMINATION CLAUSE.—Section 222 of the Internal Revenue Code of 1986 is amended by striking subsection (e).

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to payments made in taxable years beginning after December 31, 2005.

(c) PROVISION MADE PERMANENT.—Title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 (relating to sunset of provisions of such Act) shall not apply to section 431 of such Act.

By Mr. INHOFE:

S. 2997. A bill to amend section 1928 of the Social Security Act to encourage the production of influenza vaccines by eliminating the price cap applicable to the purchase of such vaccines under contracts entered into by the Secretary of Health and Human Services, to amend the Internal Revenue Code of 1986 to establish a tax credit to encourage vaccine production capacity, and for other purposes; to the Committee on Finance.

Mr. INHOFE. Mr. President, there was a lot of hysteria a short time ago about the flu vaccine and the fact it was not available to a lot of people. There are several problems. One, the flu vaccine production currently takes approximately 6 months. I am introducing a bill that will expedite that and will have the sense of the Senate to steer the NIH research dollars toward the development of faster technology. They are using egg cultures to grow this vaccine when it can be done through the cells of silk moths. It will take more research to get there and we will encourage them to do that.

Second, the bill removes price controls for the purchasing of the flu vaccine. This happened during the Clinton administration. We should have learned during the Nixon administration that price controls in reality do not work. The result of this has been that we do not have many companies now that are willing to get in there and take the risk and develop and manufacture these vaccines. As soon as they do, they find out there is no profit at the other end because of price controls.

Lastly, we allow investment tax credits.

I have long been dedicated to quality healthcare for my constituents in Oklahoma and across America. I supported the Medicare bill of 2003 to give a voluntary prescription drug benefit to seniors. I have championed the rural health care providers, who received some of the greatest benefits of the Medicare bill. In 1997, I was one of few Republicans to vote against the Balanced Budget Act because of its lack of support for rural hospitals. Back then, I made a commitment to not allow our rural hospitals to be closed, and I am pleased we finally addressed that important issue in the Medicare legislation. I also cosponsored S. 816, the Health Care Access and Rural Equity Act, to protect and preserve access of Medicare beneficiaries to health care in rural regions.

I am a strong advocate of medical liability reform and am an original cosponsor of S. 11, the Patients First Act, to protect patients' access to quality and affordable health care by reducing the effects of excessive liability costs. There are solutions to alleviate the burden placed on physicians and pa-

tients by excessive medical malpractice lawsuits, and I am committed to this vital reform.

I have also worked with officials from the Center for Medicare and Medicaid Services to expand access to life-saving Implantable Cardiac Defibrillators. I supported legislation to increase the supply of pancreatic islet cells for research and cosponsored a bill to take the abortion pill RU-486 off the market in the United States.

The federal government invests in improving hospitals and healthcare initiatives, and I have fought hard to ensure that Oklahoma gets its fair share. Specifically, over the past three years, I have helped to secure \$5.2 million in funding for the Oklahoma Medical Research Foundation, the Oklahoma State Department of Health planning initiative for a rural telemedicine system, the INTEGRIS Healthcare System, the University of Oklahoma Health Sciences Center, the Oklahoma Center for the Advancement of Science and Technology, St. Anthony's Heart Hospital, the Hillcrest Healthcare System, and the Morton Health Center.

The unexpected influenza, flu, vaccine shortage beginning last month highlights the need to encourage the production of flu vaccine in America. As you know, on October 5th, Chiron, a California-based biotechnology company, notified U.S. health officials that its plant in Liverpool, England had been shut down due to vaccine contamination. Almost 50,000 doses of flu vaccine were thrown away, which created a severe shortage for Americans just as the flu season began.

In light of the current shortage, I have examined why America found itself unable to accommodate the public demand for the flu vaccine. As we have seen, once a vaccine shortage strikes, a rapid response is difficult and often impossible. Thirty years ago, more than a dozen American companies were in the flu vaccine business. Today only two companies make the vaccine for America, and only one in an America-based company. This is no coincidence. High liability costs, tedious production, price caps, and the complicated United States tax code have kept the market bare.

In October, President Bush signed the JOBS bill, which curbed the billion-dollar lawsuits that have crippled the flu vaccine industry. By adding flu vaccine to the list of vaccines protected by the National Vaccine Injury Compensation Program, VICP, a no-fault alternative must be used for resolving vaccine injury claims. I am encouraged with this progress, but more can be done to prevent a shortage in the future.

My bill supports allocating a greater percentage of the National Institutes of Health budget to develop faster and safer vaccine production technology. The ever-changing nature of the flu virus results in a complicated production process. The dominant strain of the flu virus mutates each year, requiring a different vaccine for every flu

season. Because harvesting the flu vaccine currently takes at least six months and requires tens of thousands of fertilized eggs susceptible to contamination, this process must begin nearly a year before the flu season begins.

Research should be focused on developing new technologies to allow us to produce more vaccine—in the same season—when we encounter a shortage. A company in Connecticut is developing a flu vaccine relying on cell lines from silk moths. This type of innovative research promises to shave at least one month off of production time and significantly reduce cost.

My bill includes a sense of the Senate on the importance of allocating a greater percentage of the National Institutes of Health, NIH, research dollars to developing new technology in flu vaccine production. The encouragement of safer and faster flu vaccine production technology is a prudent use of existing Federal research dollars through the National Institutes of Health.

Furthermore, my bill removes the suffocating price controls that have discouraged companies from producing the flu vaccine. The Vaccines For Children program, VFC, enacted under the Clinton administration, imposed a price cap on all vaccines purchased through Federal contracts. From a shortsighted perspective, these regulated prices may expand access to vaccines. However, in the long run this policy devastates the vaccine production industry and decreases the availability of vaccines. This occurred in 1998 when manufacturers of tetanus diphtheria vaccine refused to bid on Government contracts. Consequently, this vaccine is no longer available to children through the VFC program.

Similarly, the CDC purchased nearly 12 percent of the flu vaccine this season, and significant quantities were purchased through the Department of Defense, the Veteran's Administration and Medicare. The price controls imposed from Federal government purchasing create a high-risk, low-reward business market. Price controls destroy any profit incentive. Manufacturers avoid this artificial environment and will continue to as long as the government over steps its bounds.

The harmful effect of government price controls is especially pronounced in the flu vaccine market because the vaccine has a single-season shelf life. The difficulty of predicting the demand for vaccines each year exposes companies great risk. A slight drop in demand can force them out of the market. Financial losses—from 7 million extra doses in 2002 and 4.5 million extra in 2003—compelled Wyeth Pharmaceutical Company to end its flu vaccine manufacturing.

In addition to lifting price controls, the government can loosen its grip on the flu vaccine market by reforming its complicated tax code. Fortunately, the JOBS bill made headway in simplifying

the current United States international tax rules. To further offset the heavy penalties within the United States tax code, my bill gives a tax credit to companies, new and old, that construct facilities to manufacture flu vaccine.

Currently, ten American companies produce the 47 FDA-approved vaccines. An investment tax credit will encourage these existing companies to expand their production to cover the flu vaccine and will invite start-up companies to join the industry. This will better equip the United States market to prevent and deal with a shortage in the future.

Scientific experts consider vaccination to be the most effective medical intervention, and we live in an age of unprecedented vaccine development and implementation. We cannot continue to overregulate the flu vaccine industry and hope companies will hang on and produce vaccines regardless of profit. The current national flu vaccine shortage reveals the need to act.

My bill would steer NIH research dollars towards cutting-edge technology, remove suffocating price controls, and free American companies to enter the flu vaccine industry with an investment tax credit. I urge my colleagues to stand with me in supporting this vital legislation.

By Mr. INHOFE:

S. 2998. A bill to promote the development of the emerging commercial human space flight industry, and for other purposes; to the Committee on Commerce, Science, and Transportation.

COMMERCIAL SPACE LAUNCH ACT

Mr. INHOFE. Mr. President, I want to introduce two bills today. One of them is about a program nobody seems to know about. That is the space launch program. I don't know whether it is in the State of Texas or where they are doing this. But in Oklahoma, in Burns Flat, we have been very active in trying to get the Commercial Space Launch Program going. This is an opportunity for people to go into sub-orbital launch vehicles using a hybrid technology of a combination rocket injection engine. We are doing this. There have been several of them so far.

I have been a commercial pilot now for almost 50 years—47 years, I guess. I have a natural interest in this. I have had occasion to fly an airplane around the world. I have watched it from all levels.

I see the excitement in people's faces saying, I can fly in space.

We have this program which nobody knows about. It is a program that will allow people to get into things such as a Learjet that has a rocket on that will actually launch them, take them up and give them the experience of travel in space.

There have been some problems with this, however. There are some problems

with people being able to do this with the company putting these programs together incurring responsibilities and liabilities.

It is very similar to the program we have been concerned with in the oil industry to try to expand it and keep people from being able to have frivolous lawsuits. That is what we are up against here.

We have introduced a bill that is designed to allow participation in this emerging space launching activity for a greater number of people.

The FAA will now have sole regulation authority for the suborbital hybrid vehicles. It will be appropriately considered. We are not taking any risk here. This is just to allow the private sector to enjoy this type of thing.

I will be introducing today S. 2998 with the idea of making this a reality and giving this privilege to a lot of people and allowing us to develop technology.

It is interesting. A lot of people go to an event every year in Oshkosh, WI. I have gone for 27 consecutive years. We go up there to see all of the new technology, what people are putting together in their experimental aircraft, airplanes they are making in their garages and basements. A lot of technology we are now using in the space program was actually started right there in someone's garage. That is essentially what we want to get at with the Commercial Space Launch Act we introduce today.

By Mr. TALENT:

S. 3001. A bill entitled the "Hybrid HOV Access Act"; to the Committee on Environment and Public Works.

Mr. TALENT. Mr. President, I am pleased to be introducing this bill, which will allow more owners of hybrid electric vehicles, or HEVs, to have access to HOV lanes on Federal highways. For all of us who have a desire to lessen our dependence on foreign oil and encourage the use of renewable energy, this bill represents a step forward towards achieving those goals.

The language that is currently in the highway bills passed by the House and the Senate allows hybrid vehicles that achieve a 45 mile-per-gallon fuel economy highway rating to use HOV lanes. Any hybrid that achieves that kind of fuel economy certainly deserves to get that status, because it is a very impressive fuel economy rating and represents a substantial improvement over non-hybrid vehicles. What the 45 mile-per-gallon standard fails to take into account, however, is that many larger hybrid vehicles achieve a much larger fuel economy improvement over their internal combustion engine counterparts, and thus save more energy, than smaller vehicles which manage to meet the standard but are a less drastic improvement over their non-hybrid counterparts.

To illustrate this, take the 2005 model Honda Civic HEV, which gets just over 45 miles-per-gallon. This represents less than a 40 percent improvement over the comparable internal

combustion model. The 2005 Ford Escape HEV, on the other hand, is a truck, so it gets fewer miles per gallon than a Civic, between 35 and 40. However, this is a 75 percent improvement over its internal combustion engine counterpart, and in addition, the Escape HEV emits 3-4 tons fewer greenhouse gases every year than the non-hybrid.

There is no reason to discriminate against these larger, American-made hybrids like the Ford Escape. They are truly engineering marvels and are so clearly beneficial for the environment. The bill that I have sponsored will give states the discretion to open up their HOV lanes to hybrid vehicles that achieve a substantial increase in fuel economy relative to comparable gasoline vehicles, or achieve a substantial increase in lifetime fuel savings relative to comparable gasoline vehicles. It creates a minimum standard of improvement necessary for hybrids, but gives states the option of increasing the requirements. This bill also allows states to open HOV lanes to single occupancy advanced lean burn vehicles that achieve at least a 25 percent increase in fuel economy relative to comparable gasoline vehicles and that are certified to Clean Air Act Tier 2 standards.

I am hopeful that my colleagues on both sides of the aisle can agree that we should do all we can to encourage the use of renewable energy in our country, and hybrid vehicles are an important part of that. The people who drive these vehicles are doing their part to help clean up the air and increase energy conservation, and we should give more people an incentive to buy these vehicles by giving them access to HOV lanes. Thank you, Mr. President.

By Mr. REID (for himself and Mr. ENSIGN):

S. 3003. A bill to direct the Secretary of the Interior to convey to the City of Henderson, Nevada, certain Federal land located in the City, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. REID. Mr. President, I rise today for myself and Senator ENSIGN to introduce the Southern Nevada Limited Transition Area Act, which enhances the ability of a rapidly growing community to diversify its economy, gainfully employ its residents, and achieve fiscal sustainability.

The bill I am introducing today would convey 547 acres of land from the Bureau of Land Management to the city of Henderson, NV, for development as an employment and business center.

BLM has designated this parcel for disposal because of its urban surroundings and its isolation from other public land, which renders it difficult for the agency to manage.

The parcel is located in a rapidly growing area of the city, but is impacted by aircraft noise and overflights from the nearby Henderson Executive

Airport that make it unsuitable for residential use.

But rather than cringing from these impediments, the city of Henderson sees opportunity. The city's land-use planning department envisions a business center that provides diverse employment opportunities for the region, while helping to pay for public infrastructure in nearby residential areas.

This bill establishes the conditions to make that vision come true.

The bill would convey the land to the city by patent. The city would then subdivide and sell lots at fair market value. As in previous conveyances of Federal land designated in the Southern Nevada Public Lands Management Act for disposal, 85 percent of the proceeds from sales would return to the BLM's Special Account for acquiring environmentally sensitive land. Five percent of the proceeds would fund the State of Nevada's general education program. And the city of Henderson could use the remaining 10 percent to cover expenses associated with subdividing the property and providing infrastructure.

Henderson, NV, is a new and rapidly growing city. Its leaders are dedicated to making the city a national model of logical development, diversified employment, and fiscal sustainability. This bill establishes the conditions needed to realize that vision.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 3003

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Southern Nevada Limited Transition Area Act".

SEC. 2. DEFINITIONS.

In this Act:

(1) CITY.—The term "City" means the City of Henderson, Nevada.

(2) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(3) SPECIAL ACCOUNT.—The term "Special Account" means the special account established under section 4(e)(1)(C) of the Southern Nevada Public Land Management Act of 1998 (112 Stat. 2345).

(4) STATE.—The term "State" means the State of Nevada.

(5) TRANSITION AREA.—The term "Transition Area" means the approximately 547 acres of Federal land located in Henderson, Nevada, and identified as "Limited Transition Area" on the map entitled "Southern Nevada Limited Transition Area Act" and dated November 16, 2004.

SEC. 3. SOUTHERN NEVADA LIMITED TRANSITION AREA.

(a) CONVEYANCE.—Notwithstanding the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.), on request of the City, the Secretary shall, without consideration and subject to all valid existing rights, convey to the City all right, title, and interest of the United States in and to the Transition Area.

(b) USE OF LAND FOR NONRESIDENTIAL DEVELOPMENT.—

(1) IN GENERAL.—After the conveyance to the City under subsection (a), the City may sell any portion or portions of the Transition Area for purposes of nonresidential development.

(2) METHOD OF SALE.—The sale of land under paragraph (1) shall be—

(A) through a competitive bidding process; and

(B) for not less than fair market value.

(3) COMPLIANCE WITH CHARTER.—Except as provided in paragraphs (2) and (4), the City may sell parcels within the Transition Area only in accordance with the procedures for conveyances established in the City Charter.

(4) DISPOSITION OF PROCEEDS.—Of the gross proceeds from the sale of land under paragraph (1), the City shall—

(A) deposit 85 percent in the Special Account;

(B) retain 10 percent as compensation for the costs incurred by the City—

(i) in carrying out land sales under paragraph (1); and

(ii) for the provision of public infrastructure to serve the Transition Area, including planning, engineering, surveying, and subdividing the Transition Area for nonresidential development; and

(C) pay 5 percent to the State for use in the general education program of the State.

(c) USE OF LAND FOR RECREATION OR OTHER PUBLIC PURPOSES.—The City may elect to retain parcels in the Transition Area for public recreation or other public purposes consistent with the Act of June 14, 1926 (commonly known as the "Recreation and Public Purposes Act") (43 U.S.C. 869 et seq.) by providing to the Secretary written notice of the election.

(d) NOISE COMPATIBILITY REQUIREMENTS.—The City shall—

(1) plan and manage the Transition Area in accordance with section 47504 of title 49, United States Code (relating to airport noise compatibility planning), and regulations promulgated in accordance with that section; and

(2) agree that if any land in the Transition Area is sold, leased, or otherwise conveyed by the City, the sale, lease, or conveyance shall contain a limitation to require uses compatible with that airport noise compatibility planning.

(e) REVERSION.—

(1) IN GENERAL.—If any parcel of land in the Transition Area is not conveyed for nonresidential development under this Act or reserved for recreation or other public purposes under subsection (c) within 20 years after the date of the enactment of this Act, the parcel of land shall, if determined to be appropriate by the Secretary, revert to the United States.

(2) INCONSISTENT USE.—If the City uses any parcel of land within the Transition Area in a manner that is inconsistent with the uses specified in this section—

(A) at the election of the Secretary, the parcel shall revert to the United States; or

(B) if the Secretary does not make an election under paragraph (1), the City shall sell the parcel of land in accordance with subsection (b)(2).

By Mr. ROCKEFELLER:

S. 3004. A bill to amend chapter 99 of the Internal Revenue Code of 1986 to clarify that certain coal industry health benefits may not be modified or terminated; to the Committee on Finance.

Mr. ROCKEFELLER. Mr. President, today I am introducing legislation to make very clear that Congress fully protected the health insurance benefits

of miners and their families when we passed the Coal Act in 1992. Unfortunately, we have recently seen bankruptcy courts disregard the Coal Act and absolve companies of their obligations to provide health benefits for workers and retirees. This is unacceptable. And the bill I am introducing today reiterates that the bankruptcy code does not supercede the Coal Act.

This year another company has abandoned promises it made to workers and retirees in West Virginia. Horizon Natural Resources sought and received a court ruling that releases it from its contracts with union miners and allows it to avoid honoring health care benefit obligations for over 2,300 retired miners. This is a morally bankrupt corporate strategy, and is inconsistent with the Coal Act passed by Congress in 1992.

The Coal Act was needed in 1992 to prevent some companies from walking away from their clear contractual obligations and agreements with their workers. One of the provisions of that bill was written especially with the intent of not allowing companies to simply reorganize as a way to get out of their obligations to their workers. Unfortunately, too many companies are increasingly using bankruptcy courts to achieve the same results.

It should not be necessary for me to introduce this bill today. Congress has already spoken on this subject. The law is clear: Coal Act retirees are entitled to full benefits provided under the statute. No judge should rewrite the law to take those benefits away. However, because judges are legislating from the bench, it will be helpful for Congress to reiterate our intention to protect the health benefits of coal miners and their families.

I recognize that the 108th Congress is coming to a close. But I am introducing this legislation today because this issue is extremely important to all of those who are being victimized by the bankruptcy courts. I hope that early next year my colleagues will join me in this effort to protect the miners, retired miners, and families who are simply seeking the benefits they were promised in exchange for years of hard work.

By Ms. STABENOW (for herself, Mr. CRAIG, Mr. LEVIN, Mr. CRAPO, Mr. JEFFORDS, and Mr. ROCKEFELLER):

S. 3005. A bill to allow State Homeland Security Program grant funds to be used to pay costs associated with the attendance of part-time and volunteer first responders at terrorism response courses approved by the Office for State and Local Government Coordination and Preparedness; to the Committee on Governmental Affairs.

Ms. STABENOW. Mr. President, I rise to introduce the Stabenow-Craig Rural and Part-time Firefighter Training Fairness Act. This bill would ensure that our part-time and rural firefighters are not being treated as second

class citizens. I want to thank Senator CRAIG for his hard work on this very important issue, and Senators LEVIN, CRAPO, ROCKEFELLER, and JEFFORDS for their support of this bill.

Mr. President, many part-time and volunteer firefighters in rural and small communities across the country are not attending Office of Domestic Preparedness-approved terrorism response training courses because Federal guidelines do not allow them to be reimbursed for the time they are away from their full-time jobs. Our bill would simply direct the ODP to allow part-time and volunteer first responders, to receive a reasonable stipend when they participate in ODP-approved terrorism response courses.

The Federal Government should not penalize rural and small communities and their firefighters from receiving training necessary to respond to a terrorist attack. In several counties in northern lower Michigan, State Homeland Security Grant funds sit unused because their fire departments are composed entirely of volunteer or part-time firefighters. Last year, the State of Michigan set aside \$9 million in Homeland Security grants to prepare firefighters, including ODP training courses, to respond to terrorist incidents. However, this grant money is being underutilized since 72 percent of the firefighters in Michigan are volunteer or part-time and are not attending terrorism response training sessions.

All firefighters need the capability to respond to all types of emergencies. When Americans call 9-1-1, the fire department doesn't send only their full-time firefighters, they send everyone regardless of their status. Most part-time firefighters in rural areas hold full-time jobs in addition to serving and protecting their communities. It is unreasonable to expect them to take leave from their regular jobs, and forgo their pay from their full-time jobs, to attend terrorism response training courses that include incident command, civil action management, and radiological response.

Mr. President, many of our small, rural communities face the same homeland security challenges as larger cities with more resources. For example, Michigan has a long international border with Canada, and many of these small and rural border communities rely on part-time and volunteer firefighters. These responders must be capable of protecting these borders against the same terrorist threats that urban areas face. When there is an accident in the future and, God forbid, if there is a terrorist attack, we're not going to send only full-time firefighters to save people's lives.

This bill was included as a bipartisan amendment to the Senate version of the fiscal year 2005 Department of Homeland Security Appropriations bill, but was removed by the House Republican leadership in conference. This issue is too important for Congress to ignore, and I am going to keep fighting

until our volunteer and part-time firefighters are treated fairly and receive the terrorism response training they need.

Mr. President, I'm pleased to note that the change in Federal guidelines this bill requires will not cost the Government any funding. It will not affect the distribution of State Homeland Security grants. It will just enable communities that have been awarded these grants to use them to pay their firefighters a reasonable stipend when they leave their full-time jobs and attend these terrorism response course. This is a matter of fairness to ensure that those that we rely on to respond to emergencies have the training they need.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 3005

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Rural and Part-time Firefighter Training Fairness Act".

SEC. 2. STATE AND LOCAL PROGRAMS.

Notwithstanding any other provision of law, funds appropriated to the Office of State and Local Government Coordination and Preparedness for grants to States and local governments may be used by such States and local governments to provide a reasonable stipend to part-time and volunteer first responders who are not otherwise compensated for travel to or participation in terrorism response courses approved by the Office for Domestic Preparedness, which stipend shall not be considered compensation for purposes of rendering such first responder an employee under the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.).

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 470—HONORING THE LIFE OF ASTRONAUT LEROY GORDON COOPER, JR.

Mr. INHOFE submitted the following resolution; which was considered and agreed to:

S. RES. 470

Whereas Leroy Gordon Cooper, Jr., was born on March 6, 1927, in Shawnee, Oklahoma;

Whereas Gordon Cooper served as a colonel in the United States Air Force and was selected as one of the original Project Mercury astronauts in April of 1959;

Whereas the 7 original Project Mercury astronauts helped to inspire generations of scientists and engineers;

Whereas, when Gordon Cooper piloted the Faith 7 spacecraft on the final operational mission of Project Mercury from May 15 to May 16, 1963, he traveled a total of 546,167 statute miles and became the first astronaut from the United States to spend more than a day in space;

Whereas, when Gordon Cooper served as command pilot on the 8-day 120-orbit Gemini 5 mission that began on August 21, 1965, he and pilot Charles Conrad established a new

space endurance record by traveling a distance of 3,312,993 miles in an elapsed time of 190 hours and 56 minutes;

Whereas Gordon Cooper was the first man to go into space for a second time;

Whereas Gordon Cooper served as backup command pilot for the Gemini 12 mission and as backup commander for the Apollo 10 flight;

Whereas Gordon Cooper logged 222 hours in space and retired from the Air Force and the National Aeronautics and Space Administration in 1970;

Whereas the special honors Gordon Cooper received during his lifetime included the Air Force Distinguished Flying Cross, the National Aeronautics and Space Administration Distinguished Service Medal, and the John F. Kennedy Trophy; and

Whereas Gordon Cooper passed away at his home in Ventura, California, on October 4, 2004, at the age of 77; Now, therefore, be it

Resolved, That the Senate honors the life of astronaut Leroy Gordon Cooper, Jr.

Mr. INHOFE. Mr. President, many people may not be aware of Oklahoma's significant history in aviation, or that I am the only commercially licensed pilot in the Senate and have a passion for flying.

Since 1910, beginning with Charles F. Willard who only flew a few hundred yards in a south Oklahoma City field, Oklahomans have been flying.

The following year, Clyde Cessna, an automobile dealer from Enid who later formed the Cessna Aircraft Company, flew his mono-wing airplane near Jet, OK.

Such early flights in Oklahoma continued and in 1929 perhaps one of the most notable aviation events occurred in Waynoka, Oklahoma, where Charles Lindbergh stopped on the first transcontinental passenger air and rail service.

By 1931, Wiley Post, from Maysville, OK, gained international recognition when he flew around the world in a little over eight days. In July 1991, I had the honor of recreating Post's trip on its 60th Anniversary.

However, Oklahoma's aviation history does not stop there. On November 2, 1929, 26 licensed women pilots founded what was known as the Ninety-Nine Club, or the Ninety-Nines. It was called so at the suggestion of its first president, Amelia Earheart, because of the 117 licensed women pilots in America who were contacted about joining the club, only 99 actually joined. The South Central Section of the Ninety-Nine Club comprising several states including Oklahoma, has through the years, issued several publications and in 1962, Mary Lester of the Oklahoma Chapter created a new version of the Club's publication, the Ninety-Nine News. Currently, the Ninety-Nine Club is an international organization of licensed women pilots from 35 countries, with its international headquarters at Will Rogers World Airport in Oklahoma City.

Today I rise to introduce a resolution to honor the life and work of another Oklahoman in this long line of aviation who served our country by fearlessly dedicating his life to space travel and exploration.

Leroy Gordon Cooper, Jr., frequently called "Gordo", who passed away at his home on October 4, was often known as the first astronaut from the United States to spend more than a day in space. He was born in Shawnee, OK on March 6, 1927 and joined the Marines during World War II. He then transferred to the Air Force in 1949 and graduated from the Air Force Institute of Technology with a degree in aeronautical engineering in 1956.

After graduating, Cooper became attracted to the space program as an elite test pilot for the Air Force at Edwards Air Force Base in California. During his career, he logged more than 7,000 hours of flying, including 4,000 hours flying jets. He also flew commercial and general aviation planes and helicopters.

Cooper seemed to be born in the right place at the right time—with the right abilities. In 1958, the National Aeronautical and Space Administration, NASA, announced its new endeavor, Project Mercury, with three goals in mind: to place a spacecraft carrying a person into orbital flight around the Earth, to investigate a person's performance capabilities and his/her ability to function in space, and to recover the person and spacecraft safely. NASA began searching for people, especially military test pilots, who were willing and capable of enduring such a dangerous mission. They focused on finding military test pilots because they seemed to experience similar conditions to those of space.

On April 1, 1959, it was announced that Cooper was chosen, along with Alan Shepard, Gus Grissom, John Glenn, Scott Carpenter, Walter Schirra, Jr., and Deke Slayton not only as one of the seven Project Mercury astronauts, but as one of America's first astronauts. These seven men made history with this project as they laid the groundwork for future space flights.

On May 15 and 16, 1963, Cooper piloted *Faith 7*, the flight that ended the operational phase of Project Mercury. During this mission, he orbited the Earth 22 times and logged more time in space than all previous five Mercury astronauts combined. He also became known as the first American astronaut to sleep in orbit, as well as on the launch pad.

Shortly thereafter, Cooper received the NASA Distinguished Service Medal from President John F. Kennedy at a White House ceremony.

In August 1965, Cooper commanded the 8 day *Gemini 5* mission with Charles Conrad. On this mission, Cooper set a new space endurance record, covering 120 revolutions and 3,312,993 miles in 190 hours, 56 minutes and 3 seconds and became the first man to make a second orbital flight.

Overall, during his two space flights, Cooper logged 225 hours, 15 minutes and 3 seconds. He also served as backup command pilot for *Gemini 12* and backup commander for *Apollo X*. He

was the last American astronaut to orbit the Earth for an entire orbit by himself.

After receiving an honorary Doctorate of Science degree from Oklahoma City University in 1967, Cooper retired from the Air Force and NASA as a colonel in 1970. However, his involvement with space did not end after his retirement. He served as a consultant to several companies related to aerospace, electronics, and energy fields, and was vice president for research and development for Walt Disney Enterprises, Inc. Cooper also devoted part of his life to studying UFOs, and wrote *Leap of Faith* based on his experiences as a pilot and astronaut.

Even though we have lost this great American hero, his legacy and passion for exploring space live on through continued space ventures such as the Ansari X Prize. The famed \$10 million X Prize was recently awarded to the team of *SpaceShipOne*, whose pilot, Brian Binnie, broke an August 22, 1963 altitude record by going 69.6 miles above Earth's surface, ironically, on October 4, the same day of Cooper's passing.

I am pleased that my good friend and colleague Congressman CASS BALLENGER has led the way in honoring the life and service of this great space pioneer. I know that Mr. BALLENGER shares my passion of aviation and space exploration and hope that we will continue to build on the progress and sacrifice made by men like Gordon Cooper.

SENATE RESOLUTION 471—AUTHORIZING THE PRINTING OF TRIBUTES AND OTHER RELATED MATERIALS IN HONOR OF THE LATE SENATOR PAUL SIMON

Mr. DURBIN submitted the following resolution; which was considered and agreed to:

S. RES. 471

Resolved, That there be printed as a Senate document a compilation of tributes and other related materials concerning the Honorable Paul Simon, late a Senator from the State of Illinois.

SENATE RESOLUTION 472—TO HONOR THE PEOPLE OF GEORGIA ON THE FIRST ANNIVERSARY OF THE ROSE REVOLUTION

Mr. MCCAIN (for himself, Mr. LUGAR, Mr. LIEBERMAN, Mr. BIDEN, and Mr. HAGEL) submitted the following resolution; which was considered and agreed to:

S. RES. 472

Whereas, on November 23, 2004, the people of Georgia will celebrate the first anniversary of the Rose Revolution, the peaceful and bloodless protests that followed parliamentary elections deemed to be fraudulent;

Whereas following the resignation of President Eduard Shevardnadze, Interim President Nino Burdzhanadze worked diligently to restore order and to prepare Georgia for a new Presidential election;

Whereas after a free, fair, and democratic election was held, Mikheil Saakashvili was

sworn into office on January 25, 2004, as President of Georgia;

Whereas President Saakashvili visited the United States Congress earlier this year and delivered a strong message of peace, stability, democracy, political reform, and economic opportunity;

Whereas Georgia is a small but strategically situated country located in the Caucasus, and is of additional interest to the United States because of the oil and gas pipelines now being constructed from Baku, Azerbaijan to the port of Ceyhan, Turkey;

Whereas Georgia has also become a key player in the global war on terrorism by combating members of al Qaeda and other Muslim terrorist organizations, denying them sanctuary in remote areas such as the Pankisi Gorge, and working with the United States to help train border guards;

Whereas Georgia has recently increased its commitment of troops in Iraq and its contributions to help build peace and democracy in Afghanistan and Kosovo;

Whereas the United States supports Georgia's efforts to peacefully reestablish government control, security, and political stability in regions such as Abkhazia and South Ossetia;

Whereas the United States congratulates the Government of Georgia on the peaceful resolution of the conflict in Adjara and welcomes the restoration of democracy and political stability in that region; and

Whereas the United States supports representative democracy, political stability, economic growth, and peace in Georgia and throughout the Caucasus region: Now, therefore, be it

Resolved, that the Senate—

(1) congratulates the people of Georgia on the first anniversary of the Rose Revolution, the peaceful and bloodless protests that followed parliamentary elections deemed to be fraudulent, and for their commitment to democracy, peace, stability, and economic opportunity;

(2) commends President Mikheil Saakashvili for his vision of, and commitment to, a peaceful and democratic Georgia, the rule of law, an open market economy, regional cooperation, and closer integration into western institutions;

(3) supports the sovereignty, independence, territorial integrity, and democratic government of Georgia; and

(4) supports continued assistance to the people and Government of Georgia to help them consolidate the democratic process in their country.

SENATE RESOLUTION 473—URGING THE GOVERNMENT OF UKRAINE TO ENSURE A DEMOCRATIC, TRANSPARENT, AND FAIR ELECTION PROCESS FOR THE PRESIDENTIAL RUN-OFF ELECTION ON NOVEMBER 21, 2004

Mr. MCCAIN (for himself, Mr. LUGAR, Mr. SMITH, Mr. LIEBERMAN, Mr. GRAHAM of South Carolina, Mr. HAGEL, and Mr. BIDEN) submitted the following resolution; which was considered and agreed to:

S. RES. 473

Whereas the establishment of a democratic, transparent, and fair election process for the 2004 Presidential election in Ukraine and of a genuinely democratic political system are prerequisites for that country's full integration into the Western community of nations as an equal member, including into organizations such as the North Atlantic Treaty Organization (NATO);

Whereas the Government of Ukraine has accepted numerous specific commitments governing the conduct of elections as a participating state of the Organization for Security and Cooperation in Europe (OSCE), including provisions of the Copenhagen Document;

Whereas the election of Ukraine's next President will provide an unambiguous test of the extent of the Ukrainian authorities' commitment to implement these standards and build a democratic society based on free elections and the rule of law;

Whereas the second round of the Presidential election takes place against the backdrop of past elections and improprieties in the first round of the election, which did not fully meet international standards;

Whereas it is the duty of government and public authorities of Ukraine at all levels to act in a manner consistent with all laws and regulations governing election procedures, and to ensure free and fair elections throughout the entire country, including preventing activities aimed at undermining the free exercise of political rights;

Whereas a genuinely free and fair election requires a period of political campaigning conducted in an environment in which administrative action, violence, intimidation, or detention do not hinder the parties, political associations, and the candidates from presenting their views and qualifications to the citizenry, including organizing supporters, conducting public meetings and events throughout the country, and enjoying unimpeded access to television, radio, print, and Internet media on a non-discriminatory basis;

Whereas a genuinely free and fair election requires that citizens be guaranteed the right and effective opportunity to exercise their civil and political rights, including the right to vote and the right to seek and acquire information upon which to make an informed vote, free from intimidation, undue influence, attempts at vote buying, threats of political retribution, or other forms of coercion by national or local authorities or others;

Whereas a genuinely free and fair election requires government and public authorities to ensure that candidates and political parties enjoy equal treatment before the law and that government resources are not employed to the advantage of individual candidates or political parties;

Whereas a genuinely free and fair election requires the full transparency of laws and regulations governing elections, multiparty representation on election commissions, and unobstructed access by candidates, political parties, and domestic and international observers to all election procedures, including voting and vote counting in all areas of the country;

Whereas increasing control and manipulation of the media by national and local officials and others acting at their behest raise grave concerns regarding the commitment of the Ukrainian authorities to free and fair elections;

Whereas efforts by the national authorities in Ukraine to limit access to international broadcasting, including Radio Liberty and the Voice of America, represent an unacceptable infringement on the right of the Ukrainian people to independent information;

Whereas efforts by national and local officials of Ukraine and others acting at their behest to impose obstacles to free assembly, free speech, and a free and fair political campaign have taken place in Donetsk, Sumy, and elsewhere in Ukraine without condemnation or remedial action by the Government of Ukraine;

Whereas numerous substantial irregularities have taken place in recent Ukrainian

parliamentary by-elections in the Donetsk region and in mayoral elections in Mukacheve, Romny, and Krasnyi Luch;

Whereas intimidation, violence, and fraud during the April 18, 2004, mayoral election in Mukacheve, Ukraine, represent a deliberate attack on the democratic process;

Whereas in the period leading to the first round of the Presidential election, the government power structures used state resources such as schools, state factories, hospitals, and public transport systems to force students, state workers, and citizens who rely on state services for their livelihood to campaign against their will for the government-backed candidate;

Whereas there was notable partisan engagement of security services, military, and local police in support of the government-backed candidate;

Whereas there was a failure of national and local state-owned and private electronic media to provide impartial and fair coverage of, or access to, opposition candidates;

Whereas some election commission members affiliated with opposition candidates were dismissed from their duties just prior to election day;

Whereas there was collaboration with a foreign government to allow a foreign President to appear in Ukraine and express his opinions on one of the candidates just days before election day, in an effort to influence the vote, and a military parade, which was held in Kyiv 3 days prior to the election, was clearly an effort to intimidate voters; and

Whereas in the first round of the Presidential election in Ukraine that occurred on October 31, 2004, international observers noted fraud and other significant problems, including poorly maintained voter lists, which resulted in people being denied their right to vote, as well as many additional names on voter rolls for which no accounting could be made, prevalent interference by unauthorized persons into the electoral process, and credible reports of busings of voters among oblasts and polling stations for the purpose of multiple voting: Now, therefore, be it

Resolved, That the Senate—

(1) acknowledges and welcomes the strong relationship formed between the United States and Ukraine since the restoration of Ukraine's independence in 1991;

(2) recognizes that a precondition for the full integration of Ukraine into the Western community of nations, including as an equal member in institutions such as the North Atlantic Treaty Organization (NATO), is its establishment of a genuinely democratic political system;

(3) expresses its strong and continuing support for the efforts of the Ukrainian people to establish a full democracy, the rule of law, and respect for human rights in Ukraine;

(4) urges the Government of Ukraine to guarantee freedom of association and assembly, including the right of candidates, members of political parties, and others to freely assemble, to organize and conduct public events, and to exercise these and other rights free from intimidation or harassment by local or national officials or others acting at their behest;

(5) urges the Government of Ukraine to meet its Organization for Security and Cooperation in Europe (OSCE) commitments on democratic elections and to address issues previously identified by the Office of Democratic Institutions and Human Rights (ODIHR) of the OSCE in its final reports on the 2002 parliamentary elections and the 1999 Presidential elections, such as illegal interference by public authorities in the campaign and a high degree of bias in the media;

(6) urges the Ukrainian authorities to ensure—

(A) the full transparency of election procedures before, during, and after the second round of the 2004 Presidential election;

(B) free access for Ukrainian and international election observers;

(C) multiparty representation on all election commissions;

(D) unimpeded access by all parties and candidates to print, radio, television, and Internet media on a non-discriminatory basis;

(E) freedom of candidates, members of opposition parties, and independent media organizations from intimidation or harassment by government officials at all levels, including selective tax audits and other regulatory procedures, and in the case of media, license revocations, and libel suits;

(F) a transparent process for complaint and appeals through electoral commissions and within the court system that provides timely and effective remedies;

(G) vigorous prosecution of any individual or organization responsible for violations of election laws or regulations, including the application of appropriate administrative or criminal penalties;

(H) remedies to all improprieties reported in the first round of the Presidential election in Ukraine, including—

(i) the replacement at a polling station of any Territorial Election Commission member found to have engaged in fraud;

(ii) a complete review of voter lists in each polling station in order to correct inaccuracies;

(iii) equal time on state media and equal access to private media for the two runoff candidates; and

(iv) immediate prosecution of individuals who have violated the election law;

(7) further calls upon the Government of Ukraine to guarantee election monitors from the ODIHR, other participating states of the OSCE, Ukrainian political parties, representatives of candidates, nongovernmental organizations, and other private institutions and organizations, both foreign and domestic, unobstructed access to all aspects of the election process, including unimpeded access to public campaign events, candidates, news media, voting, and post-election tabulation of results and processing of election challenges and complaints;

(8) urges the President to fully employ the diplomatic and other resources of the Government of the United States to encourage the Government of Ukraine to ensure that the election laws and procedures of Ukraine are faithfully adhered to by all local and national officials, by others acting at their behest, and by all candidates and parties, during and subsequent to the Presidential campaign and election-day voting;

(9) strongly encourages the President to clearly communicate to the Government of Ukraine, to all parties and candidates in Ukraine, and to the people of Ukraine the high importance attached by the Government of the United States to this Presidential campaign as a central factor in determining the future relationship between the two countries;

(10) strongly encourages the President to consider visa bans and other targeted sanctions on those responsible for encouraging or participating in any efforts to improperly influence the outcome of the election, whether through direct or indirect involvement; and

(11) pledges its enduring support and assistance to the people of Ukraine for the establishment of a fully free and open democratic system, the creation of a prosperous free market economy, the establishment of a secure independence and freedom from coercion, and Ukraine's assumption of its right-

ful place as a full and equal member of the Western community of democracies.

SENATE CONCURRENT RESOLUTION 147—EXPRESSING THE SENSE OF CONGRESS THAT THE DEPARTMENT OF DEFENSE SHOULD CONTINUE TO EXERCISE ITS STATUTORY AUTHORITY TO SUPPORT THE ACTIVITIES OF THE BOY SCOUTS OF AMERICA, IN PARTICULAR THE PERIODIC NATIONAL AND WORLD BOY SCOUT JAMBOREES

Mr. NELSON of Florida submitted the following concurrent resolution; which was referred to the Committee on Armed Services:

S. CON. RES. 147

Whereas the Boy Scouts of America was incorporated on February 8, 1910, and received a Federal charter on June 15, 1916, which is codified as chapter 309 of title 36, United States Code;

Whereas section 30902 of title 36, United States Code, states that it is the purpose of the Boy Scouts of America to promote, through organization, and cooperation with other agencies, the ability of boys to do things for themselves and others, to train them in scoutcraft, and to teach them patriotism, courage, self-reliance, and kindred virtues;

Whereas, since the inception of the Boy Scouts of America, millions of Americans of every race, creed, and religion have participated in the Boy Scouts, and the Boy Scouts currently uses more than 1,200,000 adult volunteers to serve more than 4,700,000 young people;

Whereas the Department of Defense and members of the Armed Forces have a long history of supporting the activities of the Boy Scouts of America and individual Boy Scout troops in the United States, and section 2606 of title 10, United States Code, authorizes the Department of Defense to cooperate with and assist the Boy Scouts of America in establishing and providing facilities and services for members of the Armed Forces and their dependents, and civilian employees of the Department of Defense and their dependents, at locations outside the United States;

Whereas sections 4682, 7541, and 9682 of title 10, United States Code, authorize the Department of Defense to sell, and in certain cases donate, obsolete or excess material to the Boy Scouts of America to support its activities; and

Whereas, under section 2554 of title 10, United States Code, the Department of Defense is authorized to make military installations available to, and to provide equipment, transportation, and other services to, the Boy Scouts of America to support national and world gatherings of Boy Scouts at events known as Boy Scout Jamborees: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that the Department of Defense should continue to exercise its long-standing statutory authority to support the activities of the Boy Scouts of America, in particular the periodic national and world Boy Scout Jamborees.

SENATE CONCURRENT RESOLUTION 148—HONORING THE LIFE AND CONTRIBUTION OF YOGI BHAJAN, A LEADER OF THE SIKHS, AND EXPRESSING CONDOLENCES TO THE SIKH COMMUNITY ON HIS PASSING

Mr. BINGAMAN submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 148

Whereas the Sikh faith was founded in the northern section of the Republic of India in the 15th century by Guru Nanak, who preached tolerance and equality for all humans;

Whereas the Sikh faith began with a simple message of truthful living and the fundamental unity of humanity, all created by one creator who manifests existence through every religion;

Whereas the Sikh faith reaches out to people of all faiths and cultural backgrounds, encourages individuals to see beyond their differences, and to work together for world peace and harmony;

Whereas Siri Singh Sahib Bhai Sahib Harbhajan Singh Khalsa Yogiji, known as Yogi Bhaajan to hundreds of thousands of people worldwide, was born Harbhajan Singh Puri on August 26, 1929, in India;

Whereas at age 8, Yogi Bhaajan began yogic training, and 8 years later was proclaimed by his teacher to be a master of Kundalini Yoga, which stimulates individual growth through breath, yoga postures, sound, chanting, and meditation;

Whereas during the turmoil over the partition between Pakistan and India in 1947, at the age of 18, Yogi Bhaajan led his village of 7,000 people 325 miles on foot to safety in New Delhi, India, from what is now Lahore, Pakistan;

Whereas Yogi Bhaajan, before emigrating to North America in 1968, served the Government of India faithfully through both civil and military service;

Whereas when Yogi Bhaajan visited the United States in 1968, he recognized immediately that the experience of higher consciousness that many young people were attempting to find through drugs could be alternatively achieved through Kundalini Yoga, and in response, he began teaching Kundalini Yoga publicly, thereby breaking the centuries-old tradition of secrecy surrounding it;

Whereas in 1969, Yogi Bhaajan founded "Healthy, Happy, Holy Organization (3HO)", a nonprofit private educational and scientific foundation dedicated to serving humanity, improving physical well-being, deepening spiritual awareness, and offering guidance on nutrition and health, interpersonal relations, child rearing, and human behavior;

Whereas under the direction and guidance of Yogi Bhaajan, 3HO expanded to 300 centers in 35 countries;

Whereas in 1971, the president of the governing body of Sikh Temples in India gave Yogi Bhaajan the title of Siri Singh Sahib, which made him the chief religious and administrative authority for Sikhism in the Western Hemisphere, and subsequently the Sikh seat of religious authority gave him responsibility to create a Sikh ministry in the West;

Whereas in 1971, Sikh Dharma was legally incorporated in the State of California and recognized as a tax-exempt religious organization by the United States, and in 1972, Yogi Bhaajan founded the ashram Sikh Dharma in Española, New Mexico;

Whereas in 1973, Yogi Bajan founded “3HO SuperHealth”, a successful drug rehabilitation program that blends ancient yogic wisdom of the East with modern technology of the West;

Whereas in June 1985, Yogi Bajan established the first “International Peace Prayer Day Celebrations” in New Mexico, which still draws thousands of participants annually;

Whereas Yogi Bajan traveled the world calling for world peace and religious unity at meetings with leaders such as Pope Paul VI; Pope John Paul II; His Holiness the Dalai Lama; the President of the former Union of Soviet Socialist Republics, Mikhail Gorbachev; and two Archbishops of Canterbury;

Whereas Yogi Bajan wrote 30 books and inspired the publication of 200 other books through his teachings, founded a drug rehabilitation program, and inspired the founding of several businesses;

Whereas Sikhs and students across the world testify that Yogi Bajan exhibited dignity, divinity, grace, commitment, courage, kindness, compassion, tolerance, wisdom, and understanding;

Whereas Yogi Bajan taught that in times of joy and sorrow members of the community should come together and be at one with each other; and

Whereas before his passing on October 6, 2004, Yogi Bajan requested that his passing be a time of celebration of his going home: Now, therefore, be it

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

(1) recognizes that the teachings of Yogi Bajan about Sikhism and yoga, and the businesses formed under his inspiration, improved the personal, political, spiritual, and professional relations between citizens of the United States and the citizens of India;

(2) recognizes the legendary compassion, wisdom, kindness, and courage of Yogi Bajan, and his wealth of accomplishments on behalf of the Sikh community; and

(3) extends its condolences to Inderjit Kaur, the wife of Yogi Bajan, his 3 children and 5 grandchildren, and to Sikh and “Healthy, Happy, Holy Organization (3HO)” communities around the Nation and the world upon the death on October 6, 2004, of Yogi Bajan, an individual who was a wise teacher and mentor, an outstanding pioneer, a champion of peace, and a compassionate human being.

Mr. BINGAMAN. Mr. President, I rise today with my colleagues, Senators DOMENICI and CORNYN, to introduce a resolution honoring the life of Yogi Bajan. Yogi Bajan, the chief religious and administrative authority for Sikhism in the West, died in Española, NM, on October 6, 2004, at the age of 75. Born Harbhajan Singh Puri on August 26, 1929, in Northern India, now Pakistan, he began yogic training at age 8 and was proclaimed a master of Kundalini Yoga by age 16. After the partition of India and Pakistan in 1947, his family migrated to New Delhi, India, where he continued his education. After graduating from Punjab University in economics, he worked for India's Internal Revenue Service and later became head of customs at the New Delhi Airport.

Yogi Bajan introduced thousands around the world to Sikhism, a religion that carries the message of truthful living and the fundamental unity of humanity, and reaches out to people of all backgrounds to work together for

world peace. When he came to North America in 1968, he recognized that the experience sought by many young people through drugs could be alternatively achieved through Kundalini Yoga, which stimulates individual growth through breath, chanting, and meditation among other components. Breaking the centuries old tradition of secrecy surrounding Kundalini Yoga, he began teaching it publicly. Soon after, he founded the Healthy, Happy, Holy Organization (3HO), a nonprofit private educational and scientific foundation with 300 centers in 35 countries, dedicated to improving physical well-being, deepening spiritual awareness, and offering guidance on matters of health and heart. He later founded 3HO SuperHealth, a successful drug rehabilitation program, blending ancient yogic wisdom of the East with the modern technology of the West. SuperHealth was accredited by the Joint Commission on Accreditation of Healthcare Organization and received its highest commendation. In 1973 it distinguished itself as being in the top 10 percent of all treatment programs throughout the United States. In 1989 Yogi Bajan met with then President Mikhail Gorbachev and established addiction treatment programs in Russia based on the 3HO SuperHealth model. Currently a pilot project of SuperHealth is being formed by the Punjab State Government in India. He taught Yoga in Toronto and Los Angeles and finally founded a Sikh Dharma community in Española, NM. In 1971, the president of the governing body of Sikh Temples in India gave Yogi Bajan the title of chief religious and administrative authority for Sikhism in the Western Hemisphere. About 250,000 Sikhs now reside across the United States, including a community of about 500 families in Northern New Mexico.

Yogi Bajan wrote 30 books and inspired 200 more through his teaching, and inspired the founding of several businesses, including Akal Security Inc. He had an inclusive view of the world's major religions and considered all of them valid. Throughout his lifetime, he traveled the world and met with world leaders such as Pope John Paul II and the Dalai Lama to discuss world peace and religious unity. In June 1985, Yogi Bajan established the first International Peace Prayer Day Celebration in New Mexico that still draws thousands of participants annually.

After the events of 9/11/01, Yogi Bajan reached out to Sikhs across America, encouraging and helping them to educate their fellow citizens about Sikhs, and to work with law enforcement and community leaders to help them protect Sikh populations. His efforts have helped contribute to the opening of some major law enforcement agencies to Sikh employees, including the Los Angeles County Sheriff's Department. Yogi Bajan established links to human rights advocates nationwide, working to make sure that

the issue of Sikh identity is understood and respected. When Balbir Singh Sodhi was murdered in Phoenix 5 days after 9/11 because of his beard and turban, Yogi Bajan worked with community and government leaders in Arizona to help raise awareness about the Sikh community there.

Yogi Bajan is survived by his wife, Inderjit Kaur; two sons, Ranbir Singh and Kulbir Singh; a daughter, Kamaljit Kaur; and five grandchildren. He will be missed by his family, followers and his friends, and his contribution to the cause of world peace will be remembered and celebrated for generations to come.

SENATE CONCURRENT RESOLUTION 149—COMMENDING THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION AND ITS EMPLOYEES FOR ITS DEDICATION AND HARD WORK DURING HURRICANES CHARLEY, FRANCES, IVAN, AND JEANNE

Mr. HOLLINGS (for himself, Mr. NELSON of Florida, Mr. LOTT, and Mr. BREAUX) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 149

Whereas the National Oceanic and Atmospheric Administration's National Weather Service consistently provides critical forecasts and warnings about severe weather to the Nation's citizens;

Whereas 4 hurricanes, Charley, Frances, Ivan, and Jeanne, recently hit the State of Florida, an event which has not occurred since 4 hurricanes struck Texas in 1886;

Whereas Hurricane Jeanne was the fourth hurricane in 6 weeks to hit the United States mainland;

Whereas the employees of the National Oceanic and Atmospheric Administration Tropical Prediction Center/National Hurricane Center and the employees of key Southern Region Weather Forecast Offices worked tirelessly and under great pressure to provide the most up to date information to the public, the media, and emergency management officials during Hurricanes Charley, Frances, Ivan, and Jeanne;

Whereas the employees of the National Hurricane Center conducted approximately 1,128 live television and radio interviews as well as 1,480 telephone briefings to the media and others during Hurricane Frances;

Whereas the forecasts and information from the National Hurricane Center provided notice for the evacuation of millions of residents in the line of Hurricanes Charley, Frances, Ivan, and Jeanne and warnings to the residents of Florida, Mississippi, Alabama, and Louisiana;

Whereas the Office of Oceanic and Atmospheric Research's Hurricane Research Division at the Atlantic Oceanographic and Meteorological Laboratory in Miami, Florida conducts the research needed to improve hurricane forecasts and went on flights in and around hurricanes to gather and improve data that goes into the National Hurricane Center's forecasts, watches, and warnings to protect lives and property;

Whereas the Office of Oceanic and Atmospheric Research's Geophysical Fluid Dynamics Laboratory in Princeton, New Jersey developed, carefully monitors, and continues to improve the National Weather Service's operational hurricane model used to determine where the storms are likely to go;

Whereas the National Oceanic and Atmospheric Administration's Marine and Aviation Operation's Hurricane Hunters logged over 300 hours of operational hours of flight time through and above the storms to assist the National Hurricane Center in tracking Hurricanes Charley, Frances, Ivan, and Jeanne;

Whereas the 53rd Weather Reconnaissance Squadron of the 403rd Wing of the Air Force Reserve Command at Keesler Air Force Base, Biloxi, Mississippi, logged 739 hours of flight time through and around the storms to assist the National Hurricane Center in tracking Hurricanes Charley, Frances, Ivan, and Jeanne;

Whereas the Hurricane Liaison Team, a joint National Oceanic and Atmospheric Administration and Federal Emergency Management Agency partnership, provided support to the 25 different media outlets operating out of the National Hurricane Center;

Whereas the National Oceanic and Atmospheric Administration's Hydrometeorological Prediction Center provided rainfall forecasts and hurricane track guidance to the National Hurricane Center;

Whereas the National Weather Service's National Data Buoy Center, in partnership with the United States Coast Guard, worked expeditiously after Hurricane Charley to fix data buoys that proved critical for forecasts of Hurricane Frances, Ivan, and Jeanne;

Whereas the National Oceanic and Atmospheric Administration's National Ocean Service provided storm surge predictions and hydrographic information support to Federal partners before, during, and after Hurricanes Charley, Frances, Ivan, and Jeanne;

Whereas the National Oceanic and Atmospheric Administration's National Environmental Satellite Data and Information Service provided images of Hurricane Frances every 5 minutes over a 4-day period, an unprecedented number of images for hurricane tracking;

Whereas the Southern, Eastern, and Central Region Weather Forecast Offices of San Juan, Miami, Tampa Bay, Key West, Melbourne, Jacksonville, Tallahassee, Atlanta, Birmingham, Huntsville, Mobile, Morristown, Charleston, Morehead City, Wilmington, Wakefield, and Taunton provided up-to-the-minute local details for residents throughout Hurricanes Charley, Frances, Ivan, and Jeanne;

Whereas employees from other offices within the Southern Region provided additional support to key Weather Forecast Offices directly impacted by Hurricanes Charley, Frances, Ivan, and Jeanne;

Whereas more than 7,000 watches, warnings, advisories, and other statements were issued by key local Weather Forecast Offices during Hurricanes Charley, Frances, Ivan, and Jeanne;

Whereas the Southeast River Forecast Center provided critical river flooding forecast information to Federal, State, and private partners during Hurricanes Charley, Frances, Ivan, and Jeanne and accurately predicted the amount of excessive rainfall over the Southeastern United States several days in advance; and

Whereas the hurricane season continues through November, and all these employees continue tracking new tropical depressions approaching the United States coast: Now, therefore, be it

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

(1) commends the employees of the National Weather Service, especially the National Oceanic and Atmospheric Administration Tropical Prediction Center/National Hurricane Center, Hydrometeorological Prediction Center, and National Data Buoy Center; the National Oceanic and Atmospheric Administration Aircraft Operations Center

at MacDill Air Force Base, Tampa, Florida; the 53rd Weather Reconnaissance Squadron of the 403rd Wing of the Air Force Reserve Command at Keesler Air Force Base, Biloxi, Mississippi; the Hurricane Liaison Team; the National Ocean Service; and the National Environmental Satellite Data and Information Service, for their extraordinary dedication and hard work during Hurricanes Charley, Frances, Ivan, and Jeanne;

(2) commends the Southern, Eastern, and Central Region Weather Forecast Offices of San Juan, Miami, Tampa Bay, Key West, Melbourne, Jacksonville, Tallahassee, Atlanta, Birmingham, Huntsville, Mobile, Morristown, Charleston, Morehead City, Wilmington, Wakefield, Taunton, Lake Charles, New Orleans, Jackson, Nashville, and Houston for their extraordinary dedication and hard work during Hurricanes Charley, Frances, Ivan, and Jeanne;

(3) commends the employees of the Office of Oceanic and Atmospheric Research, especially the Hurricane Research Division;

(4) thanks the commercial and media meteorologists for their contributions in disseminating the National Oceanic and Atmospheric Administration forecasts and warnings to the public; and

(5) expresses its support for the ongoing hard work and dedication of all who provide accurate and timely hurricane forecasts.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Thursday, November 18, 2004, at 9:30 a.m. on various nominations (names to be released later in week) at 9:30 a.m.

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

COMMITTEE ON FINANCE

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet on Thursday, November 18, 2004, at 10 a.m., to hear testimony on "FDA, Merck and Vioxx: Putting Patient Safety First?"

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

COMMITTEE ON INDIAN AFFAIRS

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Thursday, November 18, 2004, at 10 a.m. in room 485 of the Russell Senate Office Building to conduct a business meeting on pending Committee matters, to be followed immediately by an oversight hearing on the Water Problems on the Standing Rock Sioux Reservation.

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

SUBCOMMITTEE ON READINESS AND MANAGEMENT

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Subcommittee on Readiness and Management support of the committee on Armed Services be authorized to meet during the session of the Senate on November 18, 2004, at 3:30 p.m. in open session to receive testimony on the status

of financial management reform within the Department of Defense and the individual services.

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

SUBCOMMITTEE ON SCIENCE, TECHNOLOGY, AND SPACE

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Subcommittee on Science, Technology and Space be authorized to meet on Thursday, November 18, 2004, at 2 p.m. on the Science Behind Pornography Addiction.

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

COMMENDING THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION AND ITS EMPLOYEES

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Con. Res. 149, introduced earlier today by Senator HOLLINGS.

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

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 149) commending the National Oceanic and Atmospheric Administration and its employees for its dedication and hard work during Hurricanes Charley, Frances, Ivan, and Jeanne.

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

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements related to the concurrent resolution be printed in the RECORD.

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

The concurrent resolution (S. Con. Res. 149) was agreed to.

The preamble was agreed to.

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

S. CON. RES. 149

Whereas the National Oceanic and Atmospheric Administration's National Weather Service consistently provides critical forecasts and warnings about severe weather to the Nation's citizens;

Whereas 4 hurricanes, Charley, Frances, Ivan, and Jeanne, recently hit the State of Florida, an event which has not occurred since 4 hurricanes struck Texas in 1886;

Whereas Hurricane Jeanne was the fourth hurricane in 6 weeks to hit the United States mainland;

Whereas the employees of the National Oceanic and Atmospheric Administration Tropical Prediction Center/National Hurricane Center and the employees of key Southern Region Weather Forecast Offices worked tirelessly and under great pressure to provide the most up to date information to the public, the media, and emergency management officials during Hurricanes Charley, Frances, Ivan, and Jeanne;

Whereas the employees of the National Hurricane Center conducted approximately 1,128 live television and radio interviews as

well as 1,480 telephone briefings to the media and others during Hurricane Frances;

Whereas the forecasts and information from the National Hurricane Center provided notice for the evacuation of millions of residents in the line of Hurricanes Charley, Frances, Ivan, and Jeanne and warnings to the residents of Florida, Mississippi, Alabama, and Louisiana;

Whereas the Office of Oceanic and Atmospheric Research's Hurricane Research Division at the Atlantic Oceanographic and Meteorological Laboratory in Miami, Florida conducts the research needed to improve hurricane forecasts and went on flights in and around hurricanes to gather and improve data that goes into the National Hurricane Center's forecasts, watches, and warnings to protect lives and property;

Whereas the Office of Oceanic and Atmospheric Research's Geophysical Fluid Dynamics Laboratory in Princeton, New Jersey developed, carefully monitors, and continues to improve the National Weather Service's operational hurricane model used to determine where the storms are likely to go;

Whereas the National Oceanic and Atmospheric Administration's Marine and Aviation Operation's Hurricane Hunters logged over 300 hours of operational hours of flight time through and above the storms to assist the National Hurricane Center in tracking Hurricanes Charley, Frances, Ivan, and Jeanne;

Whereas the 53rd Weather Reconnaissance Squadron of the 403rd Wing of the Air Force Reserve Command at Keesler Air Force Base, Biloxi, Mississippi, logged 739 hours of flight time through and around the storms to assist the National Hurricane Center in tracking Hurricanes Charley, Frances, Ivan, and Jeanne;

Whereas the Hurricane Liaison Team, a joint National Oceanic and Atmospheric Administration and Federal Emergency Management Agency partnership, provided support to the 25 different media outlets operating out of the National Hurricane Center;

Whereas the National Oceanic and Atmospheric Administration's Hydrometeorological Prediction Center provided rainfall forecasts and hurricane track guidance to the National Hurricane Center;

Whereas the National Weather Service's National Data Buoy Center, in partnership with the United States Coast Guard, worked expeditiously after Hurricane Charley to fix data buoys that proved critical for forecasts of Hurricane Frances, Ivan, and Jeanne;

Whereas the National Oceanic and Atmospheric Administration's National Ocean Service provided storm surge predictions and hydrographic information support to Federal partners before, during, and after Hurricanes Charley, Frances, Ivan, and Jeanne;

Whereas the National Oceanic and Atmospheric Administration's National Environmental Satellite Data and Information Service provided images of Hurricane Frances every 5 minutes over a 4-day period, an unprecedented number of images for hurricane tracking;

Whereas the Southern, Eastern, and Central Region Weather Forecast Offices of San Juan, Miami, Tampa Bay, Key West, Melbourne, Jacksonville, Tallahassee, Atlanta, Birmingham, Huntsville, Mobile, Morristown, Charleston, Morehead City, Wilmington, Wakefield, and Taunton provided up-to-the-minute local details for residents throughout Hurricanes Charley, Frances, Ivan, and Jeanne;

Whereas employees from other offices within the Southern Region provided additional support to key Weather Forecast Offices directly impacted by Hurricanes Charley, Frances, Ivan, and Jeanne;

Whereas more than 7,000 watches, warnings, advisories, and other statements were

issued by key local Weather Forecast Offices during Hurricanes Charley, Frances, Ivan, and Jeanne;

Whereas the Southeast River Forecast Center provided critical river flooding forecast information to Federal, State, and private partners during Hurricanes Charley, Frances, Ivan, and Jeanne and accurately predicted the amount of excessive rainfall over the Southeastern United States several days in advance; and

Whereas the hurricane season continues through November, and all these employees continue tracking new tropical depressions approaching the United States coast: Now, therefore, be it

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

(1) commends the employees of the National Weather Service, especially the National Oceanic and Atmospheric Administration Tropical Prediction Center/National Hurricane Center, Hydrometeorological Prediction Center, and National Data Buoy Center; the National Oceanic and Atmospheric Administration Aircraft Operations Center at MacDill Air Force Base, Tampa, Florida; the 53rd Weather Reconnaissance Squadron of the 403rd Wing of the Air Force Reserve Command at Keesler Air Force Base, Biloxi, Mississippi; the Hurricane Liaison Team; the National Ocean Service; and the National Environmental Satellite Data and Information Service, for their extraordinary dedication and hard work during Hurricanes Charley, Frances, Ivan, and Jeanne;

(2) commends the Southern, Eastern, and Central Region Weather Forecast Offices of San Juan, Miami, Tampa Bay, Key West, Melbourne, Jacksonville, Tallahassee, Atlanta, Birmingham, Huntsville, Mobile, Morristown, Charleston, Morehead City, Wilmington, Wakefield, Taunton, Lake Charles, New Orleans, Jackson, Nashville, and Houston for their extraordinary dedication and hard work during Hurricanes Charley, Frances, Ivan, and Jeanne;

(3) commends the employees of the Office of Oceanic and Atmospheric Research, especially the Hurricane Research Division;

(4) thanks the commercial and media meteorologists for their contributions in disseminating the National Oceanic and Atmospheric Administration forecasts and warnings to the public; and

(5) expresses its support for the ongoing hard work and dedication of all who provide accurate and timely hurricane forecasts.

HONORING THE LIFE OF ASTRO-NAUT LEROY GORDON COOPER, JR.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 470, which was submitted earlier today by Senator INHOFE.

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

The legislative clerk read as follows:

A resolution (S. Res. 470) honoring the life of astronaut Leroy Gordon Cooper, Jr.

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

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

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

The resolution (S. Res. 470) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 470

Whereas Leroy Gordon Cooper, Jr., was born on March 6, 1927, in Shawnee, Oklahoma;

Whereas Gordon Cooper served as a colonel in the United States Air Force and was selected as one of the original Project Mercury astronauts in April of 1959;

Whereas the 7 original Project Mercury astronauts helped to inspire generations of scientists and engineers;

Whereas, when Gordon Cooper piloted the Faith 7 spacecraft on the final operational mission of Project Mercury from May 15 to May 16, 1963, he traveled a total of 546,167 statute miles and became the first astronaut from the United States to spend more than a day in space;

Whereas, when Gordon Cooper served as command pilot on the 8-day 120-orbit Gemini 5 mission that began on August 21, 1965, he and pilot Charles Conrad established a new space endurance record by traveling a distance of 3,312,993 miles in an elapsed time of 190 hours and 56 minutes;

Whereas Gordon Cooper was the first man to go into space for a second time;

Whereas Gordon Cooper served as backup command pilot for the Gemini 12 mission and as backup commander for the Apollo 10 flight;

Whereas Gordon Cooper logged 222 hours in space and retired from the Air Force and the National Aeronautics and Space Administration in 1970;

Whereas the special honors Gordon Cooper received during his lifetime included the Air Force Distinguished Flying Cross, the National Aeronautics and Space Administration Distinguished Service Medal, and the John F. Kennedy Trophy; and

Whereas Gordon Cooper passed away at his home in Ventura, California, on October 4, 2004, at the age of 77: Now, therefore, be it

Resolved, That the Senate honors the life of astronaut Leroy Gordon Cooper, Jr.

AUTHORIZING THE PRINTING OF TRIBUTES AND OTHER RELATED MATERIALS IN HONOR OF THE LATE SENATOR PAUL SIMON

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 471, submitted earlier today by Senator DURBIN.

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

The legislative clerk read as follows:

A resolution (S. Res. 471) authorizing the printing of tributes and other related materials in honor of the late Senator Paul Simon.

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

Mr. DURBIN. Mr. President, as we approach the first anniversary of the death of Senator Paul Simon, I would like to take this opportunity to pay tribute to my late friend and colleague.

At the age of 19, Paul Simon became the Nation's youngest editor-publisher when he accepted a Lion's Club challenge to save the Troy Tribune in Troy,

IL. From that start, he build a chain of 13 newspapers in southern and central Illinois.

Paul Simon served the State of Illinois and the United States for decades. He is the only individual to have served in both the Illinois House of Representatives and the Illinois Senate, and the U.S. House of Representatives and U.S. Senate.

Paul highly valued education and the youth of our Nation. In addition to his work in Congress to strengthen public education in America, he started the public affairs reporting program at Sangamon State University, now the University of Illinois at Springfield. He later became the founder and director of the Public Policy Institute at Southern Illinois University in Carbondale, IL, and taught there for more than 6 years.

Weeks before his death, Paul made the rounds to Washington and the editorial boards in Chicago. He was promoting an idea to create a new scholarship program which would send American students overseas to study and invite their foreign counterparts to come to America to learn. As Paul explained it, this opportunity to learn would help an often hostile world to understand us and help the next generation of American leaders to understand the world we live in. It was Paul Simon's long-term solution to the threat of terrorism: dialogue, education and tolerance—the hallmarks of his public life. In a modest way, we came through for him.

Earlier this year, this Congress established a commission to recommend the framework for an international study abroad program for college students. The program Senator Simon envisioned and worked so hard to create was what he called the Lincoln Fellowships. The program under development is designed to encourage and support the experience of studying abroad in developing countries—in countries whose people, culture, language, government, and religion might be very different from ours.

Shortly after Paul's death, I introduced legislation to name the Federal building located at 250 West Cherry Street in Carbondale, IL, the "Senator Paul Simon Federal Building." In May 2004, this bill was signed into law. Naming this building in Carbondale after Paul Simon will help present and future generations remember and honor a great man who lived in and worked for the people of Southern Illinois and served in our Federal Government with the greatest integrity.

From journalism to Government to education, Paul Simon set the standard for honesty and caring in public life. Paul set a standard for integrity in public life the rest of us can only aspire to. Whether you agreed with his politics or not, you always knew you could trust Paul. He didn't apologize for dedicating his public life to the less fortunate. He believed and taught those of us who worked with him that honesty

and caring were the real standards for public service. He was genuine in his politics, in his life, and in his values.

I wouldn't be a Senator today if it weren't for Paul Simon. He believed in me, he inspired me, and he was a true friend.

Today I am introducing a resolution to authorize the printing of tributes and other related materials in honor of Senator Simon. This resolution will authorize the collection and printing of these materials in an official Senate document. The compilation of the tribute statements made by my Senate colleagues will serve as a lasting testament to our former colleague.

Through these small measures, Congress has paid tribute to the lasting legacy of our friend, Paul Simon. His dedication to public service serves as an example for all Americans.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the resolution be agreed to, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD, without intervening action or debate.

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

The resolution (S. Res. 471) was agreed to, as follows:

S. RES. 471

Resolved, That there be printed as a Senate document a compilation of tributes and other related materials concerning the Honorable Paul Simon, late a Senator from the State of Illinois.

FEDERAL RECOGNITION OF CONFEDERATED TRIBES COMMENDING INEZ SITTER FOR HER SERVICE TO THE UNITED STATES

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Indian Affairs Committee be discharged from further consideration and the Senate proceed to the immediate consideration of S. Res. 423 and S. Res. 441, en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will state the resolutions by title.

The legislative clerk read as follows:

A resolution (S. Res. 441) expressing the sense of the Senate that October 17, 1984, the date of the restoration by the Federal Government of Federal recognition to the Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians, should be memorialized.

A resolution (S. Res. 423) commending Inez Sitter for her service to the United States.

There being no objection, the Senate proceeded to consider the resolutions, en bloc.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the resolutions be agreed to, en bloc, the preambles be agreed to, en bloc, the motions to reconsider be laid upon the table, and that any statements relating to the measures be printed in the RECORD.

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

The resolutions (S. Res. 441 and S. Res. 423) were agreed to, en bloc.

The preambles were agreed to, en bloc.

The resolutions, with their preambles, read as follows:

S. RES. 441

Whereas the Coos, Lower Umpqua, and Siuslaw Restoration Act (25 U.S.C. 714 et seq.), which was signed by the President on October 17, 1984, restored Federal recognition to the Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians;

Whereas the Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians historically inhabited land now in the State of Oregon, from Fivemile Point in the south to Tenmile Creek in the north, west to the Pacific Ocean, then east to the crest of the Coast Range, encompassing the watersheds of the Coos River, the Umpqua River to Weatherly Creek, the Siuslaw River, the coastal tributaries between Tenmile Creek and Fivemile Point, and portions of the Coquille watershed;

Whereas in addition to restoring Federal recognition, that Act and other Federal Indian statutes have provided the means for the Confederated Tribes to achieve the goals of cultural restoration, economic self-sufficiency, and the attainment of a standard of living equivalent to that enjoyed by other citizens of the United States;

Whereas by enacting the Coos, Lower Umpqua, and Siuslaw Restoration Act (25 U.S.C. 714 et seq.), the Federal Government—

(1) declared that the Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians were eligible for all Federal services and benefits provided to federally recognized tribes;

(2) provided the means to establish a tribal reservation; and

(3) granted the Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians self-government for the betterment of tribal members, including the ability to set tribal rolls;

Whereas the Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians have embraced Federal recognition and self-sufficiency statutes and are actively working to better the lives of tribal members; and

Whereas economic self-sufficiency, which was the goal of restoring Federal recognition for the Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians, is being realized through many projects: Now, therefore, be it

Resolved, That it is the sense of the Senate that October 17, 1984, should be memorialized as the date on which the Federal Government restored Federal recognition to the Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians.

S. RES. 423

Whereas the United States, and subsequently the Choctaw Nation of Oklahoma, have operated a school at Hartshorne, Oklahoma, called the Jones Academy for more than 100 years, a facility that, since 1952, has provided residential services to predominantly at-risk children from more than 20 Indian tribes throughout the United States who attend local, public school academic classes;

Whereas for approximately half that time, Mrs. Inez Sitter has been a vital part of that school and its efforts to educate American Indian children;

Whereas Mrs. Sitter came to the school in an administrative post in March of 1944 and progressed through various administrative capacities to be the Administrative Assistant at the school;

Whereas Mrs. Sitter formally retired from the Bureau of Indian Affairs in 1983, after 39 years of service;

Whereas Mrs. Sitter immediately thereafter assumed the position as the Study Hall/Tutorial Coordinator for Jones Academy, the Library Services Coordinator, and the Director of the critically important Foster Grandparents program at the school, positions she has held to this day;

Whereas Mrs. Sitter, who is a member of many civic organizations, including the Hartshorne Edgewood United Methodist Church, the Daughters of the American Revolution, and the American Legion Auxiliary, is known throughout the community for her extra work with students, including mentoring, tutoring, and preparation of homework and term assignments;

Whereas for such work she gained a position of advocate for the children of Jones Academy and the de facto position of liaison with the local public school in Hartshorne;

Whereas Mrs. Sitter, who resided with her family on campus, became a surrogate parent for hundreds of Jones Academy children;

Whereas Mrs. Sitter has been described by a colleague as "87 years young, and only 95 pounds, but with 60 years of service to the children of Jones Academy and the people of Hartshorne, the State of Oklahoma, and these United States"; and

Whereas the Bureau of Indian Affairs, recognizing her selfless and outstanding contributions, awarded Mrs. Sitter its Lifetime Achievement Award, presented by Assistant Secretary Dave Anderson on August 3, 2004: Now, therefore, be it

Resolved, That the Senate commends Mrs. Inez Sitter for her outstanding service to the Choctaw Nation of Oklahoma, the State of Oklahoma, and the United States.

ELDER FALLS PREVENTION ACT OF 2003

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 785, S. 1217.

The PRESIDING OFFICER. The clerk will state the bill by title.

The legislative clerk read as follows:

A bill (S. 1217) to direct the Secretary of Health and Human Services to expand and intensify programs with respect to research and related activities concerning elder falls.

There being no objection, the Senate proceeded to consider the bill, which was reported from the Committee on Health, Education, Labor, and Pensions, with an amendment and an amendment to the title, as follows:

(Strike the part printed in black brackets and insert the part printed in italic.)

S. 1217

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

[This Act may be cited as the "Elder Fall Prevention Act of 2003".]

SEC. 2. FINDINGS.

[The Congress finds as follows:

[(1) Falls are the leading cause of injury deaths among individuals who are over 65 years of age.

[(2) By 2030, the population of individuals who are 65 years of age or older will double. By 2050, the population of individuals who are 85 years of age or older will quadruple.

[(3) In 2000, falls among elderly individuals accounted for 10,200 deaths and 1,600,000 emergency department visits.

[(4) Sixty percent of fall-related deaths occur among individuals who are 75 years of age or older.

[(5) Twenty-five percent of elderly persons who sustain a hip fracture die within 1 year.

[(6) Hospital admissions for hip fractures among the elderly have increased from 231,000 admissions in 1988 to 332,000 in 1999. The number of hip fractures is expected to exceed 500,000 by 2040.

[(7) Annually, more than 64,000 individuals who are over 65 years of age sustain a traumatic brain injury as a result of a fall.

[(8) Annually, 40,000 individuals who are over 65 years of age visit emergency departments with traumatic brain injuries suffered as a result of a fall, of which 16,000 of these individuals are hospitalized and 4,000 of these individuals die.

[(9) The rate of fall-induced traumatic brain injuries for individual who are 80 years of age or older increased by 60 percent from 1989 to 1998.

[(10) The estimated total cost for non-fatal traumatic brain injury-related hospitalizations for falls in individuals who are 65 years of age or older is more than \$3,250,000,000. Two-thirds of these costs occurred among individual who were 75 years of age or older.

[(11) The costs to the Medicare and Medicaid programs and society as a whole from falls by elderly persons continue to climb much faster than inflation and population growth. Direct costs alone will exceed \$32,000,000,000 in 2020.

[(12) The Federal Government should devote additional resources to research regarding the prevention and treatment of falls in residential as well as institutional settings.

[(13) A national approach to reducing elder falls, which focuses on the daily life of senior citizens in residential, institutional, and community settings is needed. The approach should include a wide range of organizations and individuals including family members, health care providers, social workers, architects, employers and others.

[(14) Reducing preventable adverse events, such as elder falls, is an important aspect to the agenda to improve patient safety.

SEC. 3. AMENDMENT TO THE PUBLIC HEALTH SERVICE ACT.

[Title III of the Public Health Service Act (42 U.S.C. 241 et seq.) is amended by adding at the end the following:

["PART R—PREVENTION OF ELDER FALLS "SEC. 399AA. PURPOSES

["The purposes of this title are—

["(1) to develop effective public education strategies in a national initiative to reduce elder falls in order to educate the elders themselves, family members, employers, caregivers, and others who touch the lives of senior citizens;

["(2) to expand needed services and conduct research to determine the most effective approaches to preventing and treating elder falls; and

["(3) to require the Secretary to evaluate the effect of falls on the costs of medicare and medicaid and the potential for reducing costs by expanding education, prevention, and elderly intervention services covered under these two programs.

["SEC. 399AA-1. PUBLIC EDUCATION.

["Subject to the availability of appropriations, the Administration on Aging within the Department of Health and Human Services shall—

["(1) oversee and support a three-year national education campaign to be carried out by the National Safety Council to be directed principally to elders, their families, and health care providers and focusing on ways of reducing the risk of elder falls and preventing repeat falls; and

["(2) provide grants to qualified organizations and institutions for the purpose of organizing State-level coalitions of appropriate State and local agencies, safety,

health, senior citizen and other organizations to design and carry out local education campaigns, focusing on ways of reducing the risk of elder falls and preventing repeat falls.

["SEC. 399AA-2. RESEARCH.

["(a) IN GENERAL.—Subject to the availability of appropriations, the Secretary shall—

["(1) conduct and support research to—

["(A) improve the identification of elders who have a high risk of falling;

["(B) improve data collection and analysis to identify fall risk and protective factors;

["(C) design, implement, and evaluate fall prevention interventions to identify the most effective of the numerous potential strategies available;

["(D) improve strategies that are proven to be effective in reducing falls by tailoring these strategies to specific elderly populations;

["(E) conduct research in order to maximize the dissemination of proven, effective fall prevention interventions;

["(F) expand proven interventions to prevent elder falls;

["(G) improve the diagnosis, treatment, and rehabilitation of elderly fall victims; and

["(H) assess the risk of falls occurring in various settings;

["(2) conduct research concerning barriers to the adoption of proven interventions with respect to the prevention of elder falls (such as medication review and vision enhancement);

["(3) conduct research to develop, implement, and evaluate the most effective approaches to reducing falls among very high risk elders living in nursing homes, assisted living, and other types of long-term care facilities; and

["(4) evaluate the effectiveness of community programs to prevent assisted living and nursing home falls by elders.

["(b) ADMINISTRATION.—In carrying out subsection (a), the Secretary shall—

["(1) conduct research and surveillance activities among community-dwelling and institutionalized elders through the Director of the Centers for Disease Control and Prevention;

["(2) conduct research related to elder fall prevention in health care delivery settings and clinical treatment and rehabilitation of elderly fall victims through the Director of the Agency for Healthcare Research and Quality; and

["(3) ensure the coordination of the activities described in paragraphs (1) and (2).

["(c) GRANTS.—The Secretary shall award grants to qualified organizations and institutions to enable such organizations and institutions to provide professional education for physicians and allied health professionals in elder fall prevention.

["SEC. 399AA-3. DEMONSTRATION PROJECTS.

["Subject to the availability of appropriations, the Secretary, acting through the Director of the Centers for Disease Control and Prevention and in consultation with the Director of the Agency for Healthcare Research and Quality, shall carry out the following:

["(1) Oversee and support demonstration and research projects to be carried out by the National Safety Council and other qualified organizations in the following areas:

["(A) A multi-State demonstration project assessing the utility of targeted fall risk screening and referral programs.

["(B) Programs designed for community-dwelling elderly individuals that shall utilize multi-component fall intervention approaches, including physical activity, medication assessment and reduction when possible, vision enhancement, and home modification strategies.

“(C) Programs targeting newly-discharged fall victims who are at a high risk for second falls, which shall include modification projects available to various living settings (in accordance with accepted building codes and standards) and which are designed to maximize independence and quality of life for elders, particularly those elders with functional limitations.

“(D) Private sector and public-private partnerships to develop technology to prevent falls and prevent or reduce injuries if falls occur.

“(2)(A) Provide grants to qualified organizations and institutions to design, implement, and evaluate fall prevention programs using proven intervention strategies in residential and institutional settings.

“(B) Provide one or more grants to one or more qualified applicants in order to carry out a multi-State demonstration project to implement and evaluate fall prevention programs using proven intervention strategies designed for multi-family residential settings with high concentrations of elders, including identifying high risk populations, evaluating residential facilities, conducting screening to identify high risk individuals, providing pre-fall counseling, coordinating services with health care and social service providers and coordinating post-fall treatment and rehabilitation.

“(C) Provide one or more grants to qualified applicants to conduct evaluations of the effectiveness of the demonstration projects in this section.

“SEC. 399AA-4. REVIEW OF REIMBURSEMENT POLICIES.

“(a) IN GENERAL.—The Secretary shall undertake a review of the effects of falls on the costs of the medicare and medicaid programs and the potential for reducing costs by expanding services covered by these two programs. This review shall include a review of the reimbursement policies of the medicare and medicaid programs in order to determine if additional fall-related education, prevention, and early prevention services should be covered or reimbursement guidelines should be modified.

“(b) REPORT.—Not later than 18 months after the date of the enactment of this title, the Secretary shall submit to the Congress a report describing the findings of the Secretary in conducting the review under subsection (a).

“SEC. 399AA-5. AUTHORIZATION OF APPROPRIATION.

“[In order to carry out this title, there are authorized to be appropriated—

“(1) to carry out the national public education provisions described in section 399AA-1(1), \$5,000,000 for each of fiscal years 2004 through 2006;

“(2) to carry out the State public education campaign provisions of section 399AA-1(2), \$8,000,000 for each of fiscal years 2004 through 2006;

“(3) to carry out research projects described in section 399AA-2, \$10,000,000 for each of fiscal years 2004 through 2006;

“(4) to carry out the demonstration projects described in section 399AA-3(1), \$7,000,000 for each of fiscal years 2004 through 2006; and

“(5) to carry out the demonstration and research projects described in section 399AA-3(2), \$8,000,000 for each of fiscal years 2004 through 2006.”]

SECTION 1. SHORT TITLE.

This Act may be cited as the “Keeping Seniors Safe From Falls Act of 2004”.

SEC. 2. FINDINGS.

Congress finds the following:

(1) Falls are the leading cause of injury deaths among individuals who are over 65 years of age.

(2) In 2000, falls among older adults accounted for 10,200 deaths and 1,600,000 emergency department visits.

(3) Hospital admissions for hip fractures among the elderly have increased from 231,000 admissions in 1988 to 332,000 in 1999.

(4) Annually, more than 64,000 individuals who are over 65 years of age sustain a traumatic brain injury as a result of a fall.

(5) The total cost of all fall injuries for people age 65 and older was calculated in 1994 to be \$27,300,000,000 (in 2004 dollars).

(6) A national approach to reducing falls among older adults, which focuses on the daily life of senior citizens in residential, institutional, and community settings, is needed.

SEC. 3. AMENDMENTS TO THE PUBLIC HEALTH SERVICE ACT.

Part J of title III of the Public Health Service Act (42 U.S.C. 280b et seq.) is amended—

(1) by redesignating section 393B (as added by section 1401 of Public Law 106-386) as section 393C and transferring such section so that it appears after section 393B (as added by section 1301 of Public Law 106-310); and

(2) by inserting after section 393C (as redesignated by paragraph (1)) the following:

“SEC. 393D. PREVENTION OF FALLS AMONG OLDER ADULTS.

“(a) PURPOSES.—The purposes of this section are—

“(1) to develop effective public education strategies in a national initiative to reduce falls among older adults in order to educate older adults, family members, employers, caregivers, and others;

“(2) to intensify services and conduct research to determine the most effective approaches to preventing and treating falls among older adults; and

“(3) to require the Secretary to evaluate the effect of falls on health care costs, the potential for reducing falls, and the most effective strategies for reducing health care costs associated with falls.

“(b) PUBLIC EDUCATION.—The Secretary shall—

“(1) oversee and support a national education campaign to be carried out by a nonprofit organization with experience in designing and implementing national injury prevention programs, that is directed principally to older adults, their families, and health care providers, and that focuses on reducing falls among older adults and preventing repeat falls; and

“(2) award grants, contracts, or cooperative agreements to qualified organizations, institutions, or consortia of qualified organizations and institutions, for the purpose of organizing State-level coalitions of appropriate State and local agencies, safety, health, senior citizen, and other organizations to design and carry out local education campaigns, focusing on reducing falls among older adults and preventing repeat falls.

“(c) RESEARCH.—

“(1) IN GENERAL.—The Secretary shall—

“(A) conduct and support research to—

“(i) improve the identification of older adults who have a high risk of falling;

“(ii) improve data collection and analysis to identify fall risk and protective factors;

“(iii) design, implement, and evaluate the most effective fall prevention interventions;

“(iv) improve strategies that are proven to be effective in reducing falls by tailoring these strategies to specific populations of older adults;

“(v) conduct research in order to maximize the dissemination of proven, effective fall prevention interventions;

“(vi) intensify proven interventions to prevent falls among older adults;

“(vii) improve the diagnosis, treatment, and rehabilitation of elderly fall victims; and

“(viii) assess the risk of falls occurring in various settings;

“(B) conduct research concerning barriers to the adoption of proven interventions with re-

spect to the prevention of falls among older adults;

“(C) conduct research to develop, implement, and evaluate the most effective approaches to reducing falls among high-risk older adults living in long-term care facilities; and

“(D) evaluate the effectiveness of community programs to prevent assisted living and nursing home falls among older adults.

“(2) EDUCATIONAL SUPPORT.—The Secretary, either directly or through awarding grants, contracts, or cooperative agreements to qualified organizations, institutions, or consortia of qualified organizations and institutions, shall provide professional education for physicians and allied health professionals in fall prevention.

“(d) DEMONSTRATION PROJECTS.—The Secretary shall carry out the following:

“(1) Oversee and support demonstration and research projects to be carried out by qualified organizations, institutions, or consortia of qualified organizations and institutions, in the following areas:

“(A) A multistate demonstration project assessing the utility of targeted fall risk screening and referral programs.

“(B) Programs designed for community-dwelling older adults that utilize multicomponent fall intervention approaches, including physical activity, medication assessment and reduction when possible, vision enhancement, and home modification strategies.

“(C) Programs that are targeted to newly discharged fall victims who are at a high risk for second falls and which are designed to maximize independence and quality of life for older adults, particularly those older adults with functional limitations.

“(D) Private sector and public-private partnerships to develop technology to prevent falls among older adults and prevent or reduce injuries if falls occur.

“(2)(A) Award grants, contracts, or cooperative agreements to qualified organizations, institutions, or consortia of qualified organizations and institutions, to design, implement, and evaluate fall prevention programs using proven intervention strategies in residential and institutional settings.

“(B) Award 1 or more grants, contracts, or cooperative agreements to 1 or more qualified organizations, institutions, or consortia of qualified organizations and institutions, in order to carry out a multistate demonstration project to implement and evaluate fall prevention programs using proven intervention strategies designed for multifamily residential settings with high concentrations of older adults, including—

“(i) identifying high-risk populations;

“(ii) evaluating residential facilities;

“(iii) conducting screening to identify high-risk individuals;

“(iv) providing pre-fall counseling;

“(v) coordinating services with health care and social service providers; and

“(vi) coordinating post-fall treatment and rehabilitation.

“(3) Award 1 or more grants, contracts, or cooperative agreements to qualified organizations, institutions, or consortia of qualified organizations and institutions, to conduct evaluations of the effectiveness of the demonstration projects described in this subsection.

“(e) STUDY OF EFFECTS OF FALLS ON HEALTH CARE COSTS.—

“(1) IN GENERAL.—The Secretary shall conduct a review of the effects of falls on health care costs, the potential for reducing falls, and the most effective strategies for reducing health care costs associated with falls.

“(2) REPORT.—Not later than 36 months after the date of enactment of the Keeping Seniors Safe From Falls Act of 2004, the Secretary shall submit to Congress a report describing the findings of the Secretary in conducting the review under paragraph (1).”.

Amend the title so as to read: “A bill to direct the Secretary of Health and Human

Services to intensify programs with respect to research and related activities concerning falls among older adults.”

Ms. MIKULSKI. Mr. President, I am pleased that today the Senate will pass the Keeping Seniors Safe from Falls Act of 2004 (S. 1217) that Senator ENZI and I introduced. Falls are a serious public health problem that affects millions of seniors each year. This bill focuses on public education, research, and demonstration projects to help reduce falls by older adults.

The facts are staggering. One out of every three Americans over age 65 falls every year. In 2000, over 10,200 seniors died and approximately 1.6 million seniors visited an emergency department as a result of a fall. Falls are the leading cause of injury deaths among seniors, accounting for 64,000 traumatic brain injuries and 340,000 hip fractures each year. Falls can be financially disastrous for families, and falls place a serious financial strain on our health care system. By 2020, falls by older adults are estimated to cost the health care system more than \$32 billion.

These facts do not begin to tell the story of what falls can mean for older adults and their loved ones. Falls don't discriminate. Kay Graham was the victim of a fall. Many of us have friends or relatives who have fallen. A fall can have a devastating impact on a person's physical, emotional, and mental health. If an older woman loses her footing on her front porch steps, falls, and suffers a hip fracture, she would likely spend about two weeks in the hospital, and there is a 50 percent chance that she would not return home or live independently as a result of her injuries.

Two years ago, I chaired a hearing of the Subcommittee on Aging on the problem of falls among older adults. The subcommittee heard testimony from Lillie Marie Struchen, a 91-year-old woman who had recently fallen in her bathroom when she slipped on the tile. Lillie Marie could not reach the panic button in her apartment, and it took her some time before she could get to her feet and call for help. Lillie Marie was lucky. She recovered from her fall and returned to her normal routines. She shared with the subcommittee some steps that she and her family have taken to prevent future falls, knowing that she may not be so lucky next time.

These falls, like the ones that Lillie Marie and thousands of others suffer from each year, can be prevented. With some help, there are simple ways that seniors can improve the safety of their homes and make a fall far less likely. Home modifications like hand rails in the bathroom, rubber mats on slippery tile floors, and cordless telephones that seniors can keep nearby can make a big difference. Well-trained pharmacists can review medications to make sure that two drugs do not interact to cause dizziness and throw a senior off balance.

That's what this legislation is about—getting behind our Nation's

seniors and giving help to those who practice self-help. This bill creates public education campaigns for older adults, their families, and health care providers about how to prevent falls. It expands research on falls by older adults to develop better ways to prevent falls and to improve the treatment and rehabilitation of elder victims. This legislation also requires an evaluation of the effect of falls on health care costs, the potential for reducing falls, and the potential for reducing health care costs associated with falls.

Reducing the number of falls will help seniors live longer, healthier, more independent lives. I want to acknowledge the leadership of the National Safety Council on this issue. I also thank Senator ENZI for working with me in such a bipartisan manner to move this bill forward. The support of Senator GREGG and Senator KENNEDY was also vital in getting this bill through the Senate. I hope that our colleagues in the House will take swift action to pass this important bill this year.

Mr. MCCONNELL. Mr. President, I ask unanimous consent the committee amendment be agreed to, the bill, as amended, be read a third time and passed, the amendment to the title be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

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

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 1217), as amended, was read the third time and passed.

The title was amended so as to read:

A bill to direct the Secretary of Health and Human Services to intensify programs with respect to research and related activities concerning falls among older adults.

HONORING THE 10 COMMUNITIES RECEIVING THE 2004 ALL-AMERICAN CITY AWARD

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 464.

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

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 464) honoring the 10 communities selected to receive the 2004 All-American City Award.

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

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution be printed in the RECORD.

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

The concurrent resolution (H. Con. Res. 464) was agreed to.

The preamble was agreed to.

NATIONAL DAY OF THE HORSE

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 452 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 452) designating December 13, 2004, as “National Day of the Horse” and encouraging the people of the United States to be mindful of the contribution of horses to the economy, history, and character of the United States.

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

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, and that any statements relating to this resolution be printed in the RECORD.

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

The resolution (S. Res. 452) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 452

Whereas the horse is a living link to the history of the United States;

Whereas without horses, the economy, history, and character of the United States would be profoundly different;

Whereas horses continue to permeate the society of the United States, as witnessed on movie screens, on open land, and in our own backyards;

Whereas horses are a vital part of the collective experience of the United States and deserve protection and compassion;

Whereas because of increasing pressure from modern society, wild and domestic horses rely on humans for adequate food, water, and shelter; and

Whereas the Congressional Horse Caucus estimates that the horse industry contributes much more than \$100,000,000,000 each year to the economy of the United States: Now, therefore, be it

Resolved, That the Senate—

(1) designates December 13, 2004, as “National Day of the Horse”, in recognition of the importance of horses to the security, economy, recreation, and heritage of the United States;

(2) encourages all people of the United States to be mindful of the contribution of horses to the economy, history, and character of the United States; and

(3) requests that the President issue a proclamation calling on the people of the United States and interested organizations to observe the day with appropriate programs and activities.

HONORING THE LIFE AND LEGACY OF ALEXANDER HAMILTON

NATIONAL CHILDREN'S MEMORIAL DAY

Mr. MCCONNELL. Mr. President, I ask unanimous consent that it be in

order for the Judiciary Committee to be discharged from further consideration en bloc of the following and the Senate proceed en bloc to their immediate consideration: S. Con. Res. 123 and S. Res. 436.

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

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the concurrent resolution and resolution be agreed to, en bloc, the preambles be agreed to, en bloc, and that any statements relating to the measures be printed in the RECORD, and the consideration of these items appear separately, with no intervening action or debate.

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

The concurrent resolution (S. Con. Res. 123) was agreed to.

The preamble was agreed to.

The resolution (S. Res. 436) was agreed to.

The preamble was agreed to.

The resolutions, with their preambles, read as follows:

S. CON. RES. 123

Whereas Alexander Hamilton dedicated his life to serving his adopted country as a Revolutionary soldier, aide-de-camp to General George Washington, Representative to the Continental Congress, member of the New York State Assembly, first Secretary of the Treasury of the United States, and Inspector General of the Army;

Whereas Alexander Hamilton was a poor teenage immigrant to New York from the West Indian Islands of Nevis and St. Croix;

Whereas in the early days of the Revolutionary War Alexander Hamilton was commissioned as a captain and raised and trained his own New York artillery regiment and served valiantly in the battles of Long Island and Manhattan;

Whereas Alexander Hamilton quickly captured the attention of General George Washington who made him his aide-de-camp and confidant throughout the most difficult days of the Revolutionary War;

Whereas in 1781, Lieutenant Colonel Alexander Hamilton of the Continental Army led a bold attack of New York troops during the siege of Yorktown, the decisive and final battle of the Revolutionary War;

Whereas in 1782, Alexander Hamilton was elected as a member of the Continental Congress from New York;

Whereas as a private citizen Alexander Hamilton served many philanthropic causes and was a co-founder of the New York Manumission Society, the first abolitionist organization in New York and a major influence on the abolition of slavery from the State;

Whereas Alexander Hamilton was a strong and consistent advocate against slavery and believed that Blacks and Whites were equal citizens and equal in their mental and physical faculties;

Whereas Alexander Hamilton was one of the first members of the founding generation to call for a convention to drastically revise the Articles of Confederation;

Whereas Alexander Hamilton joined James Madison in Annapolis, Maryland in 1786 to officially request that the States call a constitutional convention;

Whereas Alexander Hamilton was elected as a delegate to the Constitutional Convention of 1787 from New York, where he played an influential role and was the only delegate from New York to sign the Constitution;

Whereas Alexander Hamilton was the primary author of the Federalist Papers, the

single most influential interpretation of American constitutional law ever written;

Whereas Alexander Hamilton was the most important individual force in achieving the ratification of the Constitution in New York against the strong opposition of many of the delegates to the ratifying convention;

Whereas Alexander Hamilton was the leading voice of the founding generation in support of the controversial doctrine of judicial review, which is the backbone for the role of the Supreme Court in the constitutional system of the United States;

Whereas on September 11, 1789, Alexander Hamilton was appointed by President George Washington to be the first Secretary of the Treasury;

Whereas as Secretary of the Treasury Alexander Hamilton salvaged the public credit, created the first Bank of the United States, and outlined the basic economic vision of a mixed agricultural and manufacturing society supported by a strong financial system that would underlie the great economic expansion of the United States for the next 2 centuries;

Whereas Alexander Hamilton was the leading proponent among the Founding Fathers of encouraging a strong manufacturing base for the United States in order to create good paying middle-class jobs and encourage a society built on merit rather than class or skin color;

Whereas in pursuit of this vision Alexander Hamilton founded The Society for Establishing Useful Manufactures which in turn founded the town of Paterson, New Jersey, one of the first industrial centers of the United States;

Whereas Alexander Hamilton proposed and oversaw the creation of the Coast Guard for law enforcement in territorial waters of the United States;

Whereas in 1798, President John Adams called upon Alexander Hamilton to raise an army in preparation for a possible war with France and, as Inspector General of the Army, he trained a powerful force of well-equipped soldiers who were able to help deter war at this vulnerable stage in the founding of the United States;

Whereas throughout the founding era Alexander Hamilton was the leading advocate of a strong national union led by an efficient Federal Government with significant protections for individual liberties;

Whereas on July 11, 1804, Alexander Hamilton was fatally wounded in a duel in Weehawken, New Jersey at the hands of Vice President Aaron Burr; and

Whereas Alexander Hamilton died in Manhattan on July 12, 1804, and was eulogized across the country as one of the leading visionaries of the founding era: Now, therefore, be it

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

(1) honors the great importance of the life and legacy of Alexander Hamilton to the United States of America on the bicentennial of his death;

(2) recognizes the tremendous significance of the contributions of Alexander Hamilton to the United States as a soldier, citizen, and statesman; and

(3) urges the people of the United States to share in this commemoration so as to gain a greater appreciation of the critical role that Alexander Hamilton had in defense of America's freedom and the founding of the United States.

S. RES. 436

Whereas approximately 80,000 infants, children, teenagers, and young adults of families living throughout the United States die each year from myriad causes;

Whereas the death of an infant, child, teenager, or young adult of a family is considered

to be one of the greatest tragedies that a prevent or family will ever endure during a lifetime;

Whereas a supportive environment, empathy, and understanding are considered critical factors in the healing process of a family that is coping with and recovering from the loss of a loved one; and

Whereas April is National Child Abuse Prevention month: Now, therefore, be it

Resolved,

SECTION 1. DESIGNATION OF NATIONAL CHILDREN'S MEMORIAL DAY.

The Senate—

(1) designates the second Sunday in the month of December 2004 as "National Children's Memorial Day"; and

(2) requests that the President issue a proclamation calling upon the people of the United States to observe "National Children's Memorial Day" with appropriate ceremonies and activities in remembrance of the many infants, children, teenagers, and young adults of families in the United States who have died.

FIRST ANNIVERSARY OF THE ROSE REVOLUTION

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 472, which was submitted earlier today by Senator MCCAIN.

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

The legislative clerk read as follows:

A resolution (S. Res. 472) to honor the people of Georgia on the first anniversary of the Rose Revolution.

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

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution be printed in the RECORD.

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

The resolution (S. Res. 472) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 472

Whereas, on November 23, 2004, the people of Georgia will celebrate the first anniversary of the Rose Revolution, the peaceful and bloodless protests that followed parliamentary elections deemed to be fraudulent;

Whereas following the resignation of President Eduard Shevardnadze, Interim President Nino Burdzhanadze worked diligently to restore order and to prepare Georgia for a new Presidential election;

Whereas after a free, fair, and democratic election was held, Mikheil Saakashvili was sworn into office on January 25, 2004, as President of Georgia;

Whereas President Saakashvili visited the United States Congress earlier this year and delivered a strong message of peace, stability, democracy, political reform, and economic opportunity;

Whereas Georgia is a small but strategically situated country located in the Caucasus, and is of additional interest to the United States because of the oil and gas

pipelines now being constructed from Baku, Azerbaijan to the port of Ceyhan, Turkey;

Whereas Georgia has also become a key player in the global war on terrorism by combating members of al Qaeda and other Muslim terrorist organizations, denying them sanctuary in remote areas such as the Pankisi Gorge, and working with the United States to help train border guards;

Whereas Georgia has recently increased its commitment of troops in Iraq and its contributions to help build peace and democracy in Afghanistan and Kosovo;

Whereas the United States supports Georgia's efforts to peacefully reestablish government control, security, and political stability in regions such as Abkhazia and South Ossetia;

Whereas the United States congratulates the Government of Georgia on the peaceful resolution of the conflict in Adjara and welcomes the restoration of democracy and political stability in that region; and

Whereas the United States supports representative democracy, political stability, economic growth, and peace in Georgia and throughout the Caucasus region: Now, therefore, be it

Resolved, that the Senate—

(1) congratulates the people of Georgia on the first anniversary of the Rose Revolution, the peaceful and bloodless protests that followed parliamentary elections deemed to be fraudulent, and for their commitment to democracy, peace, stability, and economic opportunity;

(2) commends President Mikheil Saakashvili for his vision of, and commitment to, a peaceful and democratic Georgia, the rule of law, an open market economy, regional cooperation, and closer integration into western institutions;

(3) supports the sovereignty, independence, territorial integrity, and democratic government of Georgia; and

(4) supports continued assistance to the people and Government of Georgia to help them consolidate the democratic process in their country.

URGING THE GOVERNMENT OF UKRAINE TO ENSURE A DEMOCRATIC, TRANSPARENT, AND FAIR ELECTION PROCESS

Mr. MCCONNELL. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of S. Res. 473, which was submitted earlier today by Senator McCain.

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

The legislative clerk read as follows:

A resolution (S. Res. 473) urging the Government of Ukraine to ensure a democratic, transparent, and fair election process for the Presidential run-off election on November 21, 2004.

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

Mr. MCCONNELL. I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid on the table, and any statements relating to this matter be printed in the RECORD.

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

The resolution (S. Res. 473) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 473

Whereas the establishment of a democratic, transparent, and fair election process for the 2004 Presidential election in Ukraine and of a genuinely democratic political system are prerequisites for that country's full integration into the Western community of nations as an equal member, including into organizations such as the North Atlantic Treaty Organization (NATO);

Whereas the Government of Ukraine has accepted numerous specific commitments governing the conduct of elections as a participating state of the Organization for Security and Cooperation in Europe (OSCE), including provisions of the Copenhagen Document;

Whereas the election of Ukraine's next President will provide an unambiguous test of the extent of the Ukrainian authorities' commitment to implement these standards and build a democratic society based on free elections and the rule of law;

Whereas the second round of the Presidential election takes place against the backdrop of past elections and improprieties in the first round of the election, which did not fully meet international standards;

Whereas it is the duty of government and public authorities of Ukraine at all levels to act in a manner consistent with all laws and regulations governing election procedures, and to ensure free and fair elections throughout the entire country, including preventing activities aimed at undermining the free exercise of political rights;

Whereas a genuinely free and fair election requires a period of political campaigning conducted in an environment in which administrative action, violence, intimidation, or detention do not hinder the parties, political associations, and the candidates from presenting their views and qualifications to the citizenry, including organizing supporters, conducting public meetings and events throughout the country, and enjoying unimpeded access to television, radio, print, and Internet media on a non-discriminatory basis;

Whereas a genuinely free and fair election requires that citizens be guaranteed the right and effective opportunity to exercise their civil and political rights, including the right to vote and the right to seek and acquire information upon which to make an informed vote, free from intimidation, undue influence, attempts at vote buying, threats of political retribution, or other forms of coercion by national or local authorities or others;

Whereas a genuinely free and fair election requires government and public authorities to ensure that candidates and political parties enjoy equal treatment before the law and that government resources are not employed to the advantage of individual candidates or political parties;

Whereas a genuinely free and fair election requires the full transparency of laws and regulations governing elections, multiparty representation on election commissions, and unobstructed access by candidates, political parties, and domestic and international observers to all election procedures, including voting and vote counting in all areas of the country;

Whereas increasing control and manipulation of the media by national and local officials and others acting at their behest raise grave concerns regarding the commitment of the Ukrainian authorities to free and fair elections;

Whereas efforts by the national authorities in Ukraine to limit access to international broadcasting, including Radio Liberty and the Voice of America, represent an unacceptable infringement on the right of the Ukrainian people to independent information;

Whereas efforts by national and local officials of Ukraine and others acting at their behest to impose obstacles to free assembly, free speech, and a free and fair political campaign have taken place in Donetsk, Sumy, and elsewhere in Ukraine without condemnation or remedial action by the Government of Ukraine;

Whereas numerous substantial irregularities have taken place in recent Ukrainian parliamentary by-elections in the Donetsk region and in mayoral elections in Mukacheve, Romny, and Krasniy Luch;

Whereas intimidation, violence, and fraud during the April 18, 2004, mayoral election in Mukacheve, Ukraine, represent a deliberate attack on the democratic process;

Whereas in the period leading to the first round of the Presidential election, the government power structures used state resources such as schools, state factories, hospitals, and public transport systems to force students, state workers, and citizens who rely on state services for their livelihood to campaign against their will for the government-backed candidate;

Whereas there was notable partisan engagement of security services, military, and local police in support of the government-backed candidate;

Whereas there was a failure of national and local state-owned and private electronic media to provide impartial and fair coverage of, or access to, opposition candidates;

Whereas some election commission members affiliated with opposition candidates were dismissed from their duties just prior to election day;

Whereas there was collaboration with a foreign government to allow a foreign President to appear in Ukraine and express his opinions on one of the candidates just days before election day, in an effort to influence the vote, and a military parade, which was held in Kyiv 3 days prior to the election, was clearly an effort to intimidate voters; and

Whereas in the first round of the Presidential election in Ukraine that occurred on October 31, 2004, international observers noted fraud and other significant problems, including poorly maintained voter lists, which resulted in people being denied their right to vote, as well as many additional names on voter rolls for which no accounting could be made, prevalent interference by unauthorized persons into the electoral process, and credible reports of busings of voters among oblasts and polling stations for the purpose of multiple voting: Now, therefore, be it

Resolved, That the Senate—

(1) acknowledges and welcomes the strong relationship formed between the United States and Ukraine since the restoration of Ukraine's independence in 1991;

(2) recognizes that a precondition for the full integration of Ukraine into the Western community of nations, including as an equal member in institutions such as the North Atlantic Treaty Organization (NATO), is its establishment of a genuinely democratic political system;

(3) expresses its strong and continuing support for the efforts of the Ukrainian people to establish a full democracy, the rule of law, and respect for human rights in Ukraine;

(4) urges the Government of Ukraine to guarantee freedom of association and assembly, including the right of candidates, members of political parties, and others to freely assemble, to organize and conduct public events, and to exercise these and other rights free from intimidation or harassment by local or national officials or others acting at their behest;

(5) urges the Government of Ukraine to meet its Organization for Security and Co-operation in Europe (OSCE) commitments on democratic elections and to address issues previously identified by the Office of Democratic Institutions and Human Rights (ODIHR) of the OSCE in its final reports on the 2002 parliamentary elections and the 1999 Presidential elections, such as illegal interference by public authorities in the campaign and a high degree of bias in the media;

(6) urges the Ukrainian authorities to ensure—

(A) the full transparency of election procedures before, during, and after the second round of the 2004 Presidential election;

(B) free access for Ukrainian and international election observers;

(C) multiparty representation on all election commissions;

(D) unimpeded access by all parties and candidates to print, radio, television, and Internet media on a non-discriminatory basis;

(E) freedom of candidates, members of opposition parties, and independent media organizations from intimidation or harassment by government officials at all levels, including selective tax audits and other regulatory procedures, and in the case of media, license revocations, and libel suits;

(F) a transparent process for complaint and appeals through electoral commissions and within the court system that provides timely and effective remedies;

(G) vigorous prosecution of any individual or organization responsible for violations of election laws or regulations, including the application of appropriate administrative or criminal penalties;

(H) remedies to all improprieties reported in the first round of the Presidential election in Ukraine, including—

(i) the replacement at a polling station of any Territorial Election Commission member found to have engaged in fraud;

(ii) a complete review of voter lists in each polling station in order to correct inaccuracies;

(iii) equal time on state media and equal access to private media for the two runoff candidates; and

(iv) immediate prosecution of individuals who have violated the election law;

(7) further calls upon the Government of Ukraine to guarantee election monitors from the ODIHR, other participating states of the OSCE, Ukrainian political parties, representatives of candidates, nongovernmental organizations, and other private institutions and organizations, both foreign and domestic, unobstructed access to all aspects of the election process, including unimpeded access to public campaign events, candidates, news media, voting, and post-election tabulation of results and processing of election challenges and complaints;

(8) urges the President to fully employ the diplomatic and other resources of the Government of the United States to encourage the Government of Ukraine to ensure that the election laws and procedures of Ukraine are faithfully adhered to by all local and national officials, by others acting at their behest, and by all candidates and parties, during and subsequent to the Presidential campaign and election-day voting;

(9) strongly encourages the President to clearly communicate to the Government of Ukraine, to all parties and candidates in Ukraine, and to the people of Ukraine the high importance attached by the Government of the United States to this Presidential campaign as a central factor in determining the future relationship between the two countries;

(10) strongly encourages the President to consider visa bans and other targeted sanc-

tions on those responsible for encouraging or participating in any efforts to improperly influence the outcome of the election, whether through direct or indirect involvement; and

(11) pledges its enduring support and assistance to the people of Ukraine for the establishment of a fully free and open democratic system, the creation of a prosperous free market economy, the establishment of a secure independence and freedom from coercion, and Ukraine's assumption of its rightful place as a full and equal member of the Western community of democracies.

ORDER FOR PRINTING MAIDEN SPEECHES

Mr. McCONNELL. Mr. President, I ask unanimous consent that all maiden speeches by new Senators from the 108th Congress be printed as a Senate document, provided further that Senators have until the close of business tomorrow, Friday, November 19, to submit such statements.

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

ORDER FOR PRINTING TRIBUTES TO RETIRING SENATORS

Mr. McCONNELL. Mr. President, I ask unanimous consent that there be printed as individual Senate documents, a compilation of materials from the CONGRESSIONAL RECORD in tribute to retiring Senators of the 108th Congress.

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

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. McCONNELL. I ask unanimous consent the Senate proceed to executive session to consider the following nominations: No. 940, No. 941, and all nominations on the Secretary's desk in the Navy.

I ask unanimous consent the nominations be confirmed en bloc, the motions to reconsider be laid on the table, and the President be immediately notified of the Senate's action.

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

The nominations considered and confirmed en bloc are as follows:

EN BLOC

IN THE AIR FORCE

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

To be major general

Brigadier General John H. Folkerts

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:

To be lieutenant general

Lt. Gen. Bruce A. Wright

NOMINATIONS PLACED ON THE SECRETARY'S DESK

IN THE NAVY

PN2021 NAVY nominations (457) beginning ARMAND P ABAD, and ending MATTHEW P

ZENTZ, which nominations were received by the Senate and appeared in the Congressional Record of October 7, 2004.

NOMINATIONS PLACED ON THE CALENDAR

Mr. McCONNELL. I further ask unanimous consent that the following nominations be discharged from their respective committees and that they be placed on the calendar. From the Foreign Relations Committee, three nominations to the United Nations that are at the desk: PN 1847, PN 1846, PN 1975; from the HELP Committee, seven nominations: PN 1722, PN 1651, PN 1623, PN 1624, PN 2046, PN 1654, and PN 1509.

I finally ask unanimous consent the Senate resume legislative session.

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

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

ORDERS FOR FRIDAY, NOVEMBER 19, 2004

Mr. McCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. tomorrow, Friday, November 19. I further ask unanimous consent that following the prayer and pledge, the morning hour be deemed expired, and the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate then resume consideration of the conference report to accompany H.R. 1047, the miscellaneous tariffs bill, provided that there be 30 minutes divided with Chairman GRASSLEY in control of 10 minutes, Senator BAUCUS in control of 10 minutes, Senator FEINGOLD for up to 8 minutes, and Senator KOHL for up to 2 minutes; provided further that at the conclusion of that time the Senate proceed to the cloture vote on the conference report.

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

PROGRAM

Mr. McCONNELL. Mr. President, tomorrow the Senate will vote on cloture on the miscellaneous tariffs conference report. It is our expectation that cloture will be invoked by a large margin, and I hope we will complete our work on this measure in short order. Also, during tomorrow's session we are continuing to await the Omnibus appropriations conference report from the House of Representatives. Finally, we will also consider the intelligence reform legislation if it becomes available.

ADJOURNMENT UNTIL 9:30 A.M.
TOMORROW

Mr. McCONNELL. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:49 p.m., adjourned until Friday, November 19, 2004, at 9:30 a.m.

DISCHARGED NOMINATIONS

The Senate Committee on Health, Education, Labor, and Pensions was discharged from further consideration of the following nominations and the nominations were placed on the Executive Calendar:

EUGENE HICKOK, OF PENNSYLVANIA, TO BE DEPUTY SECRETARY OF EDUCATION.

EDWARD R. MCPHERSON, OF TEXAS, TO BE UNDER SECRETARY OF EDUCATION.

ROBERT DAVILA, OF NEW YORK, TO BE A MEMBER OF THE NATIONAL COUNCIL ON DISABILITY FOR A TERM EXPIRING SEPTEMBER 17, 2006.

LINDA WETTERS, OF OHIO, TO BE A MEMBER OF THE NATIONAL COUNCIL ON DISABILITY FOR A TERM EXPIRING SEPTEMBER 17, 2006.

JULIA L. WU, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE BARRY GOLDWATER SCHOLARSHIP AND EXCELLENCE IN EDUCATION FOUNDATION FOR A TERM EXPIRING FEBRUARY 4, 2008.

LAURIE STENBERG NICHOLS, OF SOUTH DAKOTA, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE BARRY GOLDWATER SCHOLARSHIP AND EXCELLENCE IN EDUCATION FOUNDATION FOR A TERM EXPIRING MARCH 3, 2010.

CAROL D'AMICO, OF INDIANA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL BOARD FOR EDUCATION SCIENCES FOR A TERM OF TWO YEARS.

the Senate Committee on Foreign Relations was discharged from further consideration of the following nominations and the nominations were placed on the Executive Calendar:

YOUSIF B. GHAFARI, OF MICHIGAN, TO BE AN ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE FIFTY-NINTH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

JANE DEE HULL, OF ARIZONA, TO BE A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE FIFTY-NINTH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

SUSAN L. MOORE, OF TEXAS, TO BE AN ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE FIFTY-NINTH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

CONFIRMATIONS

Executive nominations confirmed by the Senate November 18, 2004:

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIGADIER GENERAL JOHN H. FOLKERTS

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:

To be lieutenant general

L.T. GEN. BRUCE A. WRIGHT

NAVY NOMINATIONS BEGINNING ARMAND P. ABAD AND ENDING MATTHEW P. ZENTZ, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 7, 2004.