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## Senate

(Legislative day of Friday, September 22, 2000)

The Senate met at 12 noon, on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

### PRAYER

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

God of peace, fill our minds and flood our hearts with Your peace. May we hear Your message: "Peace on earth, good will to all people" above the discordant voices of these turbulent times. Give us Your peace that calms our nerves, conditions our thinking, and clears our vision. Your peace is the serenity of heaven provided for the loved and forgiven. It is the assurance that we will receive all that we need to meet the challenges of this day. Your peace comes to us when we commit our responsibilities to You and then work with Your guidance and grace.

Help the Senators to be peacemakers as they finish the work of this 106th Congress. Bear on their hearts and minds the words of Thomas Jefferson after the contentious election of 1800: "The greatest good we can do our country is to heal its party divisions and make them one people." So we all dedicate ourselves to be peacemakers as You continue to heal our land. You are our Lord and Saviour. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable LINCOLN CHAFEE, a Senator from the State of Rhode Is-

land, 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.

### RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. L. CHAFEE). Under the previous order, the leadership time is reserved.

### MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 1 p.m., with Senators permitted to speak therein for up to 10 minutes each, and with time to be equally divided in the usual form.

### RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDING OFFICER. The able acting majority leader is recognized.

### PRAISE FOR THE CHAPLAIN

Mr. WARNER. Mr. President, I say with gratitude that we have such a marvelous Chaplain, one who with great skill and such strength of feeling and emotion is able to deliver the message of prayer and incorporate those historic moments of history.

That election of Thomas Jefferson was one, fortunately, we avoided this time around; for Congress was involved, as our distinguished Chaplain and others know, and the vote in Congress was razor thin.

### SCHEDULE

Mr. WARNER. Mr. President, as the Chair has advised, the Senate will be in a period of morning business today while awaiting the final appropriations bill from the House. The Senate was expected to consider the final package shortly after noon today. However, the vote is now expected to occur sometime later this afternoon. Senators will be updated throughout the day on the voting schedule.

Following the vote, the Senate is expected to complete its business to wrap up the 106th Congress. On behalf of the distinguished majority leader and the Democratic leader, we thank our colleagues for their patience and cooperation.

### SENATOR CHARLES S. ROBB

Mr. WARNER. Mr. President, Virginia has had a long history of distinguished citizens of our great Commonwealth who come forward to serve Virginia. Among them in this long line of distinguished individuals will be CHARLES S. ROBB.

### NOTICE

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



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We started our careers together when he served in the Marine Corps. That was back during the period of Vietnam. I was then serving—for over 5 years—as Under Secretary and Secretary of the Navy. I was privileged, of course, to serve with the Presiding Officer's father, Senator Chafee. At the time he was Secretary of the Navy; I served as his Under Secretary.

Senator ROBB had served his tour in Vietnam in 1961 through 1970 and then he remained in the Marine Corps Reserves from 1970 to 1991. I was privileged to wear the marine green during the Korean conflict and served for a very brief period in the Marines. However, I assure Members that the career of Senator ROBB was far more distinguished than the career of the senior Senator, myself. I am pleased to acknowledge that. He then went on to serve as Lieutenant Governor from 1977 to 1981, and Governor from 1982 to 1986.

His two terms in the Senate began in 1988. He has been a Member of the Senate Armed Services Committee, a committee which I have been privileged to chair since 1993. Throughout this distinguished record, it has been my good fortune to share a very warm friendship with the Senator and with his lovely wife and his children. We all know when we take the oath of office as U.S. Senator, the family plays the key role. I could not count the number of times I have been in matters relating to the Senate, trips relating to the Senate, our frequent joint appearances throughout the Commonwealth of Virginia these many years, beginning back when he was Lieutenant Governor, and there was Mrs. Robb, a daughter of a most distinguished American public servant, former President Lyndon Johnson and a former Member of the Senate.

So I wish him well. It was a difficult task in this past election. He respects both of us as marines. We have duties to perform. I hope the RECORD reflects that I performed that responsibility I felt very sincerely was necessary, but I did it in a spirit that preserved our friendship.

When I think back on his work, I think of the many times Senator ROBB came from that side of the aisle to this side of the aisle to join others in working on pieces of legislation which he felt, and indeed others felt, were in the best interests of this country. He was a bridgebuilder. He served that purpose on the Senate Armed Services Committee. He stood by my side as chairman these past 2 years, supported me, I think, almost in every instance. And he had very keen insight into the life of the men and women of the Armed Forces who serve today. He worked very hard on their behalf.

I hope history will reflect that his contributions directly benefited those who serve today and who will serve tomorrow. He also was quite active in working with me on the retirement benefits, particularly the medical benefits, for those who have served in years past.

Virginia is privileged to have one of the greatest shipyards—we like to think the greatest shipyard—in America. We have the naval shipyard as well as private shipyards. In those yards are built some of the finest ships that sail the seven seas today on behalf of our Navy. Senator ROBB was always there to work with not only me but a strong bipartisan Virginia congressional delegation, Senate and House, on matters of national defense since our State is privileged to be preeminent in the field of national defense, having a number of the major bases and a number of men and women in uniform who are stationed there. Of course, the Pentagon is the core of this complex throughout Virginia. But there was Senator ROBB on all occasions, and particularly as it related to our naval shipbuilding program.

I am joined on the floor today by two very able members of my staff. Ann Loomis is the chief of our legislative staff; Susan Magill, with whom I consulted early this morning in preparing these remarks, is my chief of staff. They would want it known that, through the years, the staff working relationship between Senator ROBB's office and my office was always excellent. We looked upon our duties as serving the Commonwealth of Virginia and the people of that State; therefore, our staffs did everything they could to prepare the two Senators to meet that challenge and that responsibility.

He is a man of principle. I think that is unquestioned by those of us who watched him. Indeed, at times we differed on very fundamental policy issues, and that is reflected in our voting records. But he was always a man of principle and he stood by those principles. As I listened to him, my reaction sometimes bordered on disbelief because I so disagreed with him, but he stood by those principles no matter what the cost to his professional career as a public servant. He stood by what he believed.

So I say to my good friend, I shall remember him in many ways but above all for his friendship and his always senatorial courtesy. As we laugh around here and joke: The title senior Senator and perhaps a dollar or so will get you a cup of coffee. But he never tried one-upmanship and he always addressed me as his senior in the Senate. I thank him. I wish him and his family well in their next career. I am confident there are many challenges that await this distinguished American public servant.

I note my distinguished friend from Pennsylvania is on the floor. I yield the floor at this time, and I thank the Chair for his indulgence.

The PRESIDING OFFICER. The Senator from Pennsylvania.

#### SENATOR ROBB

Mr. SPECTER. Mr. President, I commend my distinguished colleague from Virginia for those fine remarks about

Senator ROBB. I associate myself with Senator WARNER on his best wishes to Senator ROBB, acknowledging his very distinguished service in the Senate for 12 years. I might add, his distinguished wife, Lynda Johnson Robb, was a regular at the Old Testament Bible class conducted in my office over the past decade, presided over by a very distinguished Biblical scholar, Naomi Rosenblatt. But CHUCK and Lynda Robb will still be around and we will have the benefit of their company, although his Senate career, at least, is over at the moment.

#### LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION

Mr. SPECTER. Mr. President, I have sought recognition to comment about the pending appropriations bill on Labor, Health and Human Services, and Education, which comes from the appropriations subcommittee which I chair. There has been an extraordinarily rocky road for this bill this year. I think it is very regrettable that on December 15 we are still debating that bill and the entire package is as yet unsettled, although hopefully it will be resolved before the end of the day. But there have been many days when we have been hopeful about resolving matters before the end of the day and that has not occurred.

Without going into the background on prior years, it has been a very difficult matter to get the bill on Labor, Health and Human Services, and Education to the President for signature and to resolve the controversies. This year, my ranking member on the subcommittee, Senator TOM HARKIN, and I have worked as partners on this matter. When he chaired the subcommittee, I was ranking, or when I have chaired the subcommittee, he has been ranking. Both of us understand—and have for a long time—that if you want to get something done in Washington, you have to cross party lines. That is more true today than ever. It will be even more true in the 107th Congress when we have a 50-50 split.

But we brought that bill to conclusion on the Senate vote on June 30 of this year, which tied the record going back to 1976. We completed a conference report on July 27, the last Thursday before we adjourned for the Republican convention and the August recess. We did that with a lot of extra effort, hard work by our staffs led by Bettilou Taylor on my staff, so we could get the bill to the President right after Labor Day. There is no use sending it in August, but we were prepared to submit it to the President the day after Labor Day.

We had met the President's figure of \$106 billion, which was a \$10 billion increase over the program authority from last year. We did that because the experience in the past had been that when we quarreled with the President about the total figure, invariably there were add-ons at the end when the issue

went beyond September 30 into October or November.

Candidly, it was difficult to get the Republican caucus to agree to \$106 billion in the Senate and in the House, but we did that. But in presenting the bill, the conference report, we had some priorities which were somewhat different from those of the President. We had, for example, added \$2.7 billion for the National Institutes of Health because we thought that was a very high priority item. We had also made some changes on the \$2.7 billion which the President had requested for school construction and additional teachers, giving him that money but adding a provision that if the local boards of education wanted to use the money for something else after fulfilling very stringent requirements, that they could use it for local control.

When we sat down to negotiate with the White House, the President and the Democrats in the House upped the ante and asked for an additional \$6 billion. From my way of thinking, that was totally unacceptable because we had provided the \$106 billion which the President had initially requested. After all, it is the congressional prerogative to set the priorities on appropriations. That is spelled out in the Constitution. The President has to sign the bill but we have the lion's share of responsibility, in my view, to establish the priorities.

Those negotiations degenerated—at least in my opinion—until there was an inclination by some in the conference to pay \$114 billion. I refused to be a party to that amount of money because I had fought hard to raise the figure to \$106 billion and I felt there would be no credibility in what I would present as chairman of the subcommittee if I would be a will-o'-the-wisp and raise it to any figure to satisfy the demands of the White House and the House Democrats. There was a tentative agreement of \$114 billion and I declined to sign any conference report which reflected that figure.

Ultimately that arrangement broke down. Now we have come to the point where the negotiations have produced a figure of \$108.9 billion, which is still more than the \$106 billion we had originally projected, but in the spirit of accommodation, trying to finish the business of the Congress, I am prepared to go along with that figure although very reluctantly.

There have been changes in the bill which I find totally unacceptable. The National Institutes of Health has had an increase of \$2.7 billion over fiscal year 2000, which had been in all along, now cut by \$200 million to \$2.5 billion. I believe that the National Institutes of Health is the crown jewel of the Federal Government. It may be the only jewel of the Federal Government. We have added almost \$9 billion to the funding on NIH in the last five cycles. The Senate, in one of the first years under my chairmanship, came in at the figure of a \$950 million increase. The

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

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

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

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

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

The PRESIDING OFFICER. The Senator from Maine.

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

I heard the Senator from Pennsylvania, the chairman of the subcommittee, describe it as the crown jewel of the Federal Government, and I totally agree with his comments. He has also been an advocate for more education funding, combined with more flexibility. I wish we had followed his

advice earlier this year and sent the appropriations bill down to the White House, completing his work in a very timely fashion back in July, I believe it was.

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

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

#### EXTENSION OF MORNING BUSINESS

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

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

#### THE STEEP COST OF A MAINE WINTER

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

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

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

Winter has not even officially begun, although you would not know that in the area of the country from which the Presiding Officer and I come. The high price of fuel and cold temperatures have already driven a record number of households in Maine to seek home heating assistance. Already the Community Action Program agencies in Maine have identified 28,000 households in need of LIHEAP funds to get through this winter. That compares to only 10,000 applicants at this time last year; in other words, it has more than doubled the amount of households seeking this kind of assistance. Another 19,000 families are waiting to be reviewed by the CAP agencies.

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

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

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

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

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

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

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

The legislation before us today will provide an extra \$300 million in LIHEAP assistance to be used this winter. And that is very helpful. It is almost a 30-percent increase above last year's funding level. I know how hard Senator SPECTER and Senator STEVENS have fought for this significant increase. I thank them for their efforts on behalf of the thousands of Maine residents who will benefit greatly from these much needed funding increases.

Yet it simply is not enough. With the price of fuel 50 percent higher this year than last, and with almost three times as many families in need of LIHEAP assistance this year compared to just 1 year ago, even a 30-percent increase will only go so far. It is certainly needed, and we are grateful for it, but we are still going to have a shortfall.

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

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

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

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

I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

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

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

Mr. LEAHY. Mr. President, I do not see others seeking the floor. I ask unanimous consent I be allowed to speak for not to exceed 10 minutes.

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

#### JOHNNY PAUL PENRY

Mr. LEAHY. Mr. President, during the past year there has been an extraordinary amount written and spoken in this country about the death penalty—actually more than I can recollect having seen before. We have

learned that the system of administering capital punishment is gravely flawed, and that scores of people have ended up on death row, often for many years, even though they were completely innocent of the crime for which they were sentenced to death.

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

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

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

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

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

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

I have introduced legislation with Senators GORDON SMITH, SUSAN COLLINS, and 12 other Senators, to address some of these most egregious flaws. I have spoken many times about our bill, the Innocence Protection Act, which we plan to pursue in the 107th Congress.

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

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

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

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

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

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

The impairment of a mentally retarded of-fender's reasoning ability, control over im-pulsive behavior, and moral development . . . limits his or her culpability so that, whatever other punishment might be ap-propriate, the ultimate penalty of death is al-ways and necessarily disproportionate to his or her blameworthiness.

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

The very factors that make it dispropor-tionate and unjust to execute the mentally retarded also make the death penalty of the most minimal deterrent effect so far as re-tarded potential offenders are concerned. In-tellectual impairments in logical reasoning, strategic thinking, and foresight, the lack of the intellectual and developmental predi-cates of an ability to anticipate con-sequences, and impairment in the ability to control impulsivity, mean that the possi-bility of receiving the death penalty will not in the case of a mentally retarded person fig-ure in some careful assessment of different courses of action. In these circumstances, the execution of mentally retarded individ-uals is nothing more than the purposeless and needless imposition of pain and suf-fering.

People with mental retardation are also more prone to make false confes-sions simply to please their interroga-tors, and they are often unable to as-sist their lawyer in preparing a de-fense.

We saw this with Earl Washington, who had an IQ of 69. Arrested for break-ing into a neighbor's home during a drinking spree and hitting her with a chair, Washington readily confessed to a series of unsolved murders that he could not have committed.

Beyond all of this, executing the mentally retarded severely damages the standing of the United States in the international community. The United Nations has long condemned this practice. Just last year, the U.N. Commission on Human Rights called on nations "not to impose the death penalty on a person suffering from any form of mental disorder." We should join the overwhelming majority of na-tions who do not execute the mentally retarded.

Johnny Penry suffered relentless and severe physical and psychological abuse as a child, spends his time in prison coloring with crayons and look-ing at comic books he cannot read, and still believes in Santa Claus. I remem-ber reading that when they stayed his execution he said, "Does this mean I'm not allowed to have the special meal I was supposed to have?"—The last meal of the condemned man. He could not possibly have assisted meaningfully in his own defense.

No one can excuse Johnny Penry's crime, and no one suggests that he should be set free. But the question is what is the appropriate punishment for a defendant who is mentally retarded.

Neither our Constitution nor our na-tional conscience permits the execu-tion of a 6-year-old child for commit-ting a heinous crime, and neither should we execute a person with the mental capacity of a 6-year-old. It of-fends the very idea of justice.

I yield the floor.

THE PRESIDING OFFICER. The Sen-ator from Virginia.

Mr. ROBB. Mr. President, first I in-quire, is there any limitation on the length of time to speak?

THE PRESIDING OFFICER. The Chair informs the Senator from Vir-ginia that we are in a period for morn-ing business with Senators to speak not to exceed 5 minutes.

Mr. ROBB. I do not believe I will ex-ceed 5 minutes, but I ask unanimous consent to proceed for such time as I may use, consistent with the order for morning business.

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

Mr. ROBB. I thank the Chair.

#### THE SENATE EXPERIENCE

Mr. ROBB. Mr. President, I thought I would take this opportunity for just a very few minutes to say thank you. I will be leaving the Senate at the end of this Congress. I had assumed, as many of our colleagues had, that this would be the last day of the session. That as-sumption is very much in question at this point. I just left a conference with members of my caucus, and there are clearly some deeply held convictions and passions that are still unresolved. It may be that we will be here for hours or days. I hope that is not the case, but there frequently are at this particular time in the session those who hold convictions and beliefs so deeply that they do not believe under

any circumstance they should leave any stone unturned or any avenue un-explored to advance those convictions and beliefs.

While some of those issue are being resolved, I want to take a minute to say thank you, first of all, to the peo-ple of Virginia who were kind enough to honor me with 12 years of their rep-resentation in the Senate of the United States.

I thank my colleagues on both sides of the aisle who have given to me and my wife Lynda and members of our family an experience we will treasure for the rest of our lives. The personal interaction with colleagues has been a part of the Senate experience that I will always enjoy, remember, and re-vere. I express to colleagues again on both sides of the aisle how much I ap-preciate the many considerations they have shown me.

I understand my senior colleague from Virginia took the floor while we were in the caucus. I did not hear his words, but I appreciate his cooperation on many issues, and I appreciate his friendship. We have had some dif-ferences; certainly, we have had some political differences; but the degree of cooperation between our offices has al-ways been good and strong when it came to working on behalf of our Com-monwealth.

The Senate is, for many of us, like a family. That sentiment has been ex-pressed before. It is an extended fam-ily, and I say to all of those members of that extended family a very sincere thank you. I thank the floor staff and the officers of the Senate for the co-operation that has been extended to me over the past 12 years.

I thank the Cloakroom staff from both sides, particularly my own Cloak-room, who work so closely with us on a regular basis to make sure the institu-tion functions, and that we are here when necessary in order to conduct the nation's business.

I express my appreciation to all of those who make this institution work. Some of them are visible, such as our friends of the Capitol Police who are here around the clock in a position, as we learned to our regret and sorrow, to put their lives on the line to provide safety and security.

There are many other officers of the Senate and employees of the Senate who are not as visible to the public, but are just as crucial to the operation of the Senate. The employees who work for the Architect of the Capitol who take care of many of the duties that are required to make the institution run. We see and work with them on a daily basis. Many of them have ex-tended courtesies and kindnesses to me over a long period of time that I will long remember.

There are the many often unheralded folks who help with the phones, who operate the Capitol switchboard, who handle the maintenance, and who work in the food service we do not see but

who make it possible for all of us to do our jobs as effectively as possible. These people keep the institution functioning, like the maintenance crews who make the repairs and changes that are frequently required and who always seem able to accommodate—all of their good will is very much appreciated.

I thank the pages, too, who work and do all of the things they are required to do during the daytime and then get their studies done at night. We frequently see them working on their studies at the same time they are helping to make life a little easier for us.

I also express my appreciation to the committee staffs, the professional staffs who work with each of the committees and help me and all of you on a regular basis. We develop personal friendships with many of these individuals whom we will long remember.

Finally, I want to say a very personal thank you to the members of my own staff. I have been extraordinarily well served by some very able professionals who have served their Commonwealth and their country in ways that I will always appreciate and for which they can always be very proud.

There have been many, and I am not going to attempt to list them all. It occurred to me that maybe, because I have been so fortunate and so well served, I should mention the names only of those who have been with me continuously helping and assisting me my entire term in the Senate, serving with me over the last 12 years. Two of those professionals actually have been with me through my gubernatorial service: Pat Mayer and Susan Albert, now Susan Albert Carr as of last weekend, have been with me for the full 12 years and then some. Matt McGowan, Jim Connell, JoAnn Pulliam, Anne Geyer, Debbie Lawson-Goins, and Jim O'Quinn have all been kind enough to provide for me the kind of professional staff assistance that has made my job easier. We will remain friends. The members of my staff have helped make this an experience I will cherish.

I have undoubtedly left out a number of individuals whom I want to thank and I have tried to thank.

I also thank the people who have made this a very good experience for my wife Lynda, particularly the prayer groups. She has been associated with several of those. I understand she gets to continue her membership in the prayer groups and the spouses group, even though I will become a former Member and will leave these premises.

Mr. President, I say to all of my colleagues that they are a group of principled, compassionate, caring men and women, many of them friends. We may have disagreements. Some of those are principled disagreements. In fact, I just attended what may be the last Democratic conference called by our leader. I say once again, I heard members express in passionate terms their commitment to doing what they believe is in the best interest of their State and the Nation, and I think that is some-

thing that may not always be apparent. Again, that occurs on both sides of the aisle. I am particularly grateful to many who have demonstrated the courage to stand up and be counted when it was not always politically popular.

Finally, I want to make a brief comment about the leadership. I thank the majority leader for the courtesies he and the members of his staff have extended to me.

I conclude with a special note of thanks to someone I consider an extraordinary leader, who is kind enough to be here for these couple of minutes, TOM DASCHLE, the current Democratic and minority leader who will become on January 3 through January 20 the majority leader. As a point of personal privilege, I look forward to that time.

He and the team that he has put together have been exceptional leaders. I see the distinguished whip HARRY REID on the floor, as well. They have led by example. They have led by inclusion. And they have led by listening. They have been friends. They have been effective. They have been leaders in the truest sense in that they have caused us to want to work with them to make the institution run and to get the job done.

So, Mr. President, to you, as a personal friend, and as a representative of our colleagues, and to all of our friends who have been kind to me and have supported some of the things I have done over the years, may I express my profound thanks.

I take leave of the Senate proud to have had the opportunity to serve in this great institution.

Mr. President, I thank the Chair and yield the floor.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The Democratic leader is recognized.

Mr. DASCHLE. I will use my leader time, if I may, at this time.

#### TRIBUTE TO SENATOR CHARLES ROBB

Mr. DASCHLE. Mr. President, I congratulate Senator ROBB on his remarks. I thank him very much for sharing them with all of us.

These past elections brought our caucus nine new members and we hope many new opportunities to address America's priorities. But they also handed us a great disappointment, the loss of our friend and colleague, CHUCK ROBB.

I am appreciative of the opportunity that I had just now to listen to Senator ROBB, maybe for the last time on this Senate floor. I had feared he might leave without giving us a chance to thank him for his remarkable service to the Senate. It would have been like him to do so; he is an enormously modest man.

In an editorial the day before the election, the Washington Post wrote:

Even in the final days of a nip-and-tuck campaign, Senator Chuck Robb seems uncomfortable singing his own praises. While

some voters may find this quality refreshing, Senator Robb's reluctance to tout his accomplishments hides them too effectively in a tight race.

CHUCK ROBB's reluctance to promote himself—his commitment to sound policies over sound bites—may have cost him reelection, but they have earned him the respect of his peers and this Nation.

In 12 years in this Senate—and for 8 years before that as Lieutenant Governor and then Governor of Virginia—CHUCK ROBB rarely spoke about himself. He has always been more comfortable speaking on behalf of others—the people whose voices too often are not heard at all.

Today, on what we hope could be the last day of this Senate, I want to say just a few things about him that he will not say about himself, just to remind us what a good man—what a good man—with whom it has been our good fortune to work.

As we all recall, he was elected to the Senate in 1988, with the largest vote total for any office in Virginia's history. It was the first time in 22 years that Virginia had not sent a Republican to the Senate.

He has spent his Senate career working for Virginia and for what he calls the "long-range, big picture, important issues": national security, a balanced budget, education, and civil rights—for all Americans.

He is a member of the Finance Committee and the Joint Economic Committee. He is the only Member of the Senate ever to serve simultaneously on all three national security committees: Intelligence, Armed Services, and Foreign Relations.

He is a former member of the Budget and Commerce Committees, as well as the Select Committee on POW/MIA Affairs, where he cochaired a task force that declassified and released vast quantities of information on missing U.S. service members.

Quietly, with little fanfare, he has provided a steady leadership that has helped keep our Nation safe and move us forward.

He is a lifelong fiscal conservative.

In 1993, he voted for the deficit reduction plan that launched the strongest economic recovery in our Nation's history. He remains an important part of the Senate's economic conscience, always reminding us that our job isn't finished, that we must pay down our national debt.

He has been a tireless fighter for education, the chief sponsor of our proposal to help States and local school districts build and renovate 6,000 schools.

He fought to reduce class sizes by hiring 100,000 teachers and to make America's schools safer and stronger.

He helped create new partnerships to connect every school in America to the Internet.

He is as hard a worker as you will find in this body.

In 12 years as a Senator, incredibly, he has missed only 10 votes.

As chairman of the Democratic Senatorial Campaign Committee in 1991 and 1992, CHUCK ROBB shattered fundraising records and ended his term with the strongest majority for our party in 20 years.

He cares deeply about the values on which our party is founded. But there are values he holds even more dearly than party loyalty. A reporter asked him recently who his political heroes are. He listed two. One was the late Bill Spong, another thoughtful, effective Virginian, who served one term in this Senate and was the first southern Senator from a State covered by the Voting Rights Act to vote for the act.

He said his other political hero was a man we all knew, our friend, John Chafee, "because he worried about women's health, poor children, and the environment, and reached across party lines to find solutions."

Reaching across party lines, being willing to work and look in new places for new solutions—that is something Senator ROBB has done his entire life.

He grew up in a Republican family. He is a founder and past chairman of the centrist Democratic Leadership Committee, and one of the original architects for what we now know and call "the third way" in politics.

His ground-breaking ideas on the changing economy, new models of governing, and other ideas helped transform political thinking—not only in this country but in England and in nations all over the world.

Quietly, modestly, throughout his career, he has tried to reach honest, bipartisan compromise on an array of issues.

Here in the Senate, he has worked closely with his colleague, Senator WARNER, on issues of importance to Virginia and our national security.

As a member of our caucus' Centrist Coalition, he has helped us all try to find a middle ground.

I would be sorry to see CHUCK ROBB leave the Senate at any time. The fact that he is leaving now—when we so desperately need people who are able to see beyond the usual party divisions—makes his leaving doubly sad.

CHUCK ROBB only lost one other political contest in his life, when he ran for senior class president at the University of Wisconsin at Madison. Speaking about that loss later to a reporter, he said it gave him something important. As he put it: "I needed a little taking down. Anybody who goes too long without some setback in life tends to lose an important perspective."

One of the things CHUCK ROBB came to understand about himself back then was how much he loved this Nation and how much he felt he owed it.

It was that sense of patriotism that compelled him to enter the Marines after graduating from college. It was that sense of patriotism, too, that made him volunteer to go to Vietnam. He didn't have to go; he could have served stateside. In fact, the Pentagon brass would have preferred it. They

worried about what might happen if a President's son-in-law were taken captive and used to extract concessions from the United States. But CHUCK ROBB insisted.

In April of 1968, 2 months after the Tet offensive, he landed in Vietnam, commander of an infantry company. Two weeks later, he was in combat.

In Vietnam, he earned the Bronze Star with the Combat V, the Vietnamese Cross of Gallantry with the Silver Star, and the rank of major.

Most people who knew him, including his extraordinary wife Lynda, expected Major ROBB to make a career of the military. And he did remain in the Marine Reserves for a long period of time, all the way until 1991, serving a total of 34 years in uniform.

But he also found another way to serve his Nation.

In 1977, the people of Virginia chose CHUCK ROBB as their Lieutenant Governor—the only Democrat elected that year to statewide office. Four years later, they made him Virginia's 64th Governor—the first Virginian Democrat elected Governor in 16 years.

As Governor, he championed many of the same causes he would later fight for in this Chamber. He invested \$1 billion in Virginia's schools—without raising taxes.

He fought for civil rights.

As President, his father-in-law, Lyndon Johnson, appointed the first African American to the U.S. Supreme Court—Thurgood Marshall.

As Governor, CHUCK ROBB appointed the first African American to the Virginia Supreme Court, as well.

He signed the legislation adding Martin Luther King's name to a State holiday that had formerly honored only Confederate Civil War heroes.

His fellow Governors recognized his exceptional talents. He served as chairman of the Southern Governors' Association and the Democratic Governors' Association.

He chaired the Education Commission of the States and the Council of State Governments.

Even during the toughest political fights of his life, CHUCK ROBB did not like to tell people these things about himself.

When others praised him for his accomplishments, he was always quick to say that it was "we" who deserved the praise, not "he."

His genuine modesty is one of the things that makes CHUCK ROBB a Senator's Senator.

Another is his courage to fight for principle, even when he knows it will cost him politically. CHUCK ROBB has done that over and over and over again in this Chamber.

One instance I will always remember came last March when he stood on this floor and explained—in a deeply personal, eloquent way—why he opposed amending our Constitution to make flag burning a crime.

As someone who saw too many good men die for what our flag represents,

he said he felt a sense of revulsion when he saw the flag treated disrespectfully.

But—in Senator ROBB's words—"they died for liberty and tolerance, for Justice and equality. They died for that which can never burn. They died for ideals that can only be desecrated by our failure to defend them."

Someone once asked Senator ROBB why he took such politically risky stands—especially in an election year.

He said that—because he had been in combat—"I thought that I could speak out on some issues with less concern about the downside than some other Senators might have to think about."

I don't know if he was right in that calculation.

I do know this: On this day in 1791, the Bill of Rights was ratified when Virginia approved it.

One reason it has never once been weakened—in all these years—is the brave and principled stand of Virginia's Senator, CHUCK ROBB.

There are many things about the next Senate which I look forward to.

I deeply regret, however, that CHUCK ROBB will not be with us. His departure is a loss not only for our caucus but for this entire Senate and for our Nation.

Our Senate family will also deeply miss Lynda Johnson Robb, who is here today.

She has given so much to our Nation throughout her life. And she continues to serve America as the National Chair of Reading is FUNdamental, and as Vice Chairman of America's Promise, the national service partnership.

Last week, CHUCK and Lynda celebrated their 33rd wedding anniversary. I'm sure I speak for all of us when I say we wish them belated congratulations—and best wishes on their future endeavors.

In that same interview in which Senator ROBB listed his political heroes, he was also asked: What is your most inspirational quotation?

He cited the words of Teddy Roosevelt:

The credit belongs to the man who is actually in the arena—whose face is marred by dust and sweat and blood . . . who knows the great enthusiasms, the great devotions—and spends himself on a worthy cause—who at best, if he wins, knows the thrill of high achievement—and if he fails, at least he fails while daring greatly—so that his place will never be with those cold and timid souls who know neither victory, nor defeat.

Throughout his career, CHUCK ROBB has lived up to those words.

He has been in the arena.

He has fought for worthy causes.

And he has inspired us all to be better Senators.

I am proud to call him a friend. We will all miss him.

Let me also take this opportunity to say thank you, and best wishes, to our other fellow Senators who will not be rejoining us next year: On our side of the aisle: Senator DICK BRYAN, Senator BOB KERREY, Senator FRANK LAUTENBERG, and Senator DANIEL PATRICK MOYNIHAN.



And our friends across the aisle. . . . Senators ABRAHAM, ASHCROFT, GORTON, GRAMS, MACK, and ROTH.

It's an honor to have served with all of them. I wish them well in all of their future pursuits.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, on behalf of all the Democratic Senators, I express our appreciation for the kind words about our friend CHUCK ROBB. I sent him a note after the election, and he, of course, in his typical fashion responded. But I so much appreciate the Democratic leader covering his extraordinary life. One thing the leader didn't mention is that he is really a son of the West. He was born in Arizona. Of course, he went to high school in Fairfax and did a great job there.

One reason I so admire CHUCK ROBB—and the leader touched upon that—is his military record. I have not served in the U.S. military. I look at CHUCK ROBB with so much admiration. He went to the jungles of Vietnam. He didn't have to go, but he did. Not only did he go there, but he served in combat and was given a medal for valor. That says it all about CHUCK ROBB.

CHUCK ROBB's service for the 12 years he has been in the Senate has been one of valor. We have asked him to take credit for things he did, and he would not take credit. We have asked him to come forward on issues in which maybe he just had some tangential involvement. He said: No, that is not my legislation; I am not going to do it.

He is a man of great integrity. As the leader indicated, he doesn't promote himself. Of course, he doesn't do that.

But the thing I admire about CHUCK ROBB more than any other—more than his public service and more than his military record—is how he treats and talks to his family. He has three daughters and a wonderful wife.

With a heavy heart, I look at CHUCK ROBB here on the Senate floor for one of the last times. My life is better because of CHUCK ROBB. He has made me look better personally. He is a man of great integrity and a man of character. I will never forget the things he has done for me personally.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I would like to thank Senator ROBB. He is truly one of the most honorable individuals I have ever met in my life. I thank him.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. ROBB. Mr. President, I will just take one minute to thank my friends and colleagues for their eloquent and very greatly appreciated words. I have never been very good at showing emotion. I am not very good at saying thank you. But I want you to know that your words, your friendship, your leadership and your example have always been appreciated well beyond my ability to express it.

Thank you, Mr. President. I yield the floor.

#### EXTENSION OF MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the period for morning business be extended until 2:30 with Senators permitted to speak for up to 10 minutes each.

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

The Senator from Massachusetts.

#### TRIBUTE TO SENATOR CHUCK ROBB

Mr. KENNEDY. Mr. President, during the last few moments, several of our colleagues gave tribute to our friend. He is my friend and is someone so many of us admire here in the Senate. He is someone who has made a difference in this body and this country with his deep commitment to public service.

Reference was made this afternoon to Senator ROBB and his service in Vietnam. He fought for our country and served in the Armed Forces. Because of his strong beliefs and commitments to the values of the Nation, he made it his responsibility to respond to the Nation's call.

This is a real reflection of the strong commitment and the basic integrity of this extraordinary Senator and friend. He fought in Vietnam for the values he believed in deeply. He came back to this country served as a distinguished Governor of a great State, the State of Virginia. And he continued that service in the Senate.

CHUCK ROBB was a neighbor of mine. We have lived as neighbors for a number of years. He and Lynda have been good and valued friends over a great many years.

I have enjoyed working with him in the area of education. He has a fierce passion to try to make sure every child in this country is going to have a good quality education. Even though he is not a member of the education committee, he mastered this subject and also provided very important leadership in it.

I think so much of what is included in this dual appropriations legislation—which we hope we will have an opportunity to address in these next several hours and days—is really a tribute to the strong stands he took on good quality education for the children not just of Virginia but the children of this country.

I think he was always concerned about the balance between the expenditures and what the economy could stand. He is in every respect a fiscal conservative. He believed deeply in making sure we had a budget that was going to reflect our values, but also that we were going to take care that our resources were going to be well spent in the national interest.

Finally, I want to mention an additional field where his leadership was

very much in evidence; that is, in knocking down the walls of discrimination in all of the forms and shapes that have been presented in recent years. That is a defining issue for our country. America will never be America until we free ourselves from all types and all forms of discrimination.

There was never a battle in any of the areas involving discrimination in which CHUCK ROBB was not a leader. I will miss him on this Senate floor.

I join with my other colleagues in paying tribute to his service to the Senate, but most importantly to his State and also to our Nation. He has a great opportunity in the future for continued service. I think all Members in this body wish him well and look forward to opportunities of work with him closely again.

The PRESIDING OFFICER. The Senator from Michigan.

#### THE HISTORY OF OLDSMOBILE

Mr. ABRAHAM. Mr. President, today I rise to comment on a development that took place in my State this week. It was with great sadness that I heard of the phasing out of the Oldsmobile line of cars within the General Motors family. Over the last 105 years, Oldsmobile has been a Lansing, MI, and a State institution and, obviously, a national and international one as well. It was started 105 years ago when Ransom Eli Olds of Lansing, MI, teamed with Frank Clark, the son of a small carriage shop operator, to achieve what many believed impossible. They successfully produced a self-contained gasoline-powered carriage, and with it Oldsmobile was officially born in 1897.

Throughout its history, Oldsmobile has enjoyed a number of firsts: the first assembly line; and with the production of the curved dash, the first mass producer of gasoline cars; in 1905, two Oldsmobiles finished the very first transcontinental race from New York to Portland, OR, in 45 days; in 1940, models featured the Hydra-Matic drive, making this lineup the first vehicles with fully automatic transmissions; in 1966, Oldsmobile introduced the Toronado, the first modern-day front-wheel drive car; in 1974, that Toronado became the first American car to offer a driver's side airbag.

Millions of Americans have come to love their Oldsmobiles. An Olds convertible was the standard for transporting a Homecoming queen or a float parade when I was growing up. And an Oldsmobile sedan was the epitome of the middle-class family dream. All of this was made possible by the hard work and the commitment to affordable quality that was the hallmark of Oldsmobile in that division of General Motors.

On a personal level, I have a special stake in all of this, as well. Not only did I grow up in Lansing, MI, the home of Oldsmobile, but for almost 20 years my dad worked on the line at the Oldsmobile main assembly plant there. It is



where he got his start, where my family came to truly appreciate how much the automobile industry means, not just to families such as ours but to our State, and especially how much the Oldsmobile meant to Michigan—Lansing, in particular.

I am sad, therefore, to see the Oldsmobile go, as we have known it, but I am confident General Motors will continue to make quality, safe automobiles for generations to come. As we bring down the curtain on the Oldsmobile, I rise today to offer my praise to that company, to those who started it, and their families and descendants who still remain in the Lansing area and in Michigan; also, to all those workers who, as my father, worked over the years for that Oldsmobile division of General Motors. I think each and every one of them took to their jobs a great satisfaction, a commitment to hard work, and a tremendous pride in the craftsmanship that went into making the automobile for many generations one of this country's favorite lines of vehicles.

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. ABRAHAM. 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. ABRAHAM. Mr. President, I inquire of the Chair, are we still in morning business?

The PRESIDING OFFICER. The Chair informs the Senator from Michigan we are in a period of morning business until the hour of 2:30.

#### PROUD ARAB AMERICAN HERITAGE

Mr. ABRAHAM. Mr. President, I will comment briefly on a matter of relevance both personally to me and to my State. Since the election, as a consequence of my defeat, I have heard from a number of people from the Arab American community, both in Michigan and across the United States. As a Lebanese American myself, I have been very proud to be, at least for the last several years, the only Arab American Member of this Chamber.

A number of folks from that community expressed their disappointment in the results of the campaign. I take the floor today to thank so many people who have been in touch, but also to make several points that I hope will be heard by members of the community, to be taken into account as they consider the results of this election, as well as the future.

First, I note that in recent years I believe the Arab American community has become a key part of the American political process. The participation of the community has continued to increase both in my State of Michigan as

well as across the country. Not only are people voting in greater numbers as a percentage of the community, and for many taking the first step of participating in the elections, but their activism in Michigan and other States has grown considerably. I take great pride in seeing that happen.

In addition, we have seen a number of Arab Americans rise to leadership positions at the local level of government all the way up to statewide offices. In the Congress itself we have several Members of Arab heritage on the House side who were elected in the most recent campaigns.

Much of this progress, I think, has translated into progress on issues of importance to the Arab American community in the last 6 years. I have been proud during my term in the Senate to have worked on behalf of a number of important issues relevant to the community. One has been to see the travel ban to Lebanon lifted in 1997, which has opened more opportunities for better relations between the United States and Lebanon, and also for more commercial activity between the two countries.

This Chamber passed a resolution decrying intolerance toward people of Islamic faith in this country, a much needed statement, I think, for the Congress to make so we can be on record consistently as opposing intolerance toward people of any religious faith. We have supported important programs that have affected the Middle East. One that we have worked on in our office with Senator FEINSTEIN and others is the Seeds of Peace Program, which I believe will have a long-term and positive impact on the relationships between countries in the Middle East, including Lebanon, Israel, Jordan, Egypt, Yemen, as well as the Palestinians.

I think the potential for the future is even greater. I think it is very likely in the area of public policy that the people from the Arab American community will rise and play an ever active role and a greater role, as they have done in other fields of endeavor. In America's business community, we have many Arab American leaders today who are heading up important companies from one end of the country to the other. In sports and entertainment and the arts, we likewise have seen Arab Americans excel. In education, the same is true. Indeed, the level of educational attainment by young people of Arab American background continues to be one of the most important components of the Arab American ethnic communities' contribution to the United States.

I am very proud of my heritage. I have talked to many other Members of this Chamber about my background over the years. I am glad to have helped in a small way—to have played a role in moving forward some of the policy objectives I mentioned a few minutes ago. I hope, to some extent, that has helped encourage others in their own communities, States, or even

perhaps at the Federal level to do so, as well.

Recently in Dearborn, MI, home to the largest concentration of Arab Americans in the United States, I was approached by a woman who had a young son in the seventh grade, saying how happy he was to know a Senator shared his Arab American heritage. I hope that in my brief career in the Senate maybe there are others who have similarly sparked an interest in government because they happen to be part of that same community to which I belong.

My message is to praise the community, especially, but also to say to any who have harbored a sense of disappointment with the results of the election, I hope that disappointment will not be long standing. It certainly isn't the case for myself. I encourage people in the community to continue to play an active role in politics. Obviously, our political process inevitably produces success and failure from election to election.

For people new to the process, sometimes they misunderstand and treat a setback as something that should discourage future involvement. I hope that across the Arab American community, and especially for those who first got active in the political process with this election, that they will continue to play an active role, even increase their involvement, and hopefully encourage others to do likewise. That would be invaluable to the community, and certainly from my point of view, it would be the preferable outcome.

My grandparents came a century ago from Lebanon, where they left behind everything to risk their fortunes on America. As is the case with people not just from the Arab American community but so many other immigrant communities, they came here with very little in the way of material possessions, but they came with a great deal of desire and energy and the hope that by working hard and playing by the rules they could make a contribution.

As I have said to the others on this floor in the past, they did not necessarily come here assuming they would have a grandson who would be in the Senate, but they wanted to live in a country where that was possible. Indeed, that is what our country always will be. And I think it always will. I am proud to have had the opportunity to fulfill, probably in the utmost way, the hopes that were brought here by my grandparents when they arrived.

I think, as I look back on my service in the Senate, perhaps more than anything else, will be the source of pride that I take with me as I leave the Chamber today.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

#### SENATOR ABRAHAM

Mr. KENNEDY. Mr. President, I did want to take a moment, as someone

who has been involved in immigration issues over some 38 years in the Senate, and someone who has worked with colleagues in a bipartisan way. I wanted to let my friend from Michigan know something which I hope he already does know. I wanted to share the great respect I have for him and his leadership on immigration issues, as the chairman of the Subcommittee on Immigration.

Immigration issues bring out, really, the best and the worst in our colleagues. These are emotional issues for many of us. We have a Senate and House of Representatives that have strong views on these issues. His hand has been a steady, guiding one of leadership over this period of time, and one I thought showed enormous sensitivity in helping to guide immigration policy in a way that respects the strong tradition of people in this Nation to acknowledge and continually work to remedy the very significant inequities that are still a part of our policy.

I also point out what I think all of us in this body remember, his strong leadership in helping us work through the skill shortage in our high-tech industries. He led the Judiciary Committee and the Senate in the development of that program. What certainly impressed me during that period of time was his constant willingness to look at different ideas, different approaches, and differing views, and to always try to reach out to find some common understanding in these areas in order to move the process forward—a real legislator.

I know he is proud of many different aspects of his service in the Senate, but I wanted to express from this side of the aisle the affection and friendship of those of us who have worked with him in some very important areas of public policy, and the high regard and respect we have for him. We are hopeful that we'll have a chance to work with him on public policy in the future.

Mr. ABRAHAM. Mr. President, if I might, I thank the Senator from Massachusetts for his kind remarks. I had occasion a couple of days ago to speak to the Senate. At that time I expressed publicly my thanks to him. He was not in the Chamber at the time, so I reiterate it here. We worked, I think, in a very constructive way on a number of issues as members of the Subcommittee on Immigration and on a variety of other issues he has mentioned here as well. I thank him for his remarks today.

The PRESIDING OFFICER. The Senator from Massachusetts.

#### OMNIBUS APPROPRIATIONS BILL

Mr. KENNEDY. Mr. President, I expect to support the omnibus legislation that will implement the final appropriations agreement for this Congress because it makes the kinds of investments in education, health, and work opportunities that are needed by all American families. In the long run,

only through these basic investments can we preserve our capacity to keep our nation strong. I commend my colleagues for their diligence in crafting legislation that respects the highest priorities of the American people. Senator HARKIN and Senator SPECTER have shown the power of bipartisan cooperation throughout their work on this legislation. We have all benefitted from the example and leadership of Senator STEVENS and Senator BYRD as well.

While this legislation is not perfect and certainly is no substitute for the unfinished work of the 106th Congress, it is good for the American people, and it shows what is possible when we resolve to work together. In this sense, it offers considerable hope for the 107th Congress.

#### EDUCATION

In the critical area of education and the nation's schools, this appropriations agreement is a resounding victory for parents and communities across the country. Congress has lived up to its commitment to increase education funding. We are taking a giant step forward to ensure that children across the country receive the support they need to succeed in school and to make college more affordable for every qualified student. I'm proud to highlight a few of the key education accomplishments.

For the first time, communities across the country will qualify for over \$1.2 billion in federal aid to address their most urgent school building repair needs, such as fixing roofs, plumbing and electrical systems, and meeting fire and safety codes.

Schools across the country will receive \$1.623 billion, a 25 percent increase over last year, to continue hiring and training new teachers to reduce class sizes in the early grades. This year's funding increase will place 8,000 more teachers in classrooms, placing the goal of 100,000 new teachers well within reach.

Teacher quality will improve as well this year. Schools will receive \$485 million, a 45 percent increase over last year, to help teachers improve their skills through professional development activities, reducing the number of uncertified and out-of-field teachers.

Title I of the Elementary and Secondary Education Act, which helps disadvantaged students master the basics and achieve to high standards, is increased by \$506 million, for a total of \$8.4 billion.

We know that children are most likely to engage in risky behavior in the hours just after school. Congress has responded by increasing support for after-school programs by 87 percent this year, to \$851 million. This increase will help more children stay out of trouble after school and get extra help with their schoolwork.

The bill also provides an additional \$91 million, for a total of \$225 million, to support state and local efforts to turn around low-performing schools.

Vocational and technical education programs received \$1.240 billion, a \$48

million increase, to improve programs that give students skills they need in order to meet the demands of the new high tech workforce.

College students will also receive much needed support under this bill. The GEAR UP programs will receive \$295 million, an increase of \$95 million, and TRIO programs will receive \$730 million, a \$85 million increase, to help more low-income and minority middle and high school students prepare for college and succeed in college.

Of all high school students in Boston, 80 percent of them now are tied into colleges. We have 12 different colleges that are tied into the high schools, where they are not just taking the individuals who show promise, which the TRIO Program does and does with extraordinary success, but to try to take the whole class together and move the whole class up. It is a relatively new concept and one which has worked very successfully in the several pilot areas where it has been tried. We are finding extraordinary response, positive response from colleges that engage in this undertaking, and extraordinary response from the schools. I think it will be one of the more important programs to enhance academic achievement for high school students.

This legislation will also enable more undergraduate and graduate students to pay for college through part-time work assistance because the Federal Work Study program received a \$77 million increase.

This bill also strengthens Pell Grants, enabling many more students to take advantage of them. The maximum grant is increasing by \$450—from \$3,300 to \$3,750. Because there are so many young people who, even though they are eligible for the maximum Pell Grant, just couldn't make it with the lower maximum, this is perhaps the most important educational enhancement we have. It recognizes that many children are advantaged in their academic achievement and accomplishment but disadvantaged in the amount of resources they have.

#### EARLY LEARNING

As we strengthen our commitment to quality education at the elementary, secondary, and college levels, a strong body of research challenges us to broaden our commitment to education as well. Education is a continuum that begins at birth and continues long after graduation. On the birth-to-kindergarten side, we have much work to do. For the sake of each child, the nation, and our education system itself, all children must have access to the early learning opportunities that will enable them to enter school ready to learn.

Today, 12 million children under age five have mothers who work outside the home. Yet many of these children are assigned to waiting lists instead of quality early learning programs because federal funding isn't adequate to meet existing needs, and more and more parents are accepting the responsibility of work under welfare reform.

In Massachusetts, 14,000 children are wait-listed, as are 200,000 children in California. Today's minimum wage for a full-time worker is \$10,720 per year. This doesn't begin to cover the cost of quality early learning opportunities, which can be as high as ten thousand dollars a year.

All of us remember a number of years ago when the Governors, Republicans and Democrats, met in Charlottesville and announced goals for the Nation in education. Their first goal is to have children ready to learn when they enter kindergarten and first grade, to build the skills they bring to school. The skills that little children need to develop as infants and toddlers self-confidence, self-awareness, some degree of self-esteem, inquisitiveness in academics, and, interestingly enough, a sense of humor.

Eleven years ago, Senator MCCAIN and I introduced the Military Child Care Act, which turned military child care into an early learning model for the nation. Today's legislation takes three important steps toward building on that success in civilian America.

First, it increases federal child care subsidies by 69 percent, enabling states to remove 150,000 children from waiting lists next year. This increase was very much patterned upon the child care initiatives of our colleague, Senator DODD, and I am deeply grateful for his leadership on this issue.

Next, this legislation enables 70,000 of the nation's most at-risk children to participate in Head Start, which is highly regarded because it delivers the promise of early learning so effectively. The legislation also begins implementing the Early Learning Opportunities Act, which Senator STEVENS, Senator JEFFORDS, and Senator DODD and I supported over the past two years. This new law provides for parental education and support services, increased collaboration among early leaning providers, and incentives to improve the quality of early learning services. Its goal is to help the nation build an effective infrastructure of local councils to help each community evaluate how best to put the research on infant and toddler brain development into practice.

The Head Start Program, the Early Head Start Program, and the new Early Learning Opportunities Act included in this appropriations bill will improve early learning in important ways. The Carnegie Commission and other experts who have studied the development of a child's brain in the early years, and made a series of recommendations. With this legislation we are beginning now to follow up on these recommendations by investing in children at early ages. That is extremely important.

These steps show important momentum toward turning the research on children's brain development into sensible national policy, and we should build on this momentum in the next Congress. We can learn much more

from the military's experience with early learning. We can build these lessons into the Child Care and Development Block Grant when it is reauthorized in the next Congress. We can pass additional legislation to turn the current patchwork of federal child care and early learning programs into a seamless structure directed at one goal—quality services to ensure that children enter school ready to learn. We also must continue expanding Head Start until it is available to all children who need it.

The health funding in this bill is also a win for the American people.

#### GRADUATE MEDICAL EDUCATION

I will now address the excellent work that has been done under the balanced budget act, or BBA, programs, in particular the funding level for pediatric graduate medical education. This is not an area that has a history of proper federal attention. Last year, it received \$40 million and virtually no funding prior to that time.

The Medicare Program has provided the funding for the training of much of the American medical personnel who, without question, are the best trained medical personnel in the country. It was funded through the Medicare system. The area of pediatrics never made it, so these children's hospitals, which train the majority of pediatricians, had to provide the additional training services and educational services without the support available to every other physician training program.

That has been significantly corrected with this legislation. There are over 50 major children's hospitals across this country that will benefit from this program. We can be sure that as a result of today's work, the part of the medical profession that is focused upon caring for children will be significantly advanced, and I commend the appropriators for this.

I am particularly pleased with the funding level for pediatric graduate medical education. The legislation allocates \$235 million to support medical education costs incurred by free-standing children's hospitals. This figure is nearly a 500 percent increase over last year's appropriation of \$40 million, and puts us much closer to fully funding the program.

This program was created last year to address the historical inequities in federal support for graduate medical education activities occurring at independent children's hospitals. Until last year, the federal government has paid for hospital costs related to physician training from Medicare. However, because children's hospitals generally treat very few Medicare patients, they were historically and dramatically underpaid for teaching activities. Prior to enactment of this program, children's hospitals were given just  $\frac{1}{200}$ th of the federal support for teaching activities that other teaching hospitals received.

Children's hospitals, which represent less than one percent of all hospitals in the country, train approximately 30

percent of the nation's pediatricians and the majority of many pediatric specialists. It is long past time for the federal government to support these activities. Next year, it is my hope that we will achieve permanent, full funding for this essential program.

Children's hospitals around the country will benefit from the increased funds in this legislation. It will enable these important institutions to continue to be regional and national referral centers for children around the country. It will support new and continuing research activities that benefit children and adults alike. And, most importantly, it will help assure a steady supply of pediatricians and pediatric specialists to treat the nation's children now and in the future.

With approximately 200 full-time employees in training at any one time, Boston Children's Hospital has the largest teaching program among independent children's hospitals. It has a top-notch faculty, and provides excellent teaching, research and patient care. These funds will assure its continued contribution to health of children in Massachusetts, the nation, and the world.

#### NATIONAL INSTITUTES OF HEALTH

This bill also includes an increase of 13 percent for the National Institutes of Health, raising the NIH budget to more than \$20 billion. These new resources will enable NIH to increase its support for the medical research that is urgently needed to develop new cures for the diseases that afflict millions of Americans.

Massachusetts is a leader in medical science. It receives more than one out of every ten dollars that NIH spends on research grants—more than any other state except California—and Boston receives more NIH grant money than any other city in the nation.

Last year alone, doctors and scientists in Massachusetts were awarded more than \$1.5 billion in research grants from NIH. The new appropriations bill will increase this already impressive total by more than \$180 million, so that Massachusetts will receive an estimated \$1.7 billion in NIH research grants in the coming year.

NIH supports essential research across the state. In Boston, research supported by NIH very recently discovered an important relationship between the immune system and the brain that may lead to better treatments for diseases like multiple sclerosis. In Worcester, NIH funds are helping to build a new center for cancer research that will become a leader in this important field. In Cambridge, NIH will help support a major new center to study the nervous system, so that we can better understand brain diseases like Alzheimer's, schizophrenia and depression. NIH grants are essential for funding the basic research that is often considered too risky to be funded by private companies, and ensure that the results of this work are available to all researchers.

The investment that NIH makes in medical research is the foundation on which the nation's thriving biotechnology industry is built. More than 250 biotech companies in Massachusetts provide good jobs for thousands of professionals across the state, and contribute millions of dollars every year to the state's economy. New partnerships between universities and biotechnology companies form almost every day, embarking research ideas from the academic world to be developed rapidly into new medical breakthroughs that will improve the health of patients across the nation.

By helping develop new cures for deadly diseases and by fostering the important new industry of biotechnology, the renewed commitment to the NIH that we make here today is an investment that will pay dividends now and for many years to come.

#### BALANCED BUDGET REFORM ACT

This legislation provides "financial CPR" for hospitals, home health agencies, nursing homes, and other important Medicare providers around the country. It also takes important steps to improve access to health care through CHIP and Medicaid, though more is needed.

Nearly one million senior citizens and persons with disabilities depend on Medicare to provide high-quality care in Massachusetts. The health care industry is a critical component of the state economy. Today, we are saying that help is on the way.

The Medicare, Medicaid and CHIP Beneficiary Improvement and Protection Act is the most significant relief package since passage of the Balanced Budget Act in 1997. Medicare spending will total \$30 billion over five years, and spending for Medicaid and the Children's Health Insurance Program will total \$6 billion. In fact, the net cost of the entire package is likely to be closer to \$15 billion over five years, because of the offsetting effect of savings achieved by a forthcoming regulation limiting the ability of states to obtain union funded Medicaid payments.

The savings from the Medicaid regulation should be used to expand coverage to low-income populations. I strongly support the provider relief in this package, but I am disappointed that the Republican leadership opposed bipartisan efforts to enable states to extend health benefits to low-income pregnant women and children who are legal immigrants, but who would otherwise be eligible for CHIP and Medicaid. In addition, the Republican leadership refused to include the bipartisan Grassley-Kennedy Family Opportunity Act, which would have enabled children with disabilities to obtain or maintain health coverage through Medicaid.

Massachusetts providers have estimated that they will receive approximately \$450 million—close to half a billion dollars—over the next five years as a result of this legislation. While it is the most significant step Congress has

taken to date to restore the unintended cuts made by the Balanced Budget Act of 1997, this Congress failed to finish the job, and we will be back at it again in the 107th Congress.

The record budget surpluses now and projected for the years ahead are largely due to the savings achieved by cutting Medicare payments in the Balanced Budget Act of 1997. Those cuts were expected to total \$116 billion over five years, and nearly \$400 billion over ten years—more than double the amount ever enacted in any previous legislation.

In reality, these cuts are now estimated to total \$200 billion over five years and more than \$600 billion over 10 years. These excessive cuts, combined with low payments from private payors and Medicaid programs, have placed many outstanding health care institutions at risk, and threaten quality of care for millions of elderly, disabled and low-income Americans.

In Massachusetts, two out of every three hospitals are losing money on patient care. Community hospitals across the state are struggling to survive. Key providers are questioning whether to participate in HMOs, and HMOs are deciding to cut benefits and trim service areas.

Twenty-five percent of home health agencies in the state no longer serve Medicare patients, and 20 agencies have closed their doors since the BBA was enacted. The remainder see fewer patients, and see them less often.

Forty-three nursing homes have closed in Massachusetts since 1998. One in four are in bankruptcy. One in seven nursing positions are unfilled, because Massachusetts nursing homes are unable to compete for staff.

Congress has been slowly restoring these Medicare cuts year-by-year. In 1998, we included \$1.65 billion in the FY99 Omnibus Appropriations bill for Medicare home health agencies as a stop-gap measure. The Balanced Budget Refinement Act of 1999 restored \$16 billion over five years. And the legislation we are voting on today takes an even more significant step toward fixing the problems created by the BBA. But it does not finish the job. In fact, it contains new cuts for hospitals and nursing homes. Clearly, we will need to revisit this issue in the 107th Congress. There is no need to turn funding for entitlement programs into an annual appropriations process, but that is precisely what this annual exercise has unfortunately become.

In addition to the much-needed provider relief contained in this legislation, it also includes two other important improvements in Medicare benefits. First, it requires Medicare coverage of drugs that are not usually self-administered by a patient. This change restores and preserves coverage for certain drugs that are vital for senior citizens and persons with debilitating chronic illnesses. This provision will ensure that in determining whether a drug is usually self-administered,

HCFA should only consider whether a majority of Medicare patients with the disease or condition actually administer the drug to themselves, reversing a contrary 1997 policy. This improvement will help assure that millions of elderly and disabled Americans have continued access to life-saving and life-improving drugs.

Second, the bill improves coverage for immunosuppressive drugs for Medicare patients who have had an organ transplant. These drugs are needed to prevent rejection of the transplanted organ. Assuring permanent coverage will improve the quality of life for transplant patients, and assure a wiser use of scarce resources and scarce organs by helping patients to remain healthy after transplantation.

#### CHIP AND MEDICAID

This legislation also includes several provisions that are important to working families whose children are eligible for CHIP or Medicaid.

First, the legislation includes a redistribution mechanism to assure use of the funds allocated to insure low-income children through CHIP and Medicaid. The formula is fair, and it allows all states to benefit from unspent FY98 dollars in a manner that will assure continued enrollment of eligible children. Those states that have been slow to spend their initial CHIP allocation will now have additional time to spend their FY98 funds by reaching out and enrolling more children in these programs. Those states that spent all of their FY98 dollars because they were able to get their programs up and running early will obtain additional funds to continue their momentum. The result is a win-win for America's children.

The legislation also enables states to immediately enroll uninsured children who are potentially eligible for CHIP or Medicaid in the proper program, while awaiting confirmation of actual eligibility. This step is important for improving enrollment rates. Unfortunately, the bill limits its applicability to children found only through outreach in primary and secondary schools. There is bipartisan support for a broader proposal that would have extended presumptive eligibility to a variety of other programs where uninsured eligible children or their parents are likely to be identified, including child care resource centers, child support agencies, housing agencies, and homeless shelters. We will pursue this and other CHIP and Medicaid outreach and enrollment improvements next year.

Finally, the legislation extends for one additional year the Transitional Medical Assistance program, which allows families who are leaving welfare for work to maintain Medicaid coverage during the transition. Most post-welfare jobs do not offer health insurance. We must do all we can to see that "ending welfare as we knew it" does not contribute to America's already shameful uninsured rate.

## LOW INCOME HOME ENERGY ASSISTANCE

I'm pleased that this year's final budget agreement includes \$1.4 billion to help families heat their homes this winter under the Low Income Home Energy Assistance Program. Massachusetts needs this 28 percent increase in its block grant to help more families cope with higher heating costs this winter. Combined with LIHEAP emergency funds that the Clinton Administration has already made available in anticipation of this winter's needs, I am hopeful that the regular and emergency LIHEAP funding contained in this budget deal should enable low-income families to heat their homes throughout the winter that is already upon us. I regret that this year's budget agreement does not contain expected advance funding for the winter of 2002, so that families can plan ahead for heating assistance next year. I intend to do all I can to see that Congress corrects this omission as part of a supplemental spending bill early next year or as part of the broader national energy policy reevaluation likely to begin in the new Congress. For this winter, though, today's budget agreement remains a significant step forward for LIHEAP and the families who depend on it.

## NEW MARKETS INITIATIVE

The New Markets Initiative is another key bipartisan agreement included in this legislation. I am pleased that the Congress has joined President Clinton in his efforts to revitalize those communities that have been left behind at this time of record prosperity, and I commend Speaker HASTERT for his leadership in reaching this agreement.

This initiative increases the low-income housing tax credit, which is long overdue in light of its strong bipartisan support. With the growing regional and national economy, housing prices are rising faster in Massachusetts than in any other state. We must increase production in new affordable housing units to meet the overwhelming demand, and an increase in the credit is critical. The agreement also accelerates the private activity bond cap, which will also support increased development of affordable housing, as well as industrial development.

The initiative also creates 40 Renewal Communities and 9 new Empowerment Zones—all of which provide tax incentives for development in those parts of the country that have struggled while others have prospered.

Overall, this final budget agreement includes so many major achievements—from Class Size reduction to Pediatric Graduate Medical Education to dislocated worker assistance to New Markets development—that the value of each part will only become apparent over time. Yet even as we celebrate the progress made by this legislation, we must also recognize that it is only a small part of the work that the public expects us to complete. I share the concern of many of my colleagues that the

unfinished agenda of the 106th Congress is so long.

We still lack a Patients' Bill of Rights, leaving HMO's free to sacrifice families' health needs in favor of their own economic interests.

We still lack a prescription drug benefit for seniors, leaving our parents and grandparents vulnerable to drug-company extortion for drugs they need to stay alive.

We still lack a plan to reduce medical errors, leaving thousands of hospital patients to die needlessly each year.

We still lack a fair minimum wage, leaving people who work full time all year in difficult jobs to raise their children in poverty.

We still lack common-sense gun laws, leaving school children vulnerable to ambush.

We still lack strong laws against hate crimes, leaving the most vulnerable people in our society open to the most brutal acts imaginable.

We still lack basic fairness in many of our immigration laws, leaving our proud heritage and noble ideals out in the cold with so many huddled masses.

We still lack the most basic protection for women's work, leaving more women to raise their children in poverty because they consistently earn less than their male colleagues.

We still lack a plan to protect people's privacy in the digital age, leaving our medical, consumer, and other personal information exposed to market demands.

Also left unresolved are major Medicare and Social Security reforms that must be enacted now if we are to avoid a crisis for the seniors of 2025 and beyond. I also believe that we should still address how to provide some tax relief for many families who bear a particular financial burden because they need to provide long term care for their loved ones.

Every item on this list remains of vital importance to the nation. I must elaborate on a several of them.

Unfortunately, the leadership of the 106th Congress turned its back on America's families who are raising children with disabilities. The Family Opportunity Act has sweeping bipartisan support in both chambers, including more than three-fourths of the Senate. There is no reason that this legislation should not have become law this year. Although Congress let American families down this year, I look forward to working with Senator GRASSLEY again next year to ensure that no family in this nation has to turn down jobs, turn down raises, or give up custody of their disabled child to get the health care each child deserves.

Few issues touch Americans more deeply than quality health care for themselves and their loved ones. This Congress failed to fulfill its responsibility to act on three great health issues. It did not pass a strong, effective patients' bill of rights to end the abuses of managed care and other in-

surance programs. It did not provide coverage of prescription drugs under Medicare. And it did not significantly expand insurance coverage for the uninsured. Now it is up to the new Congress that will assemble in January to do better. These three issues should be top priorities.

Prompt passage of a patients' bill of rights is critical for every one of the 161 million Americans with private health insurance coverage. Every day that Congress fails to act more patients suffer.

A survey by the School of Public Health at the University of California found that every day—each and every day—50,000 patients endure added pain and suffering because of their actions of their health plan. For 35,000 patients, needed care is delayed, or even denied all together. Thirty-five thousand patients have a specialty referral delayed or denied. Thirty-one thousand patients are forced to change doctors. Eighteen thousand patients are forced to change medications because of HMO abuses.

A survey of physicians by the Kaiser Family Foundation and the Harvard School of Public Health found similar results. Every day, tens of thousands of patients suffer serious declines in the their health as the result of the action—or inaction—of their health plan.

Whether the issue is diagnostic tests, specialty care, emergency room care, access to clinical trials, availability of needed drugs, protection of doctors who give patients their best possible advice, or women's ability to obtain gynecological services—too often, in all these cases, HMOs and managed care plans make the company's bottom line more important than the patient's vital signs. These abuses should have no place in American medicine. Every doctor knows it. Every patient knows it. And in their hearts, every member of Congress knows it.

The House passed a Patient Bill of Rights—the Norwood-Dingell bill—that effectively addressed these abuses. A solid bi-partisan majority of Congress supported the legislation. It is endorsed by 300 groups representing doctors, nurses, patients and advocates for women, children, and families. But in the Senate, it has been blocked by the insurance industry and the Republican leadership. The new Senate, the new Congress, and the new President have an obligation to pass this legislation into law.

This is an issue which hopefully, given the strong voting and interests of our colleagues and their constituents, we will be able to resolve in a bipartisan way during the next Congress.

The Congress' failure to provide prescription drug coverage to our nation's senior citizens is also unacceptable. Senior citizens need a strong drug benefit under Medicare. They earned it by a lifetime of hard work. They deserve it. And Congress and the new President owe it to them to act.

Too many elderly Americans today must choose between food on the table

and the medicine they need to stay healthy or to treat their illnesses. Too many senior citizens take half the pills their doctor prescribes, or don't even fill needed prescriptions—because they can't afford the high cost of prescription drugs.

Too many seniors are paying twice as much as they should for the drugs they need, because they are forced to pay full price, while almost everyone with a private insurance policy benefits from negotiated discounts. Too many seniors are ending up hospitalized—at immense cost to Medicare—because they aren't receiving the drugs they need at all, or can't afford to take them correctly. Pharmaceutical products are increasingly the source of miracle cures for a host of dread diseases, but millions of senior citizens are being left out and left behind because Congress fails to act.

The crisis that senior citizens face today will only worsen if we refuse to act, because insurance coverage continues to go down, and drug costs continue to go up.

Twelve million senior citizens—one third of the total—have no prescription drug coverage at all. Surveys indicate that only half of all senior citizens have prescription drug coverage throughout the year. Coverage through employer retirement plans is plummeting. Medicare HMOs are drastically cutting back. Medigap plans are priced out of reach of most seniors. The sad fact is that the only senior citizens who have stable, reliable, affordable drug coverage are the very poor on Medicaid.

Prescription drug costs themselves are out of control. Since 1996, costs have grown at double-digit rates every year. Last year, the increase was an unacceptable 16 percent, while the increase in the CPI was only 2.7 percent. No wonder access to affordable prescription drugs has become a crisis for so many elderly Americans.

In the face of this declining coverage and soaring cost, more and more senior citizens are being left out and left behind. The vast majority of the elderly are of moderate means. They cannot possibly afford to purchase the prescription drugs they need if serious illness strikes.

Fifty-seven percent of seniors have incomes below \$15,000 a year, and 78 percent have incomes below \$25,000. Only 7 percent have incomes above \$50,000 a year. The older they are, the more likely they are to be in poor health—and the more likely they are to have very limited income to meet their health needs.

Few if any issues facing the next Congress are more important than giving the nation's senior citizens the health security they have been promised. The promise of Medicare will not be fulfilled until Medicare protects senior citizens against the high cost of prescription drugs, in the same way that it protects them against the high cost of hospital and doctor care.

Despite the gaps in Medicare and the abuses of many private insurance plans, those who have insurance coverage from these sources are still more fortunate than the 43 million of their fellow citizens who have no health insurance at all.

It's a national disgrace that so many Americans find the quality of their health determined by the quantity of their wealth. In this age of the life sciences, the importance of good medical care in curing disease and improving and extending life is more significant than ever. Denying any family the health care they need is unacceptable.

Every other industrialized society in the world except South Africa achieved that goal in the 20th century—and under Nelson Mandela and Thabo Mbeki, South Africa has taken giant steps toward universal health care today. But in our country, the law of the jungle still too often prevails. Forty-three million of our fellow citizens are left out and left behind when it comes to health insurance.

The dishonor roll of suffering created by this national problem is a long one.

Children fail to get a healthy start in life because their parents cannot afford the eyeglasses or hearing aids or doctor's visits they need.

A young family loses its chance to participate in the American dream, when a breadwinner is crippled or dies because of lack of timely access to medical care.

A teenager is condemned to go without a college education, because the family's income and energy are sucked away by the high financial and emotional cost of uninsured illness.

An older couple sees its hope for a dignified retirement dashed, when the savings of a lifetime are washed away by a tidal wave of medical debt.

Even in this time of unprecedented prosperity, more than 200,000 Americans annually file for bankruptcy because of uninsured medical costs. And the human costs of being uninsured are often just as devastating.

In any given year, one third of the uninsured go without needed medical care.

Eight million uninsured Americans fail to take the medication that their doctor prescribes, because they cannot afford to fill the prescription.

Four hundred thousand children suffer from asthma but never see a doctor. Five hundred thousand children with recurrent earaches never see a doctor. Another five hundred thousand children with severe sore throats never see a doctor.

Thirty-two thousand Americans with heart disease go without life-saving and life-enhancing bypass surgery or angioplasty—because they are uninsured.

Twenty-seven thousand uninsured women are diagnosed with breast cancer each year. They are twice as likely as insured women not to receive medical treatment before their cancer has already spread to other parts of their

bodies. As a result, they are 50 percent more likely to die of the disease.

Overall, eighty-three thousand Americans die each year because they have no insurance. The lack of insurance is the seventh leading cause of death in America today. Our failure to provide health insurance for every citizen kills more people than kidney disease, liver disease, and AIDS combined.

Passage of the CHIP program in 1997 opened the door of health insurance to a large majority of the 10 million uninsured children—but too many children eligible for CHIP and Medicaid have still not been enrolled. Legislation I sponsored with Congressman John Dingell would have substantially increased enrollment of eligible children in CHIP. It would have encouraged states to make more children eligible, and would have provided assistance to the low and moderate income uninsured parents of these uninsured children. This legislation received a vote of the majority of the members of the Senate, but it was defeated on a procedural motion.

Today, our opportunity to end these millions of American tragedies is greater than ever before. Our prosperous economy gives us large new resources to invest in meeting this critical need. Recently, some Republicans in Congress have finally joined Democrats in urging our country to meet the challenge of providing health coverage to the 43 million Americans who are left out and left behind. President-elect George Bush and Vice President AL GORE both campaigned on a pledge to expand health insurance coverage for the uninsured. I regret that this Congress did not take substantial steps to end this American tragedy, but it should be at the top of the agenda of the new Congress and the new Administration.

The minimum wage ranks at the top of the list as well. Our leader, in a meeting of our Democratic caucus, indicated this afternoon that one of his great disappointments in this session is failing to provide an increase in the minimum wage for the 13 million Americans who need and deserve an increase. The last time we increased it was 1997. We have had unparalleled economic prosperity before and since. We have had record low unemployment. We have had stability in inflation. It is inexcusable that we have not increased the minimum wage for these workers. I am strongly committed to working with our colleagues to address that situation in the new Congress.

I join our Democratic leader in expressing my deep disappointment in the failure of this Congress to increase the minimum wage. A fair increase is long overdue. It is urgently needed to improve the lives of over ten million hard-working, low-wage earners in this country. It is shameful that Congress is holding the increase hostage to tax cuts for the wealthy. It is even more shameful that Congress recently acted to raise its own pay for the third time

in four years—yet they have not found time in the past three years to give any pay increase at all to the lowest paid workers.

The long period of inaction comes at a time when the country as a whole is enjoying unprecedented prosperity—the longest period of economic growth in the nation's history and the lowest unemployment rate in three decades. In these strong economic times, Congress should not be acting like Scrooge.

Millions of low income workers have dedicated their lives to building this strong economy. Yet, in many cases they have been forced to labor for increasingly longer and longer hours, with less and less time to spend with their families, and without sharing fairly in the nation's prosperity. Poverty has almost doubled among full-time, year-round workers since the late 1970s—from about 1.5 million then to almost 3 million in 1998—and an unacceptably low minimum wage is part of the problem.

Minimum wage employees working 40 hours a week, 52 weeks a year, earn only \$10,700 a year—\$3,400 below the poverty line for a family of three. At that rate, minimum wage workers now fail to earn enough to afford adequate housing in any area of this country. Waitresses, teacher's aides, child care workers, elder care workers and all other employees deserve to be paid fairly for the work they do. No one who works for a living should have to live in poverty.

By failing to increase the minimum wage, Congress has broken its promise to American workers. We are denying them just compensation for their many contributions to building a strong nation and a strong economy.

We have broken our promise to women, since 60 percent of minimum wage earners are women.

We have broken our promise to people of color, because 16 percent of those who would benefit from a minimum wage increase are African American and 20 percent of those who would be helped are Hispanic.

We have broken our promise to children, because 33 percent of minimum wage earners are parents with children. In America today, 4.3 million children live in poverty, despite living in a family where someone works full-time, year-round.

And we have broken our promise to the American family, because too many parents are required to spend more and more time away from their families to make ends meet. On average, Americans are working 416 more hours in 1999 than they were in 1979.

Each year we fail to act on the minimum wage, families across the country fall farther behind. As the result of not implementing the dollar increase we first proposed three years ago, when the clock strikes midnight on the December 31st, minimum wage workers will have lost over \$3000 because of the inaction by Congress. Today, the real

value of the minimum wage is now \$2.90 below what it was in 1968. To have the purchasing power it had in 1968, the minimum wage would have to be at least \$8.05 an hour today, not \$5.15.

We will never give up or give in on this issue, because it is an issue of fundamental fairness. We will be back next year with a new bill to raise the minimum wage. I hope that the new Congress will act as quickly as possible to pass a fair increase that reflects the losses suffered as the result of our shameful inaction this year.

President-Elect Bush has emphasized many of these priorities, and I look forward to working with him. The lesson of the legislation before us today is that when we fail to consider each other's ideas, only gridlock results—but when we work together for the nation's good, the result is the kind of progress that makes us all proud to serve the American people.

The PRESIDING OFFICER (Mr. ABRAHAM). The Senator from Nevada.

#### ORDER FOR RECESS

Mr. REID. Mr. President, due to the delay in consideration of the final appropriations bill, I ask unanimous consent that the Senate stand in recess until the hour of 4 p.m., following the remarks of Senator TORRICELLI from New Jersey.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

#### ASSISTANCE FOR ALS PATIENTS

Mr. TORRICELLI. Mr. President, 3 years ago, during a visit by a constituent, I met a young man from southern New Jersey named Kevin O'Donnell. I have shared his story with the Senate before. But on this day, having met with some success, I share it with you again.

Five years ago, Kevin was 31 years old. He was a young father, a husband of a lovely woman, and in perfect health. He took his daughter skiing one day and upon returning home felt a pain in his leg. It continued over a period of time, bothering him, so he went to visit the doctor. You can only imagine the shock when this perfectly healthy young man—father of this little girl—discovered he had been stricken with ALS, known to most of us as Lou Gehrig's disease.

Since that day, Kevin O'Donnell's wife and daughter have watched the life flow out of his body. Going from a healthy young man, they watched him lose control of his legs and arms, the

ability to speak, and even the ability to breathe. Life simply evaporated from Kevin O'Donnell's body.

When he came in to see me those years ago, he had a very simple request—so logical I could not conceive of an argument against it. While he was waiting to die, not only was his life leaving him but the financial security of his family. Nursing care, medical assistance, things to ease the pain, to maintain some dignity in life, to provide relief for his wife and his family, were costing thousands of dollars.

But under the rules of Medicare, he could not begin to receive any assistance for 2 years. The life expectancy for 90 percent of ALS sufferers is only 3 years, 4 years. Most of the people who have ALS do not live beyond the waiting period in Medicare to get help. This never could have been anticipated. It never could have been even imagined by people in Medicare when these regulations were written. And because there is no other disease quite like it, the regulations have never been changed.

A person can have heart disease or cancer, and they may be at great risk, but they can live 2 years. With the right treatment, they can live 5, 10, 20 years; at least the chances are always good. With ALS, the outcome of the disease is nearly certain that the life expectancy is not long and most will not live to ever see their first dollar of Government help.

I brought this cause to many of my colleagues in the Congress. There are 28 Members in the Senate—16 Democrats and 12 Republicans—and over 280 Democrats and Republicans in the House of Representatives who have joined in this effort to help those people around the country who are stricken with Lou Gehrig's disease.

Today, I rise to thank Senator LOTT and Speaker HASTERT for their generous help, and Congressman GEPHARDT, Senator DASCHLE, Senator BYRD, Senator REID—the bipartisan leadership—for offering some help to those who suffer from this disease in this country.

But most importantly, I am also very indebted to President Clinton, who made this a critical priority in budget negotiations. Specifically, I thank members of the White House staff, Chris Jennings and Rich Tarplin, who, under the President's direction, fought to give some help to these Lou Gehrig's disease patients.

I have spoken on this floor many times about this cause. For me, this was a victory that was going to be won before this session of Congress ended—no matter what.

When I began this effort some years ago, I stood outside the Senate Chamber with people in wheelchairs, stricken with ALS, in a variety of conditions. As I stand here today to declare victory, I am mindful of the fact that most of those who stood with me when this effort began are now deceased. With their own lives, they proved the



importance of the legislation. They said they could not live the 2 years to ever receive the Medicare assistance to help ease the financial burden on their families. Most of them proved it with their lives.

Today, the CBO estimates that there are 17,000 ALS patients waiting to become eligible for Medicare. With the passage of this bill, their wait will end, and with it the anguish of calculating how to afford the \$250,000 in annual medical bills while they are also dealing with the anguish of their disease.

For me, it is the end of a long fight, where I can tell Kevin O'Donnell: You began it, you fought it, and we won. And in your victory comes relief for 17,000 people just like you.

To all my colleagues who have helped, I give you my most sincere thanks and leave you with the words of former President Thomas Jefferson, in 1809, who said about service in Government:

The care of human life and happiness . . . is the first and only legitimate object of good government.

Mr. President, there is relief for ALS patients in this bill. That is good government.

I yield the floor.

#### RECESS

The PRESIDING OFFICER. Under the previous order, the Senate will now stand in recess until 4 p.m.

Thereupon, at 2:43 p.m., the Senate recessed until 4:02 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. KYL).

The PRESIDING OFFICER. The Senator from Nevada.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

#### RETIREMENT OF SENATOR DANIEL PATRICK MOYNIHAN

Mr. LEAHY. Mr. President, it is with great sorrow, but also great pride, that this Senate retires one of its most eloquent, learned, and successful Members—the senior Senator from New York, DANIEL PATRICK MOYNIHAN.

I have known my distinguished colleague for over two decades, admiring his compassion, his dedication, and his acumen on key issues, from environmental protection to social, racial, and economic justice for all. It has been an honor and education to have worked with him on the critical issues of eradicating poverty, elevating human rights, and promoting peace around the world. He and I have also worked to-

gether closer to home, protecting and restoring the precious waters of Lake Champlain—a glacially-carved jewel of New England that spans 120 northern miles between our neighboring states, half claimed on my side, half claimed on his.

Twenty-four years of distinguished service in the United States Senate would be a legacy in and of itself for any man. Yet my colleague, Senator MOYNIHAN, has done so much more. He served our country for a full twenty years in the Naval Reserve, with three years of active Navy duty at the end of the second World War. He has been a Fulbright Scholar and a professor of government at Harvard University. He has the unique distinction of serving in four successive Presidential administrations—the only person in American history to have ever done so. He represented our country as a distinguished Ambassador to India, a representative to the United Nations, and President of the U.N. Security Council. He has served on countless public and private sector commissions, committees, and panels, addressing issues from education to science to finance. Most recently, he chaired the Commission on Protecting and Reducing Government Secrecy—a key commission that examined our nation's secrecy laws and led to his authorship of "Secrecy: The American Experience." This book joins the seventeen other works of literature that my friend and colleague has written or edited.

What I will miss in many ways are those special times we would have when some Members would gather in the Senate dining room and a person would bring up a question of history; then we would receive a tutorial from Professor MOYNIHAN. I see my good friend, the deputy Democratic leader, on the floor, the Senator from Nevada, smiling because he knows what those were like. I recall a couple times when we had so many Democrats and Republicans crowded into the Democratic part of the dining room to hear Senator MOYNIHAN tie together something from the time of Franklin Roosevelt through Ronald Reagan, to the current time, and show what the connection was, somebody would have to call up to the Senate Chamber and explain, keep the rollcall going a bit longer; at least a quorum of the Senate has to hear the end of this story before we can come to vote.

My good friend will be missed in the Senate, but I wish him well and envy him the time he will now have to spend with his lovely wife of 44 years, Liz, his three wonderful children, and his precious grandchildren. I join the entire Senate and this Nation in wishing Senator MOYNIHAN well in his new life and commending him for his tireless dedication and service to the people of this country and our world.

#### LINCOLN HIGHWAY STUDY ACT OF 1999

#### DILLONWOOD GIANT SEQUOIA GROVE PARK EXPANSION ACT

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Senate now proceed en bloc to the following two bills: H.R. 2570 and H.R. 4020.

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

The assistant legislative clerk read as follows:

A bill (H.R. 2570) to require the Secretary of the Interior to undertake a study regarding methods to commemorate the national significance of the United States roadways that compromise the Lincoln Highway, and for other purposes;

A bill (H.R. 4020) to authorize the addition of land to Sequoia National Park, and for other purposes.

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

Mr. DOMENICI. Mr. President, I ask consent that the amendment No. 4365 to H.R. 4020 be agreed to, the bills be read the third time and passed, the motions to reconsider be laid upon the table, and any statements relating to the bills be printed in the RECORD with the above occurring en bloc.

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

The amendment No. (4365) was agreed to, as follows:

Strike all after the enacting clause and insert the following:

#### SECTION 1. ADDITION TO SEQUOIA NATIONAL PARK.

(a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary of the Interior shall acquire by donation, purchase with donated or appropriated funds, or exchange, all interest in and to the land described in subsection (b) for addition to Sequoia National Park, California.

(b) LAND ACQUIRED.—The land referred to in subsection (a) is the land depicted on the map entitled "Dillonwood", numbered 102/80,044, and dated September 1999.

(c) ADDITION TO PARK.—Upon acquisition of the land under subsection (a)—

(1) the Secretary of the Interior shall—

(A) modify the boundaries of Sequoia National Park to include the land within the park; and

(B) administer the land as part of Sequoia National Park in accordance with all applicable laws; and

(2) The Secretary of Agriculture shall modify the boundaries of the Sequoia National Forest to exclude the land from the forest boundaries.

The bills (H.R. 2570 and H.R. 4020, as amended) were read the third time and passed.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

# RETIREMENT OF SENATOR BOB KERREY

Mr. LEAHY. Mr. President, last January we were told that Senator BOB KERREY was going to retire from the Senate this year. I remember saying to him that I wished it were not so, but knowing BOB as well as I did, I understood the reasons.

BOB KERREY has been an invaluable Member of this body. He has advocated for improvements in education. He has worked in a bipartisan way to reform Medicare and has been willing to speak up about the things necessary to reform it. He has helped to improve the lives of farmers in Nebraska. And he has been a forceful voice on America's role throughout the world.

But I understand and respect his desire to fulfill those spiritual needs that are often ignored in politics and to focus more on his personal and family life. As a proud father and grandfather, I, too, want to spend time with family. So we can all respect and appreciate his decision, though we are going to miss his candor, his wit, and his strong advocacy for families and children in the Senate. I will miss one who was willing to stand up on the most explosive issues of our time and speak out forthrightly, whether popular or not.

He served this country well as a member of the elite Navy SEALs in Vietnam, was Governor of Nebraska, and a U.S. Senator for two terms.

I once heard him refer to it modestly as "whatever," but the "whatever" was the Congressional Medal of Honor he earned for service in Vietnam. It is a testament to his strength in the face of adversity and intense love he has for this country. It is a call he brought with him to the Senate.

A photograph I took once sticks in my mind. It was of BOB KERREY at the Inaugural, standing—suit, tie, overcoat, hat—and around his neck was something that very few Americans ever got to wear, the Congressional Medal of Honor. It is not something about which any of us ever heard BOB brag. But it has been my experience that people who win the Congressional Medal of Honor are really never the people who do brag.

I thought that here, in these extraordinary times of our Nation's history, every 4 years the Inauguration of a President, what BOB was saying was: I am standing up as an American saying how proud we are of this democracy as we go forward with our form of government—a government and a country he risked his life to defend.

What has he accomplished at this short time? Vice chairman of the Senate Select Committee on Intelligence where he protected and defended our national security interests and fought for issues from encryption to better intelligence. As cochairman of the IRS restructuring committee, BOB spearheaded reform legislation designed to improve the relationships between taxpayers and the IRS, something that affects every single American. On the

Agriculture Committee, he and I fought hard to protect family farmers in our Nation. Even if we had regional differences which might divide us, his advocacy was always so strong, you had to listen.

His next move is north, actually getting a little closer to my home, where he is going to become president of the New School University in New York. The New School has a reputation for intellectual freedom and innovation, the belief that education can be used as a tool to produce positive changes in society. There cannot be a better leader for the New School. This really is a case where the Senate's loss is the New School's gain.

I first met BOB KERREY when he was running for the Senate and I went out to Nebraska as chairman of the Senate Agriculture Committee to campaign for him along with the Senator from Nebraska, Mr. Jim Exon. When we went out—BOB KERREY probably won't mind me mentioning this—we were using Willie Nelson's airplane. BOB KERREY was the former Governor of Nebraska, extremely popular, well known, running for the U.S. Senate; Jim Exon, then the senior Senator of Nebraska, former Governor; and of course in farm country, I was there wearing my hat as chairman of the Senate Agriculture Committee.

We flew up to a small town in Nebraska in Willie Nelson's airplane. The tail insignia was well known. When we got off that airplane, a huge crowd was gathered. We thought: Boy, this is it: Former Governor KERREY, Senator Jim Exon, Chairman PATRICK LEAHY. Man, no wonder they turned out.

As we got off the plane, they kept looking and kept looking, until finally it was obvious we were all off the plane. There was a look of disappointment in the crowd. Finally, somebody expressed the disappointment: Where's Willie Nelson? I thought you guys had Willie Nelson with you.

But, notwithstanding the fact that I was partially responsible for disappointing the crowd, BOB KERREY's abilities and brilliance were so well known in Nebraska that he survived my campaigning for him and he won that seat resoundingly and served his second term. We have been friends ever since.

I admire him as I have admired few people in my public career. I hate to see him go.

As I said, I was saddened to learn that BOB KERREY was retiring from the Senate this year. BOB KERREY has been an invaluable Member of this body, advocating for improvements in education, working to reform Medicare, and helping to improve the lives of farmers in Nebraska. But I understand and respect his desire to fulfill spiritual needs that are often ignored in politics and to focus more on his personal and family life. As a proud father and grandfather, I know what it's like to long to spend time with family. We can all respect and appreciate his deci-

sion, though we will miss his candor, his wit, and his strong advocacy for families and children in the Senate.

BOB KERREY has served his country well as a member of the elite Navy SEALs in Vietnam, as Governor of Nebraska, and as a United States Senator for two terms. Though I once heard him refer to it modestly as "whatever," the Congressional Medal of Honor he earned for service in Vietnam is a testament to his strength in the face of adversity and an intense love for this country, qualities he has brought with him to the Senate.

In this body, he has accomplished a great deal in a short time. As the vice chairman of the Senate Select Committee on Intelligence, BOB continued to protect and defend our national security interests, fighting for strong encryption measures. As a co-chairman of the IRS Restructuring Committee, BOB spearheaded reform legislation designed to improve the relationship between taxpayers and the IRS. On the Agriculture Committee, BOB and I fought hard together to protect family farmers in our Nation. Though regional differences sometimes divided us, I respected BOB's strong advocacy for farmers in Nebraska.

BOB's next move is north, where he will plan to become president of New School University in New York. The New School has a reputation for intellectual freedom, innovation and the belief that education can be used as a tool to produce positive changes in society. I could not think of a better leader for the New School. The Senate's loss is their gain.

## SENATOR CHUCK ROBB

Mr. LEAHY. Mr. President, earlier today Senator CHUCK ROBB of Virginia spoke on this floor. I worked with him. I have admired him since he came to the Senate over 12 years ago. I talked with this former marine at the time my own son joined the Marine Corps and was touched that he always asked for progress reports on his career in the Marines.

He is only the fourth person from the State of Virginia to serve as both Governor and U.S. Senator, and he came to Washington ready to build on a distinguished career in public service. In 1961, he joined the Marines as an infantry company commander in Vietnam, saw combat, and was in harm's way time and time again. He demonstrated the kind of determination and stamina that would characterize his political career. In Vietnam, people depended on his leadership for their life, literally. He then served Virginia as Lieutenant Governor and Governor before being elected to the U.S. Senate. In fact, it is fair to say his tenure as Governor laid the basis for Virginia to become such a leader today in the high-tech industry.

During his time here in Washington, he has shown his dedication and concern for our men and women in the military, fighting for a strong defense

while advocating fiscal responsibility. He has been a proponent for improvement in our Nation's public schools, fighting for more teachers, increased school construction, and school safety. He has also been a champion against discrimination. He led the fight to end injustice to African American farmers who faced discrimination by the Agriculture Department and voted against moves to end affirmative action programs by the Federal Government. In all these things, he showed the same dedication to his country in a legislative position that he had shown to his State in his executive position as Governor, as a member of the Armed Services Committee, Foreign Relations and Finance Committees, and the Joint Economic Committee and Select Committee on Intelligence. He served this body, the Senate, so well, and in turn our whole Nation.

I think of the tough political battles he has faced. I think of the difficult votes during his time in office, how he had to balance the interests of his State with the well-being of the Nation. But I can remember so many times on this floor when a vote would come up where, politically, CHUCK ROBB could have ducked and ran and voted a different way. He did not, any more than he would have when he was in combat in Vietnam. He would stay on the floor, he would state his position, and you would see the marine; you would see the character; you would see the steel. He would stand up and do what his conscience told him was the right thing.

Mr. President, I pay tribute to a man I have worked with and admired since he came to the Senate over twelve years ago. As only the fourth person from the state of Virginia to serve as both Governor and U.S. Senator CHUCK ROBB came to Washington ready to build on a distinguished career in public service. Beginning in 1961 when he joined the Marines, and through his days as an infantry company commander in Vietnam, CHUCK ROBB demonstrated the kind of determination and stamina that would characterize his political career. He later served Virginia as Lieutenant Governor and Governor before being elected to the United States Senate.

During his time here in Washington he has shown his dedication and concern for our men and women in the military, fighting for a strong defense while advocating fiscal responsibility. He has been a proponent for improving our nation's public schools, fighting for more teachers, increased school construction and school safety. He has also been a champion in the battle to end discrimination. He led the fight to bring justice to African American farmers who had faced discrimination by the Agriculture Department, and he voted against a move to end affirmative action programs by the federal government. As a member of the Armed Services Committee, Foreign Relations, Finance Committee, the

Joint Economic Committee and the Select Committee on Intelligence he has served the Senate well.

Senator ROBB has faced several tough political battles and cast many difficult votes during his time in office—all the while he has been determined to balance the interests of his state with the well-being of the nation.

It has been an honor and privilege to work with him over the last years. I know he is going to be sorely missed by our colleagues in the Senate.

I will miss having the chance to get advice and encouragement from him on the Senate floor, but I know I will still have that available to me throughout the remaining years of my Senate career.

Mr. President, what is the parliamentary situation now, as we go down to these waning hours and we hear the choral group downstairs practicing Christmas carols?

The PRESIDING OFFICER. I would like to advise the Senator from Vermont that earlier the Senate had been conducting morning business. That order has expired.

Mr. LEAHY. Is my understanding correct, though, that I am still able to maintain the floor without slowing down the vital business of the Senate?

The PRESIDING OFFICER. The Senator is correct.

Mr. LEAHY. Am I also correct there is no particular vital business pending at the moment?

The PRESIDING OFFICER. At the moment, the Senator is correct.

#### WRAPPING UP THE SESSION

Mr. LEAHY. Mr. President, you know I think the world of all my colleagues. The distinguished Chair right now is one of my best friends in the Senate and one who deserves congratulations on—actually, they didn't have to have an election in his State; he wins by so much. I love being with him, as I do my dear friend from Nevada, the deputy Democratic whip. But I hope that neither of my colleagues takes it at all personally when I say I would probably rather be at home with my family at this time of the year. But then I suspect they would, too. I hope this means we are soon to wrap things up, possibly this evening or Sunday or Monday or sometime. We seem to be in a situation where wrapping up the session is like wrapping up the Presidential election this year. I am beginning to feel a little bit like a hanging chad of some sort.

I thought of some of the other terms that have been used, but I am afraid sometime somebody might pull that out of context and I will be reminded that I will not be forgiven for what I may say because of my Irish nature.

Let us hope we can wrap it up. I say that also for the sake of the President-elect and the leadership, both Republican and Democrat, in the Senate. All of us have a lot of work to do before January 3 when the Senate comes back

into session with a number of new Senators and in a unique situation of a 50-50 Senate.

Governor Bush and former Secretary Cheney need time to work with the Republicans in the Senate and the House as they put together their administration. Of course, I hope and expect they will also be in contact with those of us on this side of the aisle. There is a lot facing this Nation, and we have to work on that.

#### VISIT TO IRELAND

I was privileged this week to spend 48 hours out of the country with some other Members of the Senate and the House accompanying President Clinton on a visit to the Republic of Ireland and Northern Ireland. It was remarkable to see how people reacted to the President. He was accompanied by one of our Senators-elect, in this case the Senator-elect from New York, HILLARY RODHAM CLINTON, although I think she was there more in her capacity as First Lady.

It was interesting to see the reaction of the people in Ireland, both in the Republic and in Northern Ireland, both in the Catholic community and the Protestant community. The President was greeted as he should be, as a hero in Ireland because more than any President perhaps since John Fitzgerald Kennedy, he has shown a real interest in Ireland.

He has become personally and intimately involved in trying to stop the sectarian damage, carnage, killings, and murders in Northern Ireland. He sent our distinguished former colleague and former majority leader of the Senate, George Mitchell, on countless trips to Northern Ireland helping to broker the peace agreement which became known as the Good Friday accords.

Whether it was standing in the small town on the northern border of the Republic of Ireland, bordering Northern Ireland, a town of just a few thousand people but where 50,000 to 60,000 people from the whole area came and stood in the cold, the rain, and the fog for hour after hour waiting for the President and those accompanying him to arrive, and then giving him a hero's welcome and not wanting him to leave.

I saw the faces of those people. I saw the children who looked out to him with hope in their eyes. I saw the older people who said he sought to bring prosperity to this area because he helped us stop the fighting that goes back and forth across the border. He has brought hope for our children and grandchildren.

I saw the same thing in Northern Ireland in Belfast the next day where those who had been sworn enemies a few years ago were joining in meetings with the President, encouraging him to stay involved and asking him to please come back even after his Presidency. It had to be an emotional time for President Clinton, but it was very much for the people there.

I talked with several who again told me he brought hope for them and

brought an understanding that their children could live in a world they had not known, a world where they could go to school, where they would not be defined by their religion but defined by who they are.

What an improvement that was and how grateful I am for the opportunity to have been there, not just as an Irish American but one who holds deeply our sense of freedom, our sense of democracy, and our sense that people do not get excluded because of their religious faith or their ethnic background or who their parents were but are included because they are human beings and because they have intrinsic worth.

#### RETIREMENT OF SENATOR RICHARD H. BRYAN

Mr. LEAHY. Mr. President, with my dear friend from Nevada, Senator REID, on the floor, I want to talk about his colleague, also my friend, RICHARD BRYAN, who announced his plans to retire from the Senate. When he did, he said very simply and earnestly: It's time to come home.

I have known DICK and Bonnie BRYAN since they came here. I say DICK and Bonnie BRYAN because, like Marcelle and me, we think of them as one person because usually at events outside work, when you see one you see the other. In fact, that is what I cherish about both my colleagues from Nevada. I cherish their family life.

DICK said it is time to go home, and I am disappointed to learn we are going to lose a good humored and skillful colleague. As a Vermonter, I have to empathize with that deep-rooted impulse to go home. Everything DICK BRYAN has accomplished here paves the way for his return to a better Nevada, something all of us hope for because all of us will leave this body at one time or another.

Most of the time, the strength of our Nation stood resolutely with the welfare of Nevada in Senator BRYAN's mind. As Democratic cochair of the Senate National Guard Caucus, he blocked unwise and unjustifiable cuts in our citizen-soldier force. He brought us together so the Guard's voice could be heard, and his persistence has positioned this invaluable force to prepare for the new, continually emerging strategic landscape. Under his watch, Nellis Air Force Base became a national treasure, where our best, most skilled pilots mastered the art of war so that our country would never have to call on them for the real thing.

Senator BRYAN guaranteed the credibility of the institution of the Senate. I think of the Senate as being the conscience of the Nation, and we should be the guardians of it. Those who abused the public's trust and the powers of office, as Senators knew they would, received intense scrutiny when Senator BRYAN chaired the Ethics Committee in 1993 and 1994. None of us will forget his calm and dexterous handling of numerous sensitive investigations, some-

thing he could do because he was trusted by both Republicans and Democrats to do the right thing.

It had to be one of the most difficult times, requiring arduous work by any Senator, but never once did any of us hear Senator BRYAN complain about the difficult task, nor did he swerve from the steady course toward fairness and justice.

Indeed, in so many areas, RICHARD BRYAN made a difference whether in preserving the fragile desert environment or modernizing our commercial aviation system. The list is long, and if he stayed, he would have accomplished even more.

Senator BRYAN has made a choice that deserves only accolades and respect. He is going home, and Nevada is a fortunate State for it. It is also fortunate that he has left his partner, HARRY REID, here to carry on his battles. My wife Marcelle and I wish DICK and his wife Bonnie all the best, but I am going to miss some of our late night conversations and some of the humor and good will he has shown to all Senators.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

#### ORDER OF BUSINESS

Mr. LOTT. Mr. President, I have just spoken to Senator DASCHLE. We have been communicating with our colleagues on the other side of the Capitol. I understand the Senate will shortly receive from the House the appropriations bill containing the final appropriations measures, and we hope to have some agreement on how to proceed shortly.

We will notify Senators and hotline that information. Once Senator DASCHLE arrives on the floor, hopefully we can move forward with that. In the meantime, there are just a couple of bits of information for our colleagues about the remainder of this session and the dates for activities we will have next year.

Of course, we hope to have the sine die adjournment resolution here shortly.

Senator DASCHLE and I jointly will have resolutions thanking the officers of the Senate, the staff of the Senate who do just a magnificent job on our behalf and on behalf of the American people quite often during long and weird hours. They really do a magnificent job, and we thank all of them for what they do.

Also, I see Senator REID is here, the assistant Democratic leader. He has really made a difference since he has been in his leadership position. He is

always calm and always diligent. He works on both sides of the aisle. I want to acknowledge that and thank him for all of his work. I will not overdo it now because I don't want to get him into trouble as we approach the last few minutes of the session.

I want to inform the Members of some important dates and events of interest concerning the beginning of the 107th Congress. I see Senator DASCHLE is here. He can communicate with the staff. I will run over these dates quickly, and then we can visit.

Of course, at 12 noon on Wednesday, January 3, the 107th Congress will convene with an immediate live quorum, to be followed by the swearing-in ceremonies for the newly elected Senators.

I want to emphasize that. That is on January 3. It is at 12 noon. There will be a live quorum, and all Senators are required by law, if they want to be sworn in and receive pay, to be here for that occasion.

On Saturday, January 6, the Senate will proceed as a body to the Hall of the House of Representatives for the official counting of the electoral college votes.

The Senate has passed a resolution that would move that to January 5, which would be a Friday, instead of Saturday, January 6. The House has not yet passed that resolution. But they have indicated that they may pass a resolution changing the date to Friday, January 5, for the counting of the electoral college votes. We will let all of our colleagues know exactly about that.

I believe we are required to proceed at 1 p.m. on either Friday, January 5, or, as it now stands, January 6. We will make that clear later on. Senators will be notified if there is a date change, if and when it is confirmed.

Of course, Inauguration of the 43rd President of the United States will occur at 12 noon on Saturday, January 20.

Furthermore, because a Senate committee is a continuing body, committees may begin working on committee nominations on January 5 or 6. Senator DASCHLE and I will be working on that. But there is the possibility, between January 3 and the Inauguration, that there could be some committee hearings on nominations. We will have to work through that. Of course, it will depend on the receipt of those nominations once the investigations have been completed. We will work through what committees and how that will be handled. Members who might be involved will be notified as early as possible, and hopefully that will be even before the end of the year.

Votes on confirmations may take place even on Saturday, January 20. I believe that has been the case in the past—if not January 20, certainly beginning on Monday, January 22. We will want to move forward very quickly on actually confirming the nominations. Senators will be further notified on January 3.

Regarding the Cabinet nominations schedule, when we receive those nominations, again we will work together on what that schedule may be.

Again, I want to thank the Senate oficers, Senators, and leadership on both sides of the aisle for what I believe has been a very productive session and for the dedication of Senators to the American people.

I see Senator DASCHLE is here. We have some resolutions we can do if we have a break here in a moment. Then we will have some that we want to do at the very end of the session.

At this point, I yield the floor if Senator LAUTENBERG wishes to make any comments.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I thank the majority leader and the Chair for recognition.

#### SERVING IN THE SENATE

Mr. LAUTENBERG. Mr. President, I want to be sure before I go into my remarks that neither of the leaders, the majority leader or the Democratic leader, is waiting for some floor time for some special things they want to go ahead with because I hope not to cover every day of the 18 years I have served here.

But I do want to make some remarks about this moment in time—a moment that I have kind of looked at with some amount of trepidation because this is the end for me, at the bottom of the ninth inning, and we have a couple of things to do before it is pretty much all over.

I am probably speaking now for the last time in the U.S. Senate. After 18 years as a Member of this institution, some time ago I made a reluctant decision to step down—not to try again after three terms. And, to be perfectly honest, there are those moments when I look at that decision not to run for a fourth term with considerable regret. This has been an incredible experience—an experience that so few ever get to have and such a worthwhile thing to do.

While my friends, the Democratic leader and the Democratic whip, are on the floor, I want to express to each one of them how deep my appreciation is for the cooperation and the ability to work together on issues of concern—not just for my State but for the country at large—and how helpful Senator DASCHLE, our leader, has been; and my good friend HARRY REID from Nevada, the only State that really competes with New Jersey in the hospitality of the gaming industry. I hope we will continue to do more business than Nevada.

In all seriousness, these are States that have a certain kinship that is not always easy to recognize because our coast is far larger than their coast, and sometimes we differ on issues but never on intent.

This is a job that has been the highlight of my life, next to my family—my

children, my grandchildren, eight of them; the oldest is seven. I want to make sure they understood what their grandfather did when he was spending time in Washington. They are too young to really know what the job is about. But they know who the President of the United States is. Some of them knew because the oldest one is seven. There are eight of them, obviously, and one is just 2 months old. The little one could not understand what I have done. I was lucky and brought all of them down for Father's Day. I was able to take them to the White House and take some pictures with the President. They will look at these pictures one day and say, OK, that is where our grandfather spent his time when we didn't see much of him. I hope they will feel the same kind of pride and love for country as I do.

This job, one of some 1,850 people who ever served in the Senate, is such an honor to have. It is such an exciting place to be. I look at my desk now as a reminder of why I had this desk moved as my seniority improved from the far corner next to where it is now. I brought it with me wherever I went. It was a fairly easy task. I don't want the citizens to think I had people put to work for little reason; just a couple of screws lift out of the floor and we move it over here.

When I think of my parents and what this country meant to my grandparents when they brought my parents as little children to these shores, I open the desk. As everyone here knows but the public probably doesn't, there is something one could call "graffiti" in these desks—a signature, a carving, a writing in indelible ink that gives a name and the State that the individual represented. I never got discouraged about this job, but anytime I needed a little stimulation about how important the work we were doing was outside of the legislative routine, I looked in this desk and I seen "Truman, Missouri." Harry Truman sat at this desk when he served in the Senate. It is such an honor for me to be able to fill the seat, not the shoes, as they say.

Every day I came to work here was a privilege, even when the day didn't turn out as one expected. The people of New Jersey sent me here to accomplish things that affected their lives and their families, and it is not easy to relinquish those duties. I hope they will believe that FRANK LAUTENBERG served them honestly and diligently. I will leave it to them to mark the report card to see how we did.

My service was a way for me to give something back. I had a successful business career, and I spent 30 years doing that, but there was something more that was needed as far as my life was concerned. I am so grateful my grandparents, in their wisdom in the earliest part of the last century, decided to pack up bag and baggage—they didn't have much baggage, I can tell you that; all they had was the spirit and desire to live free—and come to

this country, my mother a year old from Russia, and my father 6 years old from Poland. They believed so much in America. They were so sensitive about things. For my grandparents, whose native tongues were reflective of the country they came from, anything but English was almost prohibited in the house. They wanted to talk English. They wanted to speak the language that their friends and their neighbors believed should be used as Americans. Now we understand people can live in multiple cultures and continue to treasure the language that they or their parents had before they came to America. In those days, any indication they could get that they were truly Americans meant so much.

So they came and worked hard, with no education. My father went to the sixth grade only; he had to help his parents. But they never dreamed their children would have the opportunities that were so robust and so fulfilling.

I spent 30 years in the computer business, running a company called ADP, Automatic Data Processing. The company started with two boyhood friends of mine. We started without any money of our own, without any outside financing. The company today has 33,000 people and is one of America's best performing companies in terms of its products and the stock market's response.

I got there because this government was there to render service to our people. The one thing that bothers me when we get into political campaigns and speeches are made on the stump and people talk about the government and how small it ought to be and why it is too big and the loaded bureaucracies, I can't stand it. Honest to goodness, I work with the people who populate this place day in and day out—not the Senators exclusively but those who work here on both sides, Democrat and Republican. I see how diligent they are in trying to get their day's work done and how committed they are in the service of the people. I respect them. Of course, those whom I have gotten to know in my office, I love them as well. One develops a respect and almost a reverence for people who will come in and go to work at 8 o'clock or 9 o'clock in the morning and stay; if we stay until 2 o'clock in the morning, they stay until 2 o'clock in the morning. For many years, until very recently, there was never any compensation for overtime; that was considered part of the job. For those in the management of the office, and the leadership position among the staff, there is still nothing like overtime. They do it because they feel the responsibility. It has made an enormous difference in the way we conduct ourselves.

Mr. President, the bottom line view that I bring is one that has developed as a result of the opportunities that were afforded me. I know I probably have said it too many times, but I ask my colleagues to indulge me once again when I talk about my family.

My father died a very young man, at age 43. I had enlisted in the Army and

was given the benefit of the GI bill. The GI bill made the difference in my life, enabling me to use the knowledge and programs I studied and learned to start a business that became an industry. It is the computing industry, as contrasted to the computer industry, the hardware industry. To me it was a great example of the way government can empower individuals and families to improve their lives.

It is a lesson I will never forget. The education I got through the GI bill set the foundation for me to build that business. When I look at what happened with ADP and the number of people it has put together, 33,000 employees, processing paychecks for 33 million people across our country and others.

When I was finishing my 30th year in business, I thought there were other things I ought to try to do to help pay back what I thought was a unique opportunity. I wanted to make sure that it continued to exist for others, as well. I came to the Senate. I ran in 1982 and was elected then. I brought what was a fairly unique perspective because there weren't, at that time, as there are now, so many businesspeople who came from not having had an elective office experience but came in fresh from the business to the Senate.

When I got here, my goals were to try again to permit people to think independently, to make sure that the rights and the freedoms we enjoyed would be protected, to make sure there would be an opportunity for those who could learn without having, necessarily, the financing to do it. That is what the GI bill taught me. It has been my hope that people would understand that these opportunities must continue to exist. That is why we have these discussions about investing in education, making sure children have the appropriate nutrition, and that people can count on getting their health protected when they have a problem, or at least making certain as they grow and mature that they know they don't have to worry about an illness wiping out not only their assets but also demolishing their health.

Just so everybody knows, I am going to take some time here. Therefore, it may take a little time for me to do the whole story. I see the majority leader either looking at me so anxious to hear the whole story that he wanted to ask me what it was.

Mr. LOTT. Mr. President, if the distinguished Senator from New Jersey would yield, perhaps that is a good point. Yes, I would like to hear the story uninterrupted. If the Senator would allow us to do a little bit of leadership business—one of which, or both of which I know the Senator would be very interested in—I ask, with the agreement of the Senator from New Jersey, that his statement appear in the RECORD as if uninterrupted, and the exchange with Senator DASCHLE, our colloquy, appear after his remarks.

Mr. LAUTENBERG. I am happy to cooperate because I have a sense that

the subject to be included in their remarks is one with which I have intense fascination.

I am happy to yield to the distinguished leaders.

The PRESIDING OFFICER. Is it the majority leader's intention the Senator from New Jersey will hold the floor, following the business?

Mr. LOTT. That would be my request.

The PRESIDING OFFICER. Yes.

Mr. LOTT. I yield to Senator DASCHLE.

#### THE OMNIBUS APPROPRIATIONS BILL

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. Mr. President, although there are a lot of good things in the bill we are about to debate, there is one glaring omission—legislation to provide Amtrak with the authority to issue tax credit bonds for capital improvements. This bonding authority is critical to Amtrak's future and to the economic health of the northeast and many other areas of the country.

I have discussed this issue with members of my caucus. We had a very spirited discussion in our caucus this morning, and I know how strongly they support Amtrak and this legislation. We are very disappointed this provision was not included in this otherwise praiseworthy legislation. Amtrak supporters will not give up on passing it. In order to help them secure enactment of this important measure next year, the majority leader and I have discussed and agreed on how best to proceed. I yield the floor to allow the majority leader to describe what that understanding is at this time.

The PRESIDING OFFICER. The majority leader.

Mr. LOTT. Mr. President, I thank the Democratic leader for his fine work on this issue. I know there is a lot of passion, a lot of support for Amtrak. But let me remind my colleagues, I am one of those supporters. I have been an active supporter of the national rail passenger system and was very much involved a couple of years ago when we passed the Amtrak legislation. I had some strong opposition on our side of the aisle. I think we need it.

Now, I must confess one of the reasons I think we need it is I want us to have good service, not just in the northeast but I also would like to have access from my own State of Mississippi to be able to get to Atlanta and Washington and Boston, and we are the beneficiaries of Amtrak service. I think we have to do it. I have pledged if it can't run efficiently, if it cannot run without going into debt, at some point we may want to say we just can't do that and decide what is going to be the successor program.

But I also think it is guaranteed and doomed to failure if we don't give it an opportunity to succeed. If you don't have modern equipment, if you don't

have the new fast trains, if you don't have a rapid rail system, it will not work.

So I support this legislation. I want to commit to our colleagues here that I will join with Senator DASCHLE in cosponsoring this legislation next year. We will work together to get the appropriate hearings in the Finance Committee and hopefully in the Commerce Committee, too—even though this bill is under the Finance subcommittee jurisdiction because of the tax aspects of it—but the Amtrak part of it, of course, would fall under Commerce. I am on both committees and Senator DASCHLE will probably be on the Finance Committee, too. We will work with the ranking member and the chairman to get hearings and move this legislation.

I cannot guarantee we will have the votes or that it will not be filibustered or that we can break a filibuster, but I think it is the right thing to do. I might just add, the chairman of the Amtrak board, Governor Tommy Thompson of Wisconsin, has been very actively involved. He supports this legislation. He has called me personally about this legislation. He really cares about it.

When we talk about bipartisanship, transportation is an issue on which we have been able to work together in a bipartisan way, whether it is roads, AIR-21, TEA-21, Amtrak, rapid rail system. We can do it again.

Maybe we can improve on this bill. We talked about that in an exchange yesterday. Maybe there are some things we can do, some tweaks that would make it better and resolve some of the concerns. And we will try to do that. I am prepared to make that commitment. I believe we can do it early next year. I am not talking about having it languish; I am trying to get movement on it in the first 3 months, 6 months of the session, so those who have reservations can offer amendments and we will vote on them. Hopefully, we can get it done, and I commit to do that.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I have long been a supporter of Amtrak. I was chairman of the Appropriations Subcommittee on Transportation before my friend, Mr. LAUTENBERG, swore to support and defend the Constitution of the United States against all enemies of the United States, foreign and domestic. I was for it then. I am for it now. We had some problems in connection with putting this measure into this bill. I don't need to go into those problems here.

But I want to assure Mr. BIDEN and I want to assure Mr. LAUTENBERG, and assure both leaders, that I will do anything I can next year to support this legislation. I am a cosponsor of the bill, and I will do my best to help enact it at the earliest possible date in the coming Congress. Like the distinguished majority leader, I can't guarantee anything except that I will do

my best to be helpful. Certainly on the Appropriations Committee, if there is an appropriations item, as always, I will support it. Amtrak comes to West Virginia. It comes 3 days a week. I wish it came more often.

But I support Amtrak as much as anybody in this Chamber. We don't have large airports in West Virginia; all we have is highways. We certainly are grateful for and certainly very supportive of the limited amount of rail transportation we have. We used to have the Hilltopper; we used to have the Mountaineer in West Virginia. I have been a supporter of the Cardinal longer than I can remember.

So Senators may be reassured that I shall do everything I can within my power next year to be helpful.

The principal cosponsors, Mr. LAUTENBERG and Mr. BIDEN, made a strong case for the importance of this vital legislation. It will be a central part of our efforts to ensure that our Amtrak system not only is maintained but is also able to make necessary improvements in the future to ensure its continued success.

I thank all Senators.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I have been here, not as many years by far as most everyone on this floor right now, but it is not often that you see the two leaders and our longtime leader Senator BYRD, stand and say they will support a piece of legislation. I have never seen it happen before. I think this is to show the intensity of the feelings of the people who support this legislation, led by Senator JOE BIDEN. So I am really pleased it appears at this stage that the three leaders, Senator LOTT, Senator DASCHLE, and Senator BYRD, have agreed to do this.

I was at lunch today with Senator HOLLINGS, who is the ranking Democrat on the committee of jurisdiction that may have something to do with this, the Commerce Committee. He said he will do everything he can to move this matter along. I know I will. Senator SPECTER, on the other side of the aisle, said he would do anything possible to move this along. This is a rare occasion in the Senate that you see this much support for a piece of legislation.

Mr. LOTT. Mr. President, if I could ask my colleagues to defer just a moment, Senator DASCHLE and I would like to get one more unanimous consent agreement in. Then I would like to yield to the Senators who are on their feet.

Mr. LAUTENBERG. Mr. President, may I, with all due respect, remind the majority leader and the President that I yielded time based on the fact that I would recover the floor.

Mr. LOTT. There is no question about it. I thought perhaps the Senator would want to comment, too, on what has just transpired. But I do want to include in the RECORD the fact that Senator STEVENS also has assured our

colleagues, and has reminded me again, he also commits, as chairman of the Appropriations Committee, his continued support for Amtrak.

Mr. LAUTENBERG. I thank the majority leader.

#### UNANIMOUS CONSENT AGREEMENT

Mr. LOTT. With that, I do understand the Senate will shortly receive from the House the appropriations bill containing the final appropriations measures. I ask unanimous consent that notwithstanding receipt of the papers, the Senate proceed to vote immediately on adoption of the conference report and, following passage, there be 40 minutes of explanation to be equally divided between the two leaders, with 20 minutes additional under the control of Senator BYRD, 45 minutes under the control of Senator GRAHAM of Florida, and 10 minutes of Senator LOTT's time to be controlled by Senator SPECTER.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, I want to, before the majority leader leaves the floor, thank him.

Mr. LOTT. Mr. President, if I could confirm, the unanimous consent was agreed to?

Mr. DASCHLE. Reserving the right to object.

The PRESIDING OFFICER. No objection was heard. I recognized the Senator from Delaware thinking he wished to object.

Is there objection?

Mr. BIDEN. No, I beg your pardon, I do not wish to object or seek recognition.

The PRESIDING OFFICER. Under parliamentary procedure, the Senator from New Jersey has the floor. He yielded it to the majority leader and the Democratic leader for the conduct of certain items of business. Following that point, Senators seeking to speak will have to receive the approval or approbation of the Senator from New Jersey.

Mr. BIDEN. Mr. President, I ask the Senator to yield me a very brief time.

Mr. LAUTENBERG. Mr. President, I thank the Chair for that recollection. I will be happy to yield to our friend from Delaware.

Mr. BIDEN. Before the majority leader leaves the floor, I want to personally thank him. I want to thank the minority leader, the Democratic leader, and I guess most of all I want to thank Senator BYRD and Senator STEVENS as well.

I have been here for 28 years. I have never once come to the floor to threaten to engage in an extended debate on a matter. I did that this morning in our caucus. I am not suggesting my colleagues responded because I did that. I am suggesting that I believed my colleagues who are on their feet felt extremely strongly about what was about to happen; that is, Amtrak cannot make it through the year 2001 and

meet the obligation that has been imposed upon it without being brought up to speed, figuratively and literally, in terms of equipment, track, and the like.

When this proposal that had 56 cosponsors and passed in another vehicle with 60-some votes and with 260-some votes in the House was not going to be included in this omnibus bill, I must tell my colleagues, I was very upset.

In light of the fact that the leadership of the Appropriations Committee of the Senate as a whole and of the Commerce Committee, at least on one side of the Commerce Committee, have indicated to me they will introduce and move rapidly, as best they can, funding for Amtrak—I will not take the time to go into what it all does and what it means—then that is good enough for me. I will withdraw any attempt to delay consideration of this final bill.

Also, I know Senator MOYNIHAN and Senator LAUTENBERG are leaving. Senator LAUTENBERG has been Mr. Amtrak. Senator LAUTENBERG, since he has been here, in large part because of his disposition and in no small part because of the particular position of authority he occupied on the Appropriations Committee, has been—I ride a train every day and people say to me: You know, JOE, thanks for defending Amtrak.

I say: No, don't thank me, call Senator LAUTENBERG. I literally say that because it is true.

Also on the floor is a Senator who is Mr. Transportation. He has given us all a lesson, as only he can, for the past 18 years on the necessity of Amtrak not merely in the Northeast corridor, but there is no alternative in this Nation to not have a mass transit interstate system.

I want everybody to understand—again, I will put something in the RECORD; I won't take the time now—this is not just parochially important to the Senators from Delaware, New Jersey, Vermont, Massachusetts, all of whom are on the floor. This is important to Florida; it is important to the Southeast corridor; it is important to Oregon, Washington, Nevada. This is the only alternative we have.

It seems to me, after discussion with the men I have named today—the distinguished Senator from West Virginia, the Senator from Mississippi, the Senator from North Dakota, and others—that we are all singing from the same hymnal now. There seems to be for the first time in my recollection, I say to my friend from New York who is standing, a genuine acknowledgment that there is no transportation scheme in America that will serve America without a major component of it being a rapid transit interstate system for passengers.

I am looking forward to this being the first bipartisan effort next year. I sincerely hope the incoming President will understand our regional needs.

I conclude by saying I thought federalism was about one section of the



Nation helping other sections of the Nation that, in fact, had needs but needed additional assistance. There would be no water flowing in Arizona were it not for the people of Massachusetts, the people of New York, the people of New Jersey, Delaware, and other States subsidizing that water extensively to the tune of probably somewhere above \$16 billion over time, and we should do that.

Mr. MOYNIHAN. The Arizona project.

Mr. BIDEN. We should do that. I get the feeling—maybe because it is the Christmas season and I want to believe it—there is a growing recognition that rail service in our neck of the woods, as well as other parts of the country, are as essential to our interests as water is to the far west. It is as essential.

I thank my colleagues for their commitment and absolutely close by saying to Senator BYRD that I appreciate the fact that he understands, maybe better than anyone in this place, when another colleague cares about an issue that he believes is absolutely indispensable for his region. I thank him for acknowledging that.

I thank him for his—it is no new commitment; he has always been committed to Amtrak—acknowledgment of that and for his continued pledge of commitment to Amtrak. With this combination of the majority leader, the Democratic leader, the chairman of the Appropriations Committee, the ranking member of the Appropriations Committee, and the ranking member of the Commerce Committee, if we cannot get it done, then shame on us.

I thank all of my colleagues. Sorry to have taken so much time, but as my colleagues said all day, this is a big, big, big deal to me personally, to my State, and I think to the Nation.

I yield the floor.

The PRESIDING OFFICER. Under the current situation, the Senator from New Jersey has the floor. He has yielded to the majority leader and the Democratic leader to conduct business. If they are through with their business, the Senator from New Jersey is recognized.

Mr. LOTT. Mr. President, with their indulgence, we do have a couple more consent requests, plus we may need to modify the earlier agreement.

Mr. LAUTENBERG. Mr. President, I am happy to yield to the majority leader for conducting further business provided, of course, that the recognition continues. I thank the Presiding Officer for being so careful in his statement.

#### PROVIDING FOR SINE DIE ADJOURNMENT OF THE SECOND SESSION OF THE 106TH CONGRESS

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate now proceed to the adjournment resolution calling for a sine die adjournment of the 106th Congress just received from the House.

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

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 446) providing for the sine die adjournment of the second session of the One Hundred Sixth Congress.

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

Mr. LOTT. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to and the motion to reconsider be laid upon the table.

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

The concurrent resolution (H. Con. Res. 446) was agreed to, as follows:

H. CON. RES. 446

*Resolved by the House of Representatives (the Senate concurring).* That when the House adjourns on the legislative day of Friday, December 15, 2000, Saturday, December 16, 2000, or Sunday, December 17, 2000, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it shall stand adjourned sine die, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution; and that when the Senate adjourns on Friday, December 15, 2000, Saturday, December 16, 2000, or Sunday, December 17, 2000, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it shall stand adjourned sine die, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and Senate, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

#### MAKING FURTHER CONTINUING APPROPRIATIONS FOR THE FISCAL YEAR 2001

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to the technical continuing resolution, H.J. Res. 133.

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

The legislative clerk read as follows:

A joint resolution (H.J. Res. 133) making further continuing appropriations for the fiscal year 2001, and for other purposes.

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

Mr. LOTT. Mr. President, I ask unanimous consent that the resolution be read the third time and passed and the motion to reconsider be laid upon the table, all without intervening action, motion, or debate.

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

The joint resolution (H.J. Res. 133) was read the third time and passed.

Mr. LOTT. Mr. President, I have one further clarification. It seems there is an objection, notwithstanding the re-

ceipt of the papers, that we have a vote and then go to debate, but we are working on an arrangement that will allow us to proceed with debate and get some certainty about how the vote will be dispensed with. We should be able to get that clarified in a few minutes. I would hate to ask the Senator to yield again in a few minutes, but in view of the importance of the issue, I might do that. For now, that is all the business Senator DASCHLE and I have.

The PRESIDING OFFICER. Under the previous order, the Senator from New Jersey has the floor.

Mr. LAUTENBERG. I thank the Chair. I yield 3 minutes to the Senator from Massachusetts, again with it understood that I retain the floor.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Massachusetts.

Mr. KERRY. Mr. President, I thank the Senator from New Jersey. He is very gracious in doing so. I know he wants to make some important comments that summarize his 18 years of work and commitment on this issue. He is generous to allow us to intervene.

I join in thanking the majority leader and the minority leader, Senator DASCHLE, Senator REID, particularly Senator BYRD and Senator STEVENS for responding to the request of a number of us from our region. I thank Senator BIDEN and Senator LAUTENBERG for their leadership again on this issue.

There was a lot of passion in our caucus earlier this afternoon, and the minority leader listened to all of us very carefully. Our caucus, I must say, was united in its commitment to the notion that those of us who cared about this issue needed to have some kind of response on the floor that indicated where we will go. I am grateful for this response.

The commitment on the floor openly, as it has been given, to proceed as we will proceed, particularly from the distinguished ranking member of the Appropriations Committee and the chairman, is as good a commitment as one can get in the Senate.

We have 56 sponsors of this legislation today in the Senate. With the new Senators coming in, I am absolutely confident we will have more than 60 sponsors of this legislation. I look forward to building on the legacy of Senator MOYNIHAN and Senator LAUTENBERG and completing what is absolutely essential for this country, which is a rail system of which the Nation can be proud.

I am very grateful to all those who have made this effort. I particularly say about the Senator from New Jersey and the Senator from New York, the two of them will be so missed with respect to their leadership and the vision they have expressed with respect to transportation issues as a whole, but particularly for those of us in the Northeast, what voices they have been in the Senate with respect to their vision for how we can more inexpensively and capably move people from here to

there and increase the productivity of our country. I pledge, along with my other colleagues, to build on their example and on that vision. The day will come when we will all have a better transportation network as a consequence of their leadership.

Mr. President, I know that every member of the Congress is anxious to end this session and get back to our states. We all have work to do and families waiting to celebrate the holidays. However, my colleagues Senator LAUTENBERG and Senator BIDEN are right to be angry and frustrated with this legislation.

There is a small but extremely significant item missing from this legislation—the High-Speed Rail Investment Act. The Act would allow Amtrak to sell \$10 billion in bonds over the next decade and provide tax credits to bondholders in lieu of interest payments. Amtrak would use this money to upgrade existing rail lines to high-speed rail capability. The Joint Committee on Taxation estimates that the bill would cost just \$95 million over 2 years. Over 5 years, the bill would still cost only \$762 million.

The High-Speed Rail Investment Act has 56 co-sponsors in the Senate. This is not a partisan issue. It is not a regional issue. It is not an urban issue. The High-Speed Rail Investment Act has the support of the National Governors Association, the U.S. Conference of Mayors and the National Conference of State Legislatures. Nineteen newspapers, from the New York Times and Providence Journal, to the Houston Chronicle and Seattle Post Intelligencer, have called for the enactment of this legislation.

Let me explain why so many people and organizations support this legislation:

It is in our national interest to construct a national infrastructure that is truly intermodal. Rail transportation helps alleviate the stress placed on our environment by air and highway transportation. It is a sad fact that America's rail transportation, and its lack of a national high-speed rail system, lags well behind rail transportation in most other nations—we spend less, per capita, on rail transportation than Estonia, Myanmar, and Botswana.

There is a compelling need to invest in high-speed rail. Our highways and skyways are overburdened. Intercity passenger miles have increased 80 percent since 1988, but only 5.5 percent of that has come from increased rail travel. Meanwhile, our congested skies have become even more crowded. The result, predictably, is that air travel delays are up 58 percent since 1995.

In the air travel industry, bad weather in one part of the country very often results in delays in other parts of the country. There is consumer demand for more flights. But we know that our skyways and air traffic control systems are finite and that the system is overloaded.

Amtrak ridership is on the rise. More than 22.5 million passengers rode Am-

trak in Fiscal Year 2000, a million more than the previous year. FY 2000 was the fourth consecutive year that ridership has increased. We should welcome that increased use and support it by giving Amtrak the resources it needs to provide high-quality, dependable service.

High-Speed Rail Investment Act is critical to the future of Amtrak. For half the cost of constructing the new Woodrow Wilson Bridge linking Maryland and Virginia, we can create 10 high-speed rail corridors in 28 states. For the cost of the St. Louis Airport expansion, we can improve intercity transportation in 28 states. In October we passed a \$58 billion transportation appropriations bill for this fiscal year. What we are talking about today is an additional \$95 million over the next two years, which will leverage \$2 billion in funding. This is a sound investment.

There is an alarming misconception among some members of this body and around the country that Amtrak is a money pit, where taxpayer dollars simply disappear. Nothing could be further from the truth. In fact, the federal government has invested \$380 billion in our highways and \$160 billion in airports since Amtrak was created. By contrast, the federal government has spent only \$23 billion on Amtrak. We have spent just 4 percent of our transportation budget on rail transportation in the last 30 years.

Those who criticize Amtrak for not "turning a profit" employ a double standard—a double standard that is misleading, unfair and unwise. Between 1985-1995, this country spent \$17 billion more on federal highways than it raised through the federal gas tax and highway trust fund. During the same period, the nation spent \$30 billion more on aviation expenditures than it received through the aviation trust fund. By their misguided logic, there can be only one solution: since neither of those trust funds operated at cost, we should eliminate these programs. That's nonsense. So why are we failing to adequately invest in rail transportation?

Mr. President, high-speed rail is a viable transportation alternative. There is a large and growing demand for rail service in the Northeast Corridor. Amtrak captures almost 70 percent of the business rail and air travel market between Washington and New York and 30 percent of the market share between New York and Boston. High-speed rail will undoubtedly increase that market share.

These new trains, like the Acela Express that debuted in the Northeast this year, currently run at an average of only 82 miles per hour, but with track improvements, will run at 130 miles per hour.

As a Nation, we have recognized the importance of having the very best communication system, and ours is the envy of the world. That investment is one of reasons our economy is the strongest in the world. And we should

do the same for our transportation system. It should be equally modern and must be fully intermodal. And in order to do that, we must invest in rail transportation, invest in Amtrak and be certain to include this inexpensive legislation in the last bill of the 106th Congress.

Mr. LAUTENBERG. Mr. President, before I yield, and I will continue to do so throughout the night, I say to my friends, my colleagues from Massachusetts and Delaware, that I am grateful for their comments. I am sure we will see, and I am particularly grateful to the majority leader and Democratic leader, an Amtrak bill on the floor early in the next session. I am sorry I will not be here, but in the meanwhile, I will yield to the majority leader.

Mr. LOTT. Mr. President, again I thank the Senator.

#### UNANIMOUS CONSENT AGREEMENT VITIATED

Mr. LOTT. Mr. President, I ask unanimous consent that the earliest unanimous consent which was agreed to with regard to the time for handling the appropriations conference report be vitiating.

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

#### UNANIMOUS CONSENT AGREEMENT

Mr. LOTT. Mr. President, I ask unanimous consent that notwithstanding the receipt of the papers, the Senate now proceed to the debate relative to the appropriations conference report and that there be up to 40 minutes for explanation to be divided between the two leaders, with 45 additional minutes under the control of Senator GRAHAM of Florida, an additional 20 minutes under the control of Senator BYRD, and an additional 10 minutes under the control of Senator SPECTER. I further ask unanimous consent that once the Senate receives the conference report, the conference report be considered agreed to and the motion to reconsider be laid upon the table, all this immediately after the remarks of the Senator from New Jersey, Mr. LAUTENBERG.

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

Mr. LOTT. I thank Senator LAUTENBERG. I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent to yield up to 5 minutes to the Senator from New York.

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

#### AMTRAK

Mr. MOYNIHAN. Mr. President, I will not require more than a few moments to thank my friend from New Jersey and express confidence in the Senators

from Massachusetts and Delaware who have just spoken, to thank the distinguished chairman of the Appropriations Committee and my revered friend, the ranking member, the Senator from West Virginia, and the majority leader.

May I say, sir—something we often lose sight of—this is a national issue and ought to be addressed by the Congress. We are the only major industrial state in the world that has not sought to recreate and revivify its rail system in the last generation.

The Committee on Environment and Public Works in the last 20 years has turned to this. In 1989, we passed the Intermodal Surface Transportation Efficiency Act, calling for just such measures—later the Transportation Efficiency Act. We created financial instruments and the possibility of investments to be involved.

We can do this. We are on the verge of it. To miss it at this moment would be to miss a moment in history for which I think we will not be happy. But I am so confident, from what I have heard today, that I leave the Senate yet more proud of having been here 24 years, thanking all—thanking particularly the Presiding Officer for his friendship and leadership in so many important matters.

I yield the floor with great satisfaction of what has just transpired. If this is the kind of mode we enter into in January, there is much to expect from the 107th.

Thanks to my friend from New Jersey.

Mr. LAUTENBERG. Mr. President, I thank the Senator from New York.

The majority leader made a private statement to me, which I will state publicly. He said, as we ready for my departure, bipartisanship is breaking out all over. And I am not quite sure how that is meant. But I yield up to 3 minutes to the Senator from Pennsylvania, with the understanding I retain the floor.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Pennsylvania.

Mr. SPECTER. I thank the distinguished Senator from New Jersey for yielding to me. I compliment him for his leadership on Amtrak generally and especially on this current plan for financing.

I support Amtrak and believe the proposal to provide this additional funding is very much in the national interest. I think it is a very salutary thing, as some have already commented, that we have people extending their hands across the aisle on a matter of great national importance.

The Senator from Delaware, I think, characterized the situation very aptly when he talked about federalism; and that is, one region helping another region.

There is no doubt that those of us who live in the eastern corridor—and I am a beneficiary of Amtrak. It is 1 hour and 37 civilized minutes from

Washington, DC, to 30th Street Station in Philadelphia. But it is more than my convenience; it is the infrastructure of the country.

I think this is very good for the country that we are going to be moving ahead with this legislation next year, and a very good sign for the 107th Congress that hands are being extended across the aisle to show bipartisanship. If this carries forward in the next year generally, it will be very good for the American people.

I, again, thank my colleague from New Jersey.

Mr. LAUTENBERG. I thank the Senator from Pennsylvania for not only his comments but for his help. He is someone we counted on to work so closely with us, to bring seriously a bipartisan aspect to the protection that we are looking for to make sure that Amtrak—the national goal for railroading all across this country—will be able to continue.

It is obvious to me, as we have listened to the comments, that unless these investments are made now, or very soon, we will be unable to fulfill the objectives of having Amtrak as a self-sufficient entity operating with its operating budget met by the revenues that it derives. The funds that we will be able to get from this proposed bond issue will enable it to make the capital investment it so desperately needs.

#### SERVING IN THE SENATE

Mr. LAUTENBERG. Mr. President, one of the things I wanted to do, as I tried to plan my Senate objectives, was to make sure the children of our country were as protected as they could be by legislation that we developed in the Congress.

Under Republican leadership, when President Reagan was the President in 1984—Elizabeth Dole was the Secretary of Transportation—we were able to write a bill and create a law that made the 21-year-old drinking age the minimum drinking age for serving liquor across the country. Since that time, 17,000 families have been spared the need to mourn the loss of a child.

Mr. President, 17,000 youngsters, that is enough to fill a large arena. If one looked at the number of young people who would fill that arena, you would say: My Lord, are we lucky that these children have lived and will survive to their adulthood and through their full life because we were able to restrict their access to alcohol.

Therefore, it was appropriate, toward the later days of my career, that we were able to add another item of protection by lowering the blood-alcohol level to .08, a standard which will save an additional 500 to 700 lives a year. President Clinton recently signed that into law, as well. So I am pleased with the fact we were able to get that done. My team and I worked very hard to make that happen. It took several years for it to be accomplished, but accomplished it was.

A large part of that accomplishment, I must say, was because of our distinguished friend and leader—I think they would have a reference in totalitarian governments, but I mean it in the kindest way—as a leader for life, that Senator BYRD has brought to us, not only with his knowledge, his understanding of the process, but he is virtually the historian of the Senate. The thing that has always amazed me is he can do it virtually from memory, and bring us all to our senses about how we conduct ourselves and how we process legislation. I am not only so delighted and honored to have been able to serve with him as a mentor but as a friend as well.

We learn on a continuing basis in this place that Senator BYRD is someone to whom we can always turn, not only to understand his thinking on issues, and the decisions that he provides, but also his leadership.

We saw it manifest again this day because he wanted to help us out of the dilemma with which we were struggling, to find a way to get Amtrak the strength and resources that it needs, but reminding us at this moment there were so many things in front of us that it was not the time, but nevertheless was helpful in his reassurance that he, too, would help process this early in the next Congress. I just am sorry I will not be here to see the day when that takes place.

But I am grateful for the friendship and guidance that the distinguished senior Senator from West Virginia has given me, and all of us, over these many years.

Mr. BYRD. Mr. President, will the distinguished Senator yield?

Mr. LAUTENBERG. I am happy to yield to the Senator from West Virginia.

Mr. BYRD. Mr. President, I thank the distinguished Senator for his remarks. I shall miss him. We shall all miss him. He has served on the Appropriations Committee, and served well, served as chairman of the Transportation Appropriations Subcommittee, and served well.

He has the highest interests of the Nation always at heart. He has been a very capable Senator. He is never one to forget his obligations, his responsibilities, his duties to the people who have sent him here. I have considered it to be a great honor and high privilege to serve with the Senator. I shall miss him. I am sure he will continue to serve his country in some way.

But I do hope the Senator will come back and visit with us from time to time. May the Creator of the universe, Father of all of us, watch over and guide FRANK LAUTENBERG and his family. He is so proud of his family. He often speaks of his children, his grandchildren. I know they love him. He will always be in our recollection. May heavenly angels always attend him in whatever he endeavors.

I thank the Senator.

Mr. LAUTENBERG. Mr. President, I thank the Senator from West Virginia.

All of us look to him for his guidance and wisdom.

I have said about Senator BYRD in the past that he is a model for what a computer might do, and he does it without all of the transistors and switches and chips, and all of that. If anyone doubts Senator BYRD's capacity, let them attend one of his lectures on the kings of England or the development of government in the Roman Empire. One will be astounded. I have always felt a little bit like a student when I listened to Senator BYRD. I thank him for his warm comments.

Mr. MCCAIN. Mr. President, will the Senator from New Jersey yield to me for a question of him?

Mr. LAUTENBERG. I am happy to yield to our colleague from Arizona.

Mr. MCCAIN. First of all, I thank the Senator from New Jersey for his advocacy and his strong and heartfelt support about the need for a viable railway system in the Northeast and around America. There has been no one in this body who has been more committed to that proposition than the Senator from New Jersey. I congratulate him. As I said before, we will miss him very much in this body.

I would like to make one additional comment, if I may, to the Senator from New Jersey.

We will go through a regular process next year to bring up an authorization bill for Amtrak which would then be followed by appropriations.

I objected to an appropriation this year because it was \$10 billion over 10 years stuck into an appropriations bill for which there had never been a hearing. I hope the Senator from New Jersey can understand that.

The second point is, I urge the Senator from New Jersey to consider that we have to make a fundamental choice about the national rail system in America—not just an east coast rail system but a national rail system.

There are many countries in the world, including European countries, that regularly subsidize their railway systems. I understand that. I don't dispute it. Perhaps that decision has to be made in the United States of America and in the Congress of the United States with the cooperation of the administration.

I remind the Senator from New Jersey that a few short years ago the decision was made to make Amtrak completely independent. Maybe that was not a wise decision.

Last year, Amtrak lost, I think, 900 million and some dollars, and will lose another \$900 million, or so.

I think we need to make a fundamental decision: Is it a high enough national priority?

I am not prepared to make a decision yet that the taxpayers of America should subsidize a rail system for America. I think the Senator from New Jersey would agree with me that the west coast needs one probably almost as much as the east coast does.

We need to make a fundamental decision about what the Government's role

will be in a national railway system, and then we need to decide to what degree it is subsidized.

I think a strong argument can be made by anyone who has tried to fly to Newark, or to LaGuardia, or Kennedy lately that they recognize the difficulties in relying simply on air transportation. I think an argument can be made. But I think it deserves full debate and discussion.

I thank the Senator from New Jersey. I understand his disappointment on this issue. But I would like to make a personal commitment that his spirit will live on, and we will fully examine and fully ventilate this issue and try to come up with a proposal that will satisfy the needs of his constituents and Americans all over this country. Again, I say that with profound admiration and respect for the Senator from New Jersey.

Could I make one final comment? I hope to get a recorded vote on this bill. I will be recorded as voting against it for the usual reasons, and will have a statement included in the RECORD.

I thank the Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I thank the Senator from Arizona for his laudatory comments. It is nice to hear that one will be missed. We haven't discussed the degree, but nevertheless being missed counts.

I wish to say one thing in response to the thoughtful statement of the Senator from Arizona about Amtrak and a national railroad. I am glad that he did it because I misunderstood. Frankly, perhaps it is something I thought I heard the Senator from Arizona say in times past about the fact that he would resist advancing resources to Amtrak. I think it was described in terms of a "cash guzzler," if I am correct in that recognition. But I am glad to hear the Senator from Arizona.

Let it not ever be mistaken that Senator JOHN MCCAIN and I have had some differences on the floor and off the floor, but the fact is that I believe there is mutual respect. Certainly, I respect him for his contributions to America and for his contributions to this body.

If anyone has any doubts about JOHN MCCAIN's capacity to deliver a message, one only need to look at the recent election to see that with very limited resources JOHN MCCAIN was able to influence the direction of policy that we are going to be witnessing in the next administration.

But I also hope that Senator JOHN MCCAIN, the Senator from Arizona, and the Senator from Wisconsin, Mr. FEINGOLD, will be able to accomplish something that has been lingering over this place. It is overdue. It has been talked about forever, and it has never been accomplished. The reason I made a decision to leave this body that I love dearly was because I didn't want to go out and raise that money.

The Senator from Arizona and the Senator from Wisconsin, Mr. FEINGOLD,

have done a masterful job in working inch by inch to get to the place where we examine as a proposal for the near future, I hope, how we ought to finance Senate races. I think the moment is near at hand. I hope that examination, frankly, obviously without my participation, will be taken. I will be encouraging you from the sidelines.

Mr. LOTT. Mr. President, will the Senator yield again?

Mr. LAUTENBERG. Boy, I could really carve out a few chips if I were going to remain here. I am happy to yield, provided I recover the floor.

Mr. LOTT. I thank the Senator.

## EXECUTIVE CALENDAR

### EXECUTIVE NOMINATIONS

Mr. LOTT. Mr. President, I now have a list of Executive nominations which have been cleared on both sides.

We have been working on this for several days. A number of these nominations were running the risk of not being confirmed, or possibly having recess appointments, which we would like to avoid. This list includes Executive calendar nominations and nominations to be discharged from several committees and confirmed.

In executive session, I ask unanimous consent that the nominations I send to the desk be confirmed, the motions to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate then resume legislative session.

I add that this list is comprised of approximately 41 nominations, plus an additional list of almost 400 Foreign Service career officers.

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

The nominations were considered and confirmed en bloc, as follows:

Claude A. Allen, of Virginia, to be a Member of the Board of Directors of the African Development Foundation for a term expiring September 22, 2005.

Willie Grace Campbell, of California, to be a Member of the Board of Directors of the African Development Foundation for a term expiring September 22, 2005.

Foreign Service nominations beginning Avis T. Bohlen, and ending Mark Young, which nominations were received by the Senate and appeared in the Congressional Record on October 6, 2000.

John M. Reich, of Virginia, to be a Member of the Board of Directors of the Federal Deposit Insurance Corporation for a term of six years.

Robert S. LaRussa, of Maryland, to be Under Secretary of Commerce for International Trade.

Marjory E. Searing, of Maryland, to be Assistant Secretary of Commerce and Director General of the United States and Foreign Commercial Service.

Michael Prescott Goldwater, of Arizona, to be a Member of the Board of Trustees of the Barry Goldwater Scholarship and Excellence in Education Foundation for a term expiring October 13, 2005.

Frederick G. Slabach, of California, to be a Member of the Board of Trustees of the Harry S. Truman Scholarship Foundation for a term expiring December 10, 2005.

Betty F. Bumpers, of Arkansas, to be a Member of the Board of Directors of the United States Institute of Peace for a term expiring January 19, 2001.

Betty F. Bumpers, of Arkansas, to be a Member of the Board of Directors of the United States Institute of Peace for a term expiring January 19, 2005.

Barbara W. Snelling, of Vermont, to be a Member of the Board of Directors of the United States Institute of Peace for a term expiring January 19, 2005.

Holly J. Burkhalter, of the District of Columbia, to be a Member of the Board of Directors of the United States Institute of Peace for a term expiring January 19, 2005.

Mora L. McLean, of New York, to be a Member of the Board of Directors of the United States Institute of Peace for a term expiring January 19, 2001.

Mora L. McLean, of New York, to be a Member of the Board of Directors of the United States Institute of Peace for a term expiring January 19, 2005.

Maria Otero, of the District of Columbia, to be a Member of the Board of Directors of the United States Institute of Peace for a term expiring January 19, 2003.

MORRIS K. UDALL SCHOLARSHIP & EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION

Eric D. Eberhard, of Washington, to be a Member of the Board of Trustees of the Morris K. Udall Scholarship & Excellence in National Environmental Policy Foundation for a term expiring October 6, 2002.

#### DEPARTMENT OF JUSTICE

Randolph D. Moss, of Maryland, to be an Assistant Attorney General.

#### DEPARTMENT OF JUSTICE

David W. Ogden, of Virginia, to be an Assistant Attorney General.

Daniel Marcus, of Maryland, to be Associate Attorney General.

#### UNITED STATES INSTITUTE OF PEACE

Barbara W. Snelling, of Vermont, to be a Member of the Board of Directors of the United States Institute of Peace for a term expiring January 19, 2001.

Marc E. Leland, of Virginia, to be a Member of the Board of Directors of the United States Institute of Peace for a term expiring January 19, 2003.

Harriet M. Zimmerman, of Florida, to be a Member of the Board of Directors of the United States Institute of Peace for a term expiring January 19, 2003.

Holly J. Burkhalter, of the District of Columbia, to be a Member of the Board of Directors of the United States Institute of Peace for a term expiring January 19, 2001.

#### BARRY GOLDWATER SCHOLARSHIP & EXCELLENCE IN EDUCATION FOUNDATION

Donald J. Sutherland, of New York, to be a Member of the Board of Trustees of the Barry Goldwater Scholarship and Excellence in Education Foundation for a term expiring August 11, 2002.

#### DEPARTMENT OF COMMERCE

Arthur C. Campbell, of Tennessee, to be Assistant Secretary of Commerce for Economic Development.

#### APPALACHIAN REGIONAL COMMISSION

Ella Wong-Rusinko, of Virginia, to be Alternate Federal Cochairman of the Appalachian Regional Commission.

#### DEPARTMENT OF STATE

Richard A. Boucher, of Maryland, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be an Assistant Secretary of State (Public Affairs).

#### DEPARTMENT OF THE TREASURY

Lisa Gayle Ross, of the District of Columbia, to be an Assistant Secretary of the Treasury.

#### DEPARTMENT OF TREASURY

Ruth Martha Thomas, of the District of Columbia, to be a Deputy Under Secretary of the Treasury.

#### DEPARTMENT OF THE TREASURY

Jonathan Talisman, of Maryland, to be an Assistant Secretary of the Treasury.

#### AGENCY FOR INTERNATIONAL DEVELOPMENT

Everett L. Mosley, of Virginia, to be Inspector General, Agency for International Development.

#### DEPARTMENT OF JUSTICE

Glenn A. Fine, of Maryland, to be Inspector General, Department of Justice.

#### DEPARTMENT OF LABOR

Gordon S. Heddell, of Virginia, to be Inspector General, Department of Labor.

#### CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

Mark D. Gearan, of Massachusetts, to be a Member of the Board of Directors of the Corporation for National and Community Service for a term of two years.

#### NATIONAL SCIENCE FOUNDATION

Mark S. Wrighton, of Missouri, to be a Member of the National Science Board, National Science Foundation, for a term expiring May 10, 2006.

#### DEPARTMENT OF LABOR

Leslie Beth Kramerich, of Virginia, to be an Assistant Secretary of Labor.

#### UNITED STATES INSTITUTE OF PEACE

Seymour Martin Lipset, of Virginia, to be a Member of the Board of Directors of the United States Institute of Peace for a term expiring January 19, 2003.

#### DEPARTMENT OF STATE

Luis J. Lauredo, of Florida, to be Permanent Representative of the United States to the Organization of American States, with the rank of Ambassador.

Rust Macpherson Deming, of Maryland, a Career member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Tunisia.

Ronald D. Godard, of Texas, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Co-operative Republic of Guyana.

Michael J. Senko, of the District of Columbia, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States to the Republic of the Marshall Islands, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Kiribati.

Howard Franklin Jeter, of South Carolina, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Federal Republic of Nigeria.

Lawrence George Rossin, of California, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Croatia.

Brian Dean Curran, of Florida, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Haiti.

#### AGENCY FOR INTERNATIONAL DEVELOPMENT

Barry Edward Carter, of the District of Columbia, to be an Assistant Administrator of

the United States Agency for International Development.

#### INTERNATIONAL MONETARY FUND

Margrethe Lundsager, of Virginia, to be United States Alternate Executive Director of the International Monetary Fund for a term of two years.

#### DEPARTMENT OF JUSTICE

Loretta E. Lynch, of New York, to be United States Attorney for the Eastern District of New York for the term of four years.

#### DEPARTMENT OF THE TREASURY

Lisa Gayle Ross, of the District of Columbia, to be Chief Financial Officer, Department of the Treasury.

#### FOREIGN SERVICE

PN1176 Foreign Service nominations (84) beginning John F. Aloia, and ending Paul G. Churchill, which nominations were received by the Senate and appeared in the Congressional Record of July 26, 2000.

PN1220 Foreign Service nominations (104) beginning Guy Edgar Olson, and ending Deborah Anne Bolton, which nominations were received by the Senate and appeared in the Congressional Record of September 7, 2000.

PN1221 Foreign Service nominations (20) beginning James A. Hradsky, and ending Michael J. Williams, which nominations were received by the Senate and appeared in the Congressional Record of September 7, 2000.

Mr. LOTT. I thank Senator DASCHLE, Senator HARKIN, Senator MACK, Senator HELMS, and a number of others who have worked to get this list cleared.

#### RECESS APPOINTMENTS

Mr. LOTT. Mr. President, one note on these nominations and appointments:

I understand that United States Presidents have for years had the ability to recess appoint nominations. I know of many instances going back at least to the 1950s. I also understand that many majority leaders—including Senator BYRD and Senator Mitchell—have had words of caution for Presidents of the United States when they were majority leader with respect to recess appointments. I know that this majority leader, as well as Senator BYRD, are very much concerned about recess appointments—especially appointments to the Federal judiciary—during a period of time after we adjourn sine die, or at the beginning, frankly, of the year right as we go into the new administration. Congress has seen this area to continue to erode. I think we need to deal very aggressively with it. The Vacancy Act that Senator BYRD has worked on is something about which we need to be very serious. I hope this administration will heed these words of caution and understand the concerns of the whole Senate.

I yield the floor.

Mr. BYRD. Mr. President, will the Senator yield?

Mr. LOTT. I would be glad to yield the floor before we return it to Senator LAUTENBERG, if I might.

The PRESIDING OFFICER. The Senator from New Jersey has the floor.

Mr. LAUTENBERG. Mr. President, you do that job perfectly with diligence, for the record.

I am happy to yield. In fact, I would be afraid not to yield to our distinguished Senator, my friend from West Virginia.

Mr. BYRD. Mr. President, I thank the distinguished Senator. I will not speak long.

Mr. President, the distinguished majority leader has made reference to recess appointments. Let me read what is in the Constitution. I read from section 2 of article II of the Constitution:

The President shall have Power to fill up all Vacancies that may happen during the Recess of the Senate, by granting Commissions which shall expire at the End of their next Session.

Having been the majority leader in the Senate earlier in my years here, I have been very careful to caution Presidents not to make recess appointments during the recess of the Senate unless there is indeed an emergency that arises.

That is the purpose of this. That provision in the United States Constitution is not put in there to enable any President, Republican or Democrat, to play games with the Senate, or to attempt to do a one-upmanship simply because the Senate is out of session.

I hope that Presidents, Democratic and Republican, will be very careful in filling a vacancy that "may happen" during a recess. That is the way the Constitution reads.

I hope there is no effort to take advantage of those words by appointing someone to fill vacancies that have been in existence for some time. I especially hope that no administration will attempt to fill a Federal judgeship during the recess of the Senate. After all, a Federal judgeship is an appointment for life. That is not an appointment just until the end of the next session. Federal judgeships are, through the Constitution, for life tenure if they conduct themselves appropriately while in office.

I want to say this: I am opposed to judgeship appointments during a recess. I hope that any President will proceed very cautiously and not attempt to take advantage of the situation by appointing judgeships during the recess of the Senate.

How long will this Senate be in recess?

Mr. LOTT. I say to the Senator from West Virginia, I believe we will be in recess slightly over 2 weeks, probably 17 days, until the new Congress comes in on January 23.

Mr. BYRD. I can only see through my own eyes, but I don't consider that to be too long a time to await the appointment of a Federal judgeship or any other office, unless it should be Secretary of Defense or perhaps Secretary of State. But it is certain that there is no need to fill judgeships during this 2 weeks, or whatever it is. We will be back here. I will not support any administration, Democratic or Republican, that attempts to fill Federal judgeships while the Senate is in recess. I think that is playing politics.

We all play politics some, but we are fooling around a little too deeply with the fountain of politics. I hope we don't poison that well by attempting to pull a fast one here. Is that what the Senator is talking about?

Mr. LOTT. I understand, of course, that is a possibility. We have not been notified of any recess appointments or any Federal judicial appointment during this recess period. However, I note it has been done in the past, and there has been some suggestion it could occur during the next 6 weeks before the next Inauguration.

I want to check on exactly what would be the situation. I understand even a Federal judge's term would expire, depending on when it happened, at the end of the Congress, but there would be tremendous pressure then to reappoint that person. I agree with the Senator that any appointment of a Federal judge during a recess should be opposed, regardless of who they are or whether it is Republican or Democrat. I commit myself now to remember that when there is a Republican administration, as well as a Democratic administration.

I do know there were Federal judges back in the early 1950s appointed by President Eisenhower. That was a mistake then, and it would be one now. I understand that could be contemplated. This word of caution on your behalf and on mine on behalf of the Senate, hopefully, will cause that not to happen.

Mr. BYRD. Mr. President, if the distinguished majority leader will yield further.

Mr. LOTT. I am happy to yield to the Senator.

Mr. BYRD. I presume to offer the majority leader a suggestion, what I would do if I were in his place. I would write to the President and urge that no such recess appointment be made, and put it in writing, make a record of it. Furthermore, if I were the majority leader, I would talk with the administration.

Mr. LOTT. I appreciate that.

Mr. BYRD. I am not trying to tell the Senator what to do, but this is a serious thing with me. As for the politics of it, I am not talking Democratic politics or Republican. But there is such a thing as comity between the executive branch and the legislative branch. There is such a thing as the Constitution, and I happen to hold a copy in my hand right now. There is also such a thing as the prerogatives of the Senate. I try to defend those prerogatives.

The Senator made a comment about recess appointments. I hope he will get some assurance. If there is any doubt in his mind—any doubt—that this administration or any other is going to try to make a recess appointment, especially of a Federal judgeship, while the Senate is out for these two or three weeks. I hope the Senator will get a commitment out of the administration, if he can, that that will not happen.

That is going pretty far, in my judgment—to appoint a Federal judge for

life "during good behavior." I don't know whether there have been judges appointed during a recess of the Senate in the face of this provision which I have just read, to wit:

The President shall have power to fill up all vacancies that may happen during recess of the Senate by granting commissions which shall expire at the end of their next session.

That is all I have to say. I have been concerned about that, I say to the distinguished majority leader. I have worked with the distinguished Senator from Tennessee, Mr. THOMPSON, and his committee, and a former Senator, who was the ranking member of that committee, John Glenn. We hammered out some legislation. I was concerned about the fact that the administration was appointing people who stayed in those positions for a year, for 2 years, for longer than 2 years, so we hammered out legislation and passed it in the Senate—the Vacancies Act.

About 6 months ago, I asked Senator THOMPSON how the law was working. He indicated he would get back to me in answering my question at some point.

I just happened to be here on this floor, during the comments of the majority leader and I can't stress too greatly my concern about recess appointments of Federal judges.

I hope the majority leader, if he will pardon my presumptuousness, will try to get some understanding with the administration about that. That is the way I always did when I was majority leader: I got some understanding.

Mr. LOTT. Mr. President, I say to the distinguished Senator from West Virginia, that is very good counsel. I will do that on a personal basis. I will also follow an example that I believe has been carried out in the past by Senator BYRD, maybe even by Senator Dole: In writing, get an understanding or some clarification. I will do that letter, and it will include this colloquy which just occurred.

I thank the Senator for his comments, and I yield the floor.

#### LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now resume legislative session.

The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I suspect you are getting weary of issuing that statement.

Mr. President, just because I want to talk about 18 years of service doesn't mean I have to take 18 hours to do it. I will try to consolidate it.

I have been talking about things that meant so much to me in the Senate and about the honor given when one is elected to this office. Too often it is denigrated in the heat of battle for victory in elections and again criticism of government and the bureaucrats, and so forth. It gets to a point where I must say I am very defensive, particularly for the staff who give so much of themselves to make things happen.

Part of the work we have done over these years has proven to be of benefit. I hope I will be forgiven for taking some minutes to talk about things that can happen. I am proud of the work I did on gun safety, especially the law which takes guns away from domestic violence offenders who abuse their wives and their children. I am disappointed that more wasn't done to close the gun show loophole which permits people to buy weapons without any identification. I hope in the 107th Congress, with the new Members on both sides of the aisle, people who come here with good credentials, with those who have been here in the past from the 106th Congress, we will pass that law.

Tobacco. Often when I am on an airplane, I am thanked by flight attendants and passengers for writing the ban on smoking in airplanes. It was a move that changed our country's cultural attitude on smoking. The tobacco industry has to understand that. I hope scientists have seen signs of understanding and cooperation that will lead them to work with us, through the FAA, to try to come to some kind of reconciliation of the position they are in where smoking brings so much damage and costs to our society. They are beginning to know that, and I hope they come up with something to permit citizens to avoid the poisons, the addiction that results from cigarette smoking.

The Superfund is another program on which I worked fairly diligently for a long time without success, so far, in terms of getting it reauthorized, as it should be with a tax income that has those responsible, who could be responsible for that pollution, pay for the cleanups. We missed passing a bipartisan brownfields bill this year and hope that will take place next year.

As we have reviewed tonight, transportation is one of my deepest interests. In working the bill to maintain our mass transit system, highways, airports, and ports have been a top priority for me as chairman and ranking member of the Appropriations Transportation Subcommittee. I believe we will face a serious transportation crunch in the future, as discussed, unless we develop high-speed rail wherever we can throughout this country. That is why this passage of the High Speed Rail Investment Act is so critical. And, once again, I thank the leaders for agreeing. I include the chairman of the Appropriations Committee, Senator STEVENS, and the ranking member, Senator BYRD, for their willingness to cooperate getting that Amtrak bill in place next year.

Also, I am delighted to have served with our friend, Senator CONNIE MACK from Florida, who is also in the process of retiring from the Senate. He and I worked very hard to get passage of a bill that punishes those who would commit terrorist acts and to help the victims of terrorism. We came to a conclusion, before we left on our last

break, that we will have these people receive compensation directed at having those nations that support terrorism pay for it. We are trying to get an understanding that, no matter what you do, if you support terrorism or you commit an act of terrorism, you are going to have to pay for it, and pay severely.

I am proud of the work, also, I was able to do on the Budget Committee, especially the 1997 balanced budget agreement that laid the foundation for some of the surpluses we are now enjoying. I must say, when I walked across the lawn with the President of the United States and watched him sign that bill, I thought it was a moment I only wished my parents could have seen.

I have served with many great men and women in the Senate. I have respect for all of them. I cannot name them all at this time, but I do want to mention some of the special ones. I worked with great majority and minority leaders. When I came here in 1983, Senator Howard Baker was the majority leader. I found him to be one of the most honorable people I have met. His word was his bond, and he taught me some early lessons when I asked him for a letter confirming a statement he had made to me, a promise he had made to me about a piece of legislation. So I said: May I have a letter to that effect? He said: If you need a letter from me, we are all in trouble.

I was startled for a moment. But I could see then that Senator Howard Baker was a man of his word, as I have seen with other leaders on both sides.

Senator ROBERT BYRD was minority leader when I came; later in the 1980s, Senator George Mitchell, Senator Bob Dole, distinguished leaders of our two parties. In the 1990s, I had the privilege to work under the stewardship of Senator TRENT LOTT and my good friend Senator TOM DASCHLE, among the very good people who served in leadership roles. It is not an easy place to manage. I don't know whether there is ever going to be a school of hard knocks that is going to teach people how to run the Senate. But I think it has to be learning under fire with an occasional singeing here and there.

As a long-time member of the Appropriations Committee, I served under terrific leadership: Senator Hatfield, Senator Stennis, Senator STEVENS, and Senator BYRD. I don't think anyone of either party would quibble with my opinion that our friend Senator BYRD has been one of the great Senators in the history of this Republic.

I have served for almost 16 years on the Senate Environment and Public Works Committee. That committee was led by extraordinary leadership, Senators such as Bob Stafford, Lloyd Bentsen, Quentin Burdick, John Chafee, PAT MOYNIHAN, and BOB SMITH has taken over the reins there. MAX BAUCUS is the ranking member, and their leadership has been excellent. We worked hard to get things done. The

funny thing is, it seemed that a spirit of bipartisanship just emerged without it being put into a record book or a program design. It just worked that way.

I served on the Budget Committee. I did see Senator PETE DOMENICI here. I did that for 16 years. I worked with the best. PETE DOMENICI is an outstanding chairman. We disagree on some of the policy things, but I wanted Senator DOMENICI to know how much I respected his work as chairman of the Budget Committee. I finally got his attention.

Senator DOMENICI and I had some disagreements—we had many agreements. But above all, we maintained respect for one another. That even developed, if I might describe it, as affection for one another, a respect for the turn our lives have taken and the problems we both would like to solve in our society.

We had Jim Exon, Jim Sasser, Senator STEVENS, we had some really good people—Lawton Chiles—who worked to chair these committees. There are others who left us with a memory of some greatness: People such as TED KENNEDY, PAT MOYNIHAN, fighters such as Howard Metzenbaum, Dale Bumpers, statesmen such as JOE BIDEN, Lloyd Bentsen, and my colleague Bill Bradley; and American heroes such as DANNY INOUE, Bob Dole, BOB KERREY, and John Glenn—people who paid, in many cases, steep prices for their service to country.

We worked with Presidents from both parties. Despite our differences, I was able to get things done with Presidents Reagan and Bush. Particularly with President Reagan, as I noted, I was able to get the legislation in place that raised the legal drinking age to 21. President Bush signed my legislation to ban smoking on all domestic airlines. I don't know whether that says something about the old saw that divided leadership in the various parts of government maybe produces good results. I wish I could have tried it all my way, but it did not get to work. But the system does work.

I cannot leave this place with any criticism of the place not working or so forth. Sometimes the work goes slower than you would like. Sometimes it is more painful than you would like. But the fact is, this institution of government does work, and the people across the country have to know that, even as we looked at this kind of torturous process that followed the election we just completed. We are on to a new Presidency. We are on to the hope for the next century, for the next administration at least, that America will be able to continue to enforce its leadership in the world, not only militarily or functionally, but morally as well.

So, Mr. President, it has been quite a go that I have had, to use the expression. I worked very hard for my State. I love New Jersey. I was born there. We have had Members in Congress there from both parties, and we worked together on a variety of joint Federal and



State matters such as transportation, health care, and welfare. We had Governors such as Tom Kean, Jim Florio, and the present Governor Christine Todd Whitman. We were able to put politics aside and work together for the good of the people of the State of New Jersey. I am deeply grateful to the people of New Jersey. I thank them for putting their trust in me by sending me to the U.S. Senate for three terms. I hope I have made good on their trust and did the job they elected me to do.

I welcome JOHN CORZINE, who is going to take this seat in the 107th Congress. He is a terrific fellow. He is going to do an excellent job, in my view. I was pleased to work with him in the election and, as a matter of fact, through these past couple of weeks as well, to see if I could be of help to him as he gets himself established, ready to take on the assignments of the Senate as Senator from New Jersey.

I also extend my thanks to President Bill Clinton and Vice President AL GORE. Their leadership in the past 8 years has resulted in unprecedented growth and prosperity for our country. For that I am grateful. Their leadership also helped us solve some of the problems that beset the world, whether it was in Kosovo or Ireland, where division and torment and violence existed for so many years. It is working its way slowly to a peaceful coexistence between the parties there. President Clinton deserves enormous credit for that and our intervention in Kosovo to stop the killing and abuse of people there.

We look at the Clinton years as years of good government, of good accomplishment, to say President Clinton and Vice President GORE will be remembered for the good things they brought to this country.

I thank my staff, perhaps the most loyal anyone could have, and many of them are here tonight and have stayed with me, as they say, to the end. Many of them have their own concerns, their own families, their own futures, their own careers to look after, but they stuck by, and we continued to get things accomplished—even this, though it is my last active day as a Senator, though I will be a Senator until January 3. My staff and I are showing we are still fighting to get things done.

I was pleased with the outcome for Amtrak. Our people have worked long hours with great energy. They are talented, professional, bright, skilled people who are totally committed to our common view of public service. Whether it was in my personal office, State offices, Budget or Appropriations Committees, my people made enormous contributions day in and day out, and my service has been enriched and made more effective by their contribution.

I have had some great people on the staff over the years who have dedicated their time and energy to advance our agenda. They have been outstanding public servants, anonymously serving the public interest, not elected but just

as dedicated as anyone who has been elected to office.

I want to take a few minutes to name for the RECORD people such as Eve Lubalin, my first legislative director, who served for many years as my chief of staff and campaign manager as well. She worked on so many of our accomplishments in 17 years in my office.

Mitchell Oster worked on my 1982 campaign and later was my legislative director. He was an excellent, smart, aggressive staffer.

A friend of mine who worked with me as a press secretary and State director is Jim McQueeney.

James Carville and Paul Begala managed my campaign in 1988. I hope that was part of the propulsion that led them to the lofty positions they had in campaign logistics and successes.

Karin Elkins has been on my staff since 1983.

Bruce King is the staff director of the Senate Budget Committee.

Sandy Lurie, my current chief of staff, has been on the staff for 10 years and has been involved in so many of my initiatives.

Maggie Moran is my State director.

Dan Katz, my outstanding legislative director, has helped me with so many public health issues.

Tom Dosh has worked for me for 18 years, skillfully running the administrative and financial management side of all my offices.

And my long-time assistant Eleanor Popeck has worked for me for over 35 years. She was with me as an assistant when I ran ADP and has worked in my Washington office and Newark office as well. She is an outstanding public servant. Her contributions have been significant.

Peter Rogoff has worked with me on the Appropriations Transportation Subcommittee for over 10 years and has assisted me with so many major transportation accomplishments.

There are many others over the years, and I wish I had time to mention them all. That would be disagreeable with some of the people in the Chamber. I ask unanimous consent to print in the RECORD a list of my key staffers over the years.

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

#### STAFF SINCE JANUARY 1999 AND OTHER KEY STAFF

Amy Abraham, Jeff Acconzo, Sharon Anderson, Nisha Antony, Claudia Arko, Renee Ashe, Bill Ayala, John Bang, Lisa Baranello, Frederic Baron.

Karyn Barr, Gabrielle Batkin, Steve Benson, Maggie Bierwith, Patrick Bogenberger, Natalie Broadnax, Dana Brookes, Aaron Bruschi, Scott Campbell, Cathy Carpino.

Rock Chueng, Sally Cluthe, Todd Coleman, Bill Crawley, Debbie Curto, Christy Davis, Sallie Derr, Nicole Di Lella, Tom Dosh, Andrea Edwards.

Karin Elkins, Val Ellicott, Rob Elliott, Ron Eritano, Jim Esquea, Kyra Fischbeck, Alex Formuzis, Alison Fox, Lorenzo Goco, Lisa Haage.

Heidi Hess, Melissa Holsinger, David Hoover, Louis Imhof, Dan Katz, Bruce King, Lisa

Konwinski, Peter Kurdock, Lou Januzzi, Andrew Larkin.

Vanessa Lawson, Josh Lease, Steve Leraris, Mada Liebman, Julie Lloyd, Ruth Lodder, Eve Lubalin, Sander Lurie, Amy Maron, Colleen Mason.

Denise Matthews, Katie Melone, Melissa Miller, Maggie Moran, Courtenay Morris, Marty Morris, John Mruz, Sue Nelson, Mark Nevins, Liz O'Donoghue.

Tony Orza, Deborah Perugini, Blenda Pinto, Lisa Plevin, Michael Pock, Ellie Popeck, Peter Rogoff, Mike Rose, Nadine Rosenbaum, Jon Rosenwasser.

Nikki Roy, Peter Saharko, Laurie Saroff, Dawn Savarese, Jack Schnirman, Paul Seltman, Jeff Siegel, Retha Sherrod, Tralonne Shorter, Lisa Singleton.

Monica Slater Stokes, Arvind Swamy, Beth Tarczynski, Keith Totaro, Kathy Unzicker-Byrd, Chip Unruh, Raj Wadhwani, Barbara Wallace, Mitch Warren, Sharon Waxman, Ted Zegers.

Mr. LAUTENBERG. Finally, Mr. President, this is not a day without emotion. Eighteen years of my life have been spent here, 18 of the most satisfying years one could imagine. Couple that with some 3 years in the Army, and I have served the Government for 20 years.

I have enjoyed it all. It has been an incredible learning experience for me, but I owe a special thanks to four people: My four children, Ellen, Nan, Lisa, and Josh. I asked them in the early stages what they thought about my running for office. I was chairman of a very large company, and life was pretty good. They all agreed that it was something I ought to do. We did not realize at the time what kind of an interference with normal family life it would be. It has taken lots of time away from our enjoyment of doing things together.

I came to the Senate because I love them so dearly that I wanted to make sure their lives would be safer and fuller. How was that to be accomplished? It was not by earning more assets and resources. I knew my children and my grandchildren could never be as safe as I would like them to be unless everybody's children were as safe as they should be by getting rid of violence in the streets, in the communities, in the neighborhoods, in the schools.

How does one do that? I could not single my kids out and say, OK, let's make sure they are safe and protected. No, I had to say all people's children have to be safe and protected, and that is what I have tried to do here.

That was my inspiration. That outlined the goals I set for myself. That is why I wanted to raise the drinking age, lower the blood alcohol content, get guns out of people's houses, reduce smoking in public areas, make sure toxic chemicals were known throughout the communities in the Right To Know Act, and make sure terrorists did not run freely through our society or through the world chasing American citizens, abusing them, killing them.

I tried. I have not accomplished all of those things, but a lot of them have been accomplished. I wanted the highways to be safer and the skyways to be

safer because of the belief I had that people around the country would share my view on that.

Now the pictures are off the wall, the furniture is moved out, the day is closing for the end of my Senate service. I will acknowledge that it was more than skills and knowledge that brought me here. Some of that was the pure good fortune of the people of New Jersey electing me the first time I went out to run for office. They did not know me from anybody else, but they looked at the record my company had and how we built it from nothing to something important. They looked at my service as commissioner of the Port Authority of New Jersey and New York that controls the bridges, tunnels, terminals, and buildings in New York that was an appointed post. People looked at me and said: Well, we don't know this guy, but it looks like he has done some things correctly. They saw pictures of my family. They know how devoted I am to them. I also was chairman of one of the largest charities of the world for 3 years. They entrusted me with this seat, the New Jersey seat, that I occupied for 18 years. I always refrain from calling it "my seat" because it is not; I filled it for a while.

In closing, I thank the occupant of the chair for the opportunities we have had to share common goals and for his decency in reviewing those with me and having an open mind on many of the issues. I thank my friend from Nevada who stands as the guardsman of the floor in his assignment for the Democrats as the whip, and I note the respect I felt for him when I saw how ardently he worked to protect his State from becoming a nuclear dump, even when we struggled to find a place to put that material—and we do have to find a place. The fact of the matter is, if we defend the interests of our States in concert with the interests of our country, we will have done our jobs correctly.

I hope the legacy I leave will create a brighter future for the people who sent me here, for my eight wonderful grandchildren, and for all of those I took the oath to serve.

Mr. President, I yield the floor.

#### REMINISCENCE AND FAREWELL

Mr. MOYNIHAN. Mr. President, on this last day of the 106th Congress I would ask to be allowed a moment of reminiscence and farewell.

Come January 3—*deo voluntus*, as the Brothers used to teach us—I will have served four terms in the United States Senate, a near quarter century. In our long history only one other New Yorker, our beloved Jacob K. Javits, has served four terms. I had the fortune of joining the Finance Committee from the outset, and served for a period as chairman, the first New Yorker since before the Civil War. I was also, at one point, chair of Environment and Public Works. I have been on Rules and Administration for the longest while,

and for a period was also on Foreign Relations. Senators will know that it would be most unusual for someone to serve on both Finance and Foreign Relations at the same time. An account of how this came about may be of interest.

The elections of 1986 returned a Democratic majority to the Senate and the Democratic Steering Committee, of which I was then a member, began its biannual task of filling Democratic vacancies in the various standing committees. There are four "Super A" committees as we term them. In order of creation they are Foreign Relations, Finance, Armed Services and Appropriations. With the rarest exceptions, under our caucus rules a Senator may only serve on one of these four.

There were three vacancies on Foreign Relations. In years past these would have been snapped up. Foreign Relations was a committee of great prestige and daunting tasks. Of a sudden however, no one seemed interested. The Senate was already experiencing what the eminent statesman James Schlesinger describes in the current issue of *The National Interest* as "the loss of interest in foreign policy by the general public" (p. 110). Two newly-elected Senators were more or less persuaded to take seats. At length the Steering Committee turned to me, as a former ambassador. I remained on Finance.

And so I served six years under the chairmanship of the incomparable Claiborne Pell of Rhode Island. I treasure the experience—the signing and ratification of the Strategic Arms Reduction Treaty (START I), the final days of the Cold War. But I continue to be puzzled and troubled by our inattention to foreign affairs. To be sure, the clearest achievement of this Congress has been in the field of foreign trade, with major enactments regarding Africa, the Caribbean, and China. These, however, have been the province of the Finance Committee, and it was with great difficulty and at most partial success did Chairman BILL ROTH and I make the connection between world trade and world peace. This would have been self-evident at mid-century. I remark, and I believe there is a case, that any short list of events that led to the Second World War would include the aftermath of the Smoot-Hawley Tariff of 1930. Indeed, in the course of the ceremony at which the President signed the measure naming possible permanent normal trade relations with China in connection with its admission to the World Trade Organization, I observed that the 1944 Bretton Woods Conference, which conceived the World Bank, the International Monetary Fund and anticipated an international trade organization, opened on the day I joined the Navy. For certain there was no connection, but my point was simply that in the midst of war the Allies were looking to a lasting peace that might follow, and this very much included the absence of trade wars.

But again, how to account for the falling-off of congressional involvement in foreign affairs. I offer the thought that the failure of our intelligence, in the large sense of term, to foresee—forsooth to conceive!—the collapse of the Soviet Union has brought forth a psychology of denial and avoidance. We would as soon not think too much about all, thank you very much.

I have recounted elsewhere the 1992 hearings of the Foreign Relations Committee on the START I Treaty. Our superb negotiators had mastered every mind-numbing detail of this epic agreement. With one exception. They had negotiated the treaty with a sovereign nation, the Union of Soviet Socialist Republics. Now they brought to us a treaty signed with four quite different nations: Russia, Ukraine, Belarus, and Kazakhstan. When asked when this new set of signatories was agreed to, the Committee was informed that this had just recently taken place at a meeting in Lisbon. An observer might well have wondered if this was the scenario of a Humphrey Bogart movie. The negotiators were admirably frank. The Soviet Union had broken up in December 1991. Few, if any, at their "end of the street" had predicted the collapse. Let me correct the record: None had.

As to the record, I would cite the 1991 article in *Foreign Affairs* by the estimable Stansfield Turner. The Admiral had served as Director of Central Intelligence and knew the record. He was blunt, as an admiral ought. I cite a passage in *Secrecy*:

[Turner wrote,] "We should not gloss over the enormity of this failure to forecast the magnitude of the Soviet crisis. We know now that there were many Soviet academics, economists and political thinkers, other than those officially presented to us by the Soviet government, who understood long before 1980 that the Soviet economic system was broken and that it was only a matter of time before someone had to try and repair it, as had Khrushchev. Yet I never heard a suggestion from the CIA, or the intelligence arms of the departments of defense or state, that numerous Soviets recognized a growing systemic economic problem." Turner acknowledged the "revisionist rumblings" claiming that the CIA had in fact seen the collapse coming, but he dismissed them: "If some individual CIA analysts were more prescient than the corporate view, their ideas were filtered out in the bureaucratic process; and it is the corporate view that counts because that is what reaches the president and his advisors. On this one, the corporate view missed by a mile. Why were so many of us insensitive to the inevitable?"

Just as striking is the experience of General George Lee Butler, Commander of the U.S. Strategic Command (STRATCOM) from 1990 to 1994. Again to cite from *Secrecy*.

As the one responsible for drafting the overall U.S. strategy for nuclear

war, Butler had studied the Soviet Union with an intensity and level of detail matched by few others in the West. He had studied the footage of the military parades and the Kremlin, had scrutinized the deployments of Soviet missiles and other armaments: "In all, he thought of the Soviet Union as a fearsome garrison state seeking global domination and preparing for certain conflict with the West. The only reasonable posture for the United States, he told colleagues, was to keep thousands of American nuclear weapons at the ready so that if war broke out, Washington could destroy as much of the Soviet nuclear arsenal as possible. It was the harrowing but hallowed logic of nuclear deterrence." But Butler began having doubts about this picture, upon which so much of U.S. foreign policy was based, by the time of his first visit to the Soviet Union, on December 4, 1988. When he landed at Sheremetyevo Airport, on the outskirts of Moscow, he thought at first that the uneven, pockmarked runway was an open field. The taxiways were still covered with snow from a storm two days earlier, and dozens of the runway lights were broken. Riding into downtown Moscow in an official motorcade, Butler noticed the roads were ragged, the massive government buildings crumbling. He was astonished when the gearshift in his car snapped off in his driver's hand. After pouring over thousands of satellite photos and thirty years' worth of classified reports, Butler had expected to find a modern, functional industrialized country; what he found instead was "severe economic deprivation." Even more telling was "the sense of defeat in the eyes of the people. . . . It all came crashing home to me that I really had been dealing with a caricature all those years."

General Butler was right. More than he might have known. This fall former National Security Advisor Zbigniew Brzezinski estimated that the economy of "Russia is one-tenth the size of America and its industrial plant is about three times older than the OECD average." The population has dropped from 151 million in 1990 to 146 million in 1999. Infant mortality is devastating. Far from overwhelming the West, it is problematic as to whether Russia can maintain a presence east of the Ural Mountains. If you consider that the empire of the Czars once extended to San Francisco we can judge the calamity brought about by sixty-some years of Marxist-Leninism.

And yet we did not judge. To say again, the United States government had no sense of what was coming, not the least preparation for the implosion of 1991.

In 1919, John Reed, a Harvard graduate, and later a Soviet agent wrote *Ten Days that Shook the World*, his celebrated account of the Russian Revolution, as it would come to be known, in October 1917. In no time these events acquired mythic dimension for intel-

lectuals and others the world over. At Harvard, Daniel Bell would patiently guide students through the facts that there were two Russian Revolutions; the first democratic, the second in effect totalitarian. But this was lost on all but a few.

It would appear that the Soviet collapse was so sudden, we were so unprepared for it, that we really have yet to absorb the magnitude of the event. It was, after all, the largest peaceful revolution in history. Not a drop of blood was shed as a five hundred year old empire broke up into some twelve nations, Azerbaijan, Armenia, Belarus, Georgia, Kazakhstan, the Kyrgyz Republic, Moldova, Russia, Tajikistan, Turkmenistan, Uzbekistan and Ukraine, whilst formerly independent nations absorbed into the Soviet Bloc, Poland, the Czech Republic, Lithuania, Latvia, Estonia et al., regained their independence. In the aftermath there has been no book, no movie, no posters, no legend.

To the contrary, weak Russia grows steadily weaker—possibly to the point of instability, as shown in the miserable events in Chechnya. We see a government of former agents of the intelligence services and the secret police. We see continued efforts at increasing armament. Witness the sinking of the nuclear submarine Kursk. We see the return of the red flag. We see little engagement with the West, much less the East where China looms with perhaps ten times the population and far more economic strength.

And the United States? Apart from a few perfunctory measures, and one serious, the Nunn-Lugar program, almost no response. To the contrary, at this moment we have, as we must assume, some 6,000 nuclear weapons targeted on Russia, a number disproportionate at the height of the Cold War, and near to lunacy in the aftermath. When, as Senator LUGAR estimates, the Russian defense budget has declined to \$5 billion a year.

What is more, other than the highest echelon of the Pentagon, no doubt some elements of the intelligence community, possibly the Department of State, no American knows what the targeting plan is. In particular, Members of Congress, possibly with very few exceptions, do not know. Are they refused information? Just recently, our esteemed colleague, J. ROBERT KERREY of Nebraska, wrote the Secretary of Defense, William S. Cohen, a former colleague of ours, to set forth the facts of this insane situation.

There are signs that an open debate concerning nuclear weapons may be afoot. In *The Washington Post* recently, we learn of the response to a proposal by Stephen M. Younger, associate director of Los Alamos National Laboratory and head of its nuclear weapons work, proposing a great reduction in the number of massive weapons now in our arsenal in favor of smaller devices intended to deal with much smaller engagements than those envi-

sioned during the Cold War. The *Post* reports that we now have some 7,982 warheads linked to nine different delivery systems, ICBMs, SLBMs and bombers. These are scheduled to decline to 3,500, half on Trident II submarines, under the Start II agreement. Younger argues that still fewer are needed. Any one of which would wipe out any large city on earth. It appears that other experts believe that a few dozen to several hundred of today's high-yield warheads would suffice to manage the standoff with Russia or China. There is, perhaps more urgently, the matter of nuclear weapons in what are for some reason still called Third World nations, a relic of Cold War usage. Nuclear standoff has settled into the South Asian subcontinent. The prospect that an "Islamic Bomb" will migrate westwards from Pakistan is real enough. It may be happening at this moment. The more then do we need open debate. The more urgent then is Senator KERREY's assertion that Congress be involved. His profound observation that "Sometimes secrecy produces its opposite; less safety and security."

I have remarked on how little notice has been taken of the Russian revolution of 1989-91. By contrast, the "information revolution" has become a fixture of our vocabulary and our pronouncements on the widest range of subjects, and at times would seem to dominate political discourse. It might do well to make a connection as Francis Fukuyama does in the current issue of *Commentary*. In his review of a new book by George Gilder with the suggestive title *Telecom: How Infinite Bandwidth Will Revolutionize Our World*, Fukuyama makes the connection.

Why, then, do those convinced that the revolution is already triumphant shake their heads so sadly at those of us who "just don't get it?" True, people want to feel good about themselves, and it helps to believe that one is contributing to some higher social purpose while pursuing self-enrichment. But it must also be conceded that the information-technology revolution really does have more going for it than previous advances in, say, steam or internal combustion (or, one suspects, than the coming revolution in biotechnology).

The mechanization of production in the 19th and early 20th centuries rewarded large-scale organization, routinization, uniformity, and centralization. Many of the great works of imagination that accompanied this process, from Charlie Chaplin's *Modern Times* to Aldous Huxley's *Brave New World*, depicted individuals subsumed by huge machines, often of a political nature. Not so the information revolution, which usually punishes excessively large scale, distributes information and hence power to much larger groups of people, and rewards intelligence, risk, creativity and education rather than obedience and regimentation. Although

one would not wish to push this too far, it is probably no accident that the Soviet Union and other totalitarian regimes did not survive the transition into the information age.

Is it possible to hope that we might give some serious thought to the possible connection? And to ask ourselves just how we measure up in this regard?

That said, is it not extraordinary and worrying that of a sudden we find ourselves in a state of great agitation concerning security matters all across our government, from our nuclear laboratories at home to embassies abroad to the topmost reaches of government? The late Lars-Erik Nelson described it as "spy panic." In the process the possibility emerges that our national security will be compromised to a degree unimaginable by mere espionage. The possibility is that we could grievously degrade the most important institutions of foreign and defense policy—our capacity for invention and innovation—through our own actions.

Take the matter of the loss, and evident return in clouded circumstances of two hard drives containing sensitive nuclear information from the Nuclear Energy Search Team at Los Alamos National Laboratory. This June, Secretary of Energy Bill Richardson asked two of our wisest statesmen, the Honorable Howard H. Baker, Jr., and the Honorable Lee H. Hamilton, to enquire into the matter. Here are the Key Findings of their report of September 25th.

While it is unclear what happened to the missing hard drives at Los Alamos National Laboratory, it is clear that there was a security lapse and that the consequences of the loss of the data on the hard drives would be extremely damaging to the national security.

Among the known consequences of the hard-drive incident, the most worrisome is the devastating effect on the morale and productivity of LANL, which plays a critical national-security role for the Nation.

The current negative climate is incompatible with the performance of good science. A perfect security system at a national laboratory is of no use if the laboratory can no longer generate the cutting-edge technology that needs to be protected from improper disclosure.

It is critical to reverse the demoralization at LANL before it further undermines the ability of that institution both to continue to make its vital contributions to our national security, and to protect the sensitive national-security information that is critical to the fulfillment of its responsibilities.

Urgent action should be taken to ensure that Los Alamos National Laboratory gets back to work in a reformed security structure that will allow the work there to be successfully sustained over the long term.

Almost alone among commentators, Lars-Erik Nelson pursued the matter, describing the interviews Senator Baker and Representative Hamilton had with lab personnel.

They now report that "the combined effects of the Wen Ho Lee affair, the recent fire at [Los Alamos] and the continuing swirl around the hard-drive episode have devastated morale and productivity at [Los Alamos]."

The employees we met expressed fear and deep concern over the . . . yellow crime-scene tape in their workspace, the interrogation of their colleagues by . . . federal prosecutors before a grand jury and the resort of some of their colleagues to taking a second mortgage on their homes to pay for attorney fees.

There is no denying that Lee and whoever misplaced the computer drives committed serious breaches of security. But the resulting threat to our safety is only theoretical; the damage to morale, productivity and recruitment is real.

Employees were furious at being forced to take routine lie-detector tests, a requirement imposed on them by a panicky Secretary of Energy. . . .

Obviously, there is a need for security in government. A Los Alamos employee gave Baker and Hamilton an obvious, easy solution. Unfortunately, it will be the one most likely to be adopted: "The safest and most secure way to do work is not to do any work at all."

In the course of the Commission on Protecting and Reducing Government Secrecy (of which more later), a Commission member, then-Director of Central Intelligence John M. Deutch, revealed to the American people the extraordinary work of the VENONA project, an enterprise of the Army Security Agency during and after World War II. During the war the agency began to copy KGB traffic from and to the United States. On December 20, 1946, Meredith K. Gardner—I am happy to say still with us, buoyant and brilliant as ever—"broke" the first. Dated 2 December 1944, it was a list of the principal nuclear scientists at Los Alamos. Bethe, Bohr, Fermi, Newman, Rossi, Kistiakowsky, Segre, Taylor, Penney, Compton, Lawrence and so on. The Soviets knew, and in time stole essentials of the early atom bomb. But what they could not do, was to slow down or deter the work of these great men, who would take us further into the age of the hydrogen bomb. Next, their successors to yet more mind-bending feats. The Soviets could not stop them. Would it not be the final triumph of the defunct Cold War if we stopped them ourselves?

Do not dismiss this thought. If you happen to know a professor of physics, enquire as to how many "post-docs" are interested in weapons research, given the present atmosphere. To work at one-third the salary available elsewhere, and take lie detector tests.

And then there is intelligence. Nelson quotes a "former top intelligence official" who told him, "If you're not taking secrets home, you're not doing your job." And yet here we are harassing John M. Deutch, a scientist of the greatest achievement, a public servant of epic ability for—working at

home after dinner. Would it be too far-fetched to ask when will the next Provost of the Massachusetts Institute of Technology choose to leave the banks of the Charles River for the swamps of the Potomac?

Now I don't doubt that, as opposed to an intelligence official, there are ambassadors who don't take their work home at night. Over the years the United States has created a number of postings with just that attraction. But these are few. The great, overwhelming number of our ambassadors and their embassy associates are exceptional persons who have gone in harm's way to serve their country. I was ambassador to India at the time our ambassador to Sudan and an aide were abducted from a reception by Islamic terrorists, spirited away and murdered. Some days later the Egyptian envoy in New Delhi asked to see me. He had a message from then-Egyptian President Anwar Sadat to tell me that their intelligence sources reported I would be next. It is a not uncommon occurrence. But nothing so common as taking work home, or working in a—usually heavily armored—embassy limousine. Ask any former ambassador to Israel. Our embassy in Tel Aviv is an hour's drive from the capital in Jerusalem. The drive up and back is routinely used to dictate memoranda of conversation, type them on a laptop. Whatever. This fall, the superbly qualified, many would say indispensable ambassador to Israel, Martin S. Indyk, was stripped of his security clearances for just such actions. I cite Al Kamen's account in *The Washington Post*.

Just the other day, ambassador to Israel Martin S. Indyk was deep into the State Department doghouse for "suspected violations" of security regulations. His security clearance was suspended, so he couldn't handle classified materials. He needed an escort while in the State Department building. The department's diplomatic security folks wanted him to stay in this country until their investigation was completed.

At a White House briefing Monday, a reporter asked if Indyk could "function as ambassador? Do we have a functioning ambassador?"

"Not at the moment," press secretary Jake Siewert said.

Allow me to cite a report by the redoubtable Jane Perlez, who was just recently reporting from Pyongyang on the psychotic security measures in the capital of North Korea. Eerily similar antics were to be encountered on September 30, Ms. Perlez reported:

STATE DEPT. UNFREEZES HUNDREDS OF PROMOTIONS AFTER DELAY FOR SECURITY REVIEW

WASHINGTON, Sept. 29.—A continuing security crackdown at the State Department led to the freezing of promotions for more than 200 senior officials, pending a review of their security records, department officials said today.

The director general of the Foreign Service, Marc Grossman, said he was assessing the promotion files for security violations

before sending the promotions to the White House, which then dispatches them to Congress for approval.

The release of the list was delayed after the suspension of the security clearance of one of the department's most senior officials, Martin S. Indyk, ambassador to Israel, and a sudden vigilance by Secretary of State Madeleine K. Albright, who is under pressure from Congress on security problems.

This evening, the department said that "under 10" officials had been barred from promotions after Mr. Grossman's review of 400 candidates. The nearly 400 people included 200 midlevel officials, whose promotions were released today after a weeklong delay.

As word of the latest action spread through the department, an assistant secretary of state complained at a senior staff meeting this week that management faced "rage" in the building and increasingly demoralized employees, according to several accounts of the session.

Others, as well as diplomats abroad, complained of a poisonous atmosphere in the department created, in part, by security officials who grilled junior Foreign Service officers about their superiors. One senior official said the obsession with security had created a "monster" out of the bureau of diplomatic security, which Congress generously finances to the detriment of other areas of the department.

In a yet more eerie analogy, one department employee described the situation as a "security jihad."

It doesn't stop. It accelerates! Just this month The Washington Post reported the resignation of senior diplomats, the suspension of another, the firing of a further two over security matters.

J. Stapleton Roy, one of the nation's two most senior foreign service officers and a three-time U.S. ambassador, has resigned in protest after Secretary of State Madeleine K. Albright suspended his deputy without pay and fired two other long-time State Department officials over a missing top-secret laptop computer. . . .

The departure of Roy and the reassignment of [Donald] Keyser will rob the department of two of its top China experts. The son of a missionary, Roy grew up in China, returned to the United States to go to Princeton University, then joined the foreign service. He later served as ambassador to China, Indonesia and Singapore. Keyser had served in Beijing three times, had been the State Department's director of Chinese and Mongolian affairs, and most recently held the rank of ambassador as a special negotiator for conflicts in Nagorno-Karabakh and former Soviet republics.

"That's a lot of brainpower suddenly removed from the State Department," said William C. McCahill, a recently retired foreign service officer who served as the deputy chief of mission in Beijing. "Keyser is a brilliant analyst and a person of great intellectual honesty and rigor. Stape is the kind of person you want in INR, someone who can think beyond today and tomorrow, who can think beyond established policy."—The Washington Post, December 5, 2000.

With some hesitation I would call to mind the purge of the "China hands" from the Department of State during the McCarthy era. As our Commission established with finality, there was indeed a Soviet attack on American diplomacy and nuclear development during and after World War II. There were early and major successes. The design of the first atom bomb. But not much else, and for not much longer. The real

damage—the parallels are eerie—to American security came from the disinclination of the intelligence community—then largely in the Army—to share information with "civilians." Specifically, documents obtained from the F.B.I. indicate that President Truman was never told of the Army Signals Security Agency's decryptions of Soviet cables during and after the war. He thought the whole business of Communist spying was a "red herring." In 1953 he termed Whittaker Chambers and Elizabeth Bentley "a crook and a louse." American diplomacy and the Department of State in particular were for years haunted by charges they could readily have dealt with had they but known what their own government knew. And who issued the instruction that the President was not to be told? General Omar N. Bradley whom the President had made Chairman of the Joint Chiefs of Staff. (Admittedly it is hard to prove a negative.) But I was reassured by an article in the Summer edition of the "Bulletin" of the CIA's Center for the Study of Intelligence. In it, Deputy CIA historian Michael Warner votes with the judgment I offered earlier in my book "Secrecy."

What might it be that Secretary Albright needs to know today but has not been told? A generation hence we might learn. If, that is, the current secrecy regime goes unaltered.

For the moment, however, I have further distressing news for Ambassador Stapleton if he should have occasion to return to the Department of State main building for one or another reason. I have just received a copy of a letter sent to David G. Carpenter, Assistant Secretary of State for the Bureau of Diplomatic Security. Another recently retired Ambassador, a statesman of large achievement and impeccable reputation recently called at Main State, to use their term. He was frisked at the entrance. He was allowed into the building, but assigned an "escort," who accompanied wherever he went. Including, the ambassador writes, "the men's room."

It is difficult not to agree with the Ambassador's assessment that "the 'escort' policy is insulting and totally out of proportion to any desired enhancement of security." But then so is so much of security policy as it has evolved over the past sixty years.

What is to be done? Surely we must search for a pattern in all this. Our Commission proposed a simple, direct formation. Secrecy is a form of regulation.

In the previous Congress, legislation was prepared to embody the essentials of the Commission recommendations. All classified materials would bear the name and position of the person assigning the classification and the date, subject to review, that the classification would expire. It is not generally realized, but apart from atomic matters, under the Atomic Energy Act of 1954 and a few other areas there is no law stipulating what is to be classified Con-

fidential, Secret, Top Secret—and there are numerous higher designations. It is simply a matter of judgment for anyone who has a rubber stamp handy. Our bill was unanimously reported from the Committee on Governmental Affairs, under the fine chairmanship of Senator FRED THOMPSON, with the full support of the then-ranking Committee member, our revered John Glenn. But nothing came of it. The assorted government agencies, covertly if you like, simply smothered it. The bureaucracy triumphed once more. Thomas Jefferson's dictum that "An informed citizenry is vital to the functioning of a democratic society" gave way before the self-perpetuating interests of bureaucracy.

I am pleased to report that this year's Intelligence Authorization bill, which is now at the White House awaiting President Clinton's signature, includes the Public Interest Declassification Act. The measure establishes a nine-member "Public Interest Declassification Board" of "nationally recognized experts" who will advise the President and pertinent executive branch agencies on which national security documents should be declassified first. Five members of the Board will be appointed by the President and four members will be appointed by the Senate and the House.

The Board's main purpose will be to help determine declassification priorities. This is especially important during a time of Congress' continual slashing of the declassification budgets. In addition to the routine systematic work required by President Clinton's Executive Order 12958, the intelligence community is also required to process Freedom of Information Act requests, Privacy Act requests, and special searches levied primarily by members of Congress and the administration.

There is a need to bring order to this increasingly chaotic process. This Board may just provide the necessary guidance and will help determine how our finite declassification resources can best be allocated among all these competing demands.

My hope is that the Board will be a voice within the executive branch urging restraint in matters of secrecy. I have tried to lay out the organizational dynamics which produce ever larger and more intrusive secrecy regimes. I have sought to suggest how damaging this can be to true national security interests. But this is a modest achievement given the great hopes with which our Commission concluded its work. I fear that rationality is but a weak foil to the irrational. In the end we shall need character as well as conviction. We need public persons the stature of George P. Shultz, who when in 1986 learned of plans to begin giving lie detector tests for State Department employees, calmly announced that the day that program began would be the day he submitted his resignation as Secretary of State. And so of course it

did not begin. And yet with him gone, the bureaucratic imperative reappears.

And so Mr. President, I conclude my remarks, thanking all my fellow Senators present and past for untold courtesies over these many years.

#### RETIREMENT OF SENATOR DANIEL PATRICK MOYNIHAN

Mr. LEVIN. Mr. President, it saddens me to note that the Senate will soon lose one of its most visionary and accomplished members, a great American, Senator DANIEL PATRICK MOYNIHAN.

It boggles the mind just to think of all of the important positions that PAT MOYNIHAN has held, including cabinet or subcabinet posts under four presidents: John Kennedy, Lyndon Johnson, Richard Nixon, and Gerald Ford. He served as Ambassador to India in the 1970's and then as U.S. Ambassador to the United Nations. He came to the United States Senate in 1977 already a scholar, author and public official of great distinction and renown. In the 24 years he has spend here, he has only greatly expanded his enormous reputation and body of work. PAT MOYNIHAN is a Senator's Senator. Over the years, he has earned the respect of every member of the Senate.

PAT MOYNIHAN is a person who has shown tremendous vision throughout his life. He has shown foresight about the importance of a strong family and about the importance of strong communities in America. He raised the critical important of these basic values and concerns about the deterioration of these family values, long before others. He has shown great foresight about our Constitution. One of the highlights for me in my service in the Senate was joining Senator MOYNIHAN and Senator ROBERT BYRD in fighting against the line item veto as a violation of our Constitution. And, he has shown great foresight about the world and the role of the United States in international affairs. His work at the United Nations and in the Senate, as a former Chairman of the Senate Select Committee on Intelligence, and as Chairman of the Finance Committee have been marked by his perceptive, analytical, and worldly view on trade, foreign policy, and intelligence matters. Long before others, Senator MOYNIHAN was speaking of the economic and ultimately military weaknesses of the Soviet Union and predicting its collapse.

It is virtually impossible to list all of PAT MOYNIHAN's accomplishments in the U.S. Senate. Among the most lasting, however, will be his efforts on behalf of architectural excellence in the nation's capital. He was a crucial force behind the return to greatness of the Pennsylvania Avenue corridor between the U.S. Capital and the White House, the restoration of Washington's beautiful, elegant, and historic Union Station, and the construction of the Thurgood Marshall Judiciary Building here on Capitol Hill.

The author or editor of eighteen books, Senator MOYNIHAN has been at the forefront of the national debate on issues ranging from welfare reform, to tax policy to international relations. His most recent book, written in 1998, "Secrecy: The American Experience" expands on the report of the Commission on Protecting and Reducing Government Secrecy of which he was the Chairman. This is a fascinating and provocative review of the history of the development of secrecy in the government since World War I and argument for an "era of openness".

At home in New York, in a state which is known for its rough and tumble politics, he has shown leadership again and again, demonstrating the power of intellect and the ability to rise above the fray. That has been a wonderful contribution not just to New York but to all of America.

As they leave the Senate family, which will never forget their huge contribution, we salute PAT and Elizabeth MOYNIHAN.

Mr. WARNER. Mr. President, in the 211-year history of the United States Senate, the State of New York has one of the richest and most storied legacies.

Since 1789, New York has sent to the Senate 63 Senators. I have had the distinct privilege of serving with four of them, most memorably, Senator DANIEL PATRICK MOYNIHAN.

When the people of New York elected PAT MOYNIHAN to represent them nearly 25 years ago, they sent to Washington a uniquely gifted and talented man. Those are the reasons, Senator MOYNIHAN is one of only two, out of 63 Senators from New York, to have been elected to four consecutive terms in the United States Senate.

Senator MOYNIHAN began his service to this nation more than 50 years ago when he served in the United States Navy from 1944-1947—and he never stopped being "Mr. Public Servant." He served one governor, New York's Averell Harriman, and four United States Presidents: two Democrats, Presidents Kennedy and Johnson, and two Republicans, Presidents Nixon and Ford.

What a record. PAT MOYNIHAN has given more than three quarters of his life to his nation and his state. This country, the United States Senate, and New York are joyously thankful.

He has been a leader in so many areas that it challenges one to list them all. But his impact on public architecture, monuments for future generations, are the hallmarks which this quiet gentleman reveres.

For over fifteen years now, I have had the privilege of serving with PAT on the Senate's Environment and Public Works Committee. I have been fortunate to work closely with him and observe his tireless effort and commitment to maintaining the architectural integrity of our great public institutions.

Some 40 years ago, the Kennedy Administration made the decision to re-

vive Pennsylvania Avenue and restore the Federal Triangle. It was an extraordinary stroke of fortune that PAT MOYNIHAN, a deputy to Labor Secretary Goldberg who played a primary role in the effort, had the responsibility to draft a report that contained core ideas for redevelopment. The Federal Triangle, including the Ronald Reagan Building, and the Judiciary Building—to mention just a few—are dramatic evidence of his contributions that will live for years to come in the foundation of these magnificent buildings.

I cannot resist the temptation to recall that Senator MOYNIHAN was fond of noting that it was Treasury Secretary Andrew Mellon who initially championed the idea of reviving the Federal Triangle and establishing it as an international trade and cultural center. It took a man of PAT MOYNIHAN's talent, character and foresight to pick up and finish that vision, started in the early 1930s, in such a grand manner.

I would be remiss were I not to take a minute to thank Senator MOYNIHAN for his leadership and the personal courtesies he extended to me, as he took the initiative to name the departmental auditorium at the Commerce Department building, the Andrew Mellon Auditorium. It truly is a remarkable structure and aptly named.

Over 200 years ago, Pierre L'Enfant, as he laid plans for the new United States capital, could only hope that a man like Senator MOYNIHAN would one day work with such compassion and perseverance to keep alive the true spirit and design envisioned in the original blueprints of George Washington's federal city.

One of the most rewarding assignments in my own career in public service, has been the opportunity to serve with Senator MOYNIHAN as a member of the Smithsonian's Board of Regents. The talented men and women who have served on the Board are unquestionably committed to the arts and preserving this nation's cultural heritage. And I am certain, that all of them who have served with him would agree that PAT MOYNIHAN's leadership and guiding wisdom have been indispensable.

Beyond the physical monuments to his achievements, I will always remember PAT MOYNIHAN for his humor, his intellect, his grace, his eloquence, and his humility.

All of us here, before we cast the first vote, before we discharge the first responsibility, take the oath of office. We solemnly commit "to support and defend the constitution. . . ." "Against all enemies. . . ." we commit "to bear true faith and allegiance" and we undertake "to faithfully discharge" our duty. Senator MOYNIHAN was a man of his word and here in the Senate he has always been true to his principles and true to his oath.

PAT MOYNIHAN has been a giant in the Senate for some time. I only hope that the years ahead give him the time he has always wanted to do those things he has never quite had the time to do.



The Senate and the nation know Senator MOYNIHAN as a true patriot, a gentleman, and a statesman. His legacy is a remarkable gift we will benefit from for years to come.

In closing, I would like to submit for the RECORD two articles that appeared in the Washington Post—one, written by George Will and the other by Benjamin Forgery. I ask to have printed in the RECORD these articles, so all citizens can read of the enormous contributions Senator MOYNIHAN has made to this institution, his home State of New York, and, indeed, this country.

The Nation's Capital—in the words that Navy men and women understand—bids you a final "Well done, Sir. We salute you as the L'Enfant of this century."

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

[From the Washington Post, Sept. 17, 2000]

FAREWELL, MR. MOYNIHAN

(By George F. Will)

When this Congress ends, so will one of the broadest and deepest public careers in American history. Daniel Patrick Moynihan—participant in John Kennedy's New Frontier, member of Lyndon Johnson's White House staff, Richard Nixon's domestic policy adviser, Gerald Ford's ambassador to India and the United Nations, four-term senator—will walk from the Senate and political life, leaving both better for his having been in them, and leaving all who observe them bereft of the rare example of a public intellectual's life lived well—adventurously, bravely and leavened by wit.

The intellectual polarities of his life have been belief in government's ameliorative powers—and in William Butler Yeats's deflation of expectations for politics:

Parnell came down the road, he said to a cheering man:

Ireland shall get her freedom and you will still break stone.

Having served four presidents, Moynihan wrote that he did not remember ever having heard at a Cabinet meeting "a serious discussion of political ideas—one concerned with how men, rather than markets, behave." Regarding the complexities of behavior, Moynihan has stressed the importance of ethnicity—the Balkans, the Bronx, come to that. Moynihan knew how wrong Marx was in asserting the lost saliency of pre-industrial factors, such as ethnicity and religion, in the modern age.

His gift for decorous disruptions was apparent early, when, during a 1965 audience with Pope Paul VI, at a time when the Church was reconsidering its doctrine of the collective guilt of Jews for Christ's crucifixion, Moynihan, a Catholic, shattered protocol by addressing the pope: "Holy Father, we hope you will not forget our friends the Jews." Later, an unsettled member of the audience, the bishop of Chicago, said, "We need a drink." Moynihan said, "If they're going to behave like a Medieval court, they must expect us to take an opportunity to petition him."

During his U.N. service he decided that U.S. foreign policy elites were "decent people, utterly unprepared for their work" because "they had only one idea, and that was wrong." It was that the bad behavior of other nations was usually a reaction to America's worse behavior. He has been a liberal traditionalist, keeper of Woodrow Wilson's crusade for lawful rather than normless dealings among nations.

"Everyone," says Moynihan the social scientist, "is entitled to his own opinion but not his own facts." When in 1993 the Clinton administration's Goals 2000 asserted that by 2000 America's high school graduation rate would be 90 percent and American students would lead the world in mathematics and science achievements, Moynihan acidly compared these goals to the old Soviet grain production quotas. Of the projected 2000 outcome, Moynihan said: "That will not happen." It didn't.

Moynihan has written much while occupying the dark and bloody ground where social science and policymaking intersect. Knowing that the two institutions that most shape individuals are the family and the state, he knows that when the former weakens, the latter strengthens. And family structure is "the principal conduit of class structure." Hence Moynihan's interest in government measures to strengthen families.

Moynihan understands that incantations praising minimalist government are America's "civic religion, avowed but not constraining." Government grows because of the ineluctable bargaining process among interest groups that favor government outlays that benefit them. And government grows because knowledge does, and knowledge often grows because of government.

Knowledge, says Moynihan, is a form of capital, much of it formed by government investment in education. And knowledge begets government. He says: Behold California's Imperial Valley, unchanged since "the receding of the Ice Age." Only God can make an artichoke, but government—specifically, the Bureau of Reclamation—made the valley a cornucopia. Time was, hospitals' biggest expense was clean linen. Then came technologies—diagnostic, therapeutic, pharmacological—that improved health, increased costs and expanded government.

"Not long ago," Moynihan has written, "it could be agreed that politics was the business of who gets what, when, where, how. It is now more than that. It has become a process that also deliberately seeks to effect such outcomes as who thinks what, who acts when, who lives where, who feels how." Moynihan appreciates the pertinence of political philosopher Michael Oakshott's cautionary words: "To try to do something which is inherently impossible is always a corrupting enterprise."

The 14-year-old Moynihan was shining shoes on Central Park West when he heard about Pearl Harbor. In the subsequent six decades he has been more conversant with, and more involved in, more of the nation's transforming controversies than anyone else. Who will do what he has done for the intellectual nutritiousness of public life? The nation is not apt to see his like again, never having seen it before him.

[From the Washington Post, Oct. 7, 2000]

MOYNIHAN'S LEGACY IS WRITTEN IN STONE

(By Benjamin Forgey)

Sen. Daniel Patrick Moynihan, on the edge of retirement as the 106th Congress argues its way to a finish, tells the story whenever he feels the audience is right. And why not? It is a true-life Washington legend.

Time: Summer 1961. Place: The White House. Scene: A Cabinet meeting with President John F. Kennedy. The nation's chief policymakers are busily deliberating foreign affairs but pause, Moynihan says, "when the next-most-important issue in government comes up—which, of course, is office space."

That line always gets a laugh. Moynihan knows Washington and knows what people think about Washington—one-liners at the expense of the bureaucracy never miss. But

what comes afterward is the true beginning of the legend.

The president appoints Labor Secretary Arthur J. Goldberg to co-chair "something with the unpromising title of Ad Hoc Committee on Federal Office Space." To Moynihan, then Goldberg's 34-year-old deputy, falls the duty of finding out exactly how much space is needed, and writing the report.

It is far-fetched to imagine a 15-page committee report about government office space having much significance for even 38 minutes after being written. This one, completed in the spring of 1962, has had a far-reaching impact across 38 years, for it contained, improbably, the genesis of a plan to redevelop Pennsylvania Avenue.

The opportunistic idea was Goldberg's—he had decided to try to do something about the avenue when surveying its fragmented, decaying north side from a slow-moving limousine during Kennedy's inaugural parade. But the brilliant words were Moynihan's.

He vividly sketched the "scene of desolation" on the northern side, opposite the impressive classic revival buildings of the 1930s Federal Triangle. He sensitively summarized the avenue's history, showing a rare understanding of the crucial role assigned to it in Pierre Charles L'Enfant's 1791 plan—"symbolizing," Moynihan wrote, "at once the separation of powers and the fundamental unity in the American Government."

Above all, Moynihan showed that he understood cities. The avenue's poor state meant that private capital soon would begin the process of tearing down and building anew. The opportunity had arisen, he wrote, "to design and construct what would, in effect, be a new avenue," and the federal government had a historic duty "to maintain standards of buildings and architecture in the nation's capital."

Moynihan's vision was humane and, for its time, exceptionally urbane. "Care should be taken," he admonished, "not to line the north side with a solid phalanx of public and private office buildings which close down completely at night and on weekends. . . . Pennsylvania Avenue should be lively, friendly, and inviting, as well as dignified and impressive."

More than any other American politician of the second half of the 20th century, Moynihan has engaged the issue of architecture, urban design and infrastructure. He has used his intellectual prowess, political skills and sheer power to establish meaningful rules, to save historic buildings, to improve federal architecture, to get buildings built. Washington has been the great beneficiary of these involvements—most dramatically on the section of the great boulevard linking the Capitol and the White House.

There is a sense in which the rebuilding of Pennsylvania Avenue became Moynihan's destiny. Partly by chance, partly by design, he has been around to persuade, push and prod a vision into reality. And, for the last 10 years, he has been able to watch it happen with his wife, Elizabeth, from their apartment above the Navy Memorial and Market Square, on the avenue between Ninth and Seventh Streets NW.

Soon after the report was published, Goldberg was appointed to the Supreme Court. Moynihan thus inherited responsibility for shepherding the avenue dream in the Kennedy administration. He became great pals with Nathaniel Owings, the celebrated architect Kennedy chose to come up with a plan. The pair would walk the avenue in the evenings and talk excitedly of its past and future while sitting, recalls Moynihan, on "those nice, strong benches next to the National Archives."

Then, after Kennedy was assassinated, Moynihan helped keep the project alive during the Lyndon Johnson presidency—nothing



had been built. He had the enthusiastic collaboration of White House counsel Harry McPherson Jr., and an invaluable plug from Jacqueline Kennedy, who "saved the undertaking in a farewell call on President Johnson," Moynihan recalls. Thereafter, he says, Johnson "took Mrs. Kennedy's wishes as something of a command."

Moynihan admits that, as much as he liked and admired Nat Owings, he did not care for Owings's formidable first plan. It was a "terrible plan," he now says, though he did not say so at the time. The young politician was perhaps a bit in awe of the elder Great Architect—lots of people were. The firm that Owings had started in the 1930s—Skidmore, Owings & Merrill—was by then world-renowned.

How flawed was that first plan? Well, typical of its time, it called for massive demolitions—including the National Press Club building and the Willard and Washington hotels. These were to be replaced by an impressively bloated National Square or by massive buildings all in a row.

Fortunately, time was not kind to this vision. We can judge how lucky we are by pondering the one building that actually got built: the FBI headquarters, that odd-looking, off-putting giant facing the avenue between Ninth and 10th streets NW.

It is possible that, even then, Moynihan suspected he was in this for the long haul. As it happened, he left Washington in 1965 but was backed by 1969—shockingly, to his liberal-Democrat colleagues—as top urban affairs adviser to Republican President Richard Nixon.

Once again, Moynihan had lots to say about Pennsylvania Avenue. It is no coincidence that during Nixon's first term the avenue plan was given real teeth in the 1972 legislation creating the Pennsylvania Avenue Development Corp. And it was a very different, less destructive plan—much more in keeping with Moynihan's original admonishment to be "lively, friendly and inviting."

Nothing much got built during the '70s, but the PADC was quietly preparing the groundwork. By the time building got started in the early '80s, Moynihan was back in town, this time as a senator from New York. Since then, he has been there tirelessly for the avenue—out front or behind the scenes, in large matters or small.

How large? The Ronald Reagan Building and International Trade Center—the big mixed-use federal building at Pennsylvania and 13th Street NW—is one of his enthusiasms. Back in the Kennedy years, Moynihan's Labor Department office in the Federal Triangle had looked out on parking lot of "surpassing ugliness." He never forgot, and that lot is where the Reagan Building stands.

How small? Moynihan never forgot, either, that the Ariel Rios Building, at 13th Street, had been left incomplete when work on the Federal Triangle ceased; its brick sidewalk was left exposed "just like an amputated limb," in the words of J. Carter Brown, chairman of the federal Commission of Fine Arts. Moynihan, Brown believes, was the "eminence grise who was able to shake the General Services Administration by the lapels and get that thing finished."

But if in one way or another Moynihan had a hand in practically everything that was built—or saved—on this crucial stretch of Pennsylvania Avenue, he also worked for Washington in other ways. He helped mightily to preserve and find new uses for three of Washington's most notable historic structures—the Old Patent Office (now housing two Smithsonian museums), the Old Post Office (a mixed-use building because of a law Moynihan pushed through) and the Old Pension Building (now the National Building Museum).

Just about single-handedly did Moynihan arrange for the construction of the distinguished U.S. Judiciary Building next to Union Station. He was a crucial negotiator in the brilliant deal by which New York and Washington each get a share of the National Museum of the American Indian. Moynihan fought to get cars off Frederick Law Olmsted's Capitol grounds. He continues to wage an enlightened campaign for reasonableness about security in federal buildings. The list could go on.

Of course, it isn't simply Washington that has benefited. As might be expected, Moynihan's own state has profited immensely as well.

The new Penn Station—a complex, ongoing project involving federal, state and city bureaucracies and private enterprise—is just the latest of dozens of important examples. There's much talk of calling it "Moynihan Station" because he was its "guiding light and soul," says chief architect David Childs.

Nor is it just Washington and New York. It is the nation. Two examples of many: The Intermodal Surface Transportation and Efficiency Act of 1991 and its successor, the Transportation Equity Act for the 21st Century ("Ice Tea" and "Tea 21" for short), are Moynihan bills through and through and through. By encouraging mass transit and loosening the highway lobby's decades-old stranglehold on the nation's transportation policy, these laws do the country an estimable service.

And then there are his "Guiding Principles of Federal Architecture." They are straightforward and smart: There should be no official style; the architecture should embody the "finest contemporary American architectural thought." Regional characteristics should be kept in mind. Sites should be selected with care. Landscape architecture also is important.

The principles take us back to that committee report of 38 years ago. Nobody asked for a Pennsylvania Avenue plan and no one asked for architectural guidelines. Moynihan simply invented them and attached them to the report, and they have functioned as a beacon for high-quality federal architecture ever since.

Moynihan's act is almost impossible to follow. In the phrase of Rep. Earl Blumenauer (D-Oregon), another architecture fan, Moynihan possesses "a bundle of qualities" seldom found in a single politician: a good eye, a first-rate mind, a passion for the subject, lots of power, long experience, a certain flamboyance, a canny sense of timing.

Nor is there likely to be another politician alive whose favorite quotation is Thomas Jefferson's statement: "Design activity and political thought are indivisible."

Mr. CONRAD. Mr. President, today, I wish to pay tribute to the very distinguished Senator from New York, who will be retiring at the end of this Congressional session.

Senator MOYNIHAN, as his recent biography makes clear, has been an intellectual giant in the Senate and throughout his service to our nation. The breadth of his interests—and his knowledge—is extraordinary. From questions about the architecture and urban development of Washington, D.C. to the problems created by single parent families to the workings of the International Labor Organization, Senator MOYNIHAN has thought deeply and designed policy answers. I don't think there's a Senator who hasn't learned something from Senator MOYNIHAN's vast stock of personal experience, un-

derstanding of history, and ability to draw parallels between seemingly unrelated topics to enlighten our understanding of both.

I have had the particular pleasure of serving with Senator MOYNIHAN on the Finance Committee for eight years. As Chairman and as ranking member of the Finance Committee, Senator MOYNIHAN has been a true leader. Starting in 1993, when I took Senator Bentsen's seat on the Committee and Senator MOYNIHAN claimed his chairmanship, Chairman MOYNIHAN successfully guided the 1993 economic plan through the committee and the Senate. That budget, which I was proud to help shape and support, laid the foundation for our current record economic expansion. That same year, we worked together to expose the shortcomings of the North American Free Trade Agreement.

After Republicans took control of the Senate in the 1994 election, Senator MOYNIHAN was a fierce critic of their excessive budget proposals. We joined in opposing shortsighted proposals to have Medicare "wither on the vine," turn Medicaid into a block grant, and destroy welfare rather than reforming it. Senator MOYNIHAN was, as always, an especially passionate defender of teaching hospitals, warning that the plan to slash spending for Medicare's graduate medical education would threaten medical research in this country—a fear that has proved well-founded as teaching hospitals have struggled to survive the much smaller changes enacted as part of the compromise Balanced Budget Act that emerged in 1997.

The Finance Committee—and the Senate—will not be the same without him. Who else will be able to gently tutor witnesses on the importance of the grain trade in upstate New York in the early nineteenth century to a current debate about health care policy? Who else will call for the Boskin and Secrecy Commissions of the future? And who else will educate his colleagues on the inequitable distribution of federal spending and taxation among the various states?

Mr. President, I will miss PAT MOYNIHAN. But I have no doubt that he will continue to be part of the debate. As Senator MOYNIHAN retires to his beloved farm in upstate New York, I join my colleagues in looking forward to more and more insightful treaties on new and complicated policy issues.

#### RETIREMENT OF SENATOR J. ROBERT KERREY

Mr. LEVIN. Mr. President, when the Senate adjourns Senator BOB KERREY will be retiring from the Senate.

BOB KERREY served his beloved state of Nebraska as a highly popular and successful governor from 1982 to 1987. As governor, he was widely credited for his efforts to balance the budget and for educational and welfare reform. In 1988, he was elected to the Senate. But, BOB KERREY established himself as a man of great courage and intellect long

before he was elected governor or entered the U.S. Senate. He was an American hero long before he became a Senate hero. Now he's both. Time and time again, he earned his reputation as one of the most courageous members of this body by taking on the toughest issues around—from entitlements to health care, and speaking his mind no matter what. He took on sacred cows where others feared to act. He did so with tremendous dash and daring, with a wonderful youthfulness and enthusiasm. His speeches against amending the First Amendment of our Constitution relative to flag burning, for instance, have been speeches which I have often used as a resource back home to prove that the most courageous among us—those that have put their lives on the line for this country—also believe in its Constitution with great passion and believe we must not reduce its protections of our freedoms in response to the behavior of a few misguided or extreme individuals.

As a member of the Senate Finance Committee and the Senate Agriculture Committee, BOB has earned a reputation as a proponent of tax reform, Medicare and Social Security reform, and as a tireless advocate for the nations' farmers.

The Senate will sorely miss Senator BOB KERREY's wise and experienced voice on national security matters. And, I will deeply miss his presence, although I trust that we will see him often and that his new role at the New School University will not keep him from weighing in on public policy issues that so need his special touch.

I have often thought, only half in jest, that Senator KERREY should be awarded a second Congressional Medal of Honor for his many brave stands in the Senate to match the one he won in war. It has truly been a privilege to serve with BOB KERREY and I will miss the noble passion and purpose he has brought to so many causes.

Mr. CONRAD. Mr. President, I rise today to pay tribute to my good friend Senator BOB KERREY. I have mixed emotions knowing that the United States Senate, the State of Nebraska, and the nation are losing a valued public servant at a time when we can ill afford to lose a person of such great talent. I am saddened thinking about the loss of his valued presence in this chamber. But, I also recognize that my friend is leaving by his own choice to take on the challenges of a new adventure as president of the New School University of New York City. New challenges and new accomplishments are about to be added to his already legendary list of achievements that include Medal of Honor recipient, entrepreneur, governor, and Senator.

I smile as I think about the good company my colleague has been at the Senate Committee on Agriculture. I always felt as if the hearing room brightened up a notch when Senator KERREY entered the room. I appreciated greatly the fact that we never failed to share a

few light moments together, even as we worked to help the farmers and ranchers we represent. His collegial approach crossed the aisle, too. Senator KERREY moved landmark agricultural legislation to passage with hard work and the respect he garnered from his colleagues on both sides of the aisle, as he did this session with the crop insurance reform bill.

We also served together on the Senate Finance Committee, where Senator CONRAD has been an absolute bulldog on the issue of entitlement reform. Senator KERREY headed up the bipartisan entitlement commission and served on the Medicare Commission. He was a particularly active participant in the centrist coalition, which worked to find common ground on budget issues during the partisan stalemate in 1995 and 1996—an effort that helped produce the 1997 Balanced Budget Act. On these very difficult issues, Senator KERREY has always been willing to consider policies that make sense for the long term even when these policies carry a high political price in the short term. He was a leader in insisting that the Senate version of the Balanced Budget Act contain long term Medicare reforms as well as short term fixes. Yet throughout these discussions, Senator KERREY has also been a strong defender of the most vulnerable among us—from children in low income families struggling to get by with cash assistance, food stamps and Medicaid to rural seniors who depend on adequate Medicare reimbursement to maintain health care in their local community.

All of us will miss his keen intellect, his insight and his candor. We will miss his terrific sense of humor. We will miss his positive attitude. We will miss the unique perspective he brings to every discussion. We will miss his integrity and his courage. But most of all, we will miss the boundless enthusiasm he brings to public service. There is no question the Senate will soon be made poorer by his departure, and there is no doubt Senator KERREY will make the university community he now joins richer by brining these wonderful attributes to his new position.

We thank you Senator KERREY for your service to the United States Senate.

And I thank you for your friendship.

Mr. WARNER. Mr. President, I rise today to pay tribute to Senator ROBERT KERREY of Nebraska. As Undersecretary, then Secretary of Navy for over five years during the war in Vietnam, I learned first hand the courage and sacrifice of the men and women of the armed forces who served our Nation.

Lieutenant, USN, BOB KERREY earned our nation's highest recognition for his valor and unwavering leadership during that conflict. Those same extraordinary personal attributes BOB KERREY brought to the Senate.

Serving with BOB is a reward all Senators will cherish. Though the challenges of education will be his next call

to duty, I predict he will someday soon be back in public office. Enjoy this respite, my friend, but harken to the bugle-call in years to come for another career to strengthen our nation with your "brand" of leadership.

I shall miss our vigorous floor debates, our trips abroad to visit our troops, our moments of levity as two old bachelors.

As we sailors say, "well done sir"!

#### RETIREMENT OF SENATOR SLADE GORTON

Mr. LEVIN. Mr. President, as this session of Congress ends, Senator SLADE GORTON of Washington will leave the Senate. Senator GORTON has long been a leader among the Republicans and a thoughtful voice in the Senate.

Senator GORTON, a hard-worker, has served not only on the Senate Appropriations Committee, where he chairs the Interior Appropriations Subcommittee, but on the Budget Committee, the Commerce, Science and Transportation Committee, the Energy and Natural Resources Committee, and the Indian Affairs Committee. He has carried an impressive workload.

In addition, SLADE GORTON, a former Attorney General in the State of Washington, earned a reputation as a tough proponent of fighting violent crime, particularly international terrorism.

While proud of his conservative credentials, SLADE GORTON was often willing to reach across party lines to work with Democrats on issues like consumer affairs and an increase in the minimum wage.

I admired SLADE GORTON's work along with Senator Joe LIEBERMAN to fashion a sensible, balanced and expeditious way to consider the impeachment resolution sent to the Senate by the House of Representatives in 1998. While the plan was ultimately not adopted by the Senate, the careful and judicious effort to put such a plan forward reflected SLADE's commitment to the dignity of the United States Senate.

As this year winds to an end, I know that I am joined by my colleagues in the Senate in wishing SLADE GORTON and his wife, Sally, their three children and seven grandchildren, the very best in the years ahead.

Mr. CONRAD. Mr. President, I rise today to add my voice to those paying tribute to Senator SLADE GORTON upon his departure from the Senate.

I have had the privilege of serving with Senator GORTON on the Senate Budget Committee for the past eight years. During this time, Senator GORTON has fought hard for the principles he believes in: a stable economy and a balanced budget. He has made a significant contribution to bringing fiscal discipline to our nation. As part of that effort, in 1996 Senator GORTON and I, as part of the Centrist Coalition, worked with many other Senators to forge a compromise budget resolution that balanced fiscal responsibility with our nation's discretionary spending needs.

Senator GORTON can be proud of his contribution to ending the deficits of the 1980s and early 1990s.

Senator GORTON has been a leader in the Senate by focusing on the high-tech revolution that has dramatically changed our economy. He has fought to ensure that we are teaching the next generation of high-tech workers in our schools and has fought to keep our high-tech sector the best-trained in the world. He has also been a champion of providing tax incentives for companies to conduct the basic research and development that has helped fuel the dramatic growth of the high-tech industry in recent years.

Finally, let me recognize the work Senator GORTON has done as Chairman of the Interior Appropriations Subcommittee. Every year he has had a difficult task developing a spending bill for the Interior Department and related agencies. He has also helped other Senators to meet needs in their own states, and I appreciate all of Senator GORTON's help over the years to meet particular needs in North Dakota. Even when Senator GORTON could not meet all the requests his colleagues presented, he was always fair in his consideration of each Senator's needs.

Senator GORTON's dedication to the long-term health of our economy, his work for the high-tech sector, and his leadership on the Interior Appropriations Subcommittee are but just a few examples of his work that have produced clear results not only in Washington state, but also for our entire nation. He will be missed here in the Senate, and I wish him all the best in his future endeavors.

Mr. WARNER. Mr. President, I rise to pay tribute to a genuine leader in the United States Senate, my colleague and friend—Senator SLADE GORTON.

We have served together over his entire 18 year career in the Senate. Of the 23 men and women who have served the State of Washington in the Senate, SLADE has earned a ranking commensurate with those classic giants Senator Henry "Scoop" Jackson and Senator Warren Magnuson.

SLADE has served the State of Washington with distinction, but he has also served the nation, exceptionally well. Beginning with his service in the United States Army in 1946, SLADE has served his state and the country for nearly 40 years in a number of elected offices.

He has fought for balanced budgets, tax relief, and health care reforms. We served together on the Armed Services Committee, and I, as Ranking Member, was the beneficiary of his wise and steadfast counsel.

SLADE, you are a valued friend. I wish you and your wife Sally well in the years ahead.

#### THE RETIREMENT OF SENATOR FRANK LAUTENBERG

Mr. THURMOND. Mr. President, I rise today to pay tribute to a fine indi-

vidual and distinguished colleague upon his retirement. At the close of the 106th Congress, Senator FRANK LAUTENBERG will step down from his position as a United States Senator after 18 years of dutiful service to the people of New Jersey and the citizens of the United States of America.

Senator LAUTENBERG has truly lived the American Dream. The son of immigrants, Senator LAUTENBERG, was born in the hard working town of Paterson, New Jersey in 1924. During his childhood his family moved some twelve times in search of employment, and his father spent a majority of his time working in the Paterson silk mills.

After his high school graduation, Senator LAUTENBERG answered his country's call to duty when he enlisted and served in the Army Signal Corps in Europe during World War II. Following his military service, he enrolled in Columbia University on the G.I. Bill, and graduated with a degree in economics in 1949.

Senator LAUTENBERG then began a very successful business career. He and two of his childhood friends founded Automatic Data Processing (ADP). ADP, a payroll services company, developed into one of the largest computer service companies in the world.

FRANK LAUTENBERG worked very hard to achieve success in the business world. Many individuals would have simply stepped away to a more relaxing and slow paced life, but not Senator LAUTENBERG. Throughout his tenure, FRANK LAUTENBERG has exhibited the characteristics of patriotism, hard work, and service to others that define great Americans.

In 1982, he decided to begin a new career in public service, and for the past 18 years he has represented the people of New Jersey in the United States Senate. Senator LAUTENBERG wanted to give back to the state and Nation that gave him the opportunity to rise to great heights, and he has worked diligently to make America a better country for her citizens and future generations.

It has been a pleasure working alongside Senator LAUTENBERG, especially on such issues as reducing alcohol abuse. We shall miss him in the Senate chamber, and I wish Senator FRANK LAUTENBERG and his entire family health, happiness, and continued success.

Mr. LEAHY. Mr. President, one of the greatest pleasures of being a Senator is working with fellow-members like FRANK LAUTENBERG. Few Senators have brought more dedication and experience to their service in this body.

I will never forget how excited my father was to meet Senator LAUTENBERG when he first came here almost 18 years ago. My father of proud Irish descent followed FRANK's first campaign. There was a wonderful connection between the two of them, and I am forever grateful to Senator LAUTENBERG for the lovely letter of condolence that he sent me when my father passed

away. FRANK LAUTENBERG is first and foremost a good friend.

Of course, Senator LAUTENBERG is also a skilled legislator. We served together for years on the Appropriations Committee. Recently, the committee debated an amendment to the Defense bill that would lead to the withdrawal of U.S. troops to Kosovo. A veteran of the European theater in World War II and the builder of a data processing empire, Senator LAUTENBERG understood that democratic stability could come only through a long-term and patient investment in peace.

What made Senator LAUTENBERG's argument so effective was not just the ideas he possessed but the way he delivered them. He has a rhetorical force that I have always admired, and I think that this ability to marry sound ideas with effective speech-making is what makes him such a stellar member.

Of course, Senator LAUTENBERG had a number of legislative accomplishments. He helped make our democracy more transparent, opposing confusing smoke and mirrors as a Chairman and Ranking Member of the Senate Budget Committee. He promoted international justice, fervently urging the prosecution of war criminals. Senator LAUTENBERG understood that reconciliation and economic growth could not come until these perpetrators are held responsible and punished for their actions. At home, Senator LAUTENBERG laid the foundation for our strong economic growth of the last decade. Amtrak and commercial aviation had no greater friend than Senator LAUTENBERG, who confidently chaired the Senate Appropriations Subcommittee on Transportation. And he has improved the public's health, encouraging restrictions on tobacco use and ensuring the cleanup of hazardous waste sites.

In his 18 years here, Senator LAUTENBERG had an impact that goes beyond his important votes and the bills he sponsored. Through his experience and knowledge, he was steadfast advocate for freedom, fairness, and responsibility. He kept these ideal on an unalterable course, and we are all in his debt for it.

Mr. CONRAD. Mr. President, before Congress adjourns for the year, I wanted to take a moment to pay tribute to Senator FRANK LAUTENBERG of New Jersey, who is retiring this year.

Senator LAUTENBERG served our nation in World War II, and later became a successful businessman. He helped to found a payroll services company, Automatic Data Processing (ADP), and built it into one of the largest computing services companies in the world.

In 1982 FRANK LAUTENBERG launched a new career, in public service, when he was elected to the United States Senate. He has represented his state well. FRANK LAUTENBERG has been a leader on budget issues, a good friend to the environment, and an accomplished legislator in the areas of transportation and health care.

I have served on the Senate Budget Committee with FRANK LAUTENBERG since 1987; he became Ranking Member of the Committee in 1997. Senator LAUTENBERG played a key role in the 1997 negotiations on the bipartisan Balanced Budget Act, which completed the work of balancing the federal budget. That legislation provided important resources for education and health care, while cutting taxes for millions of Americans.

Senator LAUTENBERG has also been a good friend to the environment, serving as the top Democrat on the Environment and Public Works Committee's Subcommittee on Superfund. Throughout his time in the Senate, Senator LAUTENBERG has fought to improve the Superfund program, and has worked for legislation preventing pollution, and ensuring clear water and clean air.

Senator LAUTENBERG's accomplishments in the area of transportation are impressive. He serves as the top Democrat on the Appropriations Committee's Subcommittee on Transportation. Senator LAUTENBERG authored laws establishing the legal drinking age at 21, and was successful just this year in encouraging states to reduce legal blood alcohol limits to .08. He worked successfully to ban smoking on airplanes, and has championed funding for Amtrak and mass transit.

Senator LAUTENBERG has also worked for some time on health care, including tobacco policy issues. He is a nationally recognized leader in the fight to protect our young people from the health consequences of cigarettes. In 1997, I was extremely fortunate that Senator LAUTENBERG was chosen to co-chair the Senate Democratic Task Force on Tobacco. Senator LAUTENBERG was a particularly strong proponent of provisions on second-hand smoke and the so-called "look-back" enforcement mechanism to reduce youth smoking rates.

FRANK LAUTENBERG's dedication and expertise on many issues will be missed greatly in the United States Senate, even as New Jersey natives welcome him home. I will miss my good friend and colleague.

#### RETIREMENT OF SENATOR WILLIAM ROTH

Mr. LEVIN. Mr. President, I want to join my colleagues in bidding good wishes and God speed to Senator WILLIAM ROTH, the distinguished senior senator of Delaware. I have served with Senator ROTH for most of my career on the Governmental Affairs Committee. For a significant period of that time, Senator ROTH chaired that committee and its Permanent Subcommittee on Investigations.

Senator ROTH proved an able and dedicated advocate of government reform, guiding our committee through oversight hearings and investigations into how our Federal programs were or were not working. He also spearheaded

a number of key efforts—many of which were successful—to change our laws to reduce opportunities for waste, fraud and abuse.

When I sat in my seat on the dais of the Governmental Affairs Committee, I often heard Senator ROTH argue passionately and convincingly for the enhancement of the M, or management responsibilities, in OMB, the Office of Management and Budget. As much as anyone in this body, Senator ROTH truly cared about the efficiency and effectiveness of government programs. He has my deep respect and the gratitude of all of us for his efforts in this area.

In addition, Senator ROTH distinguished himself as a gentleman in a chamber that has sometimes lost its gentlemanly manner. Senator ROTH could be tough, there's no doubt about that, on issues about which he cared, as well he should be, but he was always civil.

We will miss his gentlemanly ways and his guiding hand on the important but not-always-so-visible issues of government management. I wish him well and hope he enjoys an active but less hectic life which he so clearly deserves.

Mr. WARNER. Mr. President, I rise to pay tribute to a man I have worked with my entire Senate career: Senator BILL ROTH. He is a true friend and gentleman, as well as a superb legislator whose contributions to the nation are many.

Senator ROTH will likely be best remembered as the co-author of the famous Kemp-Roth tax cuts, initiated during President Reagan's tenure and for the Roth IRAs which have made it possible for millions around the country to invest taxable income that can be withdrawn tax-free in their retirement.

Senator ROTH has represented Delaware for 29 years, making him the longest serving Senator in our "First State's" storied history.

Senator ROTH is a decorated veteran of World War II, and began his Congressional service in 1966. He has served his country for almost 40 years. We all are indebted to him for his remarkable service.

I wish Senator ROTH and his wife, Jane, well and hope that they will cherish the years to come in the same way they have those that have past.

BILL ROTH's gentlemanly nature, his quietness and his humility were his hallmarks and strength.

Mr. CONRAD. Mr. President, when this Congress finishes its work it will also mark the end of a particularly distinguished 30-year career in this body. I rise to pay tribute to my chairman on the Finance Committee and my friend, BILL ROTH.

No Senator could hope to serve under a more thoughtful and considerate Chairman than those of us on the Finance Committee have experienced over the last five years. BILL is a true gentleman who works as hard as any Senator I know to make sure that

issues under his control have the broadest possible consensus. He has consistently reached out to members on our side of the aisle in order to make law in a way that honors the Senate's best traditions.

Like BILL, I represent a small state. He knows, as I know, what a special responsibility that is. People in a small state expect to have a personal relationship with their Senators, and I know from the times I have taken short vacations in his beautiful state the deep affection BILL inspires all over Delaware.

I am grateful for the opportunity I have had to work so closely with him on the important tax, health, and trade issues we deal with in the Finance Committee. BILL has a natural appreciation for the strong roles agriculture and tourism play in the economy of my state of North Dakota because they are such important components of Delaware's economy as well. He knows instinctively the value of looking for common ground.

Even as he leaves the Senate, however, one thing will set BILL apart. Many Senators are well known among the public at large, but very few have their names become household words. Senator ROTH earned his membership in that tiny elite. BILL's deep commitment to retirement security and savings led directly to the establishment of the Roth IRA, a retirement savings vehicle that will give savers decades from now a reason to be grateful to our beloved colleague from Delaware.

When we consider the departure of Senator ROTH in conjunction with the simultaneous retirement of the Senator from New York, the Committee on Finance is losing more than half a century of institutional memory and experience. That is a loss not only for our committee, but for the country as well.

We wish BILL ROTH all the best as he leaves us, but he will be greatly missed by his many friends and colleagues in the Senate.

#### RETIREMENT OF SENATOR CONNIE MACK

Mr. LEVIN. Mr. President, I want to pay tribute today to a colleague and good friend who will be leaving the Senate when the 106th Congress adjourns sine die, CONNIE MACK, the junior senator from Florida.

I have served with CONNIE MACK on the Senate Select Committee on Intelligence where, on the important issues of national security it considers, he can be counted upon to set partisanship aside, roll up his sleeves and get to work.

In the United States Senate we are called upon to work with colleagues of many differing points of view. While CONNIE MACK has served as a key member of the Republican leadership as Republican Conference Chairman, and he and I often disagree on the issues before the Senate, it has always been a pleasure to deal with him. Always an

able advocate for his point of view, he is a willing listener, open to compromise and when an opponent, always gracious, reasonable and fair.

CONNIE MACK has made a name for himself in the Senate on public housing and health care issues, particularly his efforts to make FDA-approved drugs available for other uses, especially in the fight against cancer. He and his wife, Priscilla, both cancer survivors, have been inspirational in their dedication to delivering the message to all Americans that early detection of cancer is a life-saver.

CONNIE MACK and I have shared a special bond, one of those inside jokes which create strong personal ties. Whenever I hear of someone making a great speech, I shall smile inwardly, think of CONNIE and miss his warm smile and the kind word he has for all of his Senate colleagues. I hope that in the years ahead, CONNIE and Priscilla will visit often.

Mr. CONRAD. Mr. President, I want to pay a tribute to my friend and colleague from the State of Florida who has decided to leave the Senate after a distinguished 12-year career here. It has been my pleasure to work with Senator MACK during that time on a number of important issues.

He has always been willing to reach across the aisle when bipartisan cooperation can make the difference. As colleagues on the Finance Committee, we have cosponsored each other's bills on such varied subjects as benefits for retired coal miners, fairer treatment for real estate under the Internal Revenue Code, and keeping gray market cigarettes out of the U.S. market. Senator MACK has been a generous, thoughtful, and constructive member of our committee, and we will miss his presence there every much.

Year in and year out, I am constantly impressed with the energy, intelligence, and commitment that CONNIE MACK brings to the challenging job of representing such a large and diverse State. Floridians have been privileged to have the benefit of his effective advocacy for their concerns.

I am confident that a man with public policy interests over as wide a range as CONNIE has shown during his tenure in the body is still going to be checking in with his old friends in the Senate to let us know what he's thinking. I hope we will see him often in the coming years.

I am happy to join my colleagues in wishing only the best for CONNIE and Priscilla as they move on to the next chapter in their lives.

Mr. WARNER. Mr. President, I rise today to pay tribute to Senator CONNIE MACK of Florida. There are many ways to discern the character of a Senator. CONNIE MACK has made his mark with strong leadership coupled with an unusual quality of gentleness. A true gentleman of the Senate. Senatorial courtesy was his hallmark. He loved this institution; it loved him.

One unique, but subtle mannerism reveals the inner security of this great

man—how he handled the gavel. The gavel is that symbol of authority so coveted by all Senators. As we all know, a gavel consists of two parts: the relatively small handle to hold, and the large hammer-like head to strike the blow. Senate Chairmen love the sharp "bang" connoting authority and decision.

Senator MACK is the only Senator, the only Chairman, whom I have observed in my 22 years of service who simply used the hammer head for the grip and conveyed his authority by gently tapping the end of the handle.

"May we have order, please." Immediately following was always quiet acceptance.

This symbolized to me how this elegant man commanded the great respect of all in the Senate. As with the gavel, his voice was always firm, and always with the soft tone of confidence.

We wish him well, together with his wife and family, as they accept life's next challenge.

#### RETIREMENT OF SENATOR RICHARD BRYAN

Mr. THURMOND. Mr. President, I rise today to recognize the selfless and noteworthy service of our esteemed colleague from Nevada, Senator RICHARD BRYAN. At the close of the 106th Congress, Senator BRYAN will retire from public service, and will end the final chapter in a most glorious and dedicated career as a servant of the people.

Even at an early age, RICHARD BRYAN displayed the leadership, sense of caring, and charisma that make for a successful public servant. Throughout his education he served as the president of many of his classes, including as the student body president his senior year at the University of Nevada-Reno.

After graduating, Senator BRYAN was commissioned a Second Lieutenant in the United States Army and served his country on active duty from 1959 to 1960. He then entered the University of California, Hastings College of Law, and graduated with honors in 1963.

Senator BRYAN returned home to Nevada and began a career in public service that would, to the benefit of the citizens of Nevada, span more than three decades. From 1964 to 1978, he served as a Deputy District Attorney, a Public Defender, a State Assemblyman, and a State Senator. In 1978, Senator BRYAN won his first state wide election when the people elected him Attorney General. Four years later RICHARD BRYAN became Nevada's 26th Governor. After two terms as Governor, in 1988, he won election to the United States Senate. Richard BRYAN is the only Nevadan to have served as the state's Attorney General, Governor, and United States Senator.

Clearly, Senator RICHARD BRYAN has always kept in mind the best interests of the people of Nevada and they have consistently asked him to represent these concerns. Additionally, over the

last twelve years, Senator BRYAN has become one of the Nation's leading consumer advocates. His deep concern for the consumer was evident by his successful campaign to require the installation of passenger side air bags in all cars sold in the United States. Many lives have been saved because of Senator BRYAN's promotion of this legislation.

It has been a pleasure getting to know Senator RICHARD BRYAN these past twelve years, and I wish he, and his fine wife Bonnie, the best of luck in the future. I know they will enjoy all the benefits of retirement, especially the opportunity to spend more time with their family.

Mr. CONRAD. Mr. President, I would like to recognize the leadership and accomplishments of an esteemed colleague who will be retiring at the end of this term. Senator RICHARD BRYAN has served in the Congress as a representative of Nevada for more than a decade. During his tenure, he has been a tireless advocate of a wide range of legislative reform activities.

Throughout his career, Senator BRYAN has fought for improving natural resources, enhancing the quality of the nation's classrooms, and protecting privacy on the Internet. Senator BRYAN has also been nationally recognized for his efforts on behalf of consumers.

As the former Chairman of the Senate Consumer Affair Subcommittee, Senator BRYAN was responsible for enacting laws to give consumers new powers to correct errors found on their credit reports and led the fight against telemarketing fraud. Perhaps most notably, DICK BRYAN was a champion of 1993 legislation that required air bags be installed in every new car sold in the U.S. These are important accomplishments that benefit consumers across the nation.

As colleagues on the Finance Committee, we have fought to address the challenges facing Social Security and Medicare. Just this year, we worked closely to develop a proposal to provide prescription drug coverage for all Medicare beneficiaries. I am proud to say that this proposal would provide much needed drug coverage to millions of seniors citizens and disabled individuals.

I have also had the opportunity to work with Senator BRYAN to address a very important priority for the nation—balancing the federal budget. We enjoy federal budget surpluses today because of the efforts of members like Senator BRYAN who supported measures to cut government waste and get our fiscal house in order.

For these and many other reasons, I have been honored to serve with DICK BRYAN. I would like to join my colleagues in wishing the Senator and his family the best in the future and in paying tribute to DICK BRYAN's lifelong commitment to public service. I wish him well.

SENATOR CHARLES S. ROBB

Mrs. BOXER. Mr. President, today I wish to pay tribute to my colleague from Virginia, Senator CHUCK ROBB, who will leave the Senate in January after 12 years of exemplary service to his state as a member of this body.

As others have noted, CHUCK ROBB has had a long and distinguished career in public service. He served his country for 34 years in the Marine Corps and reserves, and he is a highly decorated combat veteran. He was a widely popular governor of Virginia, who increased the state's education budget by \$1 billion, and appointed many women and minorities to top government jobs. And he has now served two terms as a United States Senator, where he has been praised for his leadership on national security, education, and the budget.

But I would like to note several aspects of CHUCK ROBB's Senate tenure that may not be quite as familiar, but for which I will always remember him and be grateful to him. The fact is that he was a hero on many issues: civil rights, human rights, and a woman's right to choose.

Time and time and time again, even in the most difficult and politically charged debates, Senator ROBB was steadfast in his support for the precious right of women to control their own bodies without interference from government.

He led the fight in the Senate to bring justice to African-American farmers throughout the nation who had been discriminated against by the Department of Agriculture. His legislation helped lead to the largest civil rights settlement in our history.

And then, in February 1993, he delivered a powerful and moving speech on the floor of the Senate, the message of which was that all of God's children, regardless of sexual orientation, should be treated equally in the military.

I will always remember Senator ROBB's eloquent words:

The issue should be not what kind of person you are but what kind of soldier, sailor, airman, or marine you are. . . . I would suggest to you, Mr. President, morale is in the heart of each service person. The threat to morale comes not from the orientation of a few but from the closed minds of many.

I was deeply touched by these words of tolerance and understanding, particularly because they came from one who had served so gallantly in the Marine Corps.

So I salute you and I thank you, CHUCK, and send you my very best wishes as you move on to new challenges.

Mr. President, I ask unanimous consent that the full text of the statement be printed in the RECORD.

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

FAMILY AND MEDICAL LEAVE ACT OF 1993  
(Senate—February 4, 1993)

Mr. MITCHELL. Mr. President, I yield 5 minutes to the Senator from Virginia.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. ROBB. Mr. President, I thank the chair.

What is it that makes an excellent soldier? I submit to you that it five basic virtues: Devotion to duty; loyalty to country, commanders, and comrades; skill in military arts; personal integrity; and courage. If you have these qualities, you can be an excellent soldier, whether your name of Manursky or Jefferson, Goldberg or Nguyen, Warner, Dole, Kerrey, or McCain.

A number of Americans who have these qualities, however, are being excluded from serving their country in the military for reasons beyond fitness or performance.

People have told me for some time that they cannot understand how someone who thinks of himself as a gung-ho marine can march to the music of a drummer that I do not hear.

Mr. President, the drummer I hear plays the Marine Corps Hymn. It still gives me a chill, and I still stand when it is played. I certainly do not want to detract in any way from the military's effectiveness or performance.

Because of that, I cannot stand by and let a policy that I consider less than perfect keep our services from attracting the best and most competent people. The issue should be not what kind of person you are but what kind of soldier, sailor, airman, or marine you are.

As a former marine who considers his 34-plus years in uniform and in the reserve to be the proudest affiliation of my life, I well understand those who argue the importance of maintaining morale and good discipline in the ranks.

But I would suggest to you, Mr. President, morale is in the heart of each service person. The threat to morale comes not from the orientation of a few but from the closed minds of many. President Truman recognized that when he ordered the services to be integrated by race despite the racial animosity of many then in service.

Do some of today's soldiers fear what they do not understand? Certainly, they do. Obviously. But should America's policy be guided by fear, or should be work to overcome prejudice by showing that merit and behavior, not orientations, are what counts in the military?

I have spent a great deal of time discussing this with a number of friends, including the Chairman of the Joint Chiefs, Gen. Colin Powell. Some think that I am simply on the wrong side of this issue, and I understand this and other objections to the proposal.

General Powell recently drew a difference between discrimination based on sexuality, which he called a behavior, and that based on race, which he called a benign characteristic. But I submit to you that race is obvious, until and unless it is expressed in conduct. And if that sexuality is expressed, it is no longer benign. Then it will run into the existing regulations of the Uniform Code of Military Justice.

The code offers sufficient protections against much of the conduct that supporters of this amendment fear. And it can certainly be expanded to prevent breaches of decorum or good order.

The specter of drill sergeants dancing together is unsettling, to say the least, Mr. President. But some of the amendment's supporters fail to note it is just the kind of behavior already prohibited by the Uniform Code, as is almost all of the conduct presented as a concern by those who are in favor of this particular amendment.

The President is the Commander in Chief of the Armed Services, and he sets the goals. Just as many military men were given the goal of ejecting Iraqi forces from Kuwait,

and led the plan and implemented that goal, I believe that the military should also be cast with making the President's goal a reality.

As a former military commander, I can tell you that if a goal of truly equal access to military service is to be reached, I believe that the military itself will have to come to terms with it.

That will best be done if given the proper role of implementing the President's directive. The hearings announced actually last year by the distinguished chairman of the Armed Services Committee will add information and understanding to that process and will let us fulfill the Congress' proper role of ensuring that readiness is maintained while achieving the President's goal. But I ask we not let fear govern our actions. While we may not perfectly understand what motivates individual sexuality, we cannot allow that lack of understanding to block deserving patriotic Americans from service.

Mr. President, I hope that my colleagues will oppose the amendment offered by my distinguished and very respected colleague, the Republican leader, in this particular instance.

I yield the floor.

• Mr. FEINGOLD. Mr. President, I rise today to pay tribute to CHUCK ROBB, a friend and colleague whom I deeply admire. Throughout our service together in the U.S. Senate, I have observed Senator ROBB's unfailing commitment to principle. CHUCK ROBB served his country courageously in Vietnam, and he served the Commonwealth of Virginia just as courageously in the U.S. Senate. Time and again, he voted his conscience, despite pressures to the contrary. Senator ROBB let principle, not politics, be his guide during his service in the body. His conduct should give every American faith that legislators can conduct themselves in a way that does honor to our democracy.

Senator ROBB opposed the flag desecration constitutional amendment, opposed the Defense of Marriage Act, and supported spending cuts while opposing the politically popular tax cuts. He did what he thought was in the best interest of Virginians and the nation, and I thank him for that. The Senate is a better place for Senator ROBB's service, and I join my colleagues in wishing him and his family all the best as he moves on to new endeavors. •

Mr. CONRAD. Mr. President, I would like to recognize the leadership and accomplishments of a respected colleague who will be departing at the end of this term. Senator CHUCK ROBB has served in the Senate as a representative of Virginia for more than a decade. During his tenure, he has been a strong advocate for a wide range of important legislative reform activities.

During his time in the Senate, Senator ROBB has fought to strengthen national security, maintain fiscal responsibility, and protect the environment. He has also been widely recognized for his longstanding commitment to improving education.

As a former Governor of Virginia, Senator ROBB was instrumental in increasing resources for schools. Building on these efforts, he spearheaded efforts to help states and localities build and



renovate schools, promoted legislation to put 100,000 new teachers in the classroom, fought for school safety initiatives, and championed measures to wire schools to the Internet. These are important efforts that have benefited children and teachers across the nation.

As colleagues on the Finance Committee, we have fought to address the challenges facing Social Security and Medicare. Just this year, we worked closely to develop a proposal to provide prescription drug coverage for all Medicare beneficiaries. I am proud to say that this proposal would provide much needed drug coverage to millions of seniors citizens and disabled individuals.

I would also like to note that I am proud to have worked with a colleague with such a distinguished military background. Senator ROBB served our nation for more than 34 years, during which time he received national honors for his leadership and commitment to serving our nation.

For these and many other reasons, I have been honored to serve with CHUCK ROBB. I would like to join my colleagues in wishing him and his family all the best in the future.

#### RETIREMENT OF SENATOR JOHN ASHCROFT

Mr. LEVIN. Mr. President, as we conclude the 107th Congress, we will be saying goodbye to our colleague and friend, Senator JOHN ASHCROFT of Missouri.

A former two-term Governor, JOHN ASHCROFT has earned a reputation in the Senate for his principled pursuit of conservative issues. He is also recognized as a strong proponent of the wide use of the internet by federal agencies as a way to make the government more responsive and accountable. As a leader in the term-limits movement, he carried out the innovative online petition drive.

Senator ASHCROFT served on the Senate Foreign Relations Committee, as well as the Commerce and Judiciary Committees. He established himself as a leader among Republicans on a range of issues from term limits to tax reform and welfare reform. While in many instances I have found myself on the opposite side of issues from John, I have always respected his intellect, his integrity, his principled positions and his ability to disagree without being disagreeable.

Since 1995, JOHN ASHCROFT and I have co-chaired the Senate Auto Caucus. In this capacity, we have worked together to provide Senators with up to date information on issues affecting the automotive industry and its employees. Through the Auto Caucus we organized informational briefings to give Senators and their staff and opportunity to better understand the auto industry's remarkable progress as well as the challenges it faces. The Caucus provides a forum for Senators to exchange

ideas on issues affecting the industry such as transportation, environment, trade, technology and health care.

Working together with Senator ASHCROFT's, we were able to increase membership in the Auto Caucus from six Senators to twenty-eight. The Auto Caucus played a leadership role in pressing the Administration to negotiate market opening trade agreements with Japan and Korea in the automotive sector and continues to weigh in on and monitor those agreements. In addition, the Caucus hosts meetings between Senators and Automotive CEOs, provides timely briefings on US-Japan and US-Korea automotive trade negotiations, and encourages the Administration to fight to open markets to U.S. vehicles and auto parts.

Last year, Senator ASHCROFT and I worked together to urge the National Highway Traffic Safety Administration to use an unbelted 25 mph barrier test instead of a 30 mph test to design air bags that will help better protect children, teenagers and small adults. Our work on this very complicated and controversial issue brought the Administration and Auto industry together to reach a result that will increase automobile safety.

We also worked together to continue the moratorium on unfair and ineffective increases in Corporate Average Fuel Economy standards and worked toward a compromise in the Senate to ensure that a National Academy of Sciences study of the effectiveness and impacts of CAFE standards will include the effect of those standards on motor vehicle safety as well as discriminatory impacts of those standards on the U.S. auto industry.

Also, we have worked together in the past to ensure that environmental regulations recognize and reinforce the voluntary environmental improvements and technological achievements of the automobile industry.

Not only will JOHN's contribution be missed in debate on the Senate floor, but his voice will be sorely missed, I suspect, by the "Singing Senators", the wonderful quartet in which he has joined with Senators LOTT, CRAIG and JEFFORDS. My wife and family, join me in wishing the best in the years ahead for JOHN, his loving wife (and co-author), Janet, and their family.

Mr. CONRAD. Mr. President, I rise today to pay tribute to Senator JOHN ASHCROFT as he prepares to leave the Senate.

For the past six years, Senator ASHCROFT has done important work as a member of the Commerce, Judiciary, and Foreign Relations Committees in the United States Senate. For example, Senator ASHCROFT has focused on reforming our nation's use of agricultural sanctions during foreign trade disputes. We share a common vision that we must not use food as a weapon in our disputes with other nations, and Senator ASHCROFT has made a high priority of changing this policy. His work is important both domestically and

internationally, and he can be proud of his contributions.

I also appreciate Senator ASHCROFT's recent work with Senator DORGAN, Senator BOND, and me on the Dakota Water Resources Act. This legislation is critical for the economic future of North Dakota, and I greatly appreciate the constructive role Senator ASHCROFT played in representing the interests of his state. During discussions on this bill he was a tenacious advocate for his state's interests. His diligence in representing his state's interests, coupled with his willingness to gain an understanding of the water needs of my state, ultimately helped us reach a compromise acceptable to both states. The people of Missouri can be proud of his work fighting for their interests.

More generally, Senator ASHCROFT has been a man of his word who served his state and his country with distinction. I join my colleagues on both sides of the aisle in wishing him well in his future endeavors.

Mr. WARNER. Mr. President, I rise to pay tribute to a colleague and friend who will be greatly missed by the United States Senate—Senator JOHN ASHCROFT.

Senator ASHCROFT, served Missouri and the nation with distinction.

In the Senate, he was a leader in passage of landmark welfare reform legislation, authoring the Charitable Choice provision. He fought for lower taxes, a strong national defense, greater local control of education, and enhanced law enforcement.

A popular, former two term governor of his home state, JOHN brought a real "can-do" sense of purpose to his work in the Senate. I have always felt that those who come to the Senate with experience as governor, have especially valuable experience that the entire nation benefits from.

There is a term used throughout the 211 year history of the Senate called "Senatorial courtesy." JOHN won the admiration of his colleagues in many ways, especially his caring tradition of writing wonderful personal notes—not by computer—but always taking time to write them by hand.

We wish you, your wife and family well as you take on your new challenges.

#### RETIREMENT OF SENATOR ROD GRAMS

Mr. LEVIN. Mr. President, as this session of Congress comes to an end, I want to speak about my friend and colleague from the State of Minnesota, Senator ROD GRAMS.

A former television news personality, ROD GRAMS, in his term in the House of Representatives and in the Senate, quickly established himself as a proponent of assistance to farmers and as an advocate for the establishment of a national nuclear waste repository.

As a member of the Senate Foreign Relations Committee, he has been an



opponent of international agricultural sanctions and a strong supporter of vigorous foreign trade. He supported IMF funding, trade with China and review of the U.S.-Cuba relationship.

He joined the bipartisan effort to enact strong brownfields cleanup legislation. ROD GRAMS earned a reputation as a strong supporter of tax relief, favoring elimination of the marriage penalty and other tax cut proposals.

While ROD GRAMS and I have disagreed on a number of issues, I respect the commitment which he has brought to policy debate. Where we disagreed, I found ROD GRAMS to be a straight-talking and agreeable adversary. I wish him and his family well in the future.

Mr. CONRAD. Mr. President, for the past six years, I have had the privilege of serving in the Senate with ROD GRAMS, a colleague who has distinguished himself on a number of important issues including budget, tax policy, and agriculture. He has served Minnesota with distinction as a member of the Senate Foreign Relations Committee, the Senate Committee on Banking, Housing, and Urban Affairs, the Senate Budget committee, and the Joint Economic Committee.

On a national level, Senator GRAMS is perhaps best known for his "Families First" plan, first discussed as part of the 1994 Republican budget alternative. This plan included a \$500 per-child tax credit, a recommendation that eventually became part of the 1997 Balanced Budget Act.

On a more parochial level, I have worked closely with Senator GRAMS on issues affecting our farm communities, and in 1997 to help our states recover from the disastrous floods along the Red River Valley. Communities along the Red River were devastated by this 500 year flood which disrupted business and forced thousands of families from their homes.

Senator GRAMS worked closely with delegations from North Dakota and South Dakota to make certain that the urgent needs of so many families and communities were met. He played an important role in ensuring bipartisan support and passage of the disaster relief legislation that was so critical for our states at that time. I know that many North Dakota families and businesses are very grateful for his support.

I extend my best wishes to Senator GRAMS, and his family, and my appreciation for his support on critical agricultural, budget, and disaster issues that we have worked together on in committee and on the Senator floor together.

#### TRIBUTE TO SENATOR SPENCER ABRAHAM

Mr. CONRAD. Mr. President, I rise today to pay tribute and recognize the accomplishments of a colleague, Senator SPENCER ABRAHAM of Michigan. Since joining the Senate in 1995, he has served with honesty, dedication, and integrity.

As members of the Budget Committee, I had the opportunity to work with Senator ABRAHAM on a number of important issues. A fiscal conservative, Senator ABRAHAM work to balance the federal budget and cut government waste. He has also been a champion of keeping our Social Security dollars locked away. This is an interest in which Senator ABRAHAM and I share a keen interest.

Most recently, Senator ABRAHAM was the lead sponsor of the American Competitiveness in the 21st Century Act, legislation that will help ensure our nation's continued growth and leadership in information technology (IT). The bill authorized visas for 195,000 high-tech professionals to work in the U.S. to meet the growing demand for skilled IT workers throughout our economy. During consideration of the bill, I was pleased to work with Senator ABRAHAM and his staff to include in the legislation long-term initiatives to ensure that Americans of all ages are trained to fill critical IT positions in our Information Age economy.

During his time in the Senate, Senator ABRAHAM also worked to curb unfunded mandates, stiffen sentences for cocaine dealers, and advocated stronger privacy protections for consumers on the Internet. His work has been thoughtful and our nation is a better place because of his efforts.

Mr. President, it has been a pleasure to serve in the Senate with SPENCE. I have the utmost respect for my friend and colleague from Michigan, and appreciate all of his contributions to the United States Senate and our nation. I would like to join with my colleagues in wishing the Senator and his family the best in the future.

Mr. WARNER. Mr. President, I rise today to recognize the accomplishments of my colleague and friend, Senator SPENCER ABRAHAM from Michigan.

Senator ABRAHAM began his service in government in Washington, DC in 1990, when he had the honor of serving in President Bush's Administration as Deputy Chief to Vice President Dan Quayle. In 1993, SPENCER ABRAHAM returned to Michigan to run for the United States Senate seat vacated by Senator Don Riegle who was retiring. Senator ABRAHAM won that Senate seat in 1994 and became the first Michigan Republican elected to the United States Senate in 22 years.

I have had the pleasure of working with Senator ABRAHAM on a number of issues including high technology and immigration over the last six years. Not only is Senator ABRAHAM a colleague of mine, SPENCE and his family are friends as well.

SPENCE ABRAHAM is a dedicated public servant, and he has represented the state of Michigan well in the United States Senate. During the past six years, Senator ABRAHAM took the lead in the Senate on high tech issues and immigration. He has been a strong supporter of tax cuts. Senator ABRAHAM has also played a prominent role in

trying to protect our Social Security Trust Fund—having fought hard for a Social Security Lock Box.

The Senate is going to miss SPENCER ABRAHAM's leadership. And, those of us who know him well are going to miss his friendship in the Senate.

#### NATIONAL INSTITUTE OF BIOMEDICAL IMAGING AND ENGINEERING ESTABLISHMENT ACT

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to H.R. 1795, which is at the desk, having been received from the House.

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

The legislative clerk read as follows:

A bill (H.R. 1795) to amend the Public Health Service Act to establish the National Institute of Biomedical Imaging and Bioengineering.

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

Mr. KENNEDY. Mr. President, many of us have worked throughout this Congress to bring greater fairness to our immigration laws. The Legal Immigration Family Equity Act and its amendments are a constructive compromise worked out between members of both parties to address a number of the injustices in current law that have harshly affected many immigrant families. Included in the final legislative package are three provisions that will provide long overdue relief to valued members of our communities and their families.

First, the legislation includes the partial restoration of section 245(i) for individuals who are physically present in the U.S. by the date the legislation is enacted into law. Spouses, children, parents and siblings of permanent residents or U.S. citizens will now be able to adjust their status in the U.S. and avoid needless separation from their loved ones. Similarly, persons who benefit from employer-based petitions will also be helped by the restoration of section 245(i).

Second, this legislation will benefit many of the "late amnesty" class members who have been in legal limbo for close to 15 years. Their spouses and children will be able to remain in the United States until they become eligible for permanent residence.

Finally, this legislation provides desperately needed technical corrections that will benefit persons eligible for relief under the Nicaraguan Adjustment and Central American Relief Act and the Haitian Refugee Immigrant Fairness Act.

Because these provisions were developed outside the usual committee process, they are not accompanied by committee reports on the background and purpose of the provisions. Therefore, as the chairman and the ranking member of the Subcommittee on Immigration, Senator ABRAHAM and I are submitting a detailed memorandum explaining the provisions, which I ask unanimous consent be printed in the RECORD at the closing of my remarks.

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

[See Exhibit 2.]

Mr. KENNEDY. Our action today is a significant step in the right direction, but this legislation is far from perfect. Critical pieces are missing.

We must continue to work for full parity for Central Americans, Haitians, and Liberians. It is unjust to treat refugees fleeing repression by left-wing dictators better than those fleeing repression by right-wing dictators. Congress must create a fair, uniform set of procedures for all of these refugees.

We also must continue to work for relief for permanent residents unfairly affected by the 1996 immigration law. The 1996 law contains some of the harshest provisions that Congress has enacted in many years. Their scope is sweeping. They hurt thousands of immigrants. They have taken immigrants away from their U.S. citizen families, without giving them even an opportunity to have their day in court. Next year, Congress must pass new legislation to correct the harsh provisions of these unfair laws.

It is also unfortunate that the legislation does not include far-reaching agreement on agricultural farmworkers. Senator GRAHAM, Congressman BERMAN, and many others worked skillfully to achieve this agreement. They proposed an excellent compromise that would have benefitted both the agricultural workers and the farm owners.

These further reforms deserve high priority by the next Congress, and I look forward to working with my colleagues and with the administration of President-elect Bush to enact them into law.

#### EXHIBIT 1

#### JOINT MEMORANDUM CONCERNING THE LEGAL IMMIGRATION FAMILY EQUITY ACT OF 2000 AND THE LIFE ACT AMENDMENTS OF 2000.

The pending legislation contains certain immigration provisions worked out between members of both parties to further address certain issues addressed in the first instance in the Legal Immigration Family Equity Act of 2000, or LIFE Act, which is contained in the Commerce Justice State Appropriations bill being transmitted to the President. Because both the original LIFE Act and this legislation were developed outside the ordinary Committee process, they were not accompanied by the usual reports elaborating on the background and purpose of their provisions. This memorandum is accordingly submitted on behalf of the Chairman and Ranking Member of the Subcommittee on Immigration of the Senate Committee on the Judiciary to provide such elaboration in somewhat abbreviated form.

The original LIFE Act sought to address two problems. First, it sought to provide a new mechanism to address the problem created by the long backlog of immigrant visa applications for spouses and minor children of lawful permanent residents, who are currently having to wait many years for a visa to become available to them. Right now, many of these individuals are even precluded from visiting their spouse or parent in the United States on account of an administrative interpretation that the filing of their petition cases doubt on the bona fides of

their applications for visitors visas, indicating that instead they are intending immigrants.

The LIFE Act creates a new temporary "V" visa under which these spouses (and their children) can come to the United States and wait for their visa here, if their immigrant visa petitions have been pending for more than three years. It also expands the criteria for "K" visas to include spouses and minor children of U.S. citizens. The purpose of the "V" and "K" visas is to provide a speedy mechanism by which family members may be reunited. We expect the Department of State and the INS to work together to create a process in keeping with the temporary nature of the visa that does not require potential beneficiaries to wait for months before their visas are approved. Like the existing Finance visa, the new "K" visa is not intended to be a prerequisite for the admission of citizen spouses, but a speedy mechanism for the spouses and minor children of U.S. citizens to obtain their immigrant visas in the U.S., rather than wait for long periods of time outside the U.S.

Second, the LIFE Act sought to correct past administrative mistakes that resulted in the wrongful denial of adjustment of status to hundreds of thousands of persons who should have qualified for permanent residence under the Immigration Reform and Control Act of 1986. It directs the Immigration and Naturalization Service (INS) to adjudicate the applications of individuals in two class action lawsuits on the merits, rather than continuing to litigate whether they were timely filed.

The LIFE Act Amendments make three significant additions to the provisions in the LIFE Act. First, they delete the LIFE Act's special mechanism for "V" and "K" visa holders to adjust to lawful permanent residence, and instead add a new provision modifying section 245(i), a mechanism by which anyone eligible for an immigrant visa and for whom a visa is currently available can adjust his or her status to that of lawful permanent residence in the U.S., rather than have to return abroad for consular processing. That mechanism was reauthorized in 1996, but only for individuals who were beneficiaries of immigrant visa petitions or labor certification applications filed by January 14, 1998. The LIFE amendments move the date by which such petitions or applications must be filed forward in time to April 30, 2001.

They also add a new requirement that for all beneficiaries whose application was filed after January 14, 1998, the principal beneficiary must have been physically present in the U.S. on the date of enactment of the LIFE Act Amendments of 2000. The function of this last requirement is to make sure that the renewed availability of section 245(i) does not operate to encourage anyone to violate our immigration laws. Accordingly, it should be interpreted with common sense.

It may be difficult for an individual physically present on the day of enactment to establish his or her presence on that precise date to qualify for 245(i). The Immigration and Naturalization Service (INS) should therefore be flexible in the types of evidence it will accept to establish physical presence on the day of enactment. For example, the kind of evidence of physical presence INS ordinarily accepts demonstrating that the applicant has been physically present during a reasonable period preceding that date, accompanied by an affidavit or declaration that the person was present on the date itself, should ordinarily suffice. We also note that this new requirement is applicable only to principal applicants for 245(i), and not to derivatives, who continue to be allowed to "follow to join" if they otherwise qualify.

In order to ensure that persons who may benefit from this provision are aware of this legislation, we strongly encourage the INS to conduct a broad outreach program within the immigrant communities. Additionally, to ensure that all potentially eligible persons have an opportunity to qualify for 245(i), if necessary the INS should accept petitions and applications before the April 30, 2001 sunset date that do not contain all necessary supporting documents, and allow additional documents to be filed after the deadline.

Second, the legislation adds the members of a third class action law suit, *Zambrano v. INS*, to those covered by the LIFE Act's provisions concerning adjustment of status under the Immigration Reform and Control Act of 1986 (IRCA). We note that persons eligible for adjustment pursuant to the combined LIFE provisions include everyone who has "filed with the Attorney General a written claim of class membership", that is all registered class members, not only those who have been issued employment authorization pursuant to a screening that did not reliably distinguish between potentially meritorious and non-meritorious applications.

We understand that several other class action lawsuits are still pending in the federal courts challenging other INS interpretations of the 1986 adjustment provisions. The precise posture of one of these cases, *Perales v. Thornburgh*, came to our attention after the legislation had been finalized. We understand that a class of about 200 identified plaintiffs in *Perales* challenged the same regulation whose illegality the INS has conceded in *Zambrano*. We would encourage the Attorney General to provide a just resolution for the *Perales* class members in light of the legislation enacted today.

Other cases that have come to our attention, such as *Proyecto San Pablo v. INS*, and *Immigrant Assistance Project v. INS*, are in a different posture from those addressed by the LIFE Act and these amendments, in that they do not involve regulations that INS has conceded were illegal. At the same time, however, it is now almost 2001, that is, almost 15 years after the enactment of IRCA, and these cases remain unresolved. We encourage the plaintiffs and the Attorney General to explore the possibility of settling these cases and bringing to an end the years of bitter and costly litigation. Nothing in this legislation is intended to preclude this option, or to preclude the Attorney General from resolving any other IRCA adjustment applications on the merits.

In that connection, we also note that when the 1986 legalization program was enacted, the Attorney General, pursuant to section 245A of the INA, was authorized to work in conjunction with voluntary organizations and other qualified State, local and community organizations to broadly disseminate information about the legalization program. The INS helped provide funding to these organizations to assist with the outreach effort, as well as with the preparation and submission of the applications for adjustment of status. A similar outreach campaign should be conducted to disseminate information about the opportunity to apply for adjustment of status under this Act. As noted above, almost 15 years have elapsed since the original legalization program was enacted, therefore the need to publicize the resolution of these issues reached by the LIFE Act and amendments thereto is critical to ensure that eligible persons are notified and have an opportunity to obtain the benefits of this Act. Moreover, nothing in the Act should be construed to preclude the Attorney General from providing funding to organizations qualified and experienced in the preparation and submission of adjustment applications.

Third, the amendments clarify that the spouses and unmarried children of the beneficiaries of Section 1104 of the LIFE Act are eligible for the Family Unity provisions of the Immigration Act of 1990. By enacting this provision, our objective is to ensure that these family members are treated in the same manner as the family members of those who adjusted their status under IRCA.

In addition, the amendments address two, more technical issues. Section 1104 LIFE Act applicants, as well as beneficiaries under the Nicaraguan Adjustment and Central American Relief Act (NACARA) and the Haitian Refugee Immigrant Fairness Act (HRIFA) are made eligible for certain waivers of grounds of inadmissibility. These waivers are ordinarily available only to persons who are outside the U.S. The amendments to the LIFE Act allow the covered individuals to apply for these waivers in the U.S.

Finally, the LIFE amendments clarify that section 241(a)(5) of the INA which bars anyone who has been ordered removed and who subsequently reenters the U.S. from obtaining any relief under the INA. Because adjustment under section 245A, NACARA, and HRIFA is not "relief under" the Act, LIFE amendments specify that this bar does not apply to LIFE section 1104 beneficiaries, or NACARA or HRIFA applicants.

Mr. LOTT. Mr. President, I ask unanimous consent that the bill be advanced to third reading and passed and the motion to reconsider be laid upon the table, all without intervening action, motion, or debate.

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

The bill (H.R. 1795) was read the third time and passed.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LOTT. 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. LOTT. Mr. President, Senator DASCHLE is here. We have a few resolutions we can offer at this point.

#### THANKING THE PRESIDENT PRO TEMPORE

Mr. LOTT. Mr. President, I send a resolution to the desk on behalf of myself and Senator DASCHLE and ask for its immediate consideration.

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

The legislative clerk read as follows:

A resolution (S. Res. 388) tendering the thanks of the Senate to the President pro tempore for the courteous, dignified, and impartial manner in which he has presided over the deliberations of the Senate.

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

Mr. LOTT. Mr. President, I ask unanimous consent that the resolution be agreed to and the motion to reconsider be laid upon the table.

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

The resolution (S. Res. 388) was agreed to, as follows:

#### S. RES. 388

*Resolved*, That the thanks of the Senate are hereby tendered to the Honorable Strom Thurmond, President pro tempore of the Senate, for the courteous, dignified, and impartial manner in which he has presided over its deliberations during the second session of the One Hundred Sixth Congress.

Mr. LOTT. Let me note, Mr. President, that the distinguished Senator from South Carolina, Senator STROM THURMOND, has been very diligent in his duties over the past 2 years. No matter what hour of the day the Senate came in, Senator THURMOND was in the chair and recognized the Chaplain and called on a Senator to lead the Pledge of Allegiance. On a few occasions, I even suggested a substitute could fill in, but on rare occasions did that ever happen.

He has set a tremendous example for all of us in the Senate. He continues the tradition that Senator BYRD of West Virginia also exhibited when he was President pro tempore. So I am sincere when I say we extend our appreciation to Senator THURMOND for his diligence as our President pro tempore.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. Mr. President, I associate myself with the remarks of the distinguished majority leader.

I have admired the distinguished President pro tempore for a lot of reasons. But his diligence in opening the session every day, and his willingness to be as prompt as he always is, is something admired on both sides of the aisle.

So for all of his effort, for all of his service, for his willingness to serve as he has, we thank him.

I thank the majority leader for yielding.

#### THANKING THE VICE PRESIDENT

Mr. LOTT. Mr. President, I send a resolution to the desk on behalf of myself and Senator DASCHLE and ask for its immediate consideration.

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

The legislative clerk read as follows:

A resolution (S. Res. 389) tendering the thanks of the Senate to the Vice President for the courteous, dignified, and impartial manner in which he has presided over the deliberations of the Senate.

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

Mr. LOTT. Mr. President, I ask unanimous consent that the resolution be agreed to and the motion to reconsider be laid upon the table.

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

The resolution (S. Res. 389) was agreed to, as follows:

#### S. RES. 389

*Resolved*, That the thanks of the Senate are hereby tendered to the Honorable Al Gore,

Vice President of the United States and President of the Senate, for the courteous, dignified, and impartial manner in which he has presided over its deliberations during the second session of the One Hundred Sixth Congress.

Mr. LOTT. Mr. President, let me note that the Vice President, AL GORE, a former Member of this body, served the Senate. I served with him here. I served with him in the House. He has served his country so well for a long time. He, probably more than most Vice Presidents, did spend time up here. On a few occasions, he did have to come and break ties. Generally, I did not like that, but he was prepared to do that.

He served his country so well, and a simple resolution of this nature is not adequate to express the appreciation of the Senate and of our Nation.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. I will have more to say about that matter at another time. But let me also, again, associate myself with the remarks of the majority leader, except to say I was delighted he was there in the chair to break those tie votes on occasion.

He has served his country well in so many roles over the years, including his years in the Senate, both as a Senator and as the President of the Senate. We congratulate him and thank him for his work, as well.

#### COMMENDING THE EXEMPLARY LEADERSHIP OF THE DEMOCRATIC LEADER

Mr. LOTT. Mr. President, I send a resolution to the desk and ask for its immediate consideration.

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

The legislative clerk read as follows:

A resolution (S. Res. 390) to commend the exemplary leadership of the Democratic Leader.

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

Mr. LOTT. Mr. President, I ask unanimous consent that the resolution be agreed to and the motion to reconsider be laid upon the table.

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

The resolution (S. Res. 390) was agreed to, as follows:

#### S. RES. 390

*Resolved*, That the thanks of the Senate are hereby tendered to the distinguished Democratic Leader, the Senator from South Dakota, the Honorable Thomas A. Daschle, for his exemplary leadership and the cooperative and dedicated manner in which he has performed his leadership responsibilities in the conduct of Senate business during the second session of the 106th Congress.

Mr. LOTT. Mr. President, I could go on for quite some time about my colleague from South Dakota. He does a magnificent job as the Democratic leader. He is thoughtful. He is accessible. He is tenacious. He is committed. He is courteous. And while, as leaders

of our respective parties in the Senate, we sometimes disagree and sometimes even clash publicly—it has been rare—we have a very good working relationship. When the day is done and we have conversations, they are quite often personal and very kind. I appreciate his courtesies. I look forward to working with him in the next Congress.

It is going to surely test us in every way, every day, but I hope and pray we will be up to the task. I will certainly try to fulfill that new, challenging role. And I know I can count on my friend and partner to do his part on the other side of the aisle.

So I am delighted to be able to offer this resolution of commendation to Senator DASCHLE.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The Democratic leader.

#### COMMENDING THE EXEMPLARY LEADERSHIP OF THE MAJORITY LEADER

Mr. DASCHLE. Mr. President, I have a resolution at the desk and ask for its immediate consideration.

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

The legislative clerk read as follows:

A resolution (S. Res. 391) to commend the exemplary leadership of the Majority Leader.

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

Mr. DASCHLE. Mr. President, this resolution is offered in the most heartfelt and sincere way. These last 2 years have been very difficult. There have been times when it has tested all of us. But no one has been more tested than the majority leader. No one has been called upon to lead in more arduous circumstances, on more occasions, than the majority leader. And as he has just noted, there have been times when we have had our differences. But I have always admired him for his remarkable ability to put aside those differences, to come to my office, to invite me to his, to talk in the most affable and personal way when the day is done. I admire that and many other of his remarkable talents. We are fortunate to have his leadership. We are fortunate to have his service to this country. And I am fortunate to have his friendship.

So I congratulate him on his successful tenure as majority leader. And as he noted, our times in the future will become even more arduous, even more tested. I look forward to taking on those challenges with the same degree of enthusiasm, the same degree of willingness, to work in a partnership that I hope we can continually demonstrate. So I thank him. I wish him well and look forward to our service together in the next 2 years.

Mr. REID. Mr. President, the American public, the people from South Dakota, the people from Mississippi, do not know how hard these two men

work for their States and their country. They probably have some idea because they are both so popular in their respective States, but from someone who sits and watches these two men every day we are in session—and many of the days we are not in session—I am in awe as to the work they do and the difficult situations they get us out of.

If someone had said this morning at 10 o'clock that we would be in the position we are in today—being able to go home for Christmas—I would have laughed at them. I thought it was impossible for us to do that. But these two men, working together, were able to put together a package of about \$500 billion involving the most important things this country deals with on a daily basis. They did this. They did it alone. There were others on the outside helping a little bit, but this is just an example.

But I have been able, from my perspective here for 2 years, to watch them, and I am tremendously impressed. I want this RECORD spread with the fact that these resolutions do not in any way connote the really good work they do. On paper it says they did a good job, but it takes someone who works with these two gentlemen on a daily basis to see the sacrifices they make for their States and for the country.

Their families should be so proud of what they do. The people of their States should be so proud of what they do. And I, speaking on behalf of Americans, after this bitter election, say here are examples of everything that is good about the American political system—Senators DASCHLE and LOTT.

The PRESIDING OFFICER. Is there further debate on the resolution?

Without objection, the resolution is agreed to.

The resolution (S. Res. 391) was agreed to, as follows:

#### S. RES. 391

*Resolved*, That the thanks of the Senate are hereby tendered to the distinguished Majority Leader, the Senator from Mississippi, the Honorable Trent Lott, for his exemplary leadership and the cooperative and dedicated manner in which he has performed his leadership responsibilities in the conduct of Senate business during the second session of the 106th Congress.

Mr. LOTT. I appreciate very much the kind remarks of Senator DASCHLE and also our good friend, Senator REID of Nevada. He has been very generous, and we appreciate it. He makes our jobs easier. Sometimes when we are out there having meetings or taking incoming shots from various places, in a quiet, humble, self-effacing, diligent way, HARRY REID is out there finding a solution. I sincerely appreciate the work he has given us and the entire institution over the last year. I enjoy working with him very much.

I am very proud, too, while we have big States, very important States, the little States of Nevada, Mississippi, and South Dakota are hanging in there. We are glad to be able to fill these positions of responsibility.

So I thank them both very sincerely.

#### THANKING SENATE STAFF

Mr. LOTT. Mr. President, I send another resolution to the desk on behalf of myself and Senator DASCHLE and ask for its immediate consideration.

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

The legislative clerk read as follows:

A resolution (S. Res. 392) tendering the thanks of the Senate to the Senate Staff for the courteous, dignified, and impartial manner in which they have assisted the deliberations of the Senate.

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

Mr. LOTT. Mr. President, I ask unanimous consent that the resolution be agreed to and the motion to reconsider be laid upon the table.

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

The resolution (S. Res. 392) was agreed to, as follows:

#### S. RES. 392

*Resolved*, That the thanks of the Senate are hereby tendered to the Secretary of the Senate, the Sergeant at Arms of the Senate, the Secretary for the Majority, the Secretary for the Minority, and the floor staff of the two parties for the courteous, dignified, and impartial manner in which they have assisted the deliberations of the Senate during the second session of the One Hundred Sixth Congress.

Mr. LOTT. Mr. President, I want to just expound a bit on this resolution. We are deeply indebted to these staff members, including those at the table in front of us. They are so efficient. They are so informed. They save us many times from ourselves. They are here early. They are here late. And, of course, all of the clerks, the Parliamentarians, and the representatives who are here do a magnificent job. We do not always say we appreciate it enough, but we do. We could not make it without them.

This resolution is the very least we could do to say we appreciate them.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. Mr. President, again, I want to identify myself with the remarks of the majority leader. These staff are the best there could be. I thank them, on behalf of the entire Senate, for their hard work, for their professionalism, for the level of commitment they make each and every time they come to work. I thank them for what they do. There are so many ways we ought to stop throughout the year and express ourselves in as heartfelt a way as we can, but at least now at the end of this Congress, we ought to say—with an exclamation point—thank you.

Thank you for what you do. Thank you for who you are. Thank you for what you give each and every day.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I ask unanimous consent that I be added as a cosponsor to each of these resolutions that have just been offered: S. Res. 388, S. Res. 389, S. Res. 390, S. Res. 391, and S. Res. 392.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Nevada will be added as a cosponsor to the resolutions.

Mr. LOTT. Mr. President, those are all of the resolutions we have at this time.

I know the distinguished Senator from Alaska, the chairman of the Appropriations Committee, will probably have some remarks about the bill we have been working on for so long now. We have a few other items.

#### CONGRATULATING SENATOR STEVENS AND SENATOR BYRD

Mr. LOTT. Mr. President, let me take this occasion to thank the distinguished chairman of the Appropriations Committee and, in his absence, Senator BYRD for his cooperation with Senator STEVENS. They work together as a team every day. They do an incredible job. They have one of the toughest jobs in the Congress.

I have been working in budget processes now directly for I guess about 20 years. When I was in the House as the whip, I sometimes reluctantly became a participant in those budget renegotiations. They were never easy. But I don't think I have ever seen more fire, lightning, and thunder than we had on this bill, when you compare it to bills of the past that were relatively small in size and various parts.

It was very tough. Everything was fought over so aggressively. Things didn't get in, such as Amtrak, and things got in, such as Medicare adjustments. But we found a way to make it happen. We found it very hard to let go. But the Senator from Alaska hung in there. I know he was working at 2

o'clock this morning, and I know he was back at the office today at 6:30. I talked to him sometime between 6:30 and 8 o'clock this morning. The amazing thing was he was sweet and charming and pleasant.

Is this the deed? Is this what we have here?

Mr. MOYNIHAN. I dare not ask a World War II pilot veteran to lift this or the rules on ergonomics might be contradicted.

But I congratulate you, sir.

Mr. LOTT. It probably violates the rules of ergonomics, I would like to say, if that is the package.

Finally, all of us learned in the last 2 days more than we ever wanted to know about the Steller sea lion. What is it, and what are they? Whatever they are, I am sure they are beautiful, and I know they appreciate the effort of the Senator from Alaska. I know about 10,000 Alaskans appreciate the fact that their jobs will not be wiped out almost instantly.

The administration was very tough, but they were protecting the Endangered Species Act. I don't know quite how Senator STEVENS found common ground. But he did. Thank goodness for all of the persistence. He is affectionately known as "The Tasmanian Devil." But today he did this job without his Tasmanian necktie.

While we get very testy with each other sometimes, we still really appreciate the work that is done.

Senator STEVENS, congratulations, and I look forward to someday being able to know all that is in the bill.

The PRESIDING OFFICER (Mr. ABRAHAM). The Democratic leader.

Mr. DASCHLE. Mr. President, this will be the last time, because I know others want to speak.

I, too, want to congratulate the chairman and ranking member. This has been a really difficult experience. He knows it. No one knows it better than he because he had to experience it

as late as 3:30 last night and as early as 6:30 this morning. We know because of a very intense debate we had within our caucus. It would not have happened without his leadership. It would not have happened without his persistence and the work of his staff—and the staff whom both the majority leader and I have been fortunate to have serve with us as we have attempted to put this package together.

I congratulate him. I thank him. I also congratulate the people of Alaska for the kind of representation they sent to Washington in the person of TED STEVENS.

I yield the floor.

Mr. LOTT. I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I know others are going to take the floor.

While the two leaders are here, I thank each of them for their comments. Nothing is done in the Senate without the concurrence of the leadership. I know full well the help they have given us in the past days and weeks which led to the final solution. I will be speaking about that later.

I thank the Senator from Mississippi and also my friend, the Senator from South Dakota, for their help and for the sincere comments they made today. They are very welcome, as far as I am concerned, and I am humbled by them. I thank them very much.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM. Mr. President, I appreciate the positive remarks that have just been made about our leadership and those who have supported them throughout these difficult 2 years, and look forward at an appropriate time to hearing the comments of the chairman of the Appropriations Committee on this legislation.

#### NOTICE

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