

week and see what can be accomplished.

I want to remind Senators we expect a veto override vote to occur on Thursday on the partial-birth abortion ban. And there are requests from Senators to be able to speak on that matter today also. But we would schedule a vote for Thursday.

TRIBUTE TO JOHN DURICKA

Mr. LOTT. Mr. President, the Senate and all Americans lost a true professional yesterday. Veteran Associated Press photographer John Duricka died Monday at Arlington Hospital after long battle with cancer.

The measure of John's professionalism and dedication is that he was on the job almost right up to the time of his death—doing what he loved and doing it wonderfully well.

John's combination of mature demeanor and tough determination was a familiar face to all of us here in the Senate. He was a news photographer first—make no doubt about that.

But he also respected the institution which he illustrated to the world every day with his pictures. Unlike the White House or the Federal agencies where photographers often are cordoned off from those they cover, the Congress shares its space with the media.

John Duricka respected that unique relationship that we had with him and we returned that respect with our trust and appreciation for his talent.

I want to express the Senate's sympathy to his son Darren, his daughter Tammy, and his mother Emily Duricka.

All who treasure our freedoms of the press and free expression will miss his outstanding contributions to that end. We in the Senate will miss a respected friend. I yield the floor, Mr. President.

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 10:30 a.m., with Senators permitted to speak therein for not to exceed 5 minutes each.

The Senator from Georgia [Mr. NUNN] is now recognized to speak for up to 10 minutes.

Mr. NUNN. I thank the Chair.

TRIBUTE TO GEARY T. BURTON

Mr. NUNN. Mr. President, on August 13, Geary Thomas Burton tragically and unexpectedly died while undergoing surgery to correct a knee injury he sustained during a recent church-related softball game. He was only 45

years old at the time of his death. Geary was known to all of us on the Armed Services Committee and to many here in the Senate because he was a very important member of the staff of the Armed Services Committee from 1989 to 1991.

Today, I want to take this opportunity to recall Geary's many professional accomplishments and describe for my colleagues the life of this remarkable individual who served the Senate Armed Services Committee with great distinction for more than 3½ years.

Geary Burton was born on June 30, 1951, in Pittsburgh, PA. We are privileged to have his mother, Lura Burton, sitting in the Senate Gallery today, along with Geary's sister Nancy and her daughters Claudia and Claudette. It was through Mrs. Burton's love, hard work, and devotion in raising Geary and his sister, Nancy, that he developed such strong character and learned the value and importance of a good education. In 1973, Geary earned a bachelor of arts degree at Thiel College in Greenville, PA, where he majored in political science. He continued his education and earned a law degree from Duquesne Law School in 1976.

With great energy and dedication, Geary used his education and skills as an attorney in the service of our country. In August 1973, he received a commission as a second lieutenant in the U.S. Marine Corps. He served as a criminal trial lawyer on active duty with the Judge Advocate General Corps from 1977 to 1981. Even after his release from active duty in March 1981, Geary continued to serve as an officer in the Marine Corps Reserve. In November 1982, he was promoted to the rank of major. We all know the Marines set very high standards—and Geary fully met these standards. Geary's accomplishments as one of "The Few and the Proud" are notable. I recall in many conversations with Geary he was extremely proud of his service with this elite military organization.

In March 1981, Geary accepted a position with the Office of General Counsel at the General Accounting Office, where he served as legal counsel to the evaluator staff charged with auditing the Department of Defense, a very major responsibility. Geary consistently demonstrated a high degree of proficiency in performing his duties and moved quickly up the civil service ranks. In less than 7 years, he earned three promotions and obtained a GS-15 ranking at the age of 36—which is a remarkable achievement.

Geary joined the staff of the Senate Armed Services Committee as a detailee from the General Accounting Office in April 1989 to work on the complex issues of defense acquisition reform. I remember requesting from the GAO one of their best people. We did not know Geary at the time but we really needed help. They certainly lived up to that request because they sent us a very talented young man. He

quickly earned the respect and admiration of his fellow staff members as well as Senators on both sides of the aisle with whom he was in regular contact. Geary's tenure with the Armed Services Committee lasted until December 1992. During that period, he served as counsel to the committee for defense procurement and small business issues. We tried to keep Geary but finally the GAO demanded he come home because they needed him very bad.

Geary successfully conducted research, drafted legislation, and developed congressional and public support for many key legislative initiatives. He performed a vital role in helping the Armed Services Committee make numerous changes to defense acquisition policy that were required in the face of the post-cold-war defense build-down. Geary worked hard to enhance the role of small and disadvantaged businesses, historically black colleges and universities, and other minority educational institutions in defense acquisition practices. Geary's key participation in the establishment of the Pilot Mentor-Protégé Program was a direct reflection of the innovation and creativity that he brought to the committee in drafting acquisition legislation. In addition, Geary provided outstanding staff work in the oversight of programs designed to foster greater government-industry cooperation and to increase the use of commercial products and processes in Government procurement which has saved and will continue to save on an increasing basis literally millions and billions of the tax dollars for the American people. This of course has been a top priority of Secretary of Defense Bill Perry.

While Geary's dedication and professional competence contributed to a highly successful career, Geary was totally devoted to his family and the community in which he lived. He was an active member of St. John the Evangelist Baptist Church in Columbia, MD. In his extended community of Howard County, MD, Geary served as a member of the board for the African-American Coalition and helped establish the Black Student Achievement Program. There is a saying that "Those who possess the torch of wisdom should allow others to come and light their candles by that torch." Geary Burton followed this principle in both his professional and personal life to the great benefit of both the Senate Armed Services Committee and his local community. His service to our committee, to the Senate, and to the Nation was superb.

Geary will be missed most of all by his devoted family but he will also be missed by all of us who worked with him. He was simply a superb individual in every sense of the word.

In closing, Mr. President, I want to say to Geary's family—his wife, LaVarne; his two daughters, Ruth Giovanni and Beth Angela; his stepson Kevin Taylor; his mother Lura Burton; his sister, Nancy Bellony, and her

daughters Claudia and Claudette—that my thoughts and prayers, and those of all of the members and staff of the Armed Services Committee with whom Geary served, are with you in these difficult days. Geary was a respected colleague and trusted friend. We will always be grateful for his service to the Senate and to his Nation. We will always recall with great fondness and with wonderful, wonderful memories his warm personality and the energy and enthusiasm with which he approached his work and his life.

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. NUNN. Mr. President, I ask unanimous consent that Senator DODD be permitted to proceed in morning business for up to 15 minutes.

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

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The distinguished President pro tempore of the Senate is recognized.

(The remarks of Mr. THURMOND pertaining to the introduction of S. 2104 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. DODD addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, if I may inquire, I believe I have been allocated 15 minutes.

The PRESIDING OFFICER. The Senator is correct.

Mr. DODD. I thank the President.

Mr. President, I have served as a Member of this body for nearly 16 years.

In that time, few accomplishments have given me as much pride as the day in February 1993 when President Clinton signed into law the Family and Medical Leave Act.

Enactment of family leave legislation threw millions of struggling Americans a lifeline.

It made it easier for the American people to balance the responsibilities of work with the needs of their families.

And most important, it said to the American people: If you or a loved one

becomes ill, you won't be forced to choose between your family and your job.

I point out that we were the last of the industrialized nations—in fact, last of many nations in this World—to actually adopt a family and medical leave policy.

It took 7 years from the introduction of the legislation until it finally became law. PATRICIA SCHROEDER—also representing the State which the Presiding Officer represents—was the author of the legislation in the House. I introduced the legislation in the Senate. Seven years we spent trying to get this bill to become the law of the land. It was an experience fraught with highs and lows.

Today, September 24, marks the fourth anniversary of one of those moments on the road to passage. It was in 1992, on September 24, that the Senate voted to override President Bush's veto of the Family and Medical Leave Act. Today, to mark this important anniversary, Americans are gathering all across the country in nearly 40 States.

Families, community members, and businessmen who found life better under the Family and Medical Leave Act will meet and share their experiences with the American public. And today the First Lady will travel to Connecticut to hear from those in my State who have seen the benefits of the Family and Medical Leave Act in their own families' lives.

Now, I would like to go back to 4 years ago today. On that date in 1992, 67 of our colleagues—from both sides of the aisle—joined me in voting to override the President's veto of the Family and Medical Leave Act. It was in fact only the second veto override of President Bush. Unfortunately, 6 days later, the House voted to sustain the President's veto, thereby killing the Family and Medical Leave Act once again. It had been the second veto we had been through in 7 years.

Our former colleague, Bob Dole, the then minority leader of the Senate, was one of those 31 Senators to vote against giving America's working families a helping hand. And just this month on the campaign trail Bob Dole attacked the Family and Medical Leave Act as what he called, and I quote him, "the long arm of the Federal Government."

I think the 12 million Americans who have taken advantage of the Family and Medical Leave Act over the past 2 years would probably disagree with that view. I think that the 67 million Americans who are now covered and eligible to take family and medical leave would have a different opinion than that of the former minority and majority leader.

For those, such as former Senator Dole, who continue to doubt the success of the Family and Medical Leave Act, I urge them to examine a recent bipartisan report which highlights the success of this legislation.

You may recall, Mr. President, that as part of the legislation we formed a

bipartisan commission on family and medical leave to examine what the ramifications would be. Members of the commission were made up of both Democrat and Republican appointees, as well as opponents and proponents of the legislation. We spent over a year examining the Family and Medical Leave Act with significant surveys of employers and employees, with hearings conducted across the country, as well as here in Washington, to examine what the implications of the bill had been.

The overall findings of this commission were clear. In fact, the commission was unanimous that the Family and Medical Leave Act has been an overwhelming success. What is more, according to the commission's final report, the law represents, and I am quoting the report, "a significant step in helping a larger cross-section of working Americans meet their medical and family care-giving needs while still maintaining their jobs and economic security."

The bottom line is that family and medical leave legislation is allowing millions of working Americans significant opportunities to keep their health benefits, maintain job security, and take leave for longer and greater reasons.

Let us be clear on one point. Contrary to Senator Dole's protestations, family leave has also been good for American business. The conclusions of the bipartisan report, I think, are very important in this regard. And they certainly are a far cry from the concerns that Bob Dole and others voiced when this legislation was being considered in Congress.

Mr. President, let me draw your attention, if I may, to this first chart which reflects a survey done of business leaders by the commission. The vast majority of businesses, nearly 94 percent reported little or no additional costs associated with the Family and Medical Leave Act. I was stunned by this conclusion since the commission was analyzing the initial phases of the legislation. The initial phases of a legislation are always the most difficult, with businesses having to accommodate, get used to it, and develop bureaucratic procedures within their own businesses to accommodate the new legislation.

In my view, it is almost an astounding result that 94 percent of the businesses surveyed reported no difficulty in this initial time period. I assumed that such positive results would have come later as business became more used to the law and not during the initial stages, which tend to be the most awkward time.

So that was a rather compelling result from the list of the employers we surveyed. By the way, let me add that there were hundreds of employers and employees questioned in the commission's survey of reactions to the Family and Medical Leave Act.

When it comes to the employee performance, which was another concern

that was presented during the debate over family leave—as well as by our former colleague, Bob Dole—about what would be the effect on employee performances, what would happen to productivity, what would happen to growth when you had people moving in and moving out, as the critics claimed, nearly 96 percent of the employers reported no noticeable effect on growth. The concern was that this legislation would bring growth rates down. In fact, according to employers, 95.8 percent said there was no noticeable effect at all. Interestingly, 1 percent said they had a positive growth effect. If fact, we had only 3.1 percent who said it had a negative effect, again, in just the first 2 years of the bill being the law of the land.

More than 94 percent reported no effect on employee turnover. This was another accusation, that we are going to get huge turnover rates from family leave legislation, and yet on turnover rates, 94.7 percent of businesses reported no problems with turnover whatsoever.

Eighty-three percent of the employers reported no noticeable impact on employee productivity. We were told, once again, that productivity rates would fall—businesses would lose people and have to hire temporary employees to come in for a period of time. Supposedly this would cause productivity rates would fall. In fact, 83 percent said the law had no impact on productivity whatsoever. In fact, 12.6 percent actually said the law had a positive effect on productivity because, I presume, people no longer had to worry about losing their job because of a family crisis.

As we all know, Mr. President, family and medical leave is more than just statistics. There are real Americans behind these numbers. In compiling our bipartisan report on family and medical leave, we heard testimony from Americans who have been helped by this legislation. None of the commissioners—none of the commissioners, Mr. President—will ever forget the story of the Weaver family that we heard during our hearing in Chicago.

Melissa Weaver of Port Lavaca, TX, was 10 years old when she was diagnosed with a rare form of cancer, and after undergoing a year of surgery, chemotherapy and radiation treatments, her doctor regretfully informed her parents, Ken and Rosie Weaver, that she had only a few months to live. Because of the Family and Medical Leave Act, over the next 7 weeks, the Weavers were given the bittersweet opportunity to spend every moment together with Melissa during her final days.

In January 1994, Nedra Ward, an administrative assistant in Chicago, discovered she was pregnant. After her first trimester, she developed complications, putting her health and pregnancy at risk. Her employer allowed her to take time off on an intermittent basis. Today, she has both her job and a healthy, strong, baby boy.

Jonathan Zingman's second daughter was born in 1994. Two weeks after the cesarean section birth, the baby developed an infection and was hospitalized. Jonathan Zingman took 2 weeks off from work to aid his wife in recovering from surgery, to take care of his new daughter, and to give his older daughter an opportunity to adjust to her new sister.

What the Weavers, Nedra Ward, and Jonathan Zingman all have in common is that due to the Family and Medical Leave Act, they were not forced to make a choice between their jobs and their families.

As the author of this legislation, I would prefer that no one would ever have to use it because of a sickness, but as we all know, life is not so kind. The Family and Medical Leave Act has given these three American families, as it will millions of others, the opportunity to take medical leave when illness strikes and the necessary time to care for ailing family members and loved ones.

I hope that Mr. Dole and others, particularly Mr. Dole, would retract any suggestion that he might repeal the Family and Medical Leave Act if elected. I can think of few other pieces of legislation that have had such a positive and beneficial impact on the American public as this legislation, which is now the law of the land because President Clinton signed it in February 1993. But for 7 long years we had to fight day in and day out to enact family and medical leave legislation. We fought through two veto overrides, in which we succeeded in one but eventually lost the fight in the House of Representatives. To repeal this legislation now would be a major setback, in my view, for America's working families and I hope that on this one piece of legislation Bob Dole will admit he was wrong and agree today that family and medical leave will, and must, remain the law of the land.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

Mr. DODD. Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum has been noted. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FORD. 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. FORD. Mr. President, is it in order to take some time as in morning business?

The PRESIDING OFFICER. The Senator may proceed.

TOBACCO

Mr. FORD. Mr. President, Kentucky writer and farmer Wendell Berry wrote that:

Though I would just as soon get along without it, a humbling awareness of the

complexity of moral issues is said to be a good thing. If such an awareness is, in fact good—and if I, in fact, have it—I have tobacco to thank for it.

Like Berry, any awareness I have of moral complexities is also thanks to tobacco. Now I know there are some people who don't think there is anything at all complex about the tobacco issue. For them it is simply money versus morality.

For them there is no family business, there is no tradition, there is no farmer. And perhaps most disturbing—there is no appetite for reason.

That is something that we seem to be in short supply of here, from those who are determined to regulate an industry out of business to those who would rather play politics than protect our farmers.

These opportunists are thinking only of themselves and today, rather than all of us and tomorrow. And in the process, teenagers keep smoking, farmers fret about their futures, and the litigation continues.

I will admit that when it comes to Kentucky, I can be as hard as a bull's head. But, on the issue of teen smoking, I have been as reasonable as they come. I am one of the biggest defenders of tobacco, yet 1 year ago I, Wendell FORD, introduced legislation putting severe restrictions on the tobacco industry in an effort to reach a reasonable solution to the problem of teen smoking. Today, a full year later, none of my friends on the other side of the aisle have joined as a cosponsor or offered other legislative options.

And this is not my first attempt at reason on the issue of youth smoking or on the issue of the health effects of smoking by any means.

Mr. President, when I was Governor back in 1973, I worked with the legislature to create the Tobacco Research Board and authorized the University of Kentucky to begin an intensive research program directed toward "proving or disproving questions about health hazards to tobacco users . . ."

In 1984, I sat down at the table and came up with reasonable warning labels for tobacco products.

In 1992, I sat down at the table and hammered out an agreement on a national minimum age for the purchase of cigarettes. We backed those SAMSHA purchasing requirements with teeth, to ensure States did everything they could to enforce the law.

In 1994, I was right at the table when my colleague, Senator LAUTENBERG, decided to offer his pro kids bill, prohibiting smoking in any building that receives Federal funds and to which children have access. I did not stand in the way.

I sat down at the table time and again because like everyone else, I am against youth smoking. But I also sat down at the table because I realized that inaction was not a solution to the problem of youth smoking, just as it is not a solution today.