

at "Sandbag Central" in Fargo, holding empty sandbags open as the men and women filled those sandbags.

Two men from back East here, who were going to Montana to take new jobs, heard the radio reports and diverted in North Dakota and showed up in Fargo and said they were there to help fight the floods, and they spent their days sandbagging rather than driving to the next job. There were the women who baby-sat for free and caregivers and others, men and women, who helped other moms and dads with child care to fight the flood; employers who gave workers time off. The North Dakota colleges and universities—incidentally, who have dismissed for the year—made their facilities available for the flood fight.

What is happening here is North Dakotans and others who have come to our State have reached out and responded in this crisis. They have helped sandbag. They have donated money and canned goods and clothes. All of these efforts in their own way are heroic.

As I finish, again, 2 days ago, when I was in Grand Forks, ND, and I took a boat tour of the downtown, a fellow who—President Clinton came to North Dakota on Tuesday. I appreciated it. It was a wonderful thing for him to do and was a real morale booster for people who were terribly tired and fatigued but still facing this crisis. As I came out of this boat the day before yesterday, there was a fellow laying on the grass in Grand Forks. The Coast Guard had just pulled him out. He had been in his home all of these days. When the evacuation order came, he was stubborn. He said, "I am not leaving my home." He was up there in the second floor and would not leave. So for days he was there with no electricity, no water, stuck in his home. He said, "I saw this current going down the street. My home is flooded. I saw this current." He said, "I saw dead cows come past my home. I saw telephone poles. I saw ice jams the size of semi trucks come past my home."

Then he said, "You know, you really need to tell the President what is happening up here."

I said, "Sir, the President was just here yesterday."

He said, "You're kidding me."

Of course, he had been out of radio contact with anybody and had no idea what was happening in his city, because he had been living in the middle of that flood.

The extraordinary spirit, I think, and the steady strength of North Dakotans as they endure and persevere to meet this crisis is something that all Americans will remember.

I want to close just with two requests.

Those who have written to my office and my colleagues' offices asking how they can help—there are many ways they can help. Yesterday, someone sent a letter to my office with a check for \$1,000 made out to North Dakota. What

he said was 60 years ago, as a young man, this fellow had been helped by a North Dakotan. He said, "I have never forgotten it, so I just want to pay North Dakota. I want to help North Dakota. Please send this to the right place."

This morning as I just left my office, a couple of other envelopes showed up from people around the country saying, "Can you get these to the right place to help North Dakotans?" What a wonderful thing it is.

I will just tell people, the Red Cross is doing wonderful work in our State, and the director of the Red Cross indicates they need help. The Salvation Army is, as always, doing wonderful work. And other charitable organizations that do this kind of relief work do a great deal of work in this kind of crisis. They just do a wonderful job. I encourage people to be supportive of them.

I ask, as the north part of North Dakota now and the Canadian provinces who are, even this morning, evacuating, I believe 15,000 people in Winnipeg, I ask the American people to offer their prayers of strength and hope to the people who are continuing to fight this flood. This region of the country will suffer the consequences of these disasters for some long while. We have met with the President. We visited again yesterday with President Clinton. We have been meeting with appropriators. Congress, on a bipartisan basis, is working on a disaster relief bill we will mark up on Tuesday in the Senate Appropriations Committee, of which I am a member. I think this Congress will do what it has done in all previous disasters, extend the helping hand of our country to say to a region, North Dakota, South Dakota, and Minnesota, "You have been dealt a tough blow, but you are not alone. The rest of the country understands and is prepared to help, is prepared to help you recover and get back on your feet." That is part of the generous spirit of our country, to reach out and help others in times of need.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, I would like to express the common sentiment of the Senate, and that is the great respect and esteem we have for the people of the Northwest in their great trials in this historically unprecedented flooding, and particularly to indicate how hard and tirelessly their Senators are working to make sure the people of America respond to their needs—Senator DORGAN and Senator CONRAD of North Dakota, Senator DASCHLE and Senator JOHNSON of South Dakota, Senator WELLSTONE and Senator GRAMS of Minnesota. So we are all admirers of the great courage of the people of the West.

## THE SENIOR CITIZEN HOME EQUITY PROTECTION ACT

Mr. REED. I would like, if I may, to talk about Senate bill 562. I am pleased the Senate took favorable action today. This legislation, the Senior Citizen's Home Equity Protection Act, would protect seniors from unscrupulous market activities of a very small group of business people. We have, throughout the United States and through the auspices of HUD, introduced a program called the reverse mortgage program. This allows seniors who have their house mortgage paid off, they have all the equity in the home, rather than selling the home to confront the costs of being a senior, they are allowed through this program to essentially go to the bank and have a monthly or a lump sum payment in lieu of the equity in their home. This allows many seniors to stay in their homes. It allows them to meet the needs of health care and all the pressing needs of seniors.

What has happened though is that a group of unscrupulous operators have come in, under the guise of estate planning, and now are charging exorbitant fees to inform seniors of this reverse mortgage program, sometimes collecting up to \$10,000. What is particularly alarming, indeed, and particularly reprehensible is the fact that all of this information is absolutely free from the HUD office in their locality.

So what this legislation proposes to do—I am so pleased it was favorably responded to this morning—is to give HUD the authority to step in with very, very stern measures to preempt these practices, to move these unscrupulous operators out of the marketplace, and allow seniors to reap the full benefit of the reverse mortgage program.

In my State of Rhode Island, over 500 seniors have taken advantage of the reverse mortgage program. In fact, we had our State program in place before the Federal program was initiated. Much of the effort at the Federal level has been led by the Assistant Secretary for Housing, Nick Retsinas, who is a Rhode Islander and who in fact was a leader in Rhode Island for this program. So we in Rhode Island understand very well the effect and the efficacy of this program.

Our Rhode Island Housing and Mortgage Finance Corporation, RIHMFC, has done a remarkable job promoting these programs and also a remarkable job of policing these programs because we have not seen any evidence in Rhode Island of these scandals. However, throughout the country, as I indicated before, these unscrupulous operators have tried to move in and take advantage of very vulnerable seniors.

We know so many seniors are house rich but cash poor. They have equity in their home but do not have the means to make ends meet each week. This reverse mortgage program should help them. It should not be an opportunity to be taken upon or set upon by unscrupulous operators.

In Rhode Island, for example, the Providence Journal reported a typical story, that of George Tarbox and his wife. Mr. Tarbox and his wife were the perennial house rich and cash poor family. They purchased their home in 1958. They paid off the mortgage, but they were facing very difficult circumstances. They were on a fixed income, like most seniors. And they needed the resources to simply live. The choice between eating and buying medicine is very difficult. The reverse mortgage program allowed them to meet their needs. They were able to pay off their original mortgage. They were able to make their daily expenses. They were able to get the proceeds and resources that they needed to live. And this is just a typical story, a very, very good typical story of the effectiveness of the reverse mortgage program.

Today, with action on S. 562, we are sending a very strong message out to those unscrupulous operators who might try to prey on seniors that we are going to take a tough, tough hard stand. This program is there. It is for seniors. It is not for speculators. It is for seniors. It is not for those who prey on seniors. And it allows seniors to have access, through their home, to the resources they need to lead lives of decency and dignity.

I am so pleased with Senator D'AMATO and Senator MACK for their leadership on this, and for my colleagues who joined in sponsoring this legislation. I hope that it will move quickly through the Congress, the President will sign it, and we will give HUD the tools that it needs to eradicate this detestable practice, and allow the seniors of America to fully enjoy what they have worked so hard for, their homes and the proceeds of their homes.

Thank you very much, Mr. President.

I yield back the balance of my time.

The PRESIDING OFFICER. Does the Senator suggest the absence of a quorum?

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

The Senator from New Hampshire is recognized for 30 minutes.

Mr. SMITH of New Hampshire. Mr. President, it is not my intention to use the full 30 minutes, I say to any colleague who may be waiting or intending to speak.

#### SYMPATHY FOR FLOOD VICTIMS

Mr. SMITH of New Hampshire. Mr. President, first of all, I will comment on the remarks made by the distin-

guished Senator from North Dakota, Senator DORGAN, during the time that I was in the chair regarding the terrible tragedy of the floods in North Dakota, Minnesota, and the West. He did an outstanding presentation in terms of the extreme acts of heroism that have taken place in that region of the country.

One of the great things about America and the American people is the capacity that they have to reach back in times of great crisis—whether it be war, flood, earthquake, or whatever—and help their neighbors. Certainly, Senator DORGAN captured in great detail and with a great personal touch that terrible tragedy. Of course, our hearts and prayers are with them as they go through this terrible time.

#### GOVERNMENT SHUTDOWNS

Mr. SMITH of New Hampshire. Also, Mr. President, I want to comment on a piece of legislation that two of my colleagues, Senator MCCAIN, and the Senator from Texas, Senator HUTCHISON, introduced regarding the prevention of the Government shutdown.

We went through this game, as you know, last year, and wound up having the Government shut down and innocent people, who were doing a good job in their capacity working for the Government, were caught in this whipsaw of conflict between the Congress and the President.

Senator HUTCHISON and Senator MCCAIN have brought forth this amendment, this idea, which essentially will see that that does not happen. I am a bit surprised, given the amount of criticism that we took from the President on the Government shutdown—he gave us most of the blame, although he, I think, deserves equal credit, if you will—at the opposition, stated opposition to this amendment by the President. I hope the President could support a proposal which eliminates the threat of a Government shutdown as we work toward getting a budget agreement.

Basically, it locks in place spending at last year's appropriation levels until we do it, and not shut down the Federal Government. I hope the President will reconsider that and endorse this proposal which I believe will be attached to the supplemental, and see that we do not have a Government shutdown again, and that Congress and the President get together and do what the American people want them to do, which is come to a budget agreement that balances the budget, that really balances the budget by the year 2002—no smoke and mirrors—and that we get entitlement reform, we get some tax relief for the American people, and do it all.

If there is gridlock because we do not get that agreement, then the people who are trying to run the Federal Government, from passing out the Social Security checks to immigration, visas and so forth, that we do not get those people again caught in that conflict.

I commend my colleagues for that and am pleased to be a supporter of it.

#### TERM LIMITS FOR FEDERAL JUDGES

Mr. SMITH of New Hampshire. Mr. President, earlier this week I introduced a piece of legislation that no doubt will create some discussion, if not controversy, around the country. It involves the term limits for judges—Federal judges.

This is something that, of course, would change the Constitution, so it would be a constitutional amendment. For over 200 years we have had lifetime appointments for judges, so I did not expect to have 100 Senators and all Members of the House, and everybody writing in, all over America, supporting this proposal, as soon as I introduced the proposal.

However, I do hope, as people think about it and carefully consider it, they begin to realize how important I think this change to our Constitution would be. I think, frankly, Jefferson and Hamilton would support the amendment if they were here today, because if they could look back on history and see what has happened in the Federal Judiciary, I think they would agree with me it is time we put term limits on judges.

Senator SHELBY of Alabama has joined me in this effort. We call it Senate Joint Resolution 26. It is a constitutional amendment for term limits for judges. When I introduced the amendment a couple of days ago I did not have the opportunity, because of debate on the Chemical Weapons Convention, I did not have the opportunity to make a few remarks. I want to take this time to do that.

Mr. President, the Framers of our Constitution intended that the judicial branch, which was created by article III in the Constitution, would have a limited role. That was their strong belief, that the role be limited, and that they be an equal partner in the three parts of our Government. They believed in the necessity of judicial restraint, and they recognized, and said so, the danger of judicial activism.

Now, in Federalist No. 48, James Madison wrote that to combine the judicial power with executive and legislative authority would be the very definition of tyranny. Madison's own words—"The very definition of tyranny." To repeat, to combine the judicial power with executive and judicial authority would be the very definition of tyranny.

Thomas Jefferson said, "The very notion that the Supreme Court should have the final word on constitutional questions is a very dangerous doctrine, to consider the judge as the ultimate arbiters of all constitutional questions." He also said, "It is one which would place us under the despotism of an oligarchy," meaning government of the select few. Very interesting that Jefferson and Madison, of all people, would be saying that.