

what they do is this—and how about this—escalate the tax breaks so the wealthiest people among us get back \$16,000 a year.

That is not \$16,000 over 10 years. That is \$16,000 in a year. Those are the people earning over \$1 million a year. Thank you—they are doing fine, and they are not going to spend the money.

We had an interesting meeting with the former Treasury Secretary who presided over the greatest economic recovery our country has ever seen, Robert Rubin. He told us that those in that top bracket are not going to spend that money. They are spending everything they can spend.

These corporations are not going to put anybody to work when they get their refund checks. These are the people who are slimming down, who are cutting back. So what kind of economic stimulus is the Republican plan? It is a giveaway to the wealthiest people at the expense of everybody else.

And, might I add, it is a budget buster. It is a budget buster. When you look at the costs of the Grassley plan and the House plan, what are we looking at over the period? We are looking at about \$170 billion over the period. When we look at our plan, even if you add on the homeland security, you are looking at about \$60 billion over the 10-year period.

So they are bringing us right back into the deficit hole where they took us in the first place and it took a Democratic administration to get us out of that mess. Now they are putting us right back in the mess, deficits as far as the eye can see. To do what? Help the richest people in the country, the richest corporations.

I remember the days when there wasn't an alternative minimum tax because I was over on the House side when we decided it was outrageous that the biggest corporations in the country were paying zero taxes. I remember that.

The PRESIDING OFFICER. The time of the Senator has expired.

Mrs. BOXER. I ask for 5 additional minutes.

The PRESIDING OFFICER. There are 4 minutes remaining before the debate on the nomination.

Mrs. BOXER. I ask for 4 additional minutes.

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

Mrs. BOXER. Mr. President, I think you were in the House at that time as well, when we closed that terrible loophole and we made sure these companies, these companies that were popping champagne corks on tax day because they paid nothing in the defense of their country, paid nothing to educate one child, they paid nothing to give health care to one child, and we said that was wrong and we walked down the path and we put in a fair alternative minimum tax.

Here they are, boys; they are back. They are back and they are trying to go back to those days when the largest corporations in America paid zero.

Again, to use the 9-11 tragedy as an excuse to do this is beyond my ability to express. I usually don't have too much trouble, but this is horrific.

Let's not go back to those days in the 1980s. I will give an example. Senator ROBERT BYRD told a story about a woman in Milwaukee, the mother of three children, who in 1983 earned \$12,000. On that income, she paid more taxes than Boeing, GE, DuPont, and Texaco put together. Welcome back to those days, if you go with that House plan.

Senator GRASSLEY just does away with this prospectively. The House gives them a rebate for the past. He doesn't do that, but he does away with it for the future. So I will be able to stand up here, if he prevails, and say the same thing next year: A woman earning \$12,000 paid more in taxes than all these corporations together. I do not want to go there.

Here is the bottom line. We have the best economist in the world telling us the House plan and the Senate Republican bill will make things worse. That is Joseph Stiglitz, awarded the Nobel Prize in economics last month. He says the family earning \$50,000 would get zero, but the Republican plan would give \$50,000 over 4 years to families making \$4 million a year.

What are we doing? This is a time we need to get money into this economy. We need to jump-start this economy. It started to go down when President Bush came in. With 9-11, it has gone straight this way. We better do something that gets it going.

So we have a lot of work to do. I can only hope the American people will weigh in, in this debate, and understand the average American with the Republican plan gets nothing, gets big deficits again that will fall on their children, and the big corporations and the most wealthy among us will be ready to pop their champagne corks.

That is not fair. It is not just. It is not what 9-11 was all about. I hope we can stop it, come together, and have a fair plan for all Americans.

I yield the floor.

The PRESIDING OFFICER. The Chair thanks the Senator from California.

EXECUTIVE SESSION

NOMINATION OF EDITH BROWN CLEMENT, OF LOUISIANA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE FIFTH CIRCUIT

The PRESIDING OFFICER. Under the previous order, the hour of 4:45 having arrived, the Senate will now go into executive session and proceed to the consideration of Executive Calendar No. 511, which the clerk will report.

The assistant legislative clerk read the nomination of Edith Brown Clement, of Louisiana, to be United States Circuit Judge for the Fifth Circuit.

The PRESIDING OFFICER. Under the previous order there will be 15 minutes for debate, time to be equally divided by the chairman and ranking member of the Judiciary Committee. At 5 o'clock, a vote will follow on that nomination. Who yields time?

The Senator from Montana.

Mr. BAUCUS. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent the time be equally charged against both sides.

The PRESIDING OFFICER. Without objection, the clerk will call the roll.

The bill 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.

Mr. LEAHY. Mr. President, I congratulate the nominee and her family on her nomination, confirmation and what is soon to be her appointment to the United States Court of Appeals for the Fifth Circuit. I also commend the Senators from Louisiana for working with the committee and the majority leader and working with the President to bring this nomination forward and to have the Senate act to confirm Judge Clement.

I take special pride in this confirmation because we are finally bringing some help to the Fifth Circuit. Since 1999, Chief Judge King of the 5th Circuit has declared a state of emergency in the Circuit such that the hearing and determination of cases and controversies could be conducted by panels of three judges selected without regard to the qualification in 28 U.S.C. section 46(b) that a majority of each panel be composed of judges of the 5th Circuit.

I well recall when delays in the confirmation process over the last several years threw the 2nd Circuit into a similar emergency in March 1998, and how hard I worked to get those five vacancies filled to end that emergency in my Circuit. I am glad that we are proceeding with Judge Clement today in order to try to help the 5th Circuit.

Judge Edith Brown Clement from Louisiana was among the first nominees sent to this committee by the President. Unfortunately, in the wake of the Republican leader's objection to keeping that nomination and many others pending over the August recess, Senate rules required that her nomination be returned to the President without action as the Senate began its August recess. She was nominated again in September to serve on the U.S. Court of Appeals for the Fifth Circuit, which encompasses the States of Texas, Louisiana, and Mississippi.

This is one of the many Circuits that were left with multiple vacancies at the end of the Clinton administration. Since January 23, 1997, Judge Garwood's seat on the 5th Circuit has been vacant. Despite the fact that former President Clinton nominated Jorge Rangel to fill this vacancy in July of 1997, Mr. Rangel never received

a hearing and his nomination was returned on October 21, 1998. On September 16, 1999, former President Clinton nominated Enrique Moreno to fill the same vacancy. Once again, the nominee did not receive a hearing.

Since April 7, 1999, the seat previously occupied by Judge Duhe of the 5th Circuit has been vacant. Although former President Clinton nominated Alston Johnson to fill that vacancy only 15 days later, on April 22, 1999, Mr. Johnson was never granted a hearing by the Judiciary Committee in 1999, during all of 2000, or during the first months of this year while his nomination was still pending.

Over the last several years I have commented on those vacancies as I urged action on the nominations of Jorge Rangel, Enrique Moreno, and Alston Johnson to fill those vacancies on the 5th Circuit. None of those nominees were ever provided a hearing or acted upon by the Senate. After 15 months without action, Mr. Rangel asked not to be re-nominated. After 15 months and two nominations, Enrique Moreno's nomination was returned to the President without action. After nearly 23 months and two nominations without action, Mr. Johnson's nomination was withdrawn by President Bush in March of 2001.

The nominations hearing for Judge Clement was the first hearing for a nominee to the 5th Circuit in 7 years—since September 14, 1994. She will likewise be the first judge confirmed to the 5th Circuit in 7 years.

Since July 2001, when the Senate was allowed to reorganize and the committee membership was set, we have maintained a strong effort to consider judicial and executive nominees. With the confirmation of Judge Clement, we reach yet additional milestone. Judge Clement is the fifth nominee to the Courts of Appeals confirmed by the Senate since July 20 this year. We have now confirmed as many Court of Appeals nominees as were confirmed during the first year of the first Bush administration and two more than were confirmed during the first year of the Clinton administration. I thank the Majority Leader, the Judiciary Committee and all Senators for their cooperation in reaching this important goal.

In addition, I note that by confirming our 18th judicial nominee, we have now confirmed more total judges this year than were confirmed in 1989, the first year of the first Bush administration. With the confirmations of Judges Armijo, Bowdre, Friot, and Wooten last week, the Senate confirmed its 10th, 11th, 12th and 13th District Court judges for the year and matched and then exceeded the number of District Court judges confirmed in 1989, which was 10.

With the confirmation of Judge Wooten last week, the Senate confirmed its 17th judge over all and matched the number of judges confirmed in all of the 1996 session. With

the confirmation of Judge Clement to the U.S. Court of Appeals for the Fifth Circuit we have exceeded that total for the 1996 session. Of course, in 1996, the Senate majority at that time did not proceed on a single nominee to a Court of Appeals and limited itself to confirming only 17 judges to the District Courts.

Thus, despite all the upheavals we have experienced this year with the shifts in chairmanship and, more importantly, the need to focus our attention on responsible action in the fight against international terrorism, we have matched or beaten the number of confirmations of judges during the first year of first Bush administration and the last year of the first Clinton term.

As a judge on the Court of Appeals, Judge Clement will have a vital role to play in protecting and preserving our civil liberties in the days ahead. Our system of checks and balances requires that the judicial branch review the acts of the political branches. I trust that Judge Clement will take this responsibility seriously and will rely on our rich history of judicial precedent to make wise decisions in the challenging times ahead.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. LEAHY. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The Senator from Utah has 1 minute 40 seconds remaining.

Mr. LEAHY. Mr. President, I ask unanimous consent that I be allowed to use the remaining time of the Senator from Utah, unless he appears. I will then immediately yield to him.

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

Mr. LEAHY. Mr. President, I wanted to highlight that the Fifth Circuit is one of those circuits where for the last 6 or 7 years there was a refusal to hold any hearings on the nominees. I think we are changing the way things have been done in the past. On this nomination, there was a hearing within weeks after the nominee had cleared all the paperwork. I applaud the majority leader for bringing this nomination before the Senate.

I also thank the members of the Judiciary Committee, and the distinguished Presiding Officer, who voted for this nominee on a rollcall vote in the committee.

Mr. HATCH. Mr. President, I would like to voice my support for the nomination of Edith Brown Clement to the U.S. Court of Appeals for the Fifth Circuit. She has made a well-respected name for herself both as a litigator and as a Federal district court judge.

Judge Clement graduated from Tulane University School of Law in 1972. After graduation, she accepted a clerkship with U.S. District Judge H.W. Christenberry in the Eastern District of Louisiana. At the culmination

of her clerkship, Judge Clement began a 16 year career as a litigator, eventually becoming a partner at the New Orleans firm of Jones, Walker. As a practitioner, she developed an expertise in admiralty and maritime law, and litigated a multitude of complex and nuanced cases.

In 1991, President G.H.W. Bush nominated Judge Clement to be a Federal district judge for the Eastern District of Louisiana—the same court for which she had served as a law clerk more than 15 years earlier. As a judge, she has written extensively on admiralty law as well as issues of general interest to practitioners.

I must note that although Judge Clement's confirmation hearing was held on October 4, she was still receiving written questions from Judiciary Committee members nearly 1 month later. In fact, she received a lengthy set of questions from one member on November 1, the same date her nomination was voted out of committee. Judge Clement nevertheless cooperated fully and answered the questions promptly. I wish to commend her and the Department of Justice for their efforts in complying with the requests of committee members.

During her tenure, Judge Clement has served with honor and distinction. She has proven herself to be exceptionally qualified for a position on the Fifth Circuit Court of Appeals, and I praise President Bush for recognizing that fact by nominating her to serve on that court. I wholeheartedly support Judge Clement's nomination, and urge my colleagues to do the same.

Mr. FEINGOLD. Mr. President, I will vote to confirm Judge Edith Brown Clement to the U.S. Court of Appeals for the Fifth Circuit today, but I do so with some reservations. I rise today to discuss my concerns for the record and to comment on the issue of privately funded judicial education about which I questioned Judge Clement.

Judge Clement has served for nearly a decade as a U.S. district judge in Louisiana. She is supported by my two colleagues from Louisiana and received a "well-qualified" rating from a majority of the ABA's Standing Committee on the Federal Judiciary. There is nothing in her record as a judge that gives me reason not to support her nomination.

At Judge Clement's hearing before the Judiciary Committee, Senator KOHL asked her two questions concerning her attendance at a number of judicial education seminars sponsored by free-market economics organizations. Let me quote the full exchange between Senator KOHL and Judge Clement:

Senator KOHL. I would like to turn briefly to the topic of privately-funded judicial seminars, or what some have called junkets for judges. Your financial disclosure forms indicate that you have attended a significant number of these seminars in recent years, including a seminar on environmental law hosted by the Foundation for Research on Economics and the Environment.

As you are probably aware, such seminars have come under intense scrutiny based on evidence that the seminars are one-sided and that they are being funded by corporations and special interest groups that have an interest in Federal court litigation. Senator Kerry and Senator Feingold have introduced legislation that would ban these kinds of trips.

Do you think that those Senators are correct to be concerned about these trips, and might you support their kind of legislation?

Judge CLEMENT. Well, as you know, judicial officers are frequently invited to participate as speakers or participants in programs dealing with judicial education, as well as continuing legal education for lawyers, as well as participate in lectures to law students. My experience has shown that the panels and the speakers are from a widely diverse group, that there is a representation from private industry as well as from government and public officials, as well as from the law schools, including the deans of the law schools and the faculty members.

So to that extent, my participation in programs, either as a speaker or as a participant, has reflected that there is a wide variety of opinions expressed. I think it is a very broad-based presentation of issues dealing with constitutional law, as well as antitrust and economic, as well as environmental issues. So to that extent, I don't see a problem with the educational opportunities afforded to the judiciary.

Senator KOHL. Do you plan to continue these types of seminars in terms of your attendance in the event that you are confirmed to the fifth circuit?

Judge CLEMENT. Well, some of the seminars are basic economics which, of course, I have completed. And then there is an advanced economics, which I have completed. Some of the seminars are focused on the Constitution, some are focused on environmental issues. So to the extent that I haven't already been exposed to that information and to the extent that I am impressed with the faculty that's being presented, I would evaluate the opportunity at that time when presented with the invitation.

I was concerned about this exchange for a number of reasons. First, Judge Clement seemed to minimize her participation in judicial education seminars that are put on for judges by outside interest groups. The question Senator KOHL posed was not about her giving a speech or a lecture, but about attending all-expense paid seminars funded by corporate interests with room, board, and airfare worth thousands of dollars to places like Montana and Captiva Island, FL. Judge Clement has taken five such trips from 1994–1998.

I was also concerned by Judge Clement's testimony that the seminars she attended were balanced and broad-based. An exhaustively researched report released last year by the Community Rights Counsel suggests strongly to the contrary. Judge Clement's answers to Senator KOHL's questions suggested that she sees nothing wrong with these trips and would not hesitate to attend similar events in the future if the topic of the seminar interests her.

Because I was concerned about Judge Clement's testimony, I asked a few followup questions in writing. Those questions had not yet been answered when Judge Clement came up for a vote in the Judiciary Committee. That is why I voted "present" in committee.

One of my questions called Judge Clement's attention to a Harvard Environmental Law Review article that specifically discussed one of the seminars that she attended, a trip to Montana in 1996 sponsored by the Foundation for Research on Economics and the Environment, FREE. After discussing the views of the various presenters at that seminar, the authors conclude:

It is easy to see why some corporations and extreme conservative foundations so eagerly fund FREE. FREE's seminars for judges explain how and why judges should strike down Federal environmental laws. FREE's assertion that its seminars present a "very wide range" of viewpoints is true only insofar as they feature both extreme positions like those of Greve, Huffman, and DeCrane, as well as moderate views such as those of Olson and Snow. The seminars offer no views contrary to the seminar's principle themes. No one at the seminar 1. gave a robust defense of existing Federal environmental laws, 2. explained fully why the market fails to protect the environment, or 3. critiqued the legal and constitutional analysis of Huffman and Greve.—D. Kendall and E. Sorkin, "Nothing for Free: How Private Judicial Seminars are Undermining Environmental Protections and Breaking the Public's Trust," 25 Harv. Env. L. Rev. 405, 447 (2001).

Judge Clement reviewed the article and stated in her response that she remains of the view that this seminar and others she attended "focused on the problems and solutions from varied perspectives." Essentially, Judge Clement refused to acknowledge that these seminars have any bias whatsoever. I found this answer troubling because I believe that most fair-minded observers, even if they do not agree with me that there is a problem with judges taking expense paid trips to receive "education" from a specific corporate point of view, would agree that the seminars in question are slanted in favor of one approach to the law.

I also asked Judge Clement whether she had inquired about the corporate sponsorship of these seminars before attending and if not, how she complied with Judicial Conference Committee on Codes of Conduct Advisory Opinion 67. That opinion states:

It would be improper to participate in such a seminar if the sponsor, or source of funding, is involved in litigation, or likely to be so involved, and the topics covered in the seminar are likely to be in some manner related to the subject matter of such litigation. If there is a reasonable question concerning the propriety of participation, the judge should take such measures as may be necessary to satisfy himself or herself that there is no impropriety. To the extent that this involves obtaining further information from the sponsors of the seminar, the judge should make clear an intent to make the information public if any questions should arise concerning the propriety of the judge's attendance.

The central thrust of this opinion in my view is that judges have the responsibility to inquire about the sources of funding of programs they attend and to take steps to avoid the appearance of impropriety should the funders be involved in litigation before them. Judge

Clement's response to my question was troubling. She said she relied entirely on the sponsoring organization's description of their purpose and sponsors. And she added: "Corporate sponsors were never identified, and to this day I do not know who they are." I find this attitude of willful ignorance of the underlying sources of funding for these seminars, an attitude that I fear is shared by many members of the judiciary who go on these trips, very disturbing indeed.

At the very foundation of our system of justice is the notion that judges will be fair and impartial. Strict ethical guidelines have been in effect for years to remove even the hint of impropriety from the conduct of those we entrust with the responsibility of adjudicating disputes and applying the law. One-sided seminars given in wealthy resorts funded by wealthy corporate interests to "educate" our judges in a particular view of the law cannot help but undermine public confidence in the decisions that judges who attend the seminars ultimately make.

Distinguished judges and academics, most notably former Representative, Court of Appeals Judge, and White House Counsel Abner Mikva, have spoken out against these "judicial junkets." I have worked with Senator KERRY on legislation to address this issue. I hope that the federal judiciary can address this growing public perception problem through its own internal rules, but if it doesn't, I believe that Congress has the responsibility to act to protect the independence and the reputation of the judiciary.

Despite my reservations and concerns about Judge Clement's response to questions on this issue, I will vote for her. One reason is that in answering my questions she did acknowledge the importance of guarding against the appearance of impropriety. And she promised she would guard against such appearances if she is elevated to the 5th Circuit. Furthermore, there is no indication that her opinions as a judge have been unduly influenced by these seminars.

In sum, I want to be clear that I do not believe that taking part in these seminars should disqualify a judge from a subsequent confirmation. I do believe, however, that our judges need to be more attuned to the appearance problem that their participation creates. I hope that in responding to questions on this topic, future nominees will recognize the importance of the public perception of their independence and impartiality.

I ask unanimous consent that the list of trips taken by Judge Clement, to which I previously referred, be inserted in the RECORD.

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

PUBLICLY DISCLOSED TRIPS BY JUDGE EDITH
B. CLEMENT

Date: 3-28-1996

Sponsoring Organization: ABA American Bar
Association

Description: EEO, Carlsbad, CA, value \$1069.65; airfare, lodging, meals, and misc. 3/28-29
 Date: 1995
 Sponsoring Organization: American Hawaii Lines
 Description: Cabin upgrade valued at \$2500
 Date: 5-16-1995
 Sponsoring Organization: Center for Judicial Studies/Liberty Fund
 Description: 8th Annual Judicial Seminar, 5/16-21—airfare, lodging, meals and misc. expenses valued \$1405.55 (listed Source as Liberty Fund)
 Date: 9-17-1996
 Sponsoring Organization: FREE (Foundation for Research on Economics and the Environment)
 Description: Montana, 9/17-21, airfare, lodging, meals and misc., value \$1727.28
 Date: 10-2-1994
 Sponsoring Organization: George Mason University Law & Economics Center (LEC)
 Description: George Mason U Economics Institute for Federal Judges 10/2-15; housing & meals value \$3832.88 and reimb. of \$215 for airfare
 Date: 4-12-1997
 Sponsoring Organization: George Mason University Law & Economics Center (LEC)
 Description: George Mason U Antitrust Institute for Federal Judges, Haines City, FL 4/12-18; airfare, lodging, meals, misc., expenses valued \$2090.12
 Date: 1-8-1998
 Sponsoring Organization: Liberty Fund
 Description: 1/8-11 Captiva Island, FL, Freedom and Federalism Seminar—transportation, meals and room
 Date: 6-20-1996
 Sponsoring Organization: SEAK, Inc.
 Description: Expert Witness and Litigation Seminar, Cape Cod, value \$1004.31 6/20-21
 Date: 10-5-1995
 Sponsoring Organization: SoEastern Admiralty Law Institute
 Description: SEALI mtg, 10/5-8; airfare, rental car, lodging and meals valued \$768.86
 Date: 5-27-1992
 Sponsoring Organization: Tulane Law School
 Description: CLE, 4th By the Bay Seminar 5/27-30; meals, mileage and lodging \$339.01
 Date: 10-21-1993
 Sponsoring Organization: Tulane Law School
 Description: CLE, 5th By the Bay Seminar 10/21-23; meals and mileage \$146.97

The PRESIDING OFFICER (Mr. NELSON of Nebraska). All time has expired.
 The question is, Will the Senate advise and consent to the nomination of Edith Brown Clement, of Louisiana, to be United States Circuit Judge for the Fifth Circuit? On this question, the yeas and nays have been ordered. The clerk will call the roll.
 The assistant legislative clerk called the roll.
 Mr. REID. I announce that the Senator from South Dakota (Mr. JOHNSON) is necessarily absent.
 The result was announced—yeas 99, nays 0, as follows:
 [Rollcall Vote No. 335 Ex.]

YEAS—99

Akaka	Brownback	Cochran
Allard	Bunning	Collins
Allen	Burns	Conrad
Baucus	Byrd	Corzine
Bayh	Campbell	Craig
Bennett	Cantwell	Crapo
Biden	Carnahan	Daschle
Bingaman	Carper	Dayton
Bond	Chafee	DeWine
Boxer	Cleland	Dodd
Breaux	Clinton	Domenici

Dorgan	Jeffords	Reid	Feinstein	Kohl	Roberts
Durbin	Kennedy	Roberts	Fitzgerald	Kyl	Rockefeller
Edwards	Kerry	Rockefeller	Frist	Landrieu	Santorum
Ensign	Kohl	Santorum	Graham	Leahy	Sarbanes
Enzi	Kyl	Sarbanes	Gramm	Levin	Schumer
Feingold	Landrieu	Schumer	Grassley	Lieberman	Sessions
Feinstein	Leahy	Sessions	Gregg	Lincoln	Shelby
Fitzgerald	Levin	Shelby	Hagel	Lott	Smith (NH)
Frist	Lieberman	Smith (NH)	Harkin	Lugar	Smith (OR)
Graham	Lincoln	Smith (OR)	Hatch	McCain	Snowe
Gramm	Lott	Snowe	Helms	McConnell	Specter
Grassley	Lugar	Specter	Hollings	Mikulski	Stabenow
Gregg	McCain	Stabenow	Hutchinson	Miller	Stevens
Hagel	McConnell	Stevens	Hutchinson	Murkowski	Thomas
Harkin	Mikulski	Thomas	Inhofe	Murray	Thompson
Hatch	Miller	Thompson	Inouye	Nelson (FL)	Thurmond
Helms	Murkowski	Thurmond	Jeffords	Nelson (NE)	Torricelli
Hollings	Murray	Torricelli	Johnson	Nickles	Voivovich
Hutchinson	Nelson (FL)	Voivovich	Kennedy	Reed	Warner
Hutchison	Nelson (NE)	Warner	Kerry	Reid	Wyden
Inhofe	Nickles	Wellstone			
Inouye	Reed	Wyden			

NOT VOTING—1
 Johnson
 The nomination was confirmed.
 Mr. SCHUMER. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.
 The motion to lay on the table was agreed to.
 The PRESIDING OFFICER. Under the previous order, the President will be immediately notified of the Senate's action.

LEGISLATIVE SESSION

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

SUSPENSION OF PROVISIONS OF THE BALANCED BUDGET AND EMERGENCY DEFICIT CONTROL ACT OF 1985—Continued

The PRESIDING OFFICER. The question is on the engrossment and third reading of S. J. Res. 28.
 The joint resolution was ordered to be engrossed for a third reading and was read the third time.
 Mr. SCHUMER. I ask for the yeas and nays.
 The PRESIDING OFFICER. Is there a sufficient second?
 There appears to be a sufficient second.
 The PRESIDING OFFICER. The question is, Shall the joint resolution pass? the clerk will call the roll.
 The legislative clerk called the roll.
 The result was announced—yeas 1, nays 99, as follows:
 The result was announced — yeas 1, nays 99, as follows:
 [Rollcall Vote No. 336 Leg.]

YEAS—1
 Wellstone
 NAYS—99

Akaka	Burns	Craig
Allard	Byrd	Crapo
Allen	Campbell	Daschle
Baucus	Cantwell	Dayton
Bayh	Carnahan	DeWine
Bennett	Carper	Dodd
Biden	Chafee	Domenici
Bingaman	Cleland	Dorgan
Bond	Clinton	Durbin
Boxer	Cochran	Edwards
Breaux	Collins	Ensign
Brownback	Conrad	Enzi
Bunning	Corzine	Feingold

The joint resolution (S.J. Res. 28) was rejected.
 The PRESIDING OFFICER. The Senator from Massachusetts.
 Mr. KERRY. I ask unanimous consent I be permitted to proceed as in morning business.
 The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO PETER TORIGIAN

Mr. KERRY. Mr. President, it is a privilege for me today to honor and celebrate one of Massachusetts' most esteemed public servants, Mayor Peter Torigian of Peabody. After 23 years, the dean of Massachusetts mayors is retiring from public office but hopefully not from public life.
 The city of Peabody is known as the "Tanner City" for its leather trade dating back to the 1630s, and therefore it is only appropriate that this former leather worker and leather-neck has led Peabody with vigilance, compassion, and integrity for over two decades. Peter's ascent to city hall began in a "three decker" in the heart of Peabody's industrial sector. Born to hard-working Armenian immigrants, Peter was studious and gifted, as well as the star quarterback for the Peabody High School football team. After school, the future mayor worked as a tanner and experienced first-hand the leather factories that were once the life-line of Peabody's industrial economy. He then put in 3 years of his life to the service of the U.S. Marine Corps before returning home to Peabody. As all of us in this body know: Once a Marine, always a Marine. He spent 16 years as a letter carrier for the U.S. Post Office. In a harbinger of things to come he quietly rose through the ranks to presidency of the union local.
 Then began his formal public career with his election to the city council in 1968—a tumultuous year in the history of our country—and culminated with his election as mayor in 1979. The longest-serving mayor in Peabody history, his legacy will not be counted just in years but in the progress the city has enjoyed during his tenure. His peers throughout the state honored him with the title of "Best Municipal Executive" in a survey conducted by the Boston Globe, and his management expertise continues to be widely solicited. With an instinctual gift for sharing his