

at the moment. Then, suddenly, oh, the Federal Government: We are the ones who have to make the rules.

So there is so much at stake. I just took to the floor because I thought before we recessed, I might put it in the RECORD. I want to say, in relation to all these issues that are so very difficult—the issue of war and peace, the issue of this economy, the issue of the environment, the issue of a woman's right to choose, that is under tremendous attack every day by this administration—and I should mention the horrible time people in the Washington, DC, area are going through because of a sniper out there—these are hard times, but a little light peeks through every once in a while.

I thought I would end on an up note: Two of my teams in California are going to the World Series. So even in these hard times, a little brightness shines through. For this Senator from California, I could not be more proud of these two teams from San Francisco and Anaheim.

It is going to be very hard for me. What am I going to do? I have to root for everybody. But whatever happens, California will win. And if I have my way, once that is over, I want California to win on this economy, on the environment. I want the kids in my State to have the best education, the best health care, the best life, the best shot at the American dream.

So after the World Series is over, and after the elections are over, I will be back here and I will be fighting for those very things.

I thank you very much, Madam President. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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 Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

#### FCC VACANCY

Mr. DORGAN. Madam President, earlier today I spoke briefly about the nomination of Mr. Adelstein to serve as a member of the Federal Communications Commission. I know that the two Senate leaders are working on nominations to see if they could clear some today. I don't know the final result of that, but it now appears as if that will not be the case. I want to speak not about all of the nominations that are awaiting confirmation by the Senate but only about this nomination.

This nomination doesn't have so much to do with the person I am speaking of, Jonathan Adelstein, as it has to do with the position at the Federal Communications Commission, a vacant spot that has been there over a year. That particular nomination is critically important especially to rural States and rural areas.

We have a Federal Communications Commission that is on the edge of making critically important decisions about the future of telecommunications. These decisions will have a profound impact on a significant part of our country.

Chairman Powell and others, I fear, are going to take action in a wide range of areas that will have a significant impact on rural America. Mr. Copps is one commissioner fighting valiantly. His is a refreshing voice that stands up for the interests of rural America. But we now have this vacancy at the FCC for 13 months.

Mr. Jonathan Adelstein is a superbly qualified candidate who should have been there long ago and has been held up at a number of intersections with this process.

On September 7, Gloria Tristani resigned the FCC. This is a Democratic seat. There are Republican and Democratic appointments. This is a Democratic appointment. It took forever for the White House to get his nomination to the Senate. The Commerce Committee on which I serve approved it and reported it out on July 23. So 13 months after the vacancy was available, and 4 months after the Commerce Committee took action on Jonathan Adelstein's nomination, that position is still vacant. We have one commissioner's slot down at the FCC that is unfilled.

The voice of Mr. Adelstein could join that of Mr. Copps in speaking up, standing up, and fighting for rural interests for those millions of Americans who live in more sparsely populated States and for whom telecommunications policy will be the difference of being on the right or wrong side of the digital divide, will mean whether you have economic opportunity and economic growth or not. These policies are critically important for all Americans but especially for Americans who live in my part of the country and in a rural State.

Think back to the 1930s, when we had a country in which if you lived out on the farm, you had no electricity. No one was going to bring electricity to the farm until public policy said, through the REA program, we will electrify America's farms. We will have a Federal program and public policy that says we will move electricity to all the small towns and family farms in our country. We did that, and we unleashed productivity never before imagined.

Some who are in a regulatory body today have the mindset that if the market system doesn't provide for it, it shall not be available. They would never have had an REA program. We would still be having America's farms without electricity. We would not have made the progress we did. But we have people in these regulatory agencies who have this mindset. They worship at the altar of the market system. Listen, the market system is a wonderful thing. I am all for it, but it needs effective

regulation. Effective regulation by the FCC in telecommunications policy is critical to our future.

The market system is a system that says to us that someone who portrays a judge on television—I will not name the judges. There are three or four of them. I will name one—Judge Judy—makes \$7 million a year, I read in the paper. That is the market system. The Chief Justice of the U.S. Supreme Court makes \$180,000 a year. That is the market system. A schoolteacher might make \$30,000 or \$40,000, and a shortstop for the Texas Rangers may make \$250 million over 10 years. The market system. The market system is wonderful.

I have studied economics, taught it, and been able to overcome it, however, and still lead a good life. I believe in the market system. I think it is a wonderful thing. But it needs effective regulation, and it needs policymakers and regulatory authorities and regulatory bodies that have some common sense.

I worry about the FCC and the decisions they are about to make. At the FCC, we need a full complement of commissioners, and we need this slot filled—not tomorrow, not next week, not next year. We need this slot filled now. We must find a way to overcome this logjam on nominations. I am only speaking of this one because it is really important in terms of telecommunications policy and future opportunities and economic growth in rural States. In the coming days and weeks, as we reconvene following the election—which I understand will now be the week of November 12—my hope is we can find a way to clear these nominations. I know Senator DASCHLE understands that and has tried to do that. The Senate should do this, clear this nomination and other nominations that have been waiting on the calendar for some long while.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

#### KEEPING CHILDREN AND FAMILIES SAFE ACT

Mr. DODD. Mr. President, I want to take a few minutes to express my disappointment. I was going to call up some legislation that we have worked very hard on dealing with children, the Keeping Children and Families Safe Act. It was legislation approved by the Senate Health, Education, Labor, and Pensions Committee in September, about a month ago. I think it was adopted unanimously. It deals with abused children. It reauthorizes the Child Abuse Prevention and Treatment Act, better known as CAPTA.

This is a piece of legislation that has been around for a number of years. It was a bipartisan bill that was introduced by myself, Senators GREGG, KENNEDY, COLLINS, DEWINE, and WELLSTONE, and approved unanimously by voice vote. This is one of those bills with that kind of support out of the committee, on a bipartisan basis, and was done early enough that we thought we would have little difficulty in having this adopted as part of a unanimous consent calendar, rather than engaging in taking up the time of the Senate.

Unfortunately, I am told that any effort to try to pass this legislation will be objected to. As such, I regret to inform my colleagues that the Child Abuse Prevention and Treatment Act reauthorization will just not get an endorsement by this Congress. That is a sad note indeed.

Mr. President, about 3 million children each year are abused in this country. Close to 900,000 children were found to be victims of child maltreatment or abuse.

The most tragic consequence of child maltreatment is death, obviously. The most recent data available for the year 2000 show that 1,200 children died in this country of abuse and neglect. Children younger than 6 years of age accounted for 85 percent of child fatalities, and children younger than 1 year of age accounted for 44 percent of child fatalities.

What more tragic news could there be than a child, an infant—1,200 in this country of ours—dying as a result of abuse and neglect? Here we are trying to do everything we can to help bring these numbers down.

Just imagine the face of a young child facing the horror of abuse and neglect that goes on far too often. Unfortunately, despite the unanimous vote out of the committee of jurisdiction, a bipartisan agreement to reauthorize these dollars, to allow us to go forward and deal with this situation, we are told: We are sorry, we cannot do this. We do not have either the time or the desire.

I am deeply saddened by it. As a first-time father with a 1-year-old child, I cannot imagine anyone abusing my daughter Grace. The idea that some child her age, some infant—1,200 of them around the country, according to the statistics in the year 2000—lost their lives, not to mention the several thousands more who are abused and survive but suffer the scars of that abuse, and that the Child Abuse Treatment and Prevention Act, which has actually done a great deal to assist families and communities in dealing with this issue is not going to have the imprimatur approval, despite the unanimous bipartisan agreement of the committee, to bring that matter up for consideration by this body.

The people who work in this area give tirelessly of their time and efforts to go out and save a few lives. I am not suggesting we save all 1,200, but what if we save 20? What if we save 10? Is it

worth this Senate's time to spend a few minutes to pass some legislation that might save one child's life this year? Would that be wrong?

I would not hesitate to say our allocation of time for an issue of that type, the life of one child we might save, is worthy of this Senate's attention and time.

It is with a high degree of sadness that I report to my colleagues we are going to have to wait for another day, I guess, maybe later in the next Congress, to do something. But when you pick up a newspaper over the next several months and read another child lost their life as a result of abuse and neglect, then you might look back on a moment like this and wonder: Maybe this Congress, despite the time we spent on other issues of questionable value, could have found a few minutes to deal with this issue of child neglect and abuse.

I regret to report to colleagues and others that this issue will have to wait for another day. Hopefully, the families of some children will not have to look back and wonder whether or not if we acted, we might have saved a life or saved a child from the lifetime scars that abuse and neglect can bring.

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

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

#### TERRORISM INSURANCE

Mr. DODD. Mr. President, as we are in the closing hours of this session—I am told there is some discussion about coming back after the election—we have not yet reached a final agreement on the terrorism insurance bill in the sense that there are conference reports that are being read. Obviously, Members from this Chamber and the other Chamber have departed for their respective districts and States. So despite the long hours last night, the early hours of this morning and today to achieve the final signing of a conference report, that particular effort has not been achieved yet.

It is appropriate and proper to suggest to those who are interested in the subject matter that we are on the brink of a very good and strong agreement dealing with terrorism insurance. Obviously, it is not finished until the conferees of the Senate and the other body sign the conference report, both bodies then vote on a conference report, and the President signs it. So there are several steps to go after people who have worked on a product and submit it to all of our colleagues, particularly those who are on the conference, for their approval.

I am heartened and confident that when Members look at the agreement, they will be satisfied we did a good job. I will quickly point out that like any agreement involving 535 different people, not including the President of the United States, where there are divided institutions, as they are in the Senate and the other body, getting an agreement that one side or the other would find entirely favorable is very unrealistic.

I went through a process with my good friend now from the State of Ohio, BOB NEY, on election reform. We have spent a lot of days, a lot of nights and weekends working out that bill.

There are those in this Chamber and the other Chamber who are not satisfied with everything we did—I understand why—but we never would have achieved a bill had it been a bill to the total satisfaction of one side or the other. I will say the same is going to be true about terrorism insurance.

I commend MIKE OXLEY, the chairman of the House Banking Committee, JIM SENSENBRENNER, and others who have worked on this legislation.

I commend the White House and the Treasury Department.

I thank my colleague, Senator SARBANES, who is the chairman of the Banking Committee and chairman of the conference on terrorism insurance, Senator SCHUMER, Senator REED of Rhode Island, Senator GRAMM, Senator SHELBY, and Senator ENZI, all of whom have been conferees on the Senate side. Certainly, their staffs have labored.

I thank the majority leader's office and the minority leader's office. A lot of people have worked on this bill.

If I were asked whether this is the bill I would write if I could write it alone, I would say no. I am sure Chairman Oxley would say the same thing. Were it his opportunity to write a bill perfectly, he would write something different than what we wrote. But we believe it is the best we could do under these circumstances.

The terrorism insurance bill is about policyholders. It is about jobs. It is about an economic condition of a country that is faltering. While this proposal is not going to solve all of those problems when there are a lot of people out of work, a lot of construction projects that have stopped, a lot of fine businesses and industries that cannot get insurance and thus cannot borrow money, then that contributes to an economic difficulty in the country which we are witnessing.

We have worked a long time to arrive at a product we think can be constructive, one that the President could sign, and one that Members could support. Obviously, I do not know all of the situations in the other body, but I can say that in this Senate we are going to make a real effort to send this conference report around and give Members a chance to read it. Frankly, we wanted to have that done before the close of business today, but when we were up until about 4 or 4:30 this morning, began again at 9:30 this morning,