

Minnesota, I am sure Hawaii and elsewhere, have been ravaged by these rising prices, by their inability to control the costs, by the need, as I have discovered in my age, to require more prescription medication. The benefits of those medications are lifegiving, life-saving, life-enhancing for millions of Americans.

However, for our elderly population, they are literally the difference between life and death. They are literally the difference, time after time, between being able to enjoy their lives, rather than being consigned to pain and suffering, and infirmity that no one should be subjected to, certainly not in your last months or years of your life. We had all these good intentions. If we totaled the assurances Members made from both sides of the aisle when they sought election or reelection that year, we would have had a unanimous agreement that this legislation was overdue, was badly needed, and we might have had some differences of views as to how it was going to be enacted.

But when I came here in January of 2001 I felt as certain as I felt about anything that we would pass that legislation and we would have that moment that Senator DODD enjoyed yesterday, to bring back to the Senate a conference report, something that was agreed upon by the House, by the White House, and by the Senate, and we could pass it and go back and proudly tell our fellow citizens we had done the job they sent us to do.

I am terribly distraught and disappointed and disillusioned. I feel apologetic to the citizens of Minnesota, to the senior citizens who placed their trust in me and sent me here. I remember one elderly woman in Duluth, MN, in the northeastern part of our State, about half my size and twice my age, who spoke to me in December of the year 2000 just before I came here. She looked at me after I visited her with her and her friends. She said, If you do not keep your promises, I will take you out behind the woodshed for an old-fashioned thrashing.

I don't dare go back to Duluth, MN, after our failure to pass this legislation. I think in some ways this whole process that we failed to master, if not ourselves, individually, the failure of this entire endeavor, needs an old-fashioned thrashing. It is shameful we have not enacted that legislation on behalf of seniors in Minnesota and everywhere.

It is only one instance, unfortunately, where this failure to enact the people's business occurred in this body. I have presided over this Senate more hours in the last 2 years than anyone, save my colleague, Senator CARPER, of Delaware, and it has been in most respects a very enjoyable, fascinating, and certainly educational experience as a new Member of the Senate to see firsthand what occurs here and how these matters are handled. The masters of the Senate, through years of experi-

ence, know how this process works; also, unfortunately, masters of the process who know how to prevent it from working and how to obstruct and delay it.

I have watched since the beginning of this year, time after time the efforts of the majority leader, my good friend from the neighboring State of South Dakota, who has the responsibility as leader of our majority caucus to try to schedule and move legislation forward. I have seen time after time that he has not been given the agreement necessary. In the Senate, it takes, as you know, unanimous consent. It takes all 100 of us to agree individually just to bring up a matter of legislation. Without that unanimous consent, we have to go through a procedure that then requires the majority leader to file cloture. Then it takes 2 more days before we can vote on proceeding, just going ahead to take up a piece of legislation.

Time after time we have had to go through that process. The majority leader has had to follow it. I believe, if we tallied up all those days that we have been obstructed and delayed from just considering legislation in this body, it would be 50 or 60 during the last year alone. That is 10 to 12 weeks of time. That is 2½ to 3 months of time that we have not been able to conduct the people's business, where we couldn't consider legislation, where we couldn't bring up amendments and vote them up or down.

Here we are now just at a point of recess or adjournment or whatever it is going to be, and we have not passed prescription drug coverage for seniors, we have not extended unemployment benefits but once. I believe we have tried two or three other times to do so. We have not been able to get to so many things the people of Minnesota depended on me to provide and I think the people of America were looking for from all of us.

So as we are in these closing moments, and as Senator DODD from Connecticut has brought attention to some of the unfinished business before us, I wanted to highlight some of that myself and to say, the Good Lord willing, I will be back here, whether it is in November or December or January of next year or the new session of Congress. I wish we would have been able to leave here with much more accomplished. Those who are out there wondering, who do not want excuses or explanations, who want real results, which they should have, who want programs that will benefit them, who want help when they need it, who want improvements in their lives—if they really want to understand why we are leaving some of these matters undone, I invite their calls. I would be happy to discuss those matters with them.

They should look, as I say, and count the number of days we have had to wait to let the clock tick so we could follow the rules of the Senate just to move on to another matter. Then I would recommend they ask themselves

why it is and who it was behind this delay and this obstruction, and hold those individuals to account when they visit the voting booth in the next occasion.

With that, I wish the President a good evening, and I yield the floor.

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

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

EXECUTIVE SESSION

NOMINATIONS DISCHARGED AND PLACED ON THE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to executive session and that the HELP Committee be discharged from further consideration of the following nominations: Robert Battista to be a member of the NLRB; Wilma Liebman to be a member of the NLRB; Peter Schaumber to be a member of the NLRB; Joel Kahn to be a member of the National Council on Disability; Patricia Pound to be a member of the National Council on Disability; Linda Wetters to be a member of the National Council on Disability; David Gelernter to be a member of the National Council of the Arts; Allen Greene, Judith Rapanos, Maria Guillemard, Nancy Dwight, Peter Hero, Sharon Walkup, and Thomas Lorentzen to be members of the National Museum Services Board; Juan Olivarez to be a member of the National Institute for Literacy Advisory Board; James Stephens to be a member of the Occupational Safety and Health Review Commission; Peggy Goldwater-Clay to be a member of the Board of Trustees for the Barry Goldwater Scholarship Excellence in Education Foundation; and Carol Gambill to be a member of the National Institute for Literacy, and that the nominations be placed on the Executive Calendar.

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

NOMINATION DISCHARGED AND REFERRED TO COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the HELP Committee be discharged of the nomination of John Higgins to be the Inspector General for the Department of Education and that it be referred to the Governmental Affairs Committee for the statutory time limitation.

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

EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed

to executive session to consider the following nominations: Calendar Nos. 1130, 1134, 1136, 1138, 1139 through 1146, and the nominations placed on the Secretary's desk; that the nominations be confirmed, the motions to reconsider be laid upon the table, the President be immediately notified of the Senate's action and that any statements pertaining thereto be printed in the RECORD, with the preceding all occurring with no intervening action or debate.

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

The nominations were considered and confirmed as follows:

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Mark B. McClellan, of the District of Columbia, to be Commissioner of Food and Drugs, Department of Health and Human Services.

CENTRAL INTELLIGENCE

Scott W. Muller, of Maryland, to be General Counsel of the Central Intelligence Agency.

AIR FORCE

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. Glen W. Moorehead, III, 0000

The following officer for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

To be brigadier general

Col. Frederick F. Roggero, 0000

ARMY

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be general

Lt. Gen. Burwell B. Bell, III, 0000

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Robert W. Wagner, 0000

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Richard A. Hack, 0000

The following Army National Guard officers for appointment in the Reserve of the Army to the grades indicated under title 10, U.S.C., Section 12203:

To be major general

Brigadier General George A. Buskirk, Jr., 0000

The following Army National Guard of the United States officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be major general

Brig. Gen. David C. Harris, 0000

MARINE CORPS

The following named officer for appointment in the United States Marine Corps to the grade indicated while assigned to a position of importance and responsibility under

title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. James T. Conway, 0000

NAVY

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Rear Adm. Lowell E. Jacoby, 0000

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Rear Adm. David L. Brewer, III, 0000

NOMINATIONS PLACED ON THE SECRETARY'S DESK

AIR FORCE

PN2208 Air Force nomination of James M. Knauf, which was received by the Senate and appeared in the Congressional Record of October 1, 2002.

PN2209 Air Force nomination of Gary P. Endersby, which was received by the Senate and appeared in the Congressional Record of October 1, 2002.

PN2210 Air Force nomination of Mark A. Jeffries, which was received by the Senate and appeared in the Congressional Record of October 1, 2002.

PN2211 Air Force nomination of John P. Regan, which was received by the Senate and appeared in the Congressional Record of October 1, 2002.

PN2212 Air Force nomination of John S. McFadden, which was received by the Senate and appeared in the Congressional Record of October 1, 2002.

PN2213 Air Force nomination of Larry B. Largent, which was received by the Senate and appeared in the Congressional Record of October 1, 2002.

PN2214 Air Force nomination of Frank W. Palmisano, which was received by the Senate and appeared in the Congressional Record of October 1, 2002.

PN2215 Air Force nominations (2) beginning David S. Brenton, and ending Brenda K. Roberts, which nominations were received by the Senate and appeared in the Congressional Record of October 1, 2002.

PN2216 Air Force nominations (2) beginning Cynthia A. Jones, and ending Jeffrey F. Jones, which nominations were received by the Senate and appeared in the Congressional Record of October 1, 2002.

PN2217 Air Force nomination of Mario G. Correia, which was received by the Senate and appeared in the Congressional Record of October 1, 2002.

PN2218 Air Force nomination of Michael L. Martin, which was received by the Senate and appeared in the Congressional Record of October 1, 2002.

PN2219 Air Force nominations (2) beginning Xiao Li Ren, and ending Jeffrey H. Sedgewick*, which nominations were received by the Senate and appeared in the Congressional Record of October 1, 2002.

PN2220 Air Force nominations (3) beginning Thomas A. Augustine III*, and ending Charles E. Pyke*, which nominations were received by the Senate and appeared in the Congressional Record of October 1, 2002.

PN2229 Air Force nominations (39) beginning Errish Nasser G. Abu, and ending Ernest J. Zeringue, which nominations were received by the Senate and appeared in the Congressional Record of October 4, 2002.

PN2240 Air Force nominations (2) beginning Dana H. Born, and ending James L.

Cook, which nominations were received by the Senate and appeared in the Congressional Record of October 8, 2002.

ARMY

PN2221 Army nomination of Scott T. William, which was received by the Senate and appeared in the Congressional Record of October 1, 2002.

PN2222 Army nomination of Erik A. Dahl, which was received by the Senate and appeared in the Congressional Record of October 1, 2002.

PN2241 Army nomination of James R. Kimmelman, which was received by the Senate and appeared in the Congressional Record of October 8, 2002.

PN2242 Army nomination of John E. Johnston, which was received by the Senate and appeared in the Congressional Record of October 8, 2002.

PN2243 Army nominations (5) beginning Janet L. Bargewell, and ending Mitchell E. Tolman, which nominations were received by the Senate and appeared in the Congressional Record of October 8, 2002.

PN2244 Army nominations (5) beginning Leland W. Dochterman, and ending Douglas R. Winters, which nominations were received by the Senate and appeared in the Congressional Record of October 8, 2002.

PN2245 Army nominations (6) beginning Glenn E. Ballard, and ending Marion J. Yester, which nominations were received by the Senate and appeared in the Congressional Record of October 8, 2002.

PN2246 Army nomination of Robert D. Boidock, which was received by the Senate and appeared in the Congressional Record of October 8, 2002.

PN2247 Army nomination of Dermot M. Cotter, which was received by the Senate and appeared in the Congressional Record of October 8, 2002.

PN2248 Army nomination of Connie R. Kalk, which was received by the Senate and appeared in the Congressional Record of October 8, 2002.

PN2249 Army nomination of Michael J. Hoilen, which was received by the Senate and appeared in the Congressional Record of October 8, 2002.

PN2250 Army nomination of Romeo Ng, which was received by the Senate and appeared in the Congressional Record of October 8, 2002.

PN2267 Army nominations (71) beginning Judy A. Abbott, and ending Dennis C. Zachary, which nominations were received by the Senate and appeared in the Congressional Record of October 10, 2002.

PN2268 Army nominations (48) beginning Jose Almocarrasquillo, and ending Matthew L. Zizmor, which nominations were received by the Senate and appeared in the Congressional Record of October 10, 2002.

PN2269 Army nominations (42) beginning Arthur L. Arnold, Jr., and ending Mark S. Vajcovec, which nominations were received by the Senate and appeared in the Congressional Record of October 10, 2002.

PN2270 Army nominations (41) beginning Adrine S. Adams, and ending Maryellen Yacka, which nominations were received by the Senate and appeared in the Congressional Record of October 10, 2002.

FOREIGN SERVICE

PN1894 Foreign Service nominations (139) beginning Dean B. Wooden, and ending Claudia L. Yellin, which nominations were received by the Senate and appeared in the Congressional Record of June 21, 2002.

PN1893-1 Foreign Service nominations (132) beginning Deborah C. Rhea, and ending Ashley J. Tellis, which nominations were received by the Senate and appeared in the Congressional Record of June 21, 2002.

NOMINATION OF MARK MCCLELLAN

Mr. KENNEDY. Dr. McClellan has an impressive background. He is both