

procedure. When he first raised that here in this body, people were offended that he would talk about such things. But as the years went by, the vote grew and people began to realize just how right he was, and just how horrible that procedure was. We had, virtually—we had a substantial majority vote the last time we voted on it, not quite making it law, but we had a big step in that direction. That was a courageous thing. Even the AMA has come around to agreement with Senator SMITH, the American Medical Association.

So it is a pleasure for me to be here today to share a few words about a man with whom I have worked closely, who I have admired, who has the courage to stand for his convictions—but always in the way of a gentleman, always not acting in a way that would offend, but standing for what he believes in and for America. Senator SMITH, we appreciate your service, and God bless you.

The PRESIDING OFFICER. The majority leader.

SENATE TRADITION

Mr. DASCHLE. Mr. President, this is the final day of the 107th Congress. As Senate tradition has it, it is the day that is normally reserved for passage of resolutions that express genuine sentiment and reflect what we hope will be a comity that can be part of the environment as we begin the new session of the 108th Congress. So I will propound a series of unanimous consent requests to address these resolutions, beginning with S. Res. 361.

TENDERING THE THANKS OF THE SENATE TO THE VICE PRESIDENT

Mr. DASCHLE. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 361 submitted earlier today by the majority leader and the Republican leader.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 361) tendering the thanks of the Senate to the Vice President for the courteous, dignified, and impartial manner in which he has presided over the deliberations of the Senate.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the resolution be agreed to, and that the motion to reconsider be laid upon the table, without any intervening action.

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

The resolution (S. Res. 361) was agreed to.

The resolution reads as follows:

S. RES. 361

Resolved, That the thanks of the Senate are hereby tendered to the Honorable Richard B. Cheney, Vice President of the United States and President of the Senate, for the courteous, dignified, and impartial manner in

which he has presided over its deliberations during the second session of the One Hundred Seventh Congress.

TENDERING THE THANKS OF THE SENATE TO THE PRESIDENT PRO TEMPORE

Mr. DASCHLE. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 362, submitted earlier today by the majority and Republican leaders.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 362) tendering the thanks of the Senate to the President pro tempore for the courteous, dignified, and impartial manner in which he has presided over the deliberations of the Senate.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the resolution be agreed to, and that the motion to reconsider be laid upon the table, without intervening action.

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

The resolution (S. Res. 362) was agreed to.

The resolution reads as follows:

S. RES. 362

Resolved, That the thanks of the Senate are hereby tendered to the Honorable Robert C. Byrd, President pro tempore of the Senate, for the courteous, dignified, and impartial manner in which he has presided over its deliberations during the second session of the One Hundred Seventh Congress.

Mr. DASCHLE. Mr. President, I will have more to say about this later on. But I think it is important to note we had two President pro tempores of the Senate in the 107th Congress—Senator STROM THURMOND, who will be retiring, and Senator ROBERT C. BYRD, who will certainly not be retiring.

I want to acknowledge the deep affection this body holds for both men. Last night, Senator THURMOND made his final comments on the floor, and, spontaneously, Senators broke out in applause.

This morning as I read the New York Times, on the front page was a colored picture of the current President pro tempore and a very laudatory article about his contributions to the debate on homeland defense.

In their own way, both Senators have left indelible marks on this body. Their leadership, their stature, and their extraordinary contributions are not only appreciated, but I would say revered.

I personally want to express my heartfelt thanks to both leaders for all they have done and for all they have meant to the Members of this body, especially during the 107th Congress.

EXEMPLARY LEADERSHIP OF THE REPUBLICAN LEADER

Mr. DASCHLE. Mr. President, I ask unanimous consent that the Senate

proceed to the immediate consideration of S. Res. 363 submitted earlier today by the majority leader.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 363) to commend the exemplary leadership of the Republican Leader.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the resolution be agreed to, and that the motion to reconsider be laid upon the table without intervening action.

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

The resolution (S. Res. 363) was agreed to.

The resolution reads as follows:

S. RES. 363

Resolved, That the thanks of the Senate are hereby tendered to the distinguished Republican Leader, the Senator from Mississippi, the Honorable Trent Lott, for his exemplary leadership and the cooperative and dedicated manner in which he has performed his leadership responsibilities in the conduct of Senate business during the second session of the 107th Congress.

The PRESIDING OFFICER. The Republican leader.

EXEMPLARY LEADERSHIP OF THE MAJORITY LEADER

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 364 submitted earlier today by the Republican leader.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 364) to commend the exemplary leadership of the Majority Leader.

There being no objection, the Senate proceeded to consider the resolution.

Mr. LOTT. Mr. President, I ask unanimous consent that the resolution be agreed to, and that the motion to reconsider be laid upon the table, without intervening action.

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

The resolution (S. Res. 364) was agreed to.

The resolution reads as follows:

S. RES. 364

Resolved, that the thanks of the Senate are hereby tendered to the distinguished Majority Leader, the Senator from South Dakota, the Honorable Thomas A. Daschle, for his exemplary leadership and the cooperative and dedicated manner in which he has performed his leadership responsibilities in the conduct of Senate business during the second session of the 107th Congress.

Mr. LOTT. Mr. President, if I could inquire of the majority leader, would it be appropriate at this point for me to perhaps respond to some of the resolutions and have a few remarks before I yield the floor back to him to do whatever he would like to do in terms of concluding his remarks today?

Mr. DASCHLE. Mr. President, by all means. I will probably be coming back to the floor because I have an engagement at 11:30. But I will be happy to defer to the Republican leader for whatever remarks he would make at this time.

Mr. LOTT. Just briefly, Mr. President, with regard to the resolutions we have just passed, I want to add my specific expression of appreciation for our Vice President, Vice President CHENEY. He is a long-time friend. He understands the institution of Congress. He has proven to be a very active Vice President and, obviously, a good and valued adviser to our President. But we all actually have a special affinity for this Vice President because we think he does understand the Congress as an institution, and I think he has been very positive in the way he has dealt with us. I just wanted that to be on the RECORD.

I thank Senator BYRD for his performance as our President pro tempore, for his making us think about the history and the traditions of this institution, for his sometimes unbelievable speeches about history, and for his great quotes from memory of poetry and famous statements by statesmen and politicians. It is a very interesting thing to watch and listen to him.

Of course, the one and the only centenarian, Senator Strom Thurmond, has done so much for his State and for his country.

I just want to put on the RECORD at this point also that in his service in the Senate he has cast 16,348 votes. He was here last night until the last vote was cast.

We are going to celebrate his 100th birthday with several events December 1.

He will be one of the legends that will be long remembered in this institution and by our country.

Let me say to Senator DASCHLE, I have enjoyed working beside him throughout this historic Congress and over the years. Sometimes we sit down and visit more often than a lot of people would think or realize. We certainly have a very strong personal relationship—one the media seems to miss. And that is just as well, probably, because if people really knew the kind of friendship we have and what we talk about, it would either hurt him or me—or both of us, or our colleagues. But that is as it should be. This is the Senate. We must find a way to work together.

As I said on the floor yesterday, how we produce legislation is quite often messy and not pretty, but our forefathers designed this to be a body that could be moved only by unanimous consent or consensus. Sometimes it takes days, sometimes it takes weeks, and sometimes it takes months—just like last night. After all the fussing, the fighting, the squabbling, the amending, and positioning and all that went into it, when we voted on the Homeland Security Department Bill,

the vote was 90 to 9. We actually scratch our heads and say, Why all that thunder and lightning and then that result?

Well, that is a part of the process. Quite often that happens in the Senate, because along the way you have made changes. You have reconsidered other people's positions. But in the end it is quite often that a bill will pass by a wide margin.

We have been through changes in leadership positions. The process to consider the removal of President of the United States who had been impeached by the other body, and now this historic 107th Congress.

We should not go off quietly into the night without giving some recognition and some credit to what we have done in this Congress.

We started over with a 50-50 split—somewhat historic in its own right. There had been 50-50 splits before, or even splits before. I have gone back and studied how those things were handled. They were handled not too well a lot of times. In fact, in one Congress I think it took them 4 or 5 months before they ever agreed on the rules to proceed.

There was some criticism of me and our caucus, and probably of Senator DASCHLE and his caucus, with the agreement we came up with for this 50-50 split. If we had to do it over again, we probably would do it somewhat differently, or we would have done a few more things than we were actually able to agree on. But we did come to an agreement. We did move the session forward, and we produced some historic results during that period when we were evenly divided.

At the beginning of the year, Senator DASCHLE actually was the majority leader for 17 days. He could have tried to take advantage of it. He could have tried some things that would have been infuriating to my side, or that wouldn't have been good for the Senate or the country. But he didn't do that. He did do some things, but they weren't done in a way that was taken advantage of in that interim period. Then I became majority leader again in the 107th Congress for about 5 months or so. Then I was back in the minority; Senator DASCHLE is back as majority leader.

We were sort of getting used to our sea legs under this new arrangement in the latter part of June and July. We probably had not gotten our sea legs yet, and then came September 11. We had not planned on that, and we were stunned by it, the institution, as individuals, our staffs. Not only did America come under attack in New York and the Pentagon, and with plans to attack other places, we had the anthrax situation that put Senator DASCHLE's staff in a very difficult, dangerous position. All of us were affected by that.

A lot of Senators rose to the occasion. The leadership, our officers rose to the occasion. I will talk more later about the service of our Sergeant at Arms, General Lenhardt, and the Sec-

retary of the Senate, Jeri Thomson. They were under enormous pressure, and they were dealing with a totally different situation than we had ever experienced. We were the pilot project. We did not want to be, but we were.

How did we clean the Hart Building? How did Senators get their work done? Well, they wound up in other Senators' offices. They wound up in my office upstairs. They were all over the place. We did what we had to do.

Also, I believe those events united this body in a way that was very positive, and this country in ways that we are still experiencing. But we did find a way to speak with one voice, to pull up our courage, to continue to do our job.

Those ugly, tragic events of that day gave us a period of unity and production that I have not seen since I have been in Congress. We passed bill after bill after bill to deal with the tragedy—from aviation security, to make sure our airlines did not go out of business; the PATRIOT Act—I will not enumerate all the things we did do. We did it working together across the aisle, across the Capitol, and with the administration in many instances.

I have said here on the floor before, an interesting thing happened: The American people's approval of our conduct went to the highest in history. I don't know what the highest level was, but at least in the high seventies. Why was that? Because they saw us working together in a nonpartisan way to do what was right for our country. And when we got back closer to doing business as usual, those numbers sort of drifted back down.

I think maybe during this period we are going to be out we ought to meditate and think a little bit about how we did in September and October and November of 2001, what we did not do sometimes in 2002, and see if there is a way we can, once again, come together and work together more often.

So there have been bumps and pot-holes and there have been disagreements and there have been huge battles over prescription drugs and energy legislation and homeland security and a lot of others, but more often than not, we did get a result. We found a way to get it done.

It takes an interminable amount of patience to be majority leader. Senator DASCHLE exhibited that patience, sometimes to the consternation, I know, perhaps, of his own colleagues in his own caucus. But that is the way it has to be done.

So now we close out this historic period. We have had an election. We will be coming back in January with 11 new faces in the Senate and new leadership in the majority. I will have that opportunity again, God be willing, that we have of swearing in on January 7. We will need to find a way to work together again. I believe we will.

Senator DASCHLE, when he became majority leader, stood in that place and pledged to me, and to the Senate, that he would work with us, and he

would be fair in his dealings. I think he has kept that commitment. I make the same pledge to him. I have learned some lessons being in the minority and being in the majority and being back and forth. It is a humbling experience. I think you learn that you have to do some things differently. I hope I will do them better. And I will need his help. So I believe we will find a way to work together for the best interests of this institution and for our country.

I thank the many people associated with this Chamber, too.

As I said to Senator SMITH, it is far too often we forget to thank the people who make this place work: the people who turn on the lights, the policemen who work to keep us and our constituents and our staffs safe, the elevator operators, the custodians, the pages. All of these people who work in this Chamber and in this building are an important part of getting our job done. So to you all, I express my appreciation on behalf of myself and the Senate because you do a great job.

With that, I would just like to conclude by wishing everyone a safe, happy holiday season. We need this respite. In the end, faith and family are more important even than what happens here.

Now we will have a chance to spend some time thinking about those things and being with the ones we love the most. I look forward to returning in January. I look forward to seeing all of my colleagues as we begin the work that needs to be done for a stronger and freer America and peace in the world.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. DASCHLE. Mr. President, I indicated I will return to the floor in a short while. But while he is here, let me thank the distinguished Republican leader for his generous words. He spoke for both of us in recounting what we have experienced over the course of the last 2 years.

This has been an extraordinarily eventful 107th Congress. He did not mention, but I know he could have gone on to include the war in Afghanistan, extraordinary challenges on Wall Street, amazing things on the war on terror that we have confronted, breakfasts with the President as we attempted to confront these challenges one by one in a bipartisan way.

So this has been extraordinarily eventful. You have to go back a long ways—a half a century—to find a time when power shifted within one Congress from one party to the other. I told him at the time—and I have since reiterated to him—how impressed I was in the way with which in our relationship he accepted that transfer of power. I hope I can be equally as magnanimous, and I hope to demonstrate that that will be the case beginning in January.

He and I have developed a relationship that is built on a great deal of ex-

perience. And from that experience comes trust and affection.

He also did not mention a great moment in both of our lives: when we became grandfathers. That has been a special treasure for both of us. And we have shared those moments about family and about grandchildren, as we have experienced them for the first time.

So I look forward to working again very closely with him in yet another role. I hope that it can be even more productive. I hope that we both can learn lessons from this experience. I hope that we both can send a message to the American people that we mean to govern well, and, as I tell people sometimes, it is difficult to legislate, recognizing that with 240 million people in the same room, we have to reach a consensus about issues as challenging as homeland security. We will continue to do that with our colleagues, and with the best intentions, recognizing the expectations of the American people.

So I thank him again for his courtesies, his friendship, and the leadership he has shown, and express to him, in the most heartfelt way, how much I look forward to working with him again.

Mr. President, I have one final resolution, and that is the adjournment resolution.

PROVIDING FOR THE SINE DIE ADJOURNMENT OF THE ONE HUNDRED SEVENTH CONGRESS, SECOND SESSION

Mr. DASCHLE. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Con. Res. 160, submitted earlier; that the concurrent resolution be considered and agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 160) was agreed to, as follows:

S. CON. RES. 160

Resolved by the Senate (the House of Representatives concurring), That when the Senate adjourns at the close of business on any day from Wednesday, November 20, 2002 through Saturday, November 23, 2002, or from Monday, November 25, 2002 through Wednesday, November 27, 2002, or on a motion offered pursuant to this concurrent resolution by its Majority Leader, or his designee, it stand adjourned sine die, or until Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the House of Representatives adjourns on any legislative day through the remainder of the second session of the One Hundred Seventh Congress on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned sine die, or until Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Majority Leader of the Senate and the Speaker of the House, or their re-

spective designees, acting jointly after consultation with the Minority Leader of the Senate and the Minority Leader of the House, shall notify the Members of the Senate and the House, respectively, to reassemble at such place and time as they may designate whenever, in their opinion, the public interest shall warrant it.

Ms. COLLINS. Mr. President, I oppose this adjournment resolution. While I am eager to return home to Maine, there is critical unfinished business here in Washington. We should not adjourn prior to passing a prescription drug benefit for our seniors as well as legislation to remedy inadequate Medicare reimbursements that are jeopardizing the viability of our home health agencies, rural hospitals, and nursing homes. Cuts in Medicare are also discouraging physicians from accepting Medicare patients.

These health care problems should be solved now, not delayed until next year. Medicare reimbursements must be adequate to cover the costs borne by health care providers in caring for our seniors and disabled citizens. And our elderly have already waited too long for prescription drug coverage.

Finally, we should have given final approval to legislation authored by Senators NELSON, SMITH, ROCKEFELLER, and myself to increase Medicaid rates to provide fiscal relief to the States and to prevent cuts in health care for low-income families.

Mr. DASCHLE. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

DIETARY SUPPLEMENTS

Mr. DURBIN. Mr. President, I have come to the Chamber this morning to address an issue, which is familiar to many Americans but one on which they may not know the details, the important life-or-death information.

Yesterday, a Federal court in Birmingham, AL, found for four plaintiffs and against a company known as Metabolife International of San Diego and awarded the four plaintiffs \$4.1 million for strokes, heart attacks suffered by the plaintiffs as a result of ephedra diet pills. These diet pills and Metabolife are pretty well known across America. You can hardly go into a drugstore, gas station or a convenience store and not run into this little familiar container, Metabolife 356, "an herbal formula to enhance your diet and provide energy." Unfortunately, this apparently innocent looking product has caused a great deal of physical injury and death.

I received today from my State of Illinois, near my hometown of Springfield, a report from the Logan County coroner, Chuck Fricke, a report on the sad death of a young man named Sean Riggins, a 16-year-old who died on September 3 of this year. Sean Riggins was the picture of health, a high school football player and wrestler. He was the apple of his parents' eye. He was