

Committee, does the bill that we are currently debating address the problems being faced by group life insurers?

Mr. GRAMM. I thank the Senator from Nebraska for raising this important question. I believe that this bill does not speak individually to the issues now confronting the group life insurance industry. I would note that the bill does contain a provision that requires the Secretary of the Treasury, after consultation with the Nation of Association of Insurance Commissioners and representatives of the insurance industry and other experts, to study the potential effects of acts of terrorism on the availability of life insurance and other lines of insurance coverage.

Ms. SNOWE. I thank the senior Senator from Texas for his remarks. I am concerned that the study may not be completed in sufficient time to help the group life insurers avail themselves of the help that the property and casualty companies are getting in this bill. I would therefore ask the Senator from South Dakota, a senior member of the Senate Banking Committee, if he believes the needs of group life insurers are adequately addressed in this bill or its companion measure, passed by the House last November?

Mr. JOHNSON. I thank the senior Senator from Maine for her question. I believe that the needs of group life insurers are not adequately met by this bill. I find this problematic because of the role that group life insurance plays for the majority of American families. I am particularly concerned about the families of firefighters and other first responders. We ask firefighters and other first responders to risk their lives for us in the event of a terrorist attack. We have to make sure that basic group life insurance is there for them. I am also concerned about families whose wage earners are at the lower end of the pay scale. These families often find that they are able to secure more life insurance than they could otherwise afford because their employer is subsidizing it.

Finally, I am concerned about those families with a spouse who has had a serious medical problem. These families often find that the only life insurance they can afford or even find is group life.

We need to make sure that this industry remains highly competitive and able to pay all of the claims that might be made in the event of a future terrorist attack.

Ms. COLLINS. I thank my colleagues for participating in this colloquy, which has added measurably to the debate on the underlying bill. I thank particularly the distinguished senior Senators from Texas and Connecticut, without whom this bill would not be before us today, and I would like to ask them if they would commit to doing all they could to ensure that the legitimate needs of group life insurers are addressed in the conference on this legislation.

Mr. GRAMM. I would say to the gentlelady from Maine that this is an important issue that was brought to our attention only after the basic legislation was drafted. For that reason, I have every intention of making sure that, in conference, we give full consideration to the problems faced by the group life industry.

Mr. DODD. I concur with the senior Senator from Texas and will do all I can to address the legitimate needs of group life insurers in conference. To that end, I would invite the group life industry to continue to work with us so that we can better understand the problems that it now faces.

Mr. GREGG. I share the concerns of my colleagues regarding this issue and would add that we should facilitate insurance coverage for buildings subject to terrorist attacks, as well as for the people who work inside them. I look forward to addressing these issues in conference.

Mr. REID. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

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

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

#### MORNING BUSINESS

Mr. REID. Madam President, I ask unanimous consent the Senate now proceed to a period of morning business with Senators allowed to speak therein for not to exceed 5 minutes each.

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

#### YUCCA MOUNTAIN LEGISLATION

Mr. ENSIGN. Madam President, I rise today to respond to remarks by the senior Senator from Idaho on the Senate floor procedures outlined in the Nuclear Waste Policy Act regarding Yucca Mountain. And I come to the floor today out of great respect for the traditions of the U.S. Senate. I am a freshman Senator. I have only been here a year. But one of the first things I did when I arrived was to seek the advice of the senior Senator from West Virginia, Senator BYRD, our very own Senate historian. I asked him for a copy of his history of the Senate which I have turned to often. I haven't had the opportunity to speak to him directly on this matter, but I turned to his books for guidance.

Madam President, when you have the chance, turn to Volume II page 191, and see what Senator BYRD says about the powers of the majority leader. He says the majority leader . . . "determines what matters or measures will be scheduled for floor action and when." The Senator from Idaho is planning to change that by asserting that it would be alright for any member to determine when the Yucca Mountain resolution comes to floor. he said that, "the

Nuclear Waste Policy Act provides a special statutory authority to make exception to contemporary practice." That is not the case. I have the act right here.

The Nuclear Waste Policy Act of 1982 does state that it shall be in order "for any Member of the Senate to move to proceed to the consideration of such resolution." But the act also states that the procedures outlined in the Nuclear Waste Policy Act "supersede other rules of the Senate only to the extent that they are inconsistent with such other rules."

The Nuclear Waste Policy Act provision permitting any Member to move to proceed to the consideration of the Yucca Mountain resolution is consistent with Senate rules, therefore it does not supersede the rules of the Senate. In the modern history of the Senate, no Member, other than the majority leader (or a designee), has successfully made a motion to proceed to a matter or measure.

Here are the facts:

CRS indicates there are six statutory expedited procedures in current law which explicitly state that "any Member of the Senate" may offer the motion to proceed: Executive Reorganization Act; Atomic Energy Act; Defense Base Closure and Realignment Act of 1990; Balanced Budget and Emergency Deficit Control Act; Balanced Budget Emergency Deficit Control Act; Nuclear Waste Policy Act of 1982.

According to a March 28, 2002 CRS memorandum, the language in these six statutes which states that "any Member of the Senate" may offer the motion to proceed is "consistent with the Standing Rules of the Senate, which permit any Senator to make a motion to proceed, but also with the general Senate practice under which Senators routinely concede to the majority leader the function of taking actions to determine the floor agenda.

So the Nuclear Waste Policy Act is not, as the senior Senator from Idaho stated, "a special procedure."

Next, a June 11 CRS memorandum indicates that since the 100th Congress, consideration of five measures was governed by some statutory procedure explicitly permitting any Senator to offer a motion to proceed to consider. In three of these cases, action to call up the measure for consideration was taken by the Senate majority leader. However, in two of those cases, no Senator took action to call up the other two measures. The majority leader secured their indefinite postponement. That means no Senators offered a motion to proceed, even when explicitly permitted to do so by statute. The majority leader kept control of the Senate.

The Senate is a body which, quite rightly, reveres tradition. We must, as we have so few rules. As a new Member, I relied on the guidance from the Parliamentarian, the Congressional Research Service, and my senior colleagues. I am certain that if anyone,

other than the majority leader, successfully offers a motion to proceed to the Yucca Mountain resolution, it will break with Senate tradition, undermine the goal of the majority leader, and allow other Senators to control the floor. I hope the Members of this body will think before they move forward on the resolution.

In closing, I thank the majority leader. He is keeping his word that he gave to the people of the State of Nevada, and the people of the State of Nevada say thank you to the majority leader.

#### RECOGNIZING MRS. KATHY IRELAND

Mr. LOTT. Madam President, since age 17 Mrs. Kathy Ireland has been blessed to have assembled an illustrious career as an actress, supermodel, and vocalist. Her numerous talents have afforded her the opportunity to be regularly featured on the covers of such prestigious magazines as *Cosmopolitan*, *People*, *Glamour*, *McCalls*, and *Redbook*. Likewise, her inherent capabilities have provided her with the good fortune to appear as a special guest on nationally renowned television programs such as *The Tonight Show* with Jay Leno, *The Today Show*, *Oprah*, *Entertainment Tonight*, and *Access Hollywood*. This abundance of accolades has established Mrs. Ireland as a public figure of world-wide fame and recognition.

My purpose here today is not to recognize Mrs. Ireland for her extreme number of personal achievements, impressive as they are, but rather to expand on the manner in which she uses the fame and recognition gained from such accomplishments as a medium by which to make charitable contributions to our local and national communities. As I will bring to your attention in the next few minutes, Mrs. Ireland's personal accomplishments pale in comparison to the number of ways in which she gives back to our communities, both local and Nation wide.

I was made aware of Mrs. Ireland's benevolent character just recently, as it was brought to my attention that she was responsible for sending an eighteen wheeler filled with enough food to feed 1600 needy families for two weeks to Monroe County in my home State of Mississippi. This is the second consecutive year Mrs. Ireland has sent the Holiday Food Truck to aid Mississippians in need. In 2000, the truck was dispersed to the northwest region of Mississippi, also known as the Mississippi Delta. A philanthropic concert entitled "Stars Over Mississippi" is held biannually for the purpose of raising funds to be allocated towards increasing the educational opportunities available to the children of Mississippi. Mrs. Ireland has further benefitted my State by selflessly devoting her time to perform in many of these concerts. Mrs. Ireland has also asserted herself as a benevolent benefactress of the state of Mississippi, by donating many

thousands of dollars worth of children's furniture, on behalf of Mary and Sam Haskell, to Sela Ward's Hope Village Orphanage located in Meridian, MS.

It should be duly noted that Mrs. Ireland's generosity, patronage, and charity is not limited to benefitting communities located in my home State of Mississippi. Examples of Mrs. Ireland's commitment to community service on a national scale include currently serving as Ambassador of both Women's Health Issues and the National Women's Cancer Research Alliance on behalf of the Entertainment Industry Foundation. Mrs. Ireland also holds the title of National Chair of Family Services and Parenting for the Athletes and Entertainers For Kids non-profit organization. As chairperson she personally sees to it that AEFK's mission of empowering our youth through mentoring partnerships and positive experiences is achieved. Mrs. Ireland also joins with an organization called Feed The Children each holiday season, in supervising the dissemination of over 170,000 pounds of clothing, food, and toys to needy children nationwide. Mrs. Ireland is a long-standing supporter of the Special Olympics, and has played an integral role in the establishment and continued development and success of the Dream Foundation, which provides terminally ill adults with the resources necessary to fulfill a special dream or be granted a final wish.

Despite her responsibilities associated with being a loving wife, devoted mother of two, Sunday school teacher, clothes designer, supermodel, actress, and vocalist, Mrs. Ireland expresses and executes an unequivocal desire to champion the causes of others. I take great personal pride and gain tremendous fulfillment in recognizing Mrs. Kathy Ireland before you on the Senate floor this day, and encourage all Americans possessing the will, desire, and resources to do so, to live according to her example.

#### TRIBUTE TO STEVEN NALLEY

Mr. LOTT. Madam President, today I rise to salute Stephen Matthew Nalley from Starkville, MS, for his outstanding achievement in this year's national spelling bee. Stephen finished in second place after spelling words such as "altricial," "muliebral" and "sericeous." He endured ten rounds, defeating 248 other spellers between the ages of 9 through 15.

The Louisville Courier-Journal started the national spelling bee in 1925 with only 9 contestants. Scripps Howard News Service assumed sponsorship in 1941. This year Steven and 249 other participants helped celebrate the 75th Annual Scripps Howard National Spelling Bee held here in Washington, D.C.

Steven was born with a particular type of autism that impairs social interaction and contributes to repetitive behavior patterns. Fortunately, he has been able to work with his disability and use it to his advantage.

Quoting his mother, Barbara Nalley, "He's mildly autistic, but he's channeled that into his spelling."

Steven's accomplishment serves as a reminder to us all that we can accomplish astonishing things when we are willing to put in great time and effort for them. Steven's approach to adversity is to not back down, but rather to fight until he has conquered all obstacles and achieved his objective. I find this attribute of his remarkably inspiring.

Not only am I highly impressed with Steven's workmanship as an outstanding speller, but he also is a straight A student and a member of his school's honor society. He exemplifies a hard working young man and is a great asset for Mississippi.

I know my colleagues will join me in congratulating Steven on his tremendous accomplishment and wishing him the best in all of his future endeavors. Congratulations, Steven.

#### FLAG DAY

Mr. LEAHY. Madam President, as we approach Flag Day tomorrow, I thought it worthwhile to reflect on the innate patriotism of so many Americans. Justice Brennan wrote, "We can imagine no more appropriate response to burning a flag than waving one's own." That is exactly how the American people respond.

Immediately following September 11, Americans all around the country began to fly flags outside their homes and businesses, to wear flag pins on their lapels, and to place flag stickers on their automobiles. This surge in patriotism over the past 9 months has made American flags such a hot commodity that several major flag manufacturers cannot keep flags stocked on store shelves. Within one week of the attacks, demand for American flags was 20 times higher than is typical for that time of year, according to the National Flag Foundation in Pittsburgh, Pennsylvania. During that same week, Wal-Mart sold 450,000 flags. Within days of the bombing, K-mart sold 200,000 flags.

This expression of national pride was spontaneous, and consisted of individual Americans taking conscious acts of patriotism. No one in the government decreed that Americans must purchase and fly flags. There was no official direction stating that Americans should wear clothing and accessories with flag designs, but these have been wildly popular as well.

Supporters of S.J. Res. 7, a constitutional amendment to prohibit flag desecration, believe that Americans need a lesson in how to respect the flag. I disagree, and I believe that the American people have proven these Senators wrong.

At the height of World War II, in the case of *West Virginia State Board of Education v. Barnette*, Justice Jackson wrote, "To believe that patriotism will not flourish if patriotic ceremonies are