

increased risk of infections, illness and organ failure. These concerns go to the heart of humane treatment, and are as appropriate for Congress to address as other areas already covered by the AWA, such as adequate veterinary care, food, water, sanitation, ventilation, and shelter from harsh weather.

Opponents concede that the legislation's restrictions on breeding are so modest that "most breeders have much higher standards than the ones called for" in the Puppy Protection Act; the bill will only affect truly "bad actors."

*If Congress puts restrictions on breeding of dogs, won't this lead to breeding restrictions for livestock?*

The "slippery slope" argument ignores the fact that Congress will only go as far as it considers necessary and acceptable, and is not bound to extend any law.

Congress has historically afforded dogs extra protections under the Animal Welfare Act and other federal laws (such as banning the sale of dog fur and restricting military research on dogs), in recognition of the special relationship between dogs and people. Livestock are not even subject to the protections of the Animal Welfare Act.

*Why not us a "performance-based standard" rather than an "engineering standard" for socialization?*

When performance-based standards have been used elsewhere in the Animal Welfare Act (to meet the requirement for promoting psychological well-being of primates), they have proven vague, ineffective, and very difficult to enforce. This approach leaves it up to each facility to figure out how to achieve the desired result, and forces inspectors to make subjective judgments. Conversely, an engineering standard clearly specifies what steps a facility needs to take to comply with the law. The facilities know what is expected of them, and the inspectors know what to check for in determining compliance.

*Shouldn't industry experts have a say in developing the socialization standard?*

The legislation provides that minimum requirements for the socialization of dogs will be developed by the Secretary of Agriculture as part of the regulatory process, ensuring that commercial breeders will have ample opportunity to influence the standard-setting. The legislation does not dictate the specific socialization requirements.

*Why not just focus on better enforcement of existing law and catching those who breed dogs illegally without a license?*

The sponsors of S. 1478, along with animal protection organizations, are actively involved in obtaining increased funding for USDA to do a better job enforcing the Animal Welfare Act. In the past few years, Congress has appropriated an additional \$13 million to enable USDA to track down more unlicensed facilities, conduct more inspections, and improve follow-up enforcement efforts. Opponents of S. 1478, who argue that Congress should direct its attention to better enforcement of existing law, have done little or nothing to secure additional funds toward that end.

While Congress is making progress addressing the AWA budget shortfall, it is also important to address gaps in the law to better protect dogs and consumers. All the funding in the world will not resolve the problems that the socialization and breeding provisions of the Puppy Protection Act address.

#### MULTI-LENDER RISK MANAGEMENT

Senator LEAHY. Mr. President, section 541 of S. 1731 makes certain technical adjustments to the current authority of farm credit system institutions to participate with non-system

lenders in certain multi-lender risk management transactions. The system's multi-lender risk management authorities have been very successful in achieving the objectives of the 1992 authorizing legislation, as described on page 73 of the committee's report.

Is it the chairman's understanding that the provisions of S. 1731 will facilitate these partnership arrangements between commercial lenders and the system to spread risk among lenders and improve the availability of capital for the agricultural and food system, communication and related technology service companies and utility systems?

Mr. HARKIN. The Senator is correct.

#### EXECUTIVE SESSION

NOMINATIONS OF MICHAEL J. MELLOY, OF IOWA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE EIGHTH CIRCUIT, AND JAY C. ZAINEY, OF LOUISIANA, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF LOUISIANA

The PRESIDING OFFICER (Mr. CARPER). Under the previous order, the Senate will now proceed to executive session to consider Executive Calendar Nos. 670 and 676, which the clerk will report.

The legislative clerk read the nominations of Michael J. Melloy, of Iowa, to be United States Circuit Judge for the Eighth Circuit, and Jay C. Zainey, of Louisiana, to be United States District Judge for the Eastern District of Louisiana.

The PRESIDING OFFICER. Under the previous order, there are now 15 minutes to be equally divided.

The Senator from Vermont.

Mr. LEAHY. Mr. President, I begin by thanking the nominees' home State Senators for working with us on this nomination and by commending the majority leader and our assistant majority leader for bringing this matter to successful conclusion today.

I also want to thank Senator CANTWELL for chairing the hearing in January that laid the groundwork for today's confirmation of Judge Michael Melloy as a judge on the United States Court of Appeals for the Eighth Circuit. That confirmation hearing was held on the second day of this session of Congress and was the twelfth confirmation hearing for judicial nominees since the majority shifted last summer. Judge Melloy and the five district court nominees included in the hearing that Senator CANTWELL chaired are the first judicial nominees to receive a confirmation hearing during January since at least 1995.

Those nominees were all promptly considered by the committee at our business meeting last Thursday and, today, due to that unusually fast start by the committee, Judge Melloy's nomination is being considered by the Senate for final action.

Last year I noticed our first judicial nominations hearing within 10 minutes of the Senate being permitted to reorganize. We held that first hearing last session on the day after committee members were assigned. In fact, during the past 7 months we have held 12 hearings involving judicial nominees. That is more hearings involving judicial nominees than were held in all of 1996, 1997, 1999 or 2000 and a more rapid pace than in either 1995 or 1998. Unlike the preceding six and one-half years in which no hearings were held in 30 of the months, since the Committee has reorganized last summer, we have held at least one hearing for judicial nominees every month. In fact, we held two in July, two unprecedented hearings during last summer's August recess, two in December and three in October. With the hearing at which Judge Melloy appeared, we now have held at least one hearing for judicial nominees every month since we were permitted to reorganize last summer after I became chairman of the committee and the Democrats became the majority party in the Senate.

Judge Melloy's confirmation fills a judicial emergency vacancy. That seat on the Court of Appeals for the Eighth Circuit, which includes eight States—Iowa, Arkansas, Minnesota, Missouri, Nebraska, North Dakota and South Dakota—has been vacant since May 1, 1999. I recall that it was not so long ago, in 2000, when the Senate was under Republican control, that another nominee to this very seat on the Eighth Circuit, Bonnie Campbell, did not receive the courtesy of a vote by the committee following the hearing on her nomination. She did not receive a vote due to the previous policy of allowing anonymous holds to be placed on nominees, even though in her case, both of her home State Senators, one a Democrat and the other a Republican, supported her nomination. Bonnie Campbell, the former Attorney General of Iowa, did not receive the courtesy of a vote, up or down, during the 382 days between her nomination by President Clinton and the time that the Bush Administration withdrew her name.

In contrast, we moved expeditiously to consider and report Judge Melloy's nomination to the Eighth Circuit. He participated in the first confirmation hearing this year, and his nomination was favorably reported by the Committee last week, during the first full week of this session. Judge Melloy's confirmation will eliminate the judicial emergency vacancy in that circuit caused, in part, by the committee's failure to act on Bonnie Campbell's nomination when Republicans controlled the Senate and the confirmation process.

Since the change in majority last summer, we have already moved ahead to confirm another new member of the Eighth Circuit. Judge Melloy will join Judge William J. Riley of Nebraska as the second judge considered and confirmed to the Eighth Circuit since the

summer. Both nominees were supported by well-respected home-state Senators from both parties.

Judge Melloy will be the seventh Court of Appeals nomination confirmed by the Senate in the last seven months. That is seven more Court of Appeals judges than a Republican majority confirmed in the 1996 session, and as many as were confirmed in all of 1997 and in all of 1999.

During our consideration of Judge Melloy's nomination to be elevated to the Eighth Circuit, we learned that Judge Melloy has a reputation for decisions that are fair, well-reasoned and well-written, without editorial comment or ideological bent. Judge Melloy was nominated to the Northern District of Iowa in 1992 by President George H.W. Bush and confirmed by the Senate. He previously served for six years as a United States Bankruptcy Judge for the Northern District of Iowa. While serving on the District Court for these past 9½ years, Judge Melloy also sat by designation on the Eighth Circuit on several occasions and wrote a number of appellate opinions.

I congratulate the nominee and his family on his confirmation today.

With today's confirmation, the Senate will have confirmed five additional judges since returning late last month. The Senate will have confirmed 33 judges since the change in majority last summer. More than one-quarter of the judges confirmed have been for judicial emergency vacancies, nine so far. Unfortunately, the White House has yet to work with many home-state Senators to send nominees for 14 other judicial emergency vacancies.

I am working to hold another confirmation hearing for judicial nominations, as well, before the end of February, even though it is a short month with a week's recess. The Committee has not held two hearings in the month of February in four years, since 1998.

I noted on January 25 in my statement to the Senate that we inherited a frayed process and are working hard to repair the damage of the last several years. I have already laid out a constructive program of suggestions that would help in that effort and help return the confirmation process to one that is a cooperative, bipartisan effort. I have included suggestions for the White House, that it work with Democrats as well as Republicans, that it encourage rather than forestall the use of bipartisan selection commissions, that it consider carefully the views of home State Senators. Working together, we can make significant progress in filling judicial vacancies.

Mr. HATCH. Mr. President, I am pleased that we are considering today the nominations of two very well-qualified nominees for the Federal courts.

Our circuit nominee is Judge Michael Melloy, who has been nominated for a position on the U.S. Court of Appeals for the Eighth Circuit. Judge Melloy has impeccable credentials for this position: He has served for the past dec-

ade as a Federal District court judge in Iowa, and he served as a bankruptcy court judge for six years before then. In his capacity as a district judge, he has had the honor of having been invited to sit by designation with the Eighth Circuit. I am certain that his distinguished experience will serve him well as he makes the move to join the Eighth Circuit on a permanent basis.

Today's district court nominee is Jay Zainey, whom we are considering for the Eastern District of Louisiana. Mr. Zainey is an experienced private practitioner who has earned the respect of his colleagues, as reflected in his election as president of the Louisiana State Bar Association. One of the remarkable achievements during his tenure as President was the creation of the first state bar committee in the nation to provide legal referral services for the disabled. He will undoubtedly be a welcome addition to the Eastern District bench.

I have every confidence that both of these nominees will serve on the federal courts with distinction. I commend President Bush for selecting them, and I thank Chairman LEAHY for holding hearings and committee votes on them.

I do note that five other district court nominees were unanimously voted out of committee last week along with Judge Melloy and Mr. Zainey. Given this strong endorsement, I urge the Senate to give their nominations timely consideration as well.

Before I yield the floor, I would like to briefly address our progress on judicial nominees so far during this session of Congress. I began this session on an optimistic note about our opportunity to address the vacancy crisis that plagues the federal judiciary. Nearly 100 seats on the federal bench are presently empty. High numbers of vacancies in the federal judiciary can only result in delay of the administration of justice. And, as Justice Oliver Wendell Holmes once stated, and as some of my Democratic colleagues have observed in the past, "Justice delayed is justice denied." There is simply no viable alternative to confirming judges if we are to make a bona fide effort to fill the vacancies in our Federal judiciary.

Despite some of the negative rhetoric and distortions of the record I have heard over the last couple of weeks, I am still optimistic about our chances for success. As I have mentioned before, we are off to a good start. But we still have much work left to do. Last May, President Bush nominated 11 extremely well-qualified nominees to the circuit court of appeals, but only 3 of them have had hearings thus far. Less than one-third of the administration's total appellate nominees have had hearings. So while we are off to a good start, there is much work left to be done.

In 1994, President Clinton's second year in office, the Senate confirmed 100 judicial nominees. I am confident that, with diligence and determination, we

can replicate that feat this year. I pledge to work with my Democratic colleagues to get hearings and confirmation votes for our pending judicial nominees.

Thank you, Mr. President. I yield the floor.

Ms. LANDRIEU. Mr. President, it is my distinct honor to endorse my good friend Jay Zainey for Federal District Court Judge for the Eastern District of Louisiana. I must commend President Bush for this nomination. He has chosen a man who will bring professionalism, dignity, and respect to the Federal bench.

I cannot say enough about Jay. He has had a stellar legal career, practicing law in Louisiana for more than 25 years—the bulk of that time in solo practice in Metairie, LA, helping people draft wills, start businesses, and giving them sound, sage, and accurate legal advice for virtually any situation. In addition to his own practice, Jay has served as a judge and hearing officer in some of our local courts.

His close connection to the community informed the work he did as Louisiana State Bar Association President. Jay established a community involvement committee of the Bar Association to get Louisiana's 18,000 lawyers working on direct service projects like helping out at homeless shelters and soup kitchens. He saw a need in not only his community, but others around the state and used human resources of the bar association to help bring some relief.

What is even more special about Jay is the humanity he has brought to the Bar and the practice of law in our state. Let me tell you about a very special initiative Jay started as State Bar Association president. He established a special committee dedicated to providing legal services for the disabled—the first State bar association in the country to do this. If a family has a disabled child or adult living with them and they need help understanding the Americans with Disabilities Act or they are having trouble sorting through the requirements for SSI eligibility, they can call the State Bar Association for a referral to a lawyer trained in disability issues.

This effort came from Jay's heart. He and his wife Joy are the parents of a disabled child. And while their son Andrew is a source of happiness and pride for their family, Jay also understands the legal challenges families such as his face. His heart moved him to use his professional talents and skills to help disabled Louisianians, improving the quality of life in our State.

I must also acknowledge his wonderful family. He and his wife Joy have a daughter Margaret and two sons, Christopher and Andrew. His family means the world to him and they will inspire his service on the Federal bench.

Mr. President, we need more people such as Jay Zainey on the Federal bench, someone who recognizes that our judicial system is there to help

people. It is a powerful tool for the powerless. I heartily endorse his nomination and urge my colleagues to vote to confirm him.

Mr. GRASSLEY. Mr. President, I am glad that we have an opportunity to vote on judges today. One of the judges scheduled to be voted on today is Judge Michael Melloy, who has been appointed by the President and who will hopefully be confirmed by the Senate to be United States Circuit Judge for the Eighth Circuit Court of Appeals.

First of all, before speaking about Judge Melloy, I thank Senator LEAHY, the distinguished chairman of the Senate Judiciary Committee, for bringing the nomination to the committee in the form of a hearing last month and accommodating me on changing the date of the hearing so it could be convenient for me to be there and for immediately putting it on the agenda of the committee.

I thank also all the committee members, each of whom had an opportunity to hold over this nomination for another meeting—under the rules that is an automatic holdover—for not doing it so that this nomination could be advanced very quickly.

For my colleagues who aren't on the Judiciary Committee, I would like to say a few words about Judge Melloy so you can see what an excellent candidate we are putting on the federal appellate bench.

Judge Melloy, who originally hails from Dubuque, IA, has had a very distinguished legal career. He graduated magna cum laude from Loras College in Dubuque, and received his law degree from the University of Iowa. After practicing at an Iowa law firm Judge Malloy was appointed United States Bankruptcy Judge for the Northern District of Iowa, a position he held for approximately 6 years.

In 1992, he was appointed to the United States District Court for the Northern District of Iowa. Here Judge Melloy has served as a fine judge. He has also been active on numerous legal committees, including the Eighth Circuit Judicial Council, the Gender Fairness Task Force of the Eighth Circuit, and the Bankruptcy Administration Committee of the Judicial Conference.

As you can see, Judge Melloy has excellent legal qualifications and experience, and he has been a dedicated public servant. He possesses all the qualities that we want to see in a federal judge, intellect, temperament, judgment, and a true commitment to the rule of law. He comes highly recommended by his peers. I know for a fact that Judge Melloy will serve our country well as a judge on the eighth Circuit court.

I urge my colleagues to join me in supporting Judge Michael Melloy's nomination.

The PRESIDING OFFICER. Under the previous order, there now remain 2 minutes on the Republican side and 6 minutes on the Democratic side.

Mr. GRASSLEY. Then, to be fair to everybody, I ask that the time I spoke be taken off our time.

The PRESIDING OFFICER. The time was counted.

Mr. GRASSLEY. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time be equally divided.

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

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Under the previous order, the question is, Will the Senate advise and consent to the nomination of Michael J. Melloy, of Iowa, to be United States Circuit Judge for the Eighth Circuit? On this question, the yeas and nays have been ordered. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. REID. I announce that the Senator from Georgia (Mr. MILLER) and the Senator from Rhode Island (Mr. REED), are necessarily absent.

I further announce that, if present and voting, the Senator from Rhode Island (Mr. REED) would vote "aye."

Mr. NICKLES. I announce that the Senator from Utah (Mr. BENNETT), the Senator from Idaho (Mr. CRAIG), the Senator from Oregon (Mr. SMITH), the Senator from Ohio (Mr. VOINOVICH), the Senator from Virginia (Mr. WARNER), the Senator from Arkansas (Mr. HUTCHINSON), and the Senator from Montana (Mr. BURNS) are necessarily absent. I further announce that if present and voting the Senator from Montana (Mr. BURNS) would vote "yea."

The PRESIDING OFFICER (Mrs. CLINTON). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 91, nays 0, as follows:

[Rollcall Vote No. 21 Ex.]

YEAS—91

Akaka	DeWine	Kerry
Allard	Dodd	Kohl
Allen	Domenici	Kyl
Baucus	Dorgan	Landrieu
Bayh	Durbin	Leahy
Biden	Edwards	Levin
Bingaman	Ensign	Lieberman
Bond	Enzi	Lincoln
Boxer	Feingold	Lott
Breaux	Feinstein	Lugar
Brownback	Fitzgerald	McCain
Bunning	Frist	McConnell
Byrd	Graham	Mikulski
Campbell	Gramm	Murkowski
Cantwell	Grassley	Murray
Carnahan	Gregg	Nelson (FL)
Carper	Hagel	Nelson (NE)
Chafee	Harkin	Nickles
Cleland	Hatch	Reid
Clinton	Helms	Roberts
Cochran	Hollings	Rockefeller
Collins	Hutchinson	Santorum
Conrad	Inhofe	Sarbanes
Corzine	Inouye	Schumer
Crapo	Jeffords	Sessions
Daschle	Johnson	Shelby
Dayton	Kennedy	Smith (NH)

Snowe	Thomas	Wellstone
Specter	Thompson	Wyden
Stabenow	Thurmond	
Stevens	Torricelli	

NOT VOTING—9

Bennett	Hutchinson	Smith (OR)
Burns	Miller	Voinovich
Craig	Reed	Warner

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is laid upon the table, and the President will be immediately notified of the Senate's action.

Under the previous order, the question is, Will the Senate advise and consent to the nomination of Jay C. Zaine, of Louisiana, to be United States District Judge for the Eastern District of Louisiana? The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Georgia (Mr. MILLER) and the Senator from Rhode Island (Mr. REED) are necessarily absent.

I further announce that, if present and voting, the Senator from Rhode Island (Mr. REED) would vote "aye."

Mr. NICKLES. I announce that the Senator from Utah (Mr. BENNETT), the Senator from Idaho (Mr. CRAIG), the Senator from Oregon (Mr. SMITH), the Senator from Ohio (Mr. VOINOVICH), the Senator from Virginia (Mr. WARNER), and the Senator from Arkansas (Mr. HUTCHINSON) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 92, nays 0, as follows:

[Rollcall Vote No. 22 Ex.]

YEAS — 92

Akaka	Dorgan	Lincoln
Allard	Durbin	Lott
Allen	Edwards	Lugar
Baucus	Ensign	McCain
Bayh	Enzi	McConnell
Biden	Feingold	Mikulski
Bingaman	Feinstein	Murkowski
Bond	Fitzgerald	Murray
Boxer	Frist	Nelson (FL)
Breaux	Graham	Nelson (NE)
Brownback	Gramm	Nickles
Bunning	Grassley	Reid
Burns	Gregg	Roberts
Byrd	Hagel	Rockefeller
Campbell	Harkin	Santorum
Cantwell	Hatch	Sarbanes
Carnahan	Helms	Schumer
Carper	Hollings	Sessions
Chafee	Hutchinson	Shelby
Cleland	Inhofe	Smith (NH)
Clinton	Inouye	Snowe
Cochran	Jeffords	Specter
Collins	Johnson	Stabenow
Conrad	Kennedy	Stevens
Corzine	Kerry	Thomas
Crapo	Kohl	Thompson
Daschle	Kyl	Thurmond
Dayton	McCain	Torricelli
DeWine	Leahy	Torricelli
Dodd	Levin	Wellstone
Domenici	Lieberman	Wyden

NOT VOTING — 8

Bennett	Miller	Voinovich
Craig	Reed	Warner
Hutchinson	Smith (OR)	

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is laid upon the table.

The President will be immediately notified of the Senate's action.

## LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will return to legislative session.

Mr. REID. Madam President, 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 the order for the quorum call be dispensed with.

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

## MORNING BUSINESS

## TRIBUTE TO KELLY CLARK

Mr. JEFFORDS. Mr. President, today I rise to recognize Kelly Clark, the snowboarder from West Dover, VT, who on Sunday earned, for the United States, the first gold medal of the 2002 Winter Olympics in the women's halfpipe event.

That is not "half pint." That is "halfpipe." One has to know the skiing history to understand what a halfpipe is.

Kelly's enthusiasm and tremendous skill and ambitious drive are equaled only by her beaming smile. Kelly's achievement on Sunday was more than athletic ability. It means more than pride to her fellow Vermonters. A gold medal in an Olympic event brings people together, especially when they need it most. When have Americans needed someone to root for more than we do right now?

I am especially pleased, of course, that the focus of our attention and congratulations is an 18-year-old from southern Vermont. Thank you, Kelly, for giving your best, for making us proud, and for winning the gold.

I do not know how many have watched these events, but snowboarding is something which really started pretty much in Vermont. It has been perfected there, and now it is all over the world.

Today is Kelly Clark's day.

I yield the floor.

## BLACK HISTORY MONTH

Mr. SARBANES. Mr. President, I am pleased to join with my Maryland constituents and millions of Americans in celebrating African-American History Month this February. Since 1926, February has been designated as a time to recognize a crucial part of our diversity: the vast history and legacy that African-Americans have contributed to the founding and building of our Nation. While we have much to celebrate in the achievements of many African-Americans, and the great strides this country has made towards true equality, there is also much work to be done.

This year's theme, designated by The Association for the Study of African-

American Life and History, ASALH, is "The Color Line Revisited: Is Racism Dead?" The fact that this question can even be posed indicates the progress that our society has made in race relations over the past 50 years. We must attribute this progress to the sacrifice, vision and commitment of thousands of African-Americans and others who proved that the true strength of our Union lies in the diversity of our population.

One such visionary is Marion Wright Edelman, the founder and president of the Children's Defense Fund. Recently I had the opportunity to hear Ms. Edelman speak at the Annual Martin Luther King, Jr. Memorial Breakfast at Anne Arundel Community College in Maryland. Marion Wright Edelman shares Dr. King's vision of a unified and equal Nation, and acknowledges the great strides that have been made in working towards this vision. Through her work at the Children's Defense Fund, Marion Wright Edelman is helping to ensure that all children in America get a healthy, fair and safe start in life.

Yet despite the great strides that have been made toward eliminating racism and inequality, Ms. Edelman stressed that many disparities still exist. The Children's Defense Fund reports that nearly one in three African-American children are poor in America, compared with 13 percent of white children. Many children are educated in substandard schools. A disproportionate number of African-American children are without health insurance. And African-American juveniles are over-represented on every level of the criminal justice system.

But there is hope, Marion Wright Edelman and the Children's Defense Fund are working hard to correct these inequalities. The Children's Defense Fund acts as a voice for children in America who cannot speak for themselves, and Marion Wright Edelman has been a tireless advocate for children who are suffering and need a helping hand.

There is much that we in Congress can do to continue to improve the quality of life for African-Americans and for all Americans. We can help the parents of working families by raising the minimum wage. We have already passed the "Leave No Child Behind" education reform bill that will provide new standards for schools and teachers, and will help make quality education available to all Americans. We can work on election reform to ensure that all voters are properly registered, and every vote is counted. And we need to make health care available and affordable for African-Americans and all Americans. With these and other reforms we will move further down the path to equality dreamed of by Dr. King.

The terrorist attacks of September 11 left us shocked and wounded, yet we found once again that the strength of this Nation lies within its people and

its diversity. In the months that have passed since that day, we have shown the world how people of all races, colors, religions and nationalities create the fabric of our Nation, a fabric that is richer because of our differences. This month we honor the special contribution African-Americans have made to that fabric. Through African-American History Month, we celebrate how far this country has come, and remind ourselves of how far we have to go.

• Mr. SMITH of Oregon. Mr. President, while we are celebrating Black History Month, I want to rise to honor a man named York, arguably the first black American to make a significant contribution to, and cast a vote in, my home State of Oregon.

Most Americans know very little about York, Captain William Clark's "servant," as Clark called him, who made the journey to Oregon with the Lewis and Clark expedition in 1803. Despite his important role in opening the West, it is unfortunate that York has not been remembered along with other early black Americans who helped shape our nation's history.

William Clark's lifelong slave companion, York was roughly the same age as Clark, and by all accounts the two were friends for most of their lives. York was bequeathed to Clark by his father, John Clark, in a will dated July 24, 1799, and on October 29, 1803, he joined Clark and Captain Meriwether Lewis on a journey into history.

York, when he is remembered, is often remembered best for the curiosity he aroused in Native Americans he met during the journey. Apparently, York so fascinated the people he met that there exist numerous stories of women attempting to wash his skin white. According to journal accounts, he sometimes used their fascination to the expedition's advantage, intimidating Arikaras tribesmen, for example, with fantastic tales of his wild youth as a cannibal.

Perhaps because of such stories, York is often described in an inaccurate, negative manner. However, common characterizations more accurately reflect the racial biases of historians than they do York's actual contributions to the expedition. Judging from the journals kept by members of the expedition, York was a reliable and indispensable part of the expedition. During a time when most black Americans were denied access to firearms, York was counted on as a skilled hunter. York also served as a cook, a confidant, and a nurse, as did each member of the party from time to time. One account has York charging into a flash flood, fearing for the safety of Clark, the famed translator Sacagawea, her son, and her husband, Toussaint, who had not yet made it to safety.

The most telling example of York's role in the expedition occurred in November 1805, when the group decided to winter in Oregon. Finding little game on the northern bank of the Columbia