

EULOGY FOR SENATOR JIM EXON
(By Bob Kerrey)

To Governor Dave Heineman—I thank you for the wisdom and the generosity to allow these services to be conducted in the rotunda of this capitol that Jim Exon loved so much. It is a precedent worthy of the risk.

To the family of Senator Jim Exon—I pray your pain will pass and become a loving memory. I hope you will always feel pride to have known this great man so well.

To his friends, both in attendance and not—let us count our blessings that we were so fortunate that he cared for us.

To his colleagues who have left their work in the Senate to travel to Nebraska to pay tribute to one of their own: Senators HAGEL and NELSON, Leader REID, Senators BINGAMAN, LEVIN and AKAKA—thank you for honoring Jim in this way.

To the lawyers present—I apologize for I must begin my eulogy to Jim Exon with a lawyer joke. It is, I assure you, the least offensive one he ever told me. A doctor, a teacher, and a lawyer are killed in an automobile accident and find themselves at the gates of heaven at precisely the same time. Saint Peter is in an unusually good mood and asks them each a very easy question: how much is 2 plus 2? In turn the doctor and the teacher give the correct answer and are granted entry through the pearly gates. The lawyer hesitates, pulls Saint Peter aside and whispers: "What do you want it to be?"

This was a question Jim Exon never asked. He always added up the numbers and gave them to you straight whether or not you liked the answer.

He was born on August 9, 1921. It was a bad day for his St. Louis Cardinals; they lost to the Brooklyn Dodgers 8 to 7.

Each of us is influenced—though by no means limited—by the circumstances of our births. Jim Exon was born the same year that Adolf Hitler became Chairman of the Nazi Party. In that year the United States officially ended World War I and signed a peace treaty with Germany. Radicals Sacco and Venzetti were found guilty of murder by a Massachusetts judge. The Tomb of the Unknown Soldier was dedicated by President Harding at Arlington Cemetery on November 11, Armistice Day. In South Dakota, where Jim was born, scientists held a conference that summer to discuss the unrealized potential of electricity.

He was eight years old when the stock market crashed and the Depression officially began. He was witness to the dust storms and the terrible consequence of the loss of that top soil. He came of age when the possibility of an economic revolution was real, when the New Deal became a salvation and a political way of life for many who believed that FDR had saved their lives.

He was a teenager when the lights came on in two-thirds of Nebraska thanks to rural electrification. He remembered the enactment of Social Security legislation and the hope which the WPA and the CCC gave to grown men and women who had given up.

He was twenty years old when Japan invaded Pearl Harbor. In a single day the naive innocence which had propelled our twenty year disarmament came to a sudden and terrible end. The United States had steadfastly stayed out of the war trying at all cost to avoid this conflict. Thus it was that he came of age at a time when losing our freedoms was not political rhetoric but a real possibility. He knew the terrible price of weakness and isolation.

Both of these big events—the Depression and the Second World War—defined Jim Exon. They explained a lot about who he was, why he took the political and economic positions that he did, and why he always

seemed so grateful to be alive and an American. It explains why he didn't complain, why he seemed to take whatever came his way in stride, and why he talked little about the hardships he had so obviously endured. Most of all it explains his values: a lifetime commitment to Pat, his children and his community, and his unrelenting desire to make life a little better for everyone.

The events of Jim Exon's youth explain a lot about Jim Exon, the man. But one thing remains a mystery to me: Where did that laugh come from? I have never heard anything quite like it. It was more like a duck call than a laugh. But, like so many other things about Jim Exon (his pipe, his short sleeve shirts, his big ears) his laugh added to his authenticity. He was a man who never caused you to wonder: what's he thinking? What you saw was what you got with Jim Exon. Except that some people saw this large, big wristed son of the high plains and concluded that he was a rube who could be easily fooled. The thing is Jim Exon could tell when someone was underestimating him and he'd turn it into his advantage—either for fun or the benefit of Nebraskans.

He came to New York City once to visit a number of people, including the New Deal economist Eliot Janeway. Arriving in Mr. Janeway's plush offices Governor Exon saw from the look on the receptionist's face that she was a little taken aback by his look. So, after asking directions to and using the bathroom, he returned to comment to a startled receptionist how wonderful it was to find a place with indoor plumbing.

"That's something we don't have back in Nebraska. And what are those white porcelain bowls hanging on the walls?"

After she explained their function and he exclaimed that he was going to have one installed in the Governor's mansion when he returned to Lincoln, she realized she was being put-on.

Basin Electric in Wyoming was not so lucky. As Governor, Jim had persuaded his friend Attorney General Paul Douglas to bring a lawsuit against the State of Wyoming over a water dispute involving Wyoming's decision to grant a permit to Basin Electric for a new power plant. Negotiating in private Governor Exon emerged with an agreement which created the Sandhill Crane Trust on the Platte River near Grand Island. The net for Nebraska has been hundreds of millions of tourism dollars and sufficient stream flow to guarantee the preservation of an ancient wild bird flyway.

This conservation ethic produced a locally famous encounter at Valentine High School shortly after I arrived in the Senate. Senator Exon had introduced legislation to designate a portion of the Niobrara River as "scenic," which would limit development—something that Cherry County residents are not known for favoring. I suggested to Jim that we schedule a town hall meeting in the high school and invite opponents and supporters to give us their views.

Needless to say few of the latter showed up. In fact we were welcomed at the door of the school by two cowboys on horseback who turned their horses as we approached. In doing so we were able to see hand painted signs they had hung from their saddles. One said Senator Exon; the other said Senator Kerrey. Both had arrows pointed down at the horses' rear ends.

A humbling moment.

As humbling as when he and I first met in 1982. As a relatively unknown candidate for Governor, I wanted to get a photograph of Senator Exon and myself to include in my campaign brochures. Upon meeting him I was surprised how tall he was and even more so when the film was developed. I looked like a small imitation of the real thing standing

next to him. In order to use the image I chose to turn the negative slightly when it was printed making us appear a little closer in stature.

Truth is I had to do a lot of that during my sixteen years in elected politics when standing next to him.

What impressed me most about Jim Exon was that he never let his size or his power inflate his personal opinion of himself. Remarkably and gratefully he never lost his humility. He never stopped typing notes to Lenny in the cloakroom about some baseball detail that only he knew. He never stopped returning the calls of friends who had helped him get started or he knew along the way. He began and ended the same.

He made friends with rich and poor alike, with the powerful and the powerless. He could count half a dozen Presidents he had met, including President Bill Clinton with whom he was especially close. They were all the same to him—just another human being with a range of strengths and weaknesses.

He left behind a big and lasting legacy. Balanced budgets, stronger defense, land conserved, rural communities healthier, better schools and jobs, and a more just America. Beyond those accomplishments was something more important. To all of us who met him, knew him, respected and loved him, he was like Jimmy Stewart in "It's A Wonderful Life." Our lives and the places we call home would not have been the same without him. Governor, Senator, Big Jim, J.J. Exon died on Friday at 8:30 p.m. on June 10, 2005, after the Cardinals had secured a 7 to 1 victory over the New York Yankees. For him a perfect ending to his life on this earth.

INTERIOR APPROPRIATIONS

Mr. BYRD. Mr. President, yesterday I voted for both of the amendments offered by Senators BURNS and BOXER in relation to studies that test pesticides on humans. I believe that they are both partially right. We should not cut off vital products from the market that are needed and used in our homes, businesses, and farms. Using the best available scientific data is essential in assuring the public that these valuable products are safe and also readily available. Senator BURNS's amendment would support a thorough review of human dosing studies to make sure that they comport with certain conditions and would report back to the authorizing committees as well as the Appropriations Committee.

At the same time, the EPA should establish strong scientific and ethical standards on studies that expose people, especially young children, to various pesticides, fungicides, and other toxins that are used in commerce. I am concerned that the now-halted study on small children from Jacksonville, FL is an irresponsible example of how to conduct such reviews. Strong standards should apply both to the agency's own studies as well as to third-party studies. Important questions have been raised about the protocols and guidelines of certain studies, and therefore it is only prudent to step back for a year to scrutinize that process. For this reason, I voted for the Boxer amendment.

I hope that the study required by the Burns amendment will be carried out

in a timely and responsible way and provide the necessary information so that approach decisions can be made about the Environmental Protection Agency's rule-making standards applying to the studies human dosing and their toxic effects.

RETIREMENT OF ROBERT ABBEY

Mr. REID. Mr. President, I rise today on the occasion of his retirement, to honor the 27 years of public service of Robert V. Abbey of Reno, NV. Bob hails originally from Mississippi. He was born in Clarksdale and earned his Bachelor's Degree in Resource Management at the University of Southern Mississippi. Over the past 8 years, I am proud to say he has become a Nevadan.

Bob began his public service working for the U.S. Army Corps of Engineers. Later he moved to the Bureau of Land Management where he has distinguished himself as a dedicated land manager, visionary leader, and exceptional citizen.

Bob's early career at BLM included tours of duty as a budget analyst in Washington D.C.; assistant district manager in Yuma, AZ, district manager in Jackson, MS; and associate and acting state director in Colorado. Since the fall of 1997, Bob has served as the Nevada State director of the BLM. His job may very well be the toughest in Nevada and perhaps in the ranks of the BLM; in any case, it is among the most important for both.

Although his address has changed many times during his career, his commitment to public lands and public service has never wavered. The West and Nevada are better for it.

Today, Bob Abbey leads a staff of 750 employees who manage 48 million acres of public land in Nevada. He has led the Nevada BLM during an exciting and historic time. Increased public land use, record population growth, evolving management mandates and shrinking budgets represent just a few of the challenges facing the Nevada BLM. Bob Abbey has handled every difficulty with grace and vision.

During his tenure, Bob directed the implementation of the Southern Nevada Public Lands Management Act. This is no small task given that Clark County, NV leads the Nation in sustained growth and development and ever increasing recreational use of public lands.

Bob and his staff also helped me and the other members of the Nevada Congressional Delegation in the development of the Clark and Lincoln County land bills. These bills were among the most significant public lands legislation in the 107th and 108th Congresses, respectively, and Bob's leadership helped make them possible.

Bob's motto that we have more in common than our differences has set the tone for the best working relationships between Federal land managers and Nevadans in my memory. He has inspired his employees to solve prob-

lems, take pride in their work, and serve the public with distinction. The results serve as testament to his character, courage, and conviction.

At the end of next week, Bob Abbey will retire from Federal service with a remarkable record of achievements. But perhaps his greatest contribution as a land manager will come to fruition while he is enjoying his retirement with his wife Linda.

After wildfires devastated vast swaths of rangeland in Nevada and other Western States in 1999 and 2000, Bob played a key role in crafting a blueprint for rangeland and ecosystem restoration in the West. The so-called Great Basin Restoration Initiative is a grand vision and roadmap for healing the landscape in Nevada. Unfortunately, to date, the BLM and Department of Interior have yet to match Bob's vision with appropriate funding. It is my hope that this is a temporary delay and that one day soon, a thriving Great Basin ecosystem will serve as the enduring legacy of Bob Abbey's public service.

Although I regret that Bob Abbey is retiring, I know I speak for thousands of Nevadans when I thank him for his exemplary public service and wish him well with his future endeavors. We know Bob has made Nevada and our Nation a better place.

TRIBUTE TO CARLOS A. GARCIA

Mr. REID. Mr. President, it is with great pleasure that I say farewell to one of Clark County's most effective and innovative superintendents, Carlos A. Garcia.

I have worked with Carlos for several years and have had the pleasure of seeing first-hand his work as superintendent of Clark County schools, the fifth largest school district in the Nation.

I believe that one of the reasons he has acclimated so well to Clark County, and Las Vegas in particular, is because he grew up in Los Angeles. After graduating from high school in L.A., he earned bachelor's and master's degrees from Claremont College and an administrative credential in educational administration from California State University.

He developed experience as a teacher and principal in California. After several years, including serving as principal at a National Blue Ribbon School, he eventually became the superintendent of the Fresno Unified School District. When Carlos Garcia arrived in Clark County, he began to reorganize. He divided the county into regions; he began to address achievements and accountability; and he championed the cause of educating Nevada's young people to parents, teachers, business leaders and lawmakers.

It has been my pleasure to participate in different events and discussions with Carlos. We sat around a table with the other 16 superintendents in Nevada to discuss the No Child Left Behind

Act. As a result of his organization and participation, I was able to come back to Washington with a clear idea of what Nevada's school districts needed. His leadership of the superintendents was impressive, and the mutual respect was apparent.

Together, Carlos and I welcomed 60 new teachers from the Teach for America program. As a result of this venture, I am a cosponsor of legislation that will ensure that recruiting, training, and supporting this teacher corps will be supported by the Congress. When it comes to our school children and teachers, he always has a plan and always looks toward the future.

Now, Carlos has a new future to plan: his own. I am sorry that I cannot be there to shake his hand. Thank you, Carlos, for being dedicated to providing the children of Clark County with a first-rate public education. All the best to you.

POTENTIAL SUPREME COURT VACANCY

Mr. REID. Mr. President, as the Senate prepares to adjourn for the July 4 recess, one of the most noteworthy developments is an event that has not occurred. Despite widespread speculation, there have been no announced retirements from the United States Supreme Court.

We are all aware that Chief Justice Rehnquist has faced health challenges. I am impressed with his courage and fortitude.

Many feared he would not be able to attend the January inauguration to administer the oath of office to President Bush. But there he was, braving the cold to perform his constitutional duty. Many thought he would retire from the Court long before the end of the Supreme Court term. But there he was last Monday, presiding over the Court's final session, and announcing an important First Amendment decision in which he had authored the majority opinion.

I was not a member of the Senate when William Rehnquist was nominated as an Associate Justice in 1971 or when he was promoted to be Chief Justice in 1986. He was not unanimously confirmed to either position. But the Chief Justice has won many new admirers in the Senate in recent years. We appreciate the dignity and clarity with which he has led the Federal judiciary for almost 20 years. I know I speak for all of my colleagues in commending Chief Justice Rehnquist for his tremendous service to the Court and to the country. I hope he stays on the bench for years to come.

Whenever the Chief Justice or any of the Associate Justices decide to retire, I hope and expect that the President will take seriously the "Advice" part of "Advice and Consent." This is not just about the Supreme Court. The President should seek the advice of the Senate regarding all nominees. But consultation regarding a Supreme Court vacancy is especially important.