He was a good player and he worked really hard.

Todd's work ethic and attitude were recognized by his teammates on the 2000 ''Big Reds'' team. They voted him one of their cocaptains. And under Todd's leadership, Bellaire reached the State playoffs that year.

Todd was recognized in Bellaire for being a leader of the football team, for being a quiet and respectful young man, and for his beloved car—called the ''Bates-mobile,'' by most people. His football coach remembers Todd, often in the school parking lot long after practice had ended, under his car's hood, trying to get it started. Reverend Donald Cordery also remembered the ''Bates-mobile.'' Reverend Cordery was an assistant football coach and a mentor to Todd. One day after practice, he asked Todd for a ride home:

I said, ''Bates, what's the chance I could get a ride in your car?'' He said, ''Pastor Don, do you really want to take a ride in my car?'' I said, ''Bates, with my looks and your car, the ladies will be out!''

Todd was respected by his peers, his teachers, and his community, but he wanted more. He wanted to go to college. He knew, though, that he wasn't going to be able to secure a football scholarship. Financially, that left Todd with very few options. So, after graduating from Bellaire High School in 2001, Todd decided to join the Ohio Army National Guard to make money for college.

But, like many things in Todd's life, it wasn't easy. He had played as a lineman in high school and he had the body of a lineman. Todd was 6 feet tall and 250 pounds—not quite the ideal weight for a National Guardsman. Todd needed to lose some weight if he hoped to get into the Guard. To qualify, Todd loaded a backpack with 50 pounds of weight and walked eight miles a day. He repeated this workout until he had lost fifty pounds. Todd was, indeed, a remarkable young man.

As with his dedication to losing weight and to football, Todd brought the same focus and work ethic to his career in the Army. His drill sergeant, Jason Patrick, from Ft. Leonard Wood said this about Todd:

Todd was a remarkable soldier and person—always striving to be the very best and fully committing to every task at hand. I watched this fine young American grow from civilian to soldier. I watched as he endured everything I could throw at him. I am proud to have trained him and extremely proud of all he accomplished.

After being deployed to Iraq in February of 2003, Todd continued to outperform the expectations of his commanders. Brigadier General Ronald Young said of Todd, ''[He] was an exceptional soldier . . . He served his assignments with great distinction, and his commanders have recognized his dedication to duty and personal leadership on several occasions.''

Todd had a passion for what he was doing in the Guard and as with his other passions in life, he was the standard for hard work and excellence. While he was certainly a very focused young man, Todd also had a terrific sense of humor and never took anything too seriously.

The other members of his unit remember Todd as a funny guy who was always trying to make tough, stressful situations a little easier with a joke. At the same time, Todd was always looking out for the other members of his unit. He felt connected to them—like they were all a big, extended family, who believed in the National Guard motto: ''Of the troops, for the troops.''

When Todd Bates jumped into the Tigris River on that cold, December night, he was not thinking of himself. He was only thinking of his squad leader—his friend, his ''brother,'' Aaron Reese.

Both Aaron Reese and Todd Bates gave their lives not thinking of themselves, but only thinking of us. They put our lives, Iraqi lives, and the lives of their fellow service men and women before their own. We will never forget their sacrifices.

My wife, Fran, and I continue to keep the families of Aaron Reese and Todd Bates in our thoughts and in our prayers.

CHILD SURVIVAL AND MATERNAL HEALTH

Mr. DEWINE. Mr. President, the Senate Appropriations Committee this week took an important step. That step was in providing $275 million to the Child Survival and Maternity Health Programs. I congratulate the full committee for this work. I also congratulate the subcommittee, chaired by Senator MCCONNELL, and Ranking Member LEAHY, for the bill they reported which contained this money. I want to use this occasion and the passage of this bill—in the future, it will be coming to the Senate floor with this language—to share some important statistics about child and maternal mortality.

It is so very important that we understand what this money can do. I am often hesitant to recite statistics on the floor of the Senate because when you hear them repeatedly, it is all too easy to become numb to statistics, to forget the human realities that they do, in fact, represent.

It is important for all of us and for the American people to listen to some of these statistics because they are so unbelievable and so tragic and because they do represent human lives. These are lives that can be saved, lives that can be saved by making resources available to developing countries and people who are in such great need. Let me recite some of these statistics.

Today, over 10 million children under the age of 5 die each year from preventable and treatable diseases and ailments. These include diarrhea, pneumonia, measles, and, yes, malnutrition. It is an unbelievable figure. Of those 10 million deaths worldwide, 3.9 million occur in the first 28 days of life. These babies don't even have a shot at getting as old as 2 or 3 or 4 or 5. Yet two-thirds of these deaths could be prevented if available and affordable intervention had reached the children and their mothers who need them. Malnutrition contributes to 54 percent of all childhood deaths. As many as 3 million children die annually as a result of vitamin A deficiency. An estimated 400,000 cases of childhood blindness are reported each year, children who are condemned to going about their lives blind. These are preventable. Of the 130 million babies born each year, about 4 million die in the first 4 weeks of life. In poor communities many babies who die are unnamed, unrecorded, indicating the perceived inevitability of their deaths. Four hundred fifty newborn children die every hour, mainly from preventable causes.

According to World Health Organization estimates, over 4.4 million children died from vaccine-preventable diseases in 2001, diseases such as hepatitis, polio, and tetanus. Of all the vaccine-preventable diseases, measles remain the leading childhood killer, claiming the lives of 745,000 children, more than half of them in Africa.

Such staggering numbers of children dying from preventable diseases is unacceptable. It is up to us—the Congress, the Senate, people in the developed world, the United States, around the world—to change this tragic human reality. We have an obligation to make this change because we have the know-how, we have the resources to prevent these deaths.

The Lancet, a British medical journal which ran a series of articles last year about child survival, just published a new study indicating that the lives of an estimated 6 million children could be saved for as little as $1.23 per child. Yes, for as little as $1.23 per child in the 42 countries with the highest rates of child mortality, 23 lifesaving interventions could be made universally available. These interventions, many of them as basic as vitamin A or zinc supplements, are critical to preventing the deaths of millions of children.

The full Appropriations Committee has agreed to provide this $275 million for child survival in the Foreign Operations bill. This is very significant. It is an important step in our efforts to improve the health of children around the world. This funding will save lives. I urge my colleagues to support this funding level when the bill comes to the floor. I urge my colleagues, when the bill then goes to conference committee, to keep this funding in that bill as well.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CORNYN). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

RETIREMENT OF JUSTICE SANDRA DAY O'CONNOR

Mr. McCAIN. Mr. President, today we have learned that one of our Nation's finest jurists will step down from our highest court. Despite her departure from the Supreme Court, Justice Sandra Day O'Connor will leave a lasting mark on American jurisprudence characterized by fairness, balance, and integrity.

Justice O'Connor's career and service to our Nation have been truly remarkable. This country will miss her presence on the Supreme Court dearly.

Some have said that no other individual in our Nation's history has come to the Supreme Court under greater expectations. Not only did Justice O'Connor meet these expectations, she far exceeded them. When President Reagan nominated and the Senate unanimously confirmed Justice O'Connnor in 1981, she became the first woman to sit on the Supreme Court and, over time, she grew to be one of the crucial swing votes on the court—her decisions driven both by her conservative sensibilities and also by her practical nature.

Justice O'Connor grew up on the Lazy-B Cattle Ranch in southeastern Arizona. She learned to drive at age 7 and could fire rifles and ride horses by the time she turned 8. Perhaps it was her Arizona roots that fueled both her pragmatism and her desire to succeed.

Mr. President, after high school, Justice O'Connor attended Stanford University where she majored in economics and graduated with high honors. A legal dispute over her family's ranch, however, inspired her interest in law and her decision to enroll at Stanford Law School. Justice O'Connor completed law school in only two years, but she still managed to serve on the Stanford Law Review and receive highest honors. O'Connor graduated third out of a class of 102. First in the class was fellow Arizonan William H. Rehnquist. I suggest that maybe we should turn to Arizona once again for a Supreme Court nominee, considering the track records of Justices O'Connor and Rehnquist.

In law school, Justice O'Connor also met her future husband, John Jay O'Connor, a fine man and husband.

Mr. President, Justice O'Connor faced a difficult job market after leaving Stanford. No law firm in California wanted to hire her and only one offered her a position as a legal secretary. Later, in Arizona, she again found it difficult to obtain a position with any law firm, so she started her own firm. It is truly remarkable to realize just how far Justice O'Connor has risen during her life despite the adversity she has faced.

After she gave birth to her second son, Justice O'Connor withdrew from her professional life to care for her children. Nevertheless, she became involved in many volunteer activities during this time. She also began an involvement with the Arizona Republican Party. After five years as a full-time mother, Justice O'Connor returned to work as an assistant State Attorney General in Arizona. Arizona Governor Jack Williams later appointed her to occupy a vacant seat in the Arizona Senate. O'Connor successfully defended her Senate position for two more terms and eventually became the majority leader. By rising to the position of majority leader, Justice O'Connor achieved another first for American women.

In 1974, Justice O'Connor ran and won a judgeship on the Maricopa County Superior Court, which resulted in her service in all three branches of Arizona government. A year later, she was nominated to serve on to the Arizona Court of Appeals. Almost two years after that, President Reagan nominated her to the Supreme Court to replace the retiring Justice Potter Stewart. The Senate rightly confirmed O'Connor's nomination unanimously and the Court soon abandoned its use of ''Mr. Justice'' as the form of address. Justice O'Connor herself described the significance of her nomination in the following way. She said, ''A woman had never held a position at that level of our government. And it was a signal that it was all right that women could be in such positions. That they could do well in such positions.''

Mr. President, Justice O'Connor brought to her position on the Supreme Court her remarkable life history characterized by independence, perseverance, and achievement. Early in her tenure on the Court, observers identified her as part of the Court's conservative faction. The public often associated her with Justice Rehnquist because of their shared roots and values. Over time, though, Justice O'Connor combined her conservative sensibilities with a desire to find pragmatic solutions based on sound legal interpretation. She approached each case thoughtfully.

It will be difficult to fill the void that Justice O'Connor's resignation has created, nor can anyone assume a similar place in American history. There can be only one first, and Sandra Day O'Connor was it.

Mr. President, very rarely do I presume to speak on behalf of all of the citizens of my State of Arizona. But I know, with confidence, that I do so now when from the bottom of our hearts we thank Justice O'Connor for her magnificent service to her State and to her Nation. She and her magnificent husband John will be in our thoughts and prayers as they enter the struggle ahead. We are confident that with her traditional courage, she will face this new challenge and emerge victorious. We thank her for her service. We thank her for her family. We are, most of all, confident that Americans and Arizonans will remember her with great pride.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

BEST WISHES TO JUSTICE O'CONNOR

Mr. KENNEDY. Mr. President, I join my friend and colleague, the Senator from Arizona, Mr. McCAIN, in extending my best wishes to Justice O'Connor and thank her for her long and dedicated service to the Nation. She was a cheerful and thoughtful and highly respected member of the Court, a wise judge who served the Nation and the Constitution well.

Justice O'Connor was a mainstream conservative and was confirmed unanimously by the Senate. I hope the President will select someone who meets the high standards that she set and can bring the Nation together, as she did.

Our Senate debates in recent weeks have included extensive discussions on the need for consultation by the President with the Senate on potential Supreme Court nominations. But such consultation was not mentioned by the majority leader in his address on judges earlier this week, and the omission is glaring, since consultation is the heart of the ''advice'' requirement in the constitutional requirement that the President appoint judges with the ''advice and consent'' of the Senate.

Under the Constitution and the Senate rules, every Senator's hands are on the oars of this vessel. If a substantial number of us are rowing in the opposite direction from the majority leader, we will not make much progress. But if there is a consensus as to where we want to go, we can get there directly and quickly.

The 14 Senators who reached the landmark bipartisan compromise in the nuclear option debate made a pledge to one another and a plea to the President that the advice function must not be given short shrift, and that serious consultation with the Senate in the nomination process is the key to a successful confirmation process.

Separate and independent assessments of nominations by each Senator are precisely what the Framers wanted us to do. They wanted Senators to be a check on the Executive's proposed judicial selections as a safety net for the Nation if the President overreaches by making excessively partisan or ideological nominations.

Mr. President, all one has to do is read the debates of the Constitutional Convention. Our Founding Fathers considered where to locate the authority and the power for the naming of the judges on four different occasions. On three occasions, they gave it unanimously to the Senate—to nominate and to approve. And only in the last 8 days of the Constitutional Convention did they change that to make it a balance between the Executive and the Senate of the United States.