

variety of means, including the Internet, announcements in veterans' publications, and announcements to the media.

The most recent survey conducted by VA indicated that less than half of the veterans contacted were aware of certain benefits they were entitled to receive. For survivors of veterans, there is even a lower level of awareness. Currently, VA is mandated to perform outreach to servicemembers and veterans, but not to eligible dependents, a spouse, surviving spouse, child, or dependent parent of a person who served on active duty.

It is critical that we reach out to these survivors and dependents. They should know that VA has many services to assist them in the difficult time following a servicemember's death and in transitioning through that period with insurance, compensation, education, and health care.

In closing, I urge all my colleagues to support H.R. 801 as a tribute to our deceased servicemembers, not just on the day we have selected to honor them, but on every day throughout the year.

Mr. THOMAS. I ask unanimous consent the amendment be agreed to.

The PRESIDING OFFICER. Without objection it is so ordered.

The amendment (No. 790) was agreed to.

Mr. THOMAS. I ask unanimous consent the bill be read a third time and passed, as amended, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection it is so ordered.

The bill (H.R. 801), as amended, was read the third time and passed.

Mr. THOMAS. Thank you, Mr. President.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

#### CHANGING SENATE LEADERSHIP

Mr. DURBIN. Mr. President, this is a historic day in the Senate. The announcement this morning by Senator JIM JEFFORDS of Vermont that he is going to become an Independent and organize the Senate with the Democratic caucus means a change in leadership in this important institution of government. It is not the first time that a Member of the Senate has changed political parties. I reflected as I came to the floor that there were four Members on the Republican side who were formerly Democrats at some point in their career. Senator THURMOND was a Democrat from South Carolina and made a decision to be-

come a Republican, I believe, in the 1970s. Senator PHIL GRAMM was a Democratic Congressman from Texas who changed his party allegiance and ran for reelection before he was elected to the Senate as a Republican. Senator BEN NIGHTHORSE CAMPBELL switched parties from Democrat to Republican and now sits on the Republican side. In addition, Senator RICHARD SHELBY of Alabama made the same transition from Democrat to Republican.

Of course, it is different in this circumstance in a 50/50 Senate. Any change of party has historic consequences. The decision of Senator JEFFORDS to organize with the Democratic caucus means there will be a rather substantial change in terms of the leadership of the Senate.

For the last several months, since the election of President Bush, many have given speeches and made statements about the need for bipartisanship. Now we will be put to the test if we have a Democrat-organized Senate, a Republican House, and, of course, a Republican in the White House. Literally, the agenda for the country and the fate of our country will be in the hands of bipartisanship. I think we can rise to that challenge. I hope we will.

I have the greatest confidence in the man who will be the Democrat majority leader, TOM DASCHLE of South Dakota. I have worked with him for almost 20 years in public life, in both the House and the Senate. He is not only very talented; he is an honest person, as hard working as any Member of this Chamber, and his word is good. President Bush, as well as Speaker HASTERT, I am sure, will find him to be an excellent person with whom to work.

I also hope we can develop a common agenda, a bipartisan agenda for the Senate. We have dealt with important budget and tax matters. There are other issues that need to be resolved, not just the 13 spending bills that fund our Federal Government but important issues which, frankly, have not received the attention they deserve. One of those is the Patients' Bill of Rights, to make certain the families across America can have peace of mind that they can go to the best doctors and the best hospitals and rely on medical decisions being made by medical professionals rather than by insurance company clerks. Too often, good medical decisions are being overridden by those who work for insurance companies who have a profit motive in mind rather than the best interests in a person's health. I think a Patients' Bill of Rights should be high on our agenda.

Second, of course, we will move into the area of education. This is an area we were debating before the tax bill arrived, and that most Americans agree is absolutely critical to the future of our country. We have to make a commitment in our agenda to public education and the education of all children across America. The schools of today face extraordinary challenges which my generation could not have even

imagined. Children are coming to school now with greater problems than they have had in the past, and we are expecting more out of the school in terms of training and education than we ever did in the past. We have to make the investment in quality teachers and accountability, in safe classrooms, in modern classrooms, and technology so our kids have a fighting chance to lead America into the 21st century. That should be high on our list of priorities.

In addition to that, the President has asked us to look at questions related to energy. That is an important issue in my home State of Illinois where people have gone from recordbreaking heating bills because of the cost of natural gas to the recordbreaking cost for gasoline at the pump. It is important to not only find new sources of energy that are environmentally sound and make certain they are delivered to the people who need them but to also talk about conservation, a responsibility that is not only one we have as individuals but as the Government. We have to do our part as consumers to buy more fuel-efficient vehicles. Government has to do its part to encourage Detroit to catch up with Japan which already has these dual-use, dual-energy vehicles on the street that are in great demand. Unfortunately, Detroit has not come up with an alternative to compete. They should.

In addition, we have to look at the marketplace for energy in America. Some people think it is simply a supply-and-demand market. It is hard to imagine there is real competition of supply and demand when you drive around Chicago or Springfield, IL, and see all of the prices at the gasoline stations going up in lockstep and coming down, trickling down, in lockstep to believe there is real competition. It is hard to find anybody who is selling at a low price in order to entice consumers.

Sadly, despite the high energy prices and the fact some say it is a market situation, these energy companies are having the highest profits in many years. It is one of the industries that can guess wrong for consumer demand and make higher profits. That is something that has occurred.

We also need to address the question of the minimum wage for workers across America. There was a tax bill passed yesterday that leaves behind over 70 million Americans who do not get a reduction in their tax rate, those at the 15-percent rate, the lowest rate, and those are the same people in many cases who are working for a minimum wage. We have not touched the minimum wage in years in this country.

We have in my State over 400,000 people who go to work every single day at the minimum wage. If we are serious about giving mothers and fathers more time at home with their kids so they can have some leisure time and an opportunity to work with their kids on education, taking a look at the minimum wage is an important element so

they don't have to work two or three jobs to try to make end's meet.

There is an important agenda ahead of us. I have touched on only a few items I hope we will consider. Now that we have this change in leadership in the Senate, it is important we address it on a bipartisan basis. It is a unique day in the history of the Senate. It is a unique challenge to all to rise above partisanship and put our country first.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

#### RECESS

Mr. WARNER. Mr. President, on behalf of the majority leader, TRENT LOTT, I ask unanimous consent that the Senate stand in recess until the hour of 1 o'clock.

There being no objection, at 12 noon, the Senate recessed until 1:02 p.m., and reassembled when called to order by the Presiding Officer (Mr. BUNNING).

The PRESIDING OFFICER. In my capacity as a Senator from Kentucky, I suggest the absence of a quorum. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

#### EXECUTIVE SESSION

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed in executive session.

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

#### NOMINATION OF THEODORE BEVRY OLSON, TO BE SOLICITOR GENERAL OF THE UNITED STATES—MOTION TO DISCHARGE

Mr. LOTT. Mr. President, pursuant to the provisions of S. Res. 8, I now move to discharge the Judiciary Committee of the nomination of Ted Olson, to be Solicitor General of the United States.

The PRESIDING OFFICER. Under the provisions of S. Res. 8, the motion is limited to 4 hours of debate, to be equally divided between the two leaders.

Mr. LOTT. Mr. President, I note that the chairman of the Judiciary Committee, Senator HATCH, is here and ready to proceed. Therefore, I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, as you know, we have been trying to make sure that the Justice Department has its full complement of leaders because if there is a more important Department in this Government, I don't know which one it is. There may be some that would rate equally but that Department does more to help the people of this country than any other Department.

One of the most important jobs in that Department is the Solicitor General's job. The Solicitor General is the attorney for the people. He is the attorney for the President. He is the attorney for the Department. He is the attorney who is to argue the constitutional issues. He is the attorney who really makes a difference in this country and who makes the primary arguments before the Supreme Court of the United States of America.

In addition, he has a huge office with a lot of people working to make sure this country legally is on its toes.

In the case of Ted Olson, I am very pleased that we are able to have this motion up at this time. I am pleased that we have colleagues with good faith on the other side who are willing to see that this is brought to a vote today because we should not hold up the nomination for the Solicitor General of the United States of America.

We have had all kinds of Solicitors General. We have had some who have been very partisan but have been great Solicitors General, and we have had some who have hardly been partisan at all and have been weak Solicitors General. We have had some not very partisan at all who have been great Solicitors General. You would have to make an analysis yourself to determine how your own personal philosophy fits.

But in terms of some great ones, there was Archibald Cox, who was never known for conservative politics. He was not very partisan by most Republicans' standards, but he turned out to be an excellent Solicitor General of the United States. We could go on and on.

But let me just say this, that it is interesting to me that Ted Olson has the support of some of the leading attorneys and law professors in this country who have the reputation of being active Democrats.

Let me just mention a few. And I really respect these gentlemen for being willing to come to bat for Ted Olson. Laurence Tribe, the attorney for former Vice President Gore, in *Bush v. Gore*, on March 5, 2001, said:

It surely cannot be that anyone who took that prevailing view—

He is referring to *Bush v. Gore*—and fought for it must on that account be opposed for the position of Solicitor General. Because Ted Olson briefed and argued his side of the case with intelligence, with insight, and with integrity, his advocacy on the occasion of the Florida election litigation, as profoundly as I disagree with him on the merits, counts for me as a plus in this context, not as a minus. If we set *Bush v. Gore* aside, what remains in Ted's case is an

undeniably distinguished career as an obviously exceptional lawyer with an enormous breadth of directly relevant experience.

I have known Laurence Tribe for a long time. I have a great deal of respect for him. I do not always agree with him, but one time he asked me to review one of his books. Looking back on that review, I was a little tough on Larry Tribe to a degree. But I spent time reading his latest hornbook just this last week, read it through from beginning to end—I think it was something like 1,200 pages—it was very difficult reading, and I have to say I came away after reading that hornbook with a tremendous respect for the legal genius of Larry Tribe.

Although I disagree with a number of his interpretations of constitutional law, there is no doubt about the genius and effectiveness of this man, and I think it is a tribute to him that he was willing to stand up for Ted Olson and write it in a letter.

Walter Dellinger is the former Clinton Solicitor General. He is one of the great lawyers of this country. He is a liberal and some thought he was extremely partisan, although I questioned that personally, just like I question those who say Ted Olson is partisan. No question that Walter Dellinger is a very strong and positive Democrat, a very aggressive Democrat. But he also is a man of great intelligence and integrity.

On February 5, 2001, Mr. Dellinger said that when Olson served in the Justice Department as the head of the Office of Legal Counsel, he "was viewed as someone who brought considerable integrity to the decisionmaking."

Virtually everybody who worked with Ted Olson at the Office of Legal Counsel—in fact, all that I know of—said he was a man of integrity who called them the way he saw them, who abided by the law and did not allow partisan politics to enter into any thinking. There are two offices where partisan politics could work to the detriment of our country.

One is the Office of Legal Counsel, which he handled with distinction, with ability, with fairness, in a nonpartisan way. The other is the Office of the Solicitor General, which I assert to this body he will handle in the same nonpartisan way. He will certainly try to do what is constitutionally sound and right. And he will represent the Congress of the United States in these battles. He may not always agree with the Congress of the United States when we are wrong, but you can at least count on him doing what is right and trying to make the best analysis and do what he should.

Now, Beth Nolan is a former Clinton White House counsel and Reagan Department of Justice, Office of Legal Counsel attorney. Beth is a considerable Democrat, and she is someone I respect. We have had our differences, but I have to say that she deserves respect. In a September 25, 1987, letter signed by other Department of Justice lawyers she had this to say: