In congratulating Senator BAUCUS, I will recite this song publicly in the Chamber of the Senate. I want everybody to listen to this:

Up with Montana, boys, down with the foe,
Good ol' Grizzlies out for a victory;
We'll shoot our backs 'round the foeman's line;
Hot time is coming now, oh, brother mine.
Up with Montana, boys, down with the foe,
Good old Grizzlies triumph today;
And the squeal of the pig will float on the air;
From the tummy of the Grizzly Bear.

Isn't that something? The Senator says they are reciting this after every game?

Mr. BAUCUS. That is right.

Mr. HOLLINGS. No wonder they play so hard.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, may I say how gracious my good friend from South Carolina has been today. Before we knew the Furman Purple Paladins and the Montana Grizzlies were going to be playing in the 1 AA playoff for the championship of the country, we made a little wager. The wager was whoever loses reads the other team's fight song on the floor of the Senate.

I say to my good friend, I have no idea what the Purple Paladins' fight song is. Had the Grizzlies not won, I certainly would know their fight song.

For many days, the Senator from South Carolina has been talking about this song. He said: Egads, is this your fight song? Is this what I have to read on the floor?

I cannot thank him enough. It was a great game. I watched it on television as well.

Mr. HOLLINGS. It was an outstanding game. I think this was the second year in a row they won the championship.

Mr. BAUCUS. That is right.

Mr. HOLLINGS. It is an outstanding college and outstanding team.

Mr. BAUCUS. I thank the Senator.

HOPE FOR CHILDREN ACT—Continued

Mr. BAUCUS. Mr. President, I thank Senator SMITH of Oregon on the success of the last amendment. Without his help, I doubt the amendment would have been successful. We joined together and, frankly, I urge more of reaching across the aisle and accomplishing objectives that are in the best interest of the country and putting partisan politics aside.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, I congratulate the Senator from Montana and suggest that never, ever has the Montana fight song been read quite like it was just read on the Senate floor.

AMENDMENT NO. 2758

Mr. KYL. Mr. President, I ask unanimous consent to lay aside the pending business for the purpose of offering an amendment.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from Arizona [Mr. KYL], for himself, Mr. GRAMM, Mr. ENSIGN, Mr. NICKLES, and Mr. HUTCHINSON, proposes an amendment numbered 2758 to the language proposed to be stricken by amendment No. 2698.

Mr. KYL. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To remove the sunset on the repeal of the estate tax)

At the end, add the following

SEC. . PERMANENT REPEAL OF ESTATE TAXES.

Section 901 of the Economic Growth and Tax Relief Reconciliation Act of 2001 is amended—

(1) by striking ''this Act'' and all that follows through ''2010.'' in subsection (a) and inserting ''this Act (other than title V) shall not apply to taxable, plan, or limitation years beginning after December 31, 2010.'', and

(2) by striking '', estates, gifts, and transfers'' in subsection (b).

Mr. KYL. Mr. President, since the sponsor of the legislation wishes to get on with the conclusion of business tonight, I will simply say this amendment, which I hope will be considered at the beginning of next week, calls for the permanent repeal of the death tax.

As all of our colleagues know, we did repeal the death tax after phasing it down over a period of years, but the repeal only lasts for 1 year before that legislation is sunsetted, and we go right back after 10 years to the death tax as it currently exists.

I do not think any of us who voted for its repeal really intended that effect. We want to make its repeal permanent, and this amendment will do that. We will have the opportunity to vote on that next week as part of the stimulus package. I thank the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

MORNING BUSINESS

Mr. NELSON of Nebraska. Mr. President, I ask unanimous consent that there now be a period for morning business, with Senators permitted to speak for up to 10 minutes each.

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

JOINT SESSION OF THE TWO HOUSES—THE STATE OF THE UNION ADDRESS BY THE PRESIDENT OF THE UNITED STATES

Mr. REID. Mr. President, I ask unanimous consent that the Presiding Officer of the Senate be authorized to appoint a committee on the part of the Senate to join with a like committee on the part of the House of Representatives to escort the President of the United States into the House Chamber for the joint session to be held tonight, Tuesday, January 29, 2002, at 9 p.m.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The Senator from Nebraska is recognized.

STIMULUS LEGISLATION

Mr. NELSON of Nebraska. Mr. President, I rise today to express support for the Daschle consensus stimulus package, and I applaud the action of the Senate in passing the Baucus amendment to provide for accelerated depreciation over 2 years and 30 percent additional depreciation, as well as assisting and holding the States harmless for any lost revenue they might otherwise receive based on the support of the Medicaid Program at the State level.

I think it is clear to most everyone that we need to have some economic stimulus. What does not seem to be clear to everyone is of what that consists. What seems to be further unclear at times is whether we need to do it a certain way for a certain period of time.

I thank Senator DASCHLE for his efforts on this issue, not just for bringing forth the economic stimulus package but doing so in such a constructive way, trying to find that which was common among most of the proposals that have been offered and to bring together consensus where consensus can be achieved.

This legislation is, at the very least, a building block for a package with which most would be hard pressed to disagree. If each of us were to come up with what we thought was the best economic stimulus for the country and put together our own package, we would have had at least 100 different bills.

In fact, if I had my way, I would probably do some of this differently, but I think when a package is put together and we take a close look, as we are, at individual ideas that might differ with the package, that might be supplemental, we are certainly seeing what the Senate is all about, and that is diverse opinions being fully debated to try to help this country out of its economic doldrums. In fact, if I had my way, I would include a provision addressing the net operating losses, or the NOLs, for a longer period of time because I think by extending the period of time it would help business shoulder the burden of the current economic downturn. So I think it is important we consider an NOL extender as well.

Over the past few months, we have heard so much talk from both sides about the need for an economic stimulus. Recently, we had the Chairman of the Fed say perhaps it was not as necessary as it might have been before, and we have heard others say we should have done it last year.

As anyone knows, there were a handful of us—maybe more than a handful—who wanted to do it last year, but that is not a reason not to do something this year in the context of where we are.

I think that is what Senator DASCHLE has offered us, an opportunity to revisit, to rethink, and to package together a stimulus package that would work for the future to help us, if not come out of the deepest of a recession, from falling further into a recession or, if we are already on the way out of the recession, to expedite the return to economic prosperity.

There will be those who will say this package is not perfect. There is not anyone who says that it is. Legislation is never perfect, but it is as close to an agreement that has presented itself.

I certainly hope to thank Senator DASCHLE for taking this action because I think it will, in fact, help us enter a threshold of progress.

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 that the order for the quorum call be rescinded.

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

The Senator from Pennsylvania.

INTERROGATION OF AL-QAIDA AND TALIBAN WAR CAPTIVES

Mr. SPECTER. Mr. President, I am writing to the President of the United States today concerning what I consider to be a very important subject, and that is the interrogation of the al-Qaida and Taliban war captives, where an issue has been raised as to whether they are prisoners of war or what is their status, with some people objecting to what is going on in the way they are being handled. There is no doubt that the captives are entitled to humane treatment. There have been inspection tours by national observers and by congressional observers. The reports are uniform that the captives are being treated humanely. They are being fed and clothed. There is medical care. They are permitted to attend to their religious activities. All of this is totally separate and apart from the basic availability of those individuals to be questioned, where information which they might provide could shed light on the possibility of additional terrorist attacks.

Having some experience as an investigator and a prosecutor, I know firsthand the value of interrogation and intensive interrogation. We are facing at this moment an enormous threat from al-Qaida. We saw what happened on September 11. There have been three terrorist alerts since then. The fact is there are al-Qaida spread all over the face of the Earth. They are in Somalia, they are in the Philippines, in Malaysia, in the Sudan. We know their tactics are based on long-term planning projects. We know they have sleeper cells. There is reason to be concerned that at any moment there could be another al-Qaida attack. We do not know where. We do not know when. We do not know if. But we have to be very vigilant.

Where these interrogations of the al-Qaida and Taliban captives might lead to some information, then that ought to be pursued, and it ought to be pursued vigorously.

As a matter of international law, there is a mistaken notion you can only ask a prisoner of war his name, rank, date of birth, and serial number. The international law experts, and I have cited them in my letter to President Bush, are in agreement that other questions may be asked. Certainly there cannot be torture. Certainly there cannot be coercion—physical coercion or mental coercion. But there is no reason why those captives cannot be questioned.

The Supreme Court of the United States has upheld deviations from standard constitutional rights where there is an imminent threat of harm. For example, in the landmark case of *Near* v. *Minnesota*, 283 U.S. 697, the issue came up on the question of prior restraint to stop the publication of a newspaper. And albeit dictum, the Supreme Court of the United States said there could be a curtailment of that kind of a fundamental constitutional right if, for example, the publication of the sailing date of a troop ship would place that ship in jeopardy. The possibility of another attack on the United States, considering what happened on September 11, we know is much more serious than an attack on a troop ship.

The Supreme Court of the United States, in a celebrated case called *New York* v. *Quarles*, 467 U.S. 649, came to the conclusion that the constitutional rights of a suspect under the *Miranda* decision could be circumvented if there was an immediate threat of danger to a police officer or the public. That matter involved a rape. A police officer pursued the suspect, saw the suspect wearing a holster, and without giving him ''Miranda'' warnings, asked where the gun was. The Supreme Court of the United States said that where there is an imminent threat to public safety, constitutional rights may be abrogated, and statements may be admissible into evidence.

But we know the very major difference between questioning for intelligence purposes and questioning for admissibility in court. I am not proposing this interrogation be continued for the purpose of obtaining evidence to use against these captives, but if there is any chance at all that this interrogation could lead to information which could thwart another terrorist attack, then it is the fundamental duty of the United States Government to pursue that kind of interrogation.

This matter is on the front pages today. It will be the subject of a lot of debate. I think it ought to be known generally that there is solid constitutional authority, international law authority, to question prisoners of war beyond name, rank, and serial number. No torture. Obviously, humane treatment. But if we can get any information which would prevent a terrorist attack, it is our duty to do so.

That is why I am writing to the President and want to make this brief statement.

I yield the floor.

SALUTING COLONEL EDWARD A. RICE, JR.

Mr. DASCHLE. Mr. President, today I want to honor the commanding officer at Ellsworth Air Force Base—who has just returned home after directing Air Force operations over Afghanistan and who will become a brigadier general this week.

This outstanding officer, Colonel Edward A. Rice, Jr., has demonstrated his leadership abilities in a number of settings, and my fellow Senators can expect to hear more of him as he assumes new roles and responsibilities in our nation's service.

As commander of the 28th Air Expeditionary Wing, Colonel Rice directed the main Air Force combat group operating over Afghanistan from late September until mid-January. This force of 1,800 personnel and 30 planes (including B–1 bombers, B–52 bombers, and KC–10 tankers), delivered most of the ordnance that was so effective in shattering the Taliban and al Qaeda forces.

All branches of the military played a role in this first victory in the war against terrorism, but as an Air Force veteran and a South Dakotan, I am particularly proud of the achievements of Colonel Rice and the forces under his command.

Our experience in Afghanistan extends a military trend that began in our war against Iraq—the unprecedented ability of modern air power to achieve strategic objectives. Clearly our planes and munitions were markedly more precise, quicker to hit emerging targets, and generally more effective than the Soviet forces of the 1980s. A recent book labeled this trend ''The Transformation of American Air Power,'' and I believe Afghanistan will become the most recent example, joining the impressive results of the Gulf War, Kosovo, and our other Balkan campaigns.

In addition, the 28th Air Expeditionary Wing broke new ground in several areas.

Its bombers were the first to deliver our near-precision munitions in combat. These use navigational signals from GPS satellites to locate targets. They are much cheaper than laser-guided ''precision'' munitions and are not hampered by low-visibility weather conditions. Also, in coordination with ground spotters, the bombers were able to use advanced communications to reduce dramatically the time from target identification to target strike.

Despite its controversial and troubled early years, I am also pleased that the B–1 continues its strong combat performance that began during Operation Desert Fox over Iraq and extended into the war in Kosovo. Its