

Healthcare Leadership Council.
American Health Care Association.

SUPPORTING THE PRESIDENTIAL VETO OF THE ESTATE TAX REPEAL LEGISLATION

Mr. JOHNSON. Mr. President, I will vote to uphold the President's veto of the wildly irresponsible estate tax repeal bill sent to his desk, and I will also continue to support changes in the law that will provide additional relief for the two percent of American families that are subject to this law.

Under current law, family farms and small business pay no Federal estate tax unless their property is worth more than \$1.3 million. Others are eligible for an estate tax exemption of \$675,000. I recently voted to raise the small business and family farm exemption to \$4 million by 2001 and with a phased in exemption of \$8 million by 2010. The general exemption would increase to \$2 million by 2001 and \$4 million by 2010.

The cost to the Treasury for this additional exemption for America's wealthiest families comes to about \$61 billion over ten years. The cost of the total-repeal bill being vetoed by the President, however, comes to \$105 billion over the first ten years, and a whopping \$750 billion when fully phased in during the next ten years.

Very few South Dakota farms or small businesses have any Federal estate tax liability whatever under current law, but I do want to make sure that exemptions are ample. What I don't want to see, however, is an estate tax repeal bill that is so terribly expensive that it makes it almost impossible for Congress to pass tax relief for middle class taxpayers, to shore up Medicare, to pay down more of the accumulated national debt or improve education.

Keep in mind that most of the budget surplus that is being talked about will not materialize for another five years or so, and prudence would suggest to us that it may never materialize at all. Thank heavens for some adult supervision from the White House at a time when Congress has been behaving like spoiled children under the Christmas tree. Supporters of this irresponsible legislation believe there is room in our budget to give multimillionaires an \$8 million tax break, but the legislation sent to the President would have broken the bank and denied relief and assistance to the other 98 percent of American families.

Once Congress concludes its partisan political finger-pointing games, it is my hope that estate tax and marriage penalty relief can be passed in a proper and careful manner that will allow for debt reduction, Medicare improvements, and a commitment to education.

PURPLE HEART AWARDED TO SPECIALIST RAYMOND S. TESTON

Mr. BURNS. Mr. President, I would like to take a moment to recognize

Raymond S. Teston. Ray is a great man, and an American hero.

Specialist Raymond S. Teston had served close to one full year of field duty and was to leave Vietnam to return home to Georgia. The night before his departure, August 12, 1969, and the following morning, "C" troop, First Squadron, 1st Calvary of the American Division was overrun while at Base Camp, Hawk Hill, Hill 29. The first wave of the attack was from rocket propelled grenades and 122 mm rockets killing several soldiers and injuring many more. Ray was critically wounded during the ensuing battle and out of the 86 men assigned, was one of only eleven who survived.

On November 5, 1999, the President of the United States of America, the Army Adjutant General and the Secretary of the Army awarded the Purple Heart to Specialist Raymond S. Teston, United States Army, for wounds received in action in the Republic of Vietnam on August 12, 1969. This is Ray's second award of the Purple Heart; his first came on April 2, 1968, just outside of the Tam Key, Vietnam.

I commend Ray Teston's courage and bravery. I thank him, and all veterans, for their service and sacrifices to our great country and for defending our freedoms. Each time I salute the flag, I like to think of heroes such as Raymond S. Teston, who symbolize all the things that are good about this country—duty—honor—faith in our democracy. Thank you Raymond S. Teston.

SENATOR MOYNIHAN: A PROFILE IN RARE COURAGE

Mr. SCHUMER. Mr. President, I ask unanimous consent that "Moynihan—a Profile in Rare Courage" from yesterday's *Newsday* in praise of the courage and commitment of Senator DANIEL PATRICK MOYNIHAN be incorporated into the CONGRESSIONAL RECORD.

Mr. President, while certainly the race for the seat which Senator MOYNIHAN has left open has excited New Yorkers and the Nation, it is my desire today to simply remind the Nation what a treasure the State of New York bestowed on all of us through Senator MOYNIHAN. I am confident that I speak for all of my colleagues in the Senate when I say that his intellect and leadership will be greatly missed.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

MOYNIHAN—A PROFILE IN RARE COURAGE (By Gray Maxwell)

As the final summer of Sen. Daniel Patrick Moynihan's public career comes to an end, I think back to one languid Friday afternoon three summers ago.

Not much was happening. The Senate was in recess. So Moynihan—my boss at the time—and I went to see an exhibit of Tyndale Bibles at the Library of Congress. William Tyndale wrote the first English Bible from extant Greek and Hebrew manuscripts. Moynihan was eager to learn more about a man whose impact on the English language,

largely unacknowledged, is equal to Shakespeare's.

One might wonder what Tyndale has to do with the United States Senate. Not much, I suppose. But like Tennyson's Ulysses, Moynihan is a "gray spirit yearning in desire to follow knowledge like a sinking star." He has unbounded curiosity. I'm not one who thinks his intellectualism is some sort of indictment. Those who do are jealous of his capabilities, or just vapid. In a diminished era when far too many senators know far too little, I have been fortunate to work for one who knows so much and yet strives to learn so much more.

There is little I can add to what others have written or will write about his career. But I would make a few observations. On a parochial note, no other senator shares his remarkable facility for understanding and manipulating formulas—that arcane bit of legislating that drives the allocation of billions of dollars. He has "delivered" for New York, but it's not frequently noted because so few understand it.

More important, every time he speaks or writes, it's worth paying attention. I think back to the summer of 1990, when Sen. Phil Gramm (R-Texas) offered an amendment to a housing bill. Gramm wanted to rob Community Development Block Grant funds from a few "Rust Belt" states and spread them across the rest of the country. The amendment looked like a winner: More than 30 states would benefit. Moynihan spoke in opposition. He delivered an extemporaneous speech on the nature of our federal system worthy of inclusion in the seminal work of Hamilton, Madison, and Jay as *The Federalist* No. 86.

(His speech was effective. The amendment was defeated. New York's share of CDBG funding was preserved.) What I most want to comment on is Moynihan's courage. Too many of today's tepid, timid legislators are afraid to offer amendments they know will fail.

They are afraid of offending this constituency or that special interest. They have no heart, no courage. Moynihan always stands on principle, never on expediency. He's not afraid to cast a tough vote, to be in the minority—even a minority of one. His positions on issues from bankruptcy "reform" to government secrecy, from welfare repeal to habeas corpus, from the "line item" veto to Constitutional amendments du jour, haven't been popular. But I'm confident they are right. It just takes the rest of us a while to catch up with him.

While Moynihan has been successful as a legislator, I think of him as the patron senator of lost causes (i.e., right but unpopular). Every senator is an advocate for the middle class. That's where the votes are. What I admire and cherish about Moynihan is his long, hard, eloquent fight on behalf of the underclass—the disenfranchised, the demoralized, the destitute, the despised.

T.S. Eliot wrote to a friend, "We fight for lost causes because we know that our defeat and dismay may be the preface to our successors' victory, though that victory itself will be temporary; we fight rather to keep something alive than in the expectation that anything will triumph." Eliot's wistful statement, to me, captures the essence of Moynihan. He has an unflinching sense of responsibility.

For the past quarter century, Moynihan has been the Senate's reigning intellectual. But he has been more than that. He has defended precious government institutions under attack by those who have contempt for government.

And he has been the Senate's—and the nation's—conscience. His fealty as a public servant, ultimately, has been to the truth as

best as he can determine it. He seeks it out, and he speaks it, regardless of who will be discomfited.

He has done so with rigor, and wit, a little bit of mischief now and then, and uncommon decency.

I have been privileged to work in the United States Senate for 16 years, and for several outstanding members, Republicans and Democrats. I will not see another Moy-nihan in my career. He is *sui generis*.

When Thomas Jefferson followed Benjamin Franklin as envoy to France, he told the Comte de Vergennes, "I succeed him; no one could replace him." Others will succeed Moy-nihan; no one will replace him. We should pause for a moment, and give thanks that he has devoted his life and considerable talents to public service.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Tuesday, September 5, 2000, the Federal debt stood at \$5,678,475,470,839.16, five trillion, six hundred seventy-eight billion, four hundred seventy-five million, four hundred seventy thousand, eight hundred thirty-nine dollars and sixteen cents.

Five years ago, September 5, 1995, the Federal debt stood at \$4,968,613,000,000, four trillion, nine hundred sixty-eight billion, six hundred thirteen million.

Ten years ago, September 5, 1990, the Federal debt stood at \$3,241,866,000,000, three trillion, two hundred forty-one billion, eight hundred sixty-six million.

Fifteen years ago, September 5, 1985, the Federal debt stood at \$1,823,101,000,000, one trillion, eight hundred twenty-three billion, one hundred one million.

Twenty-five years ago, September 5, 1975, the Federal debt stood at \$545,270,000,000, five hundred forty-five billion, two hundred seventy million which reflects a debt increase of more than \$5 trillion—\$5,133,205,470,839.16, five trillion, one hundred thirty-three billion, two hundred five million, four hundred seventy thousand, eight hundred thirty-nine dollars and sixteen cents during the past 25 years.

ADDITIONAL STATEMENTS

RECOGNITION OF TOM NORRIS AND JAMES BROWN FOR CONTRIBUTIONS TO THE FEDERAL WAY SUMMER MATH PROGRAM

• Mr. GORTON. Mr. President, imagine 140 students who want to spend their summer learning math. For students participating in the Summer Math Program at Thomas Jefferson High School in Federal Way, Washington, this is just the case. For the past five years, Tom Norris and James Brown have worked tirelessly and created a successful program that has dramatically improved the math skills of hundreds of students.

When Mr. Norris and Mr. Brown started the Summer Math Program, they had five students in attendance. Since then, the program has become

well-known throughout Thomas Jefferson High School as a resource for students struggling with math or hoping to improve their SAT scores and has grown by leaps and bounds.

The Summer Math Program is based on a three part system that includes: Advanced Algebra or Pre-Calculus, an SAT summer program, and "The Math Team." The Advanced Algebra and Pre-Calculus course enables students who desire to complete Calculus before they leave high school to enroll in higher math classes in the following school year. The SAT summer program, offered at a much lower cost than other SAT review classes, equips students with the skills and confidence needed for their college preparatory exams. As a result, Thomas Jefferson High School has some of the highest SAT scores in the South Puget Sound of Washington State.

Additionally, students who enjoy competing in math competitions can participate on the Math Team. Students practice throughout the summer in preparation for the annual national competition which took place in July. As a true testament to the excellence of the program, Mr. Norris and Mr. Brown coached the team to a fifth-place victory last summer when the students participated against 50 other schools. This certainly was a great accomplishment for the program and students participating!

Samuel Kim, a Math Team member who will be a senior this year, told me that the Math Team, "keeps you in the right frame of mind during summer so you can keep your math skills strong, and it gives you good interaction with others." Samuel had nothing but applause for his coaches stating, "Mr. Norris is very friendly and inspirational, yet demanding and excited to see us succeed in competition, while Mr. Brown is more light-hearted in his motivational tactics."

The record of the Math Team and the achievements of students in the Summer Math Program speaks not only to the excellence of the program but also to the efforts and drive of both Mr. Norris and Mr. Brown. Their dedication to education, and math in particular, is rarely paralleled in other local school districts during the summer months. I am impressed with the dedication of these two men to their students' education even during the summer months. It is with great pleasure that I recognize them for their outstanding service to the students of Thomas Jefferson High School.●

RETIRED U.S. DISTRICT JUDGE ROBERT R. MERHIGE, JR.

• Mr. ROBB. Mr. President, I'd like to take a moment to pay special recognition to a good friend of mine and a distinguished former jurist, Robert R. Merhige, Jr. of Richmond, Virginia. Now in private practice after serving as a U.S. District Judge, Bob was recognized a few months ago in an article in

The National Law Journal as the driving force behind the resolution of the Dalkon Shield Claimants Trust. The article details Judge Merhige's efforts to resolve over 400,000 claims, and it's clear that he accomplished this difficult task by working towards a fair result with skill and intellect. He kept his eye on the ball until the job was concluded. I ask that the article be printed in the RECORD.

[From the National Law Journal, May 15, 2000]

\$3 BILLION LATER, DALKON TRUST CLOSES SHOP: MASS TORT CLEARINGHOUSE SEEN BY SOME AS THE BEST-RUN OUTFIT OF ITS KIND
(By Alan Cooper)

RICHMOND, VA.—The numbers are impressive, even by mass tort standards.

More than 400,000 claims reviewed. Nearly \$3 billion distributed. Administrative costs just 9%, including lawyer fees.

Even more impressive, the job is done.

The Dalkon Shield Claimants Trust closed on April 30 with a claim to being the best-managed mass tort plan so far.

Retired U.S. District Judge Robert R. Merhige, Jr., now of counsel at Hunton & Williams, gets much of the credit for what many view as the success of the trust, as well as the blame for what others see as its shortcomings.

The trust emerged from the 1985 bankruptcy petition of A.H. Robins Co., which sold 3.6 million intrauterine birth devices called the Dalkon Shield between 1971 and 1974. Robins took it off the market under government pressure.

Robins and its products liability insurer, Aetna Casualty & Surety Co., were overwhelmed by allegations that women had suffered perforated uteruses and pelvic inflammatory disease that left them sterile. More than 326,000 women filed claims in response to a worldwide ad campaign.

Judge Merhige's 1987 estimate that the liability wouldn't top \$2.475 billion set off a bidding war, won by American Home Products Corp. It acquired Robins by providing about \$2.3 billion for claimants, to be paid by the trust, and \$700 million-plus in stock to Robins shareholders.

Claimants' payments were based on amounts Robins paid to settle cases before the bankruptcy and based on their medical records. With interest, they totaled nearly \$3 billion.

Robert E. Manchester, of Burlington, Vt., who represented 3,500-plus claimants, said of Judge Merhige, "He shaped the solution by tapping into people who were willing to be constructive."

"There was a significant number of people who felt they were treated badly by the process"—mostly atypical claimants—plaintiffs' lawyer Stephen W. Bricker, of Richmond said.

James F. Szaller, of Cleveland's Brown & Szaller, said that Judge Merhige "sometimes took unusual courses, but he did get it done. The result for the vast majority of people was good."●

RETURN OF FLAGSHIP "NIAGARA" TO LAKE ERIE

• Mr. SANTORUM. Mr. President, I would like to recognize Captain Walter Rybka and the officers and crew of the Flagship *Niagara* on their return from their East Coast ten-month voyage. The Flagship *Niagara* is a symbol of Erie, Pennsylvania's history and serves as an Ambassador of the Commonwealth when it participates in tall ship