

banc review by the full Sixth Circuit more frequent. And en banc review places greater burdens on the court by requiring that all active judges, rather than just a portion of them, give the case their attention.

I am not seeking to lay blame. I am just pointing out that we must overcome the differences that have led us to the quagmire in which we find ourselves. And I believe it is fair for me to do so. During President Clinton's administration, I did all I could to get the President's nominees to the district courts in Tennessee confirmed quickly. I also shepherded through the Senate the nomination of the last judge confirmed to the Sixth Circuit, Ronald Gilman.

I hope that the fact that the Senate is moving to take up the nomination of Judge Gibbons bodes well for our willingness to take up other nominations to the Sixth Circuit.

Let me turn now to the specific nomination before us. Despite her relative youth for such a position, Judge Julia Smith Gibbons been a judge for over 20 years. I am confident that the Senate will not consider any more highly qualified nominee this year.

Judge Gibbons was born and raised in Pulaski, TN, which is a small town in south-central Tennessee less than 20 miles from Lawrenceburg, where I grew up. She attended Vanderbilt University in Nashville, from which she received her B.A. magna cum laude in 1972 and where she was elected to membership in Phi Beta Kappa, the national honor society.

Judge Gibbons then left Tennessee to attend law school in our neighbor to the east at the University of Virginia Law School, where she was a member of the editorial board of the law review and was elected to the Order of the Coif, the national legal honor society.

Upon graduating from law school, she returned to Tennessee to clerk for Judge William Miller of the Sixth Circuit, the court to which Judge Gibbons has been nominated. In 1976, Judge Gibbons became an associate with a Memphis law firm.

After 3 years practicing law, Judge Gibbons joined the administration of Governor Lamar Alexander as the Governor's legal advisor in 1979. In 1981, Governor Alexander appointed Judge Gibbons to the Tennessee Circuit Court for the Fifteenth Judicial Circuit, which covers Memphis and Shelby County, and she was elected to a full term in 1982.

In 1983, Judge Gibbons was appointed United States District Judge for the Western District of Tennessee by President Reagan, the first woman to hold such a position in Tennessee. At the time, she was the youngest Federal judge in the Nation. From 1994 to 2000, she served as Chief Judge of the court.

She is very highly regarded by the bar as an exceptional trial judge. While she was being considered for this appointment and since her nomination, I have heard from many lawyers who

have practiced before her extolling her virtues as a trial judge.

Her reputation is national and has been recognized by the Chief Justice, who has appointed her to the Judicial Panel on Multidistrict Litigation, the Judicial Resources Committee of the Judicial Conference, and the Judicial Officer Resources Working Group.

Despite her heavy judicial workload, Judge Gibbons has remained active in her church and community, serving as an elder of the Idlewild Presbyterian Church and as a former president of the Memphis Rotary Club.

In sum, I am confident that Judge Gibbons will be an outstanding member of the Sixth Circuit, as she has been an outstanding trial judge.

Before I yield, let me thank Chairman LEAHY and his staff, and Senator HATCH and his staff for their cooperation and assistance in moving this nomination forward. I hope our action today on Judge Gibbons bodes well for getting the remaining Sixth Circuit vacancies filled expeditiously.

I urge my colleagues to join me in voting to support the nomination of Judge Julia Smith Gibbons.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to a period of morning business with Senators allowed to speak therein for a period not to exceed 5 minutes each.

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

TRIBUTE TO ROY ESTESS

Mr. LOTT. Mr. President, I rise today to congratulate my dear friend Roy Estess on his well deserved retirement, to thank him for his many years of dedicated service to our nation, and to wish him the very best as he pursues other interests and enjoys what I hope will be many fine years of health and happiness with his family.

Roy S. Estess, a native of Tylertown, MS, is retiring as director of NASA's John C. Stennis Space Center in south Mississippi. As director of Stennis Space Center for more than 13 years, Roy has been responsible for accomplishing the center's current NASA missions, rocket propulsion testing and remote sensing applications. Other responsibilities have included managing the Space Shuttle Main Engine test program; planning and accomplishing advanced propulsion test activities for NASA, some Department of Defense projects, and certain industry propulsion development and launch vehicle development programs; conducting research and technology development in earth and environmental sciences; commercializing remote sensing technology in cooperation with industry and government; developing technology for use in propulsion test and launch operations; and managing the overall center. Roy's vision and leader-

ship have directly lead to Stennis Space Center becoming a unique Federal city that is home to more than 30 Federal, State, academic and private organizations.

Roy Estess graduated from Mississippi State University with a degree in aerospace engineering. He also has accomplished various graduate level studies, including completion of the advanced management program at the Harvard Graduate Business School. He is a registered professional engineer in the State of Mississippi and is a member and past chairman of the advisory committee to the College of Engineering at Mississippi State University. Roy is also a member of several professional societies, some of which include Tau Beta Pi; the American Institute of Aeronautics and Astronautics; the Mississippi Academy of Sciences; and the National Space Club.

Roy has held various engineering and management positions during his 42 years of service in the United States government. He began his career as a civilian employee in the United States Air Force at Brookley Field in Alabama, and later at Robbins Air Force Base in Georgia. Roy came to the NASA Stennis Space Center in 1966 as a propulsion test engineer, working on perhaps the greatest technological achievement of all time, the Apollo missions to the moon. Roy worked on testing the second stage of the Saturn V moon vehicle during those exciting times. Working his way up through the ranks, he later served as head of the Applications Engineering Office, deputy of the Earth Resources Laboratory and director of the Regional Applications Program. From 1980 through 1988, Roy served as deputy director of Stennis Space Center and was named director in January, 1989. From 1992 to 1993, he was temporarily assigned to NASA Headquarters in Washington, D.C. as a special assistant to two consecutive NASA Administrators. From February, 2001 to April, 2002, Roy was temporarily assigned as acting director of the Johnson Space Center in Houston, TX.

Roy Estess has been named the recipient of numerous awards and honors, some of which include: the Presidential Distinguished Service, twice, and Meritorious Senior Executive Awards; NASA's Distinguished Exceptional Service, Equal Opportunity and Outstanding Leadership Medals; the National Distinguished Executive Service Award for Public Service; and the Alumni Fellow of Mississippi State University; as well as Citizen of the Year in his home town.

Roy has served Mississippi and the nation in numerous ways outside of his professional career. In 1969, when south Mississippi was hit by the devastating hurricane Camille, Roy served on the Gulf coast disaster recovery team, making extraordinary efforts to help save lives and property in our state. An Eagle Scout himself, Roy has long been an active supporter of the Boy Scouts of America, including serving as Scout

Master of Troop 87 of Picayune from 1966 to 1978. Roy has also served as a Deacon at his church, the First Baptist Church in Picayune.

Roy and his wife, Zann, reside in Pearl River County, MS. They have two children, Andy and Mauri, and two grandchildren, Conner and Drew.

I know my colleagues will join me in appreciation of Roy Estess for his extraordinary career of service to the nation and his community and in wishing him and his family the very best in all of their plans for the future. I am proud to call Roy Estess my friend. God bless you, Roy.

21ST CENTURY MEDICARE ACT

Mr. HATCH. Mr. President, our health care system has increased the lifespan and quality of life of our citizens. Our population is aging; people with chronic conditions are living longer. The number of Medicare beneficiaries is increasing and will continue to increase as baby boomers retire.

As I have listened to the debate over the last two weeks, I think we can all agree on one thing, the seniors in this Nation deserve the best possible health care, of which prescription drug coverage is a vital component. All of us want to provide Medicare beneficiaries with prescription drug coverage this year. Unfortunately we do not agree on how this coverage should be provided.

I support the Tripartisan bill for several simple reasons. The Tripartisan bill operates on the fundamental principles of efficiency, quality, and choice. It balances all of the issues and provides a permanent solution—all of which result in cost savings and affordability. Balance is a key point here.

We do not offer a plan that cannot be sustained, resulting in bigger problems down the road. We do not offer a plan that ends abruptly. We do not offer a plan offering everything to everyone, knowing full well that it cannot work, as the Graham-Kennedy bill does. We provide Medicare beneficiaries with four key elements: First; Choice. Giving seniors the right to choose a plan and the right to choose a particular medication is the greatest benefit we can offer Medicare beneficiaries. Under the Graham-Miller-Kennedy bill, seniors can only get a government run prescription drug plan. The Graham-Miller-Kennedy bill forces seniors and their physicians into government run formularies. This is not what we want for our seniors and their doctors; Second; Quality. I do not believe that the Graham-Miller-Kennedy bill has any incentive to improve quality—over and over, we have seen how government run programs have failed our health care system. Our Tripartisan bill makes a concerted effort to improve and modernize Medicare, by offering seniors choice not only in prescription drug coverage but for overall medical coverage as well; Third; Efficiency and Cost containment. The Tripartisan bill fosters competition, based on quality and cost. The Graham-Miller-Kennedy bill does not. The Graham-Miller-Ken-

edy bill cannot deliver drugs efficiently by making the government the sole regulator of Medicare drug coverage. The Tripartisan bill guarantees that at least two plans will compete in each region, giving seniors the right and choice to pick the plans that best suit their needs; and Fourth; Balance. The Tripartisan bill balances the needs of seniors with benefits. We improve coverage for the sickest, poorest seniors by helping needy seniors meet their health care costs through generous subsidies. We use an assets test to determine who needs assistance. What is so wrong with this? All we are doing is applying asset testing criteria for prescription drug coverage. I do want to make a correction to my statement from 7/22/02, The Family Opportunity Act does not have an assets test as I indicated. Rather it has an income and disability test.

In conclusion, I believe the model of the Tripartisan bill is the only workable, long lasting, and fair plan for our seniors and taxpayers. The Tripartisan bill model is the only way to achieve a long-term solution to provide prescription drug coverage to Medicare beneficiaries and, at the same time, give seniors, their families, and doctors choice. It is not a quick fix to get immediate support for something that is not going to last, like the Graham-Miller-Kennedy bill. I am hopeful that more of my colleagues will recognize this, and help us reach an acceptable agreement.

THE FEDERAL EMPLOYEES HEALTH INSURANCE PREMIUM CONVERSION ACT

Mr. BURNS. Mr. President, today I am pleased to join my colleagues in the Senate in cosponsoring S. 1022, the Federal Employees Health Insurance Premium Conversion Act. This legislation will enable Federal and military retirees to take advantage of premium conversion, which would allow individual retirees to pay their health insurance premiums with pre-tax dollars. In 2000, this tax benefit was extended to current Federal employees under a Presidential directive, and it is a benefit available to many private sector employees, and State and local government employees. It only makes sense to bring equity to the Federal Employees Health Benefits Program.

Furthermore, this legislation will allow uniformed services retiree beneficiaries, their family members and survivors to pay the TRICARE Prime enrollment fees and TRICARE Standard supplemental insurance premiums with pre-tax dollars.

I am happy to join my colleagues by supporting this critical legislation and to show my continued support of these Federal civilian and military retirees for their dedicated service.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Mr. President, I rise today to speak about hate crimes

legislation I introduced with Senator KENNEDY in March of last year. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred July 24, 1994 in New York, NY. Two gay men were assaulted by four men who made anti-gay remarks. The assailants, John Gorman and Kevin Shout, both 22, Michael Higgins, 21, and James Shout 27, were charged with assault and aggravated harassment in connection with the incident.

I believe that government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

ADDITIONAL STATEMENTS

MISCARRIAGE OF JUSTICE IN EGYPT

• Mr. McCONNELL. Mr. President, the news from Egypt this morning is both disappointing and disheartening. Egyptian democracy activist and academic Saad Eddin Ibrahim was sentenced to 7 years in jail following a retrial for charges, according to the BBC, "of tarnishing the country's image abroad and other offenses."

Many believe that the case against Mr. Ibrahim, who is a dual Egyptian-American citizen, is politically motivated and a not-so-veiled effort to stifle political debate in that country. Unfortunately, today's verdict only underscores that the rule of law and democratic institutions continue to be weak and non-functioning in Egypt.

It is my hope and expectation that Secretary Powell will clearly, publicly and forcefully register the concerns of the United States with Mr. Ibrahim's case to senior Egyptian leaders. I would offer that it is not Mr. Ibrahim but the Egyptian government—and its weak judiciary, irresponsible and anti-Semitic media, and questionable ties with North Korean missile technicians—that consistently tarnishes the country's image abroad.

To put it simply, the United States must expect more from its ally in the Middle East.●

MADE IN THE U.S.A.

• Mr. BUNNING. Mr. President, I proudly rise today to celebrate a truly remarkable milestone in the American automobile industry. Today, Toyota Motor North America will produce its 10 millionth North American-built vehicle. This notable achievement will take place at the Toyota production facility located in Georgetown KY.