

health care. "We've got to form an alliance with these other diseases," Dr. Ammann said, "and say, None of us is going to get adequate health care the way the system is going."

But others call Mr. Delaney naive.

"It's interesting to muse about what he says," said Mr. Graham of the Whitman-Walker Clinic. "But it's both undesirable and impossible. So what's the point of talking about it?"

Naive or not, in challenging exceptionalism Mr. Delaney has clearly broken a taboo.

"We sort of question it among ourselves behind closed doors," said Mark Hannay, a member of the New York chapter of Act Up, the AIDS Coalition to Unleash Power. "Like, isn't this nice, but we're the only ones getting it."

Mr. COBURN. Mr. President, another key fact: New York State alone spends \$25 million a year just on administration of their Ryan White title I funds. That is more money on administration than 38 other States combined, 38 other States spend total on all of it.

The Senator from New York showed a chart on AIDS cases and spending. Well, she was right. It was about AIDS cases, but it wasn't about AIDS and HIV-infected individuals. When you look at it in terms of those infected with HIV rather than AIDS cases and when you look at AIDS cases, AIDS cases are based on those who have had AIDS in the past and those who have AIDS today but does not reflect the epidemic.

I also ask unanimous consent to have printed in the RECORD an article on the housing and rooming in New York for people who are no longer alive but for which they paid for a number of months, a large number of people, where money was wasted.

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

HIV/AIDS SHELTER COSTS CHALLENGED

(By Ellen Yan)

JULY 5, 2005.—The [New York] city agency that secures temporary shelter for indigent people with HIV/AIDS shelled out \$2.2 million in questionable payments over 2½ years, partly to rent rooms listed to people who had died, the city comptroller charged in an audit released yesterday.

The Human Resources Administration paid \$182,391 for rooms listed to 26 people up to two years after their deaths, with one housing provider getting 76 percent of the money, \$137,920, said the report from Comptroller William Thompson Jr.

Auditors said many of the problems stemmed from the agency's failure to review its own data and client files before making payments to housing providers. In the audit, Thompson's office looked at five housing facilities as well as payments and records made from July 2002 to December 2004.

Among the findings, auditors said, \$1 million went to housing providers for residents who did not sign registration logs; \$456,292 was paid for overnight stays on or after clients' last days of occupancy; \$417,463 in payments for people not in the agency's new database; \$118,185 in double billing; and a \$20,030 check to one vendor who submitted a \$2,030 bill, an overpayment the agency said it will correct.

HRA spokesman Bob McHugh said yesterday that agency heads had not seen the comptroller's final report.

"For whatever reason, they chose to release it on the Fourth of July, so we're not going to comment . . . until we get a chance to review it," McHugh said.

In letters sent to the comptroller's office, HRA disagreed with many findings. In a June 15 letter, the agency said it's still waiting for Thompson's office to provide all the details so it can double-check the findings.

For example, officials replied in letters to the comptroller's office that at least three people were erroneously listed as dead in Social Security records.

In addition, the agency wrote, weekly registration logs are not final proof of whether housing was provided, because people with AIDS may have been too sick to sign.

The agency also accused Thompson's office of giving an "unbalanced" picture of housing conditions by concluding the 91 units checked were "generally in satisfactory condition" but then rating 25 of them as "unsafe and unsanitary."

The housing agency agreed with most of the audit's recommendations, including checking vendors' bills against client and Social Security records.

Mr. COBURN. Mr. President, it is disingenuous to use AIDS cases alone to make comparisons. The reason for that is because this is an epidemic. And thanks to the wonderful presence of modern-day medicines, medicines are preventing people who have HIV from ever contracting the fullblown AIDS syndrome.

The whole idea behind the bill that Senators ENZI and KENNEDY have offered and that has passed the House with over 300 votes is to have the money follow the epidemic. That is what this bill does. There are small declines in the amount of money per person in New York so that marked increases in funds are available for those in the nonmetropolitan areas throughout the South.

We know the face of the epidemic is changing. That epidemic says that we ought to be caring for them. The Senator's answer is just spend more money. But last year, when I offered an amendment to add \$60 million to the ADAP by cutting pork projects, she voted against it. So you can come to the floor and claim you are for spending more money, but if you don't want to cut out a Japanese garden which is for a Federal Government building which was \$60 million so you can put \$60 million into lifesaving drugs, some would claim that is not real support for more money.

The final point I wish to make is that last year, New York received over \$1.4 billion in earmarks, earmarks that aren't a priority, earmarks that aren't necessarily needed in a time of war. There was no offer to cut back on the earmarks for the State of New York to pay for greater care for AIDS patients. Some want to have it both ways: earmarks in the bill that are going to come back to us this November for New York, \$600,000 for exhibits, \$500,000 for New York City. We have to get a hold of priorities. Is HIV/AIDS a priority? Yes. And can we put more money into it? Yes. But we ought to be making the tough choices.

So I would say to my colleague that I have great respect for her desire to

make sure everybody is cared for, but I also have a desire to make sure our children are cared for. And we need to pass this bill. It is a fair bill in the long term. We will work hard to make sure the moneys are there. We will work hard.

A final point. This new bill directs that 75 percent of the money ought to go to treatment. Less than 50 percent of the money in New York goes for treatment. Fifty percent goes for other things. So we have people living in South Carolina, North Carolina, Oklahoma, and in other States who are now on a drug waiting list who can't get treatment, and we are quibbling about \$300 in other programs—not treatment—other programs these people won't ever have any access to, but yet they can't get drugs. Is it a geographical disagreement? Yes. Everybody who is talking on this is for taking care of this problem. This is a great way. This bill is a good start.

Here is the other problem. If we don't pass this bill before October 1, lots of people in New York and in other States will be hurt because of the legislation in the previous Ryan White Act in terms of forcing the redistribution of this. It is my hope we can work this out.

I appreciate the Senator's sentiments in terms of her caring for those with HIV, but I know, in fact, what has been offered and worked and gotten through the House is a good approach that takes a little bit from New York, takes a little bit from San Francisco, and gives lifesaving drugs. It doesn't take any lifesaving drugs away from New York or San Francisco or California but gives lifesaving drugs to the people who don't have them today. We ought to be about doing that.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia is recognized for 45 minutes.

RETIRING FROM THE SENATE

PAUL SARBANES

Mr. BYRD. Mr. President, I thank the Chair.

Mr. President, this is a day I hoped would never come. This is a speech I hoped I would never give. These are words I hoped I would never say. The senior Senator from Maryland, PAUL SARBANES, the longest serving Senator in the history of his great State, Senator PAUL SARBANES, is retiring. Now I must say goodbye.

I am so sorry to say those words to my good friend, my true friend, and greatly esteemed colleague. More than once, in fact, I have found myself hoping PAUL SARBANES would change his mind. But the senior Senator from Maryland must do what is best for himself and his family, and I wish him the best.

The retirement of PAUL SARBANES from the Senate brings to a close a fascinating and extraordinary Senate career. This son of Greek immigrant parents grew up on the Eastern Shore of

Maryland, where he worked his way—yes, he worked his way through school by waiting on tables, washing dishes, and mopping floors in the Mayflower Grill in downtown Salisbury. From there, it was on to Princeton, that great university, for an undergraduate degree, to Oxford University as a Rhodes scholar—as a Rhodes scholar—and then on to Harvard Law School.

PAUL SARBANES began his career in public service in 1966. I had just begun my second term as a Member of the U.S. Senate 2 years before when PAUL SARBANES was elected to the Maryland State Legislature in 1966. In 1970, PAUL SARBANES was elected to the U.S. House of Representatives where, as a member of the House Judiciary Committee, he introduced the first article of impeachment against President Nixon.

That was PAUL SARBANES. After three terms in the U.S. House of Representatives, in 1976 he was elected to the U.S. Senate—yes, this body—where his career became even more fascinating and extraordinary.

In the U.S. Senate, PAUL SARBANES has served as chairman of the Congressional Joint Economic Committee and chairman of the Senate Banking, Housing, and Urban Affairs Committee. And he was chairman of the very impressive and influential Maryland Congressional Delegation, which includes Senator BARBARA MIKULSKI and the House Democratic whip, STENY HOYER. PAUL SARBANES has also been a very effective member of the Senate Foreign Relations Committee and the Senate Budget Committee.

Senator SARBANES has authored and sponsored important legislation, including the Sarbanes-Oxley Act, which has been called the most far-reaching reforms of American business practices since the time of President Franklin Delano Roosevelt.

I have always admired the quiet but effective way in which this unassuming, brilliant—I mean brilliant—and most reasonable lawmaker has performed the Nation's business. PAUL SARBANES. The Greeks taught the world to think. I don't know whether that is original or not, but that is the way I feel about it, in any event. The Greeks taught the world to think. I have always thought of PAUL SARBANES as a thinker—a thinker—a thinker. On the Senate committees on which we have served together, I have observed how he listens carefully, speaks—not often, but when he speaks, he speaks so softly, and then gets right to the crux of a matter. What a mind. What a brain. Yes, what a thinker. In his own subtle way, he can dissect even the most powerful and most arrogant witness. Let it be a Senator, he is the same.

I will always remember and always appreciate the great support that PAUL SARBANES gave to me during the time I served as the Senate Democratic Leader. During the most troubling times, during the most difficult votes, during

the most controversial debate on matters, I could always count on PAUL SARBANES being there—with his friendship, his assistance, and his advice. I always called on PAUL SARBANES as I gathered the chairmen of the committees when I was the majority leader of the Senate and when I was the minority leader. I would call my Democratic chairmen around me. They were my board of directors, the chairmen of the various committees when we were in the majority. I always called PAUL SARBANES—he and some others, like Wendell Ford—but I am talking about PAUL SARBANES. I cannot begin to describe how important his support was and how much I appreciated it.

As I have said before, every leader would be fortunate to have a PAUL SARBANES, this Greek—and I say that with great pride—this Greek thinker. When I see the statue of “The Thinker,” with his fist under his chin, I think of PAUL SARBANES. Yes, I think of PAUL SARBANES. I was always so fortunate myself to have PAUL SARBANES as a colleague to whom I could go and seek advice and counsel.

Senator SARBANES was one of just 23 Members of this Chamber who was willing to defy popular opinion—yes, to stand up to the President of the United States and to throw himself against the forces of war in voting against the resolution to launch an unprecedented preemptive assault, military assault, military invasion of a country that had never attacked us, never attacked our country; a country that did not pose a preeminent threat to our national security—Iraq. If only there had been more Senators like PAUL SARBANES, one of the 23 immortals. I like to think of it in that way.

I am in my 48th year in the Senate, and I was 6 years in the other body, making more than half a century in the Congress of the United States. I have always, since that vote, felt that was the greatest vote that I have ever cast. I have cast more than 17,000 roll-call votes in the Senate. I will always look upon that vote as the greatest vote, the vote in which I take the most pride, during my 54 years in the Congress of the United States—the greatest vote I ever cast. I cast that vote with 22 other Senators, one of whom is now gone. He died in a plane crash.

When Senator SARBANES announced his retirement back in March 2005, I remarked that he “will be missed” and that he “will not be replaced.” While PAUL SARBANES will be missed, I might have to qualify the latter portion of that statement. Just a few weeks ago his son, PAUL SARBANES' son John—John, what a name—won the Democratic primary in the 3rd district in Maryland to become a Democratic nominee for the U.S. House of Representatives. Therefore, come January we might have another SARBANES serving with us in the Congress—praise God. If so, it will be fascinating to watch that son follow in his father's footsteps.

As the old saying goes: A SARBANES goes and a SARBANES comes, and Congress, like Tennyson's brook, goes on forever. That is not really an old saying. I probably just made it up. But I like it; yes, I like it.

Let me close by simply saying thank you, thank you Senator PAUL SARBANES. I thank you.

I remember PAUL SARBANES years ago when we were thinking and talking about and debating the Panama Canal treaty. I was against that treaty in the beginning, and then I read “The Path Between The Seas” and I changed my mind. I studied the matter. I did what PAUL SARBANES did, I studied the matter. I thought about the matter. I changed my viewpoints.

PAUL SARBANES, I thank you. I thank you for being a true friend. I thank you for being a truly esteemed colleague. I don't say these words lightly. I have been here a long time. I know a good man or woman, a good Senator when I see a good Senator. And I know this man is one of the finest of all Senators and a great American.

I thank you, PAUL SARBANES, for everything that you have done for your State and your people and country our people. I wish you and your lovely wife Christine nothing but ambrosia and nectar as you enter the next phase of your lives.

God, give us men.

A time like this demands strong minds,
Great hearts, true faith, and ready hands.
Men whom the lust of office does not kill;
Men whom the spoils of office cannot buy;
Men who possess opinions and a will;
Men who have honor; men who will not lie.
Men who can stand before the demagog
And brave his treacherous flatteries without
winking.

Tall men, Sun-crowned;
Who live above the fog.
In public duty and in private thinking.
For while the rabble with its thumbworn
creeds,

Its large professions and its little deeds,
Mingles in selfish strife,
Lo! Freedom weeps!
Waits, and waiting justice sleeps.
Wrong rules the land, I say, and waiting justice
sleeps.

God, give us men!
Men who serve not for selfish booty;
But real men, courageous, who flinch not at
duty.

Men of dependable character;
Men of sterling worth;
Then wrongs will be redressed and right will
rule the Earth.

God Give us men—

More men, yes, men like PAUL SARBANES, the Greek scholar, the Greek thinker, the Rhodes Scholar, a Senator of whom I am proud and will always speak with great pride.

Mr. SARBANES. Will the Senator yield?

Mr. BYRD. Yes, I yield.

Mr. SARBANES. Mr. President, I thank the very able Senator from West Virginia, our leader here for so many years, for his very generous and gracious remarks. I am deeply appreciative of his exceedingly kind words.

But I want to thank him even more for the extraordinary leadership he has

provided over his service, both in the House of Representatives and, for the last 48 years, in the Senate. I have been here three decades and there is no one during that time who has spoken more eloquently, more perceptively about our Constitution and the role of the Senate within the Constitution, who has sought to strengthen the Senate as an institution and to have it play its role in the checks and balances arrangements which our Founding Fathers established in Philadelphia in the summer of 1787.

Senator BYRD again and again has called us to a higher standard. He has urged us over and over to do the right thing, to understand what our roles are as Senators, and, as he said, I know of no issue, certainly in recent times, where he has more pointedly expressed our role than when we considered the issue of giving the President authority to go to war in Iraq. It was Senator BYRD who sounded a clarion call that was heard all across the country, as he raised the basic questions that needed to be raised with respect to an issue of such gravity and significance.

I have been honored to serve with the Senator. I early recognized that the wisest course would be to follow his leadership. Again and again I have been privileged to have the opportunity to do that. I thank him very much for what he just said. I want him to know that as long as he stands on the floor of the Senate, I have confidence that our Constitution and this body as an institution are in good hands.

That is a magnificent service that he renders to the Republic. I thank him very much.

Mr. BYRD. Mr. President, I thank my dear friend. I shall always cherish the words thus spoken and always reflect upon this Senator, PAUL SARBANES, with great pride.

MARK DAYTON

Mr. President, I say farewell to Senator DAYTON. Seldom has a freshman Senator made more of an impression on me than has Senator MARK DAYTON of Minnesota who has announced that he will be leaving us at the end of this session of the Congress.

From the start of his service in this Chamber, I have been struck by Senator DAYTON's determination to learn the rules, to learn the traditions, to learn the customs of the Senate.

When Senator DAYTON presided over the Senate, which is one of the responsibilities of freshman Senators, he always did so with attention and dignity. His demeanor was inspiring. It reassured my belief in the future of this great institution.

When I meet with new Senators, as I often do, about the duties of the Presiding Officer, I urge them to use that gavel on that desk vigorously to bring the U.S. Senate to order.

I recall one instance when Senator DAYTON banged the gavel so hard that he nearly fell out of his chair. That is the way it should be. I thought to myself: Bang that gavel, bring the Senate

to order so that the Senate can conduct the Nation's business.

I am also impressed about the reverence that Senator DAYTON shows for our Nation's most basic, most important document, the Constitution of the United States.

Many people who have served in this Chamber will have to answer to history for the way they have ignored and trampled upon our Constitution. As President Lincoln once reminded the Members of Congress: "We cannot escape history."

I am confident that history will hold Senator DAYTON in high regard.

Time after time, this freshman Senator has stood with me and the Constitution of the United States on the important issues before us. Senator DAYTON was one of the lonely 23 Senators who voted not to go to war with Iraq. I have been, as I say, 48 years in this body, and it is the greatest vote I ever cast, the vote of which I am most proud of all the 17,000 and more votes that I have cast.

Senator DAYTON was willing to defy public opinion and the forces of war because he, Senator DAYTON, was determined not to hand over to President Bush, or any President, Democrat or Republican, any President, the power to declare war. No. Why? Because the Constitution says Congress shall have the power to declare war.

With firm belief in our constitutional doctrines of the separation of powers and checks and balances, Senator DAYTON was the only person on the Senate Governmental Affairs Committee who voted against the flawed Department of Homeland Security bill that this White House pushed.

How I have admired the courage and the fortitude of this man, Senator DAYTON, this Senator and his firm belief in our constitutional system.

How I have wished that he would change his mind. I have spoken to him numerous times about that. I wish we had more like him, more who would say: Come one, come all, this rock shall fly from its firm base as I.

I thank Senator DAYTON for standing shoulder to shoulder and toe to toe with me on so many constitutional issues, and I thank him for the reverence he has shown this institution, the U.S. Senate.

Senator DAYTON is a descendent—get this—Senator DAYTON is a descendent of Jonathan Dayton, who was a delegate to the Constitutional Convention of 1787 from the State of New Jersey. I know that Jonathan Dayton is up there somewhere today looking down and smiling upon his kinsman who has worked so hard to preserve and to protect the Constitution, the sacred document that he, Jonathan Dayton, helped to create along with George Washington, Alexander Hamilton, and James Madison.

Senator DAYTON has brought to the Senate a vigor and a vision of public policies that is both refreshing and needed; yes, needed.

MARK DAYTON has devoted his life to public service. And why he ever decided to leave the Senate is beyond me. I have done the best I could talking with him time and time again, but he remains firm.

His public service included teaching school in the lower east side of New York City, also known as the Bowery, and serving as a social worker in Boston, the great city of Boston. Senator DAYTON's social and political activism landed him on President Richard Nixon's infamous "enemies list"—which he, Senator MARK DAYTON, probably considered a badge of honor—and on the staff of Senator Walter Mondale, one of our fine Vice Presidents.

Senator DAYTON brought his concerns for the less fortunate and the powerless with him to the Senate. As a freshman Senator, he proposed a new farm bill to help struggling family farms. He proposed a prescription tax credit plan to help Medicare beneficiaries offset the costs of their medications. He established a health care help line to assist working families in his State in getting health coverage from their insurance companies that they had paid for. He proposed a global trade agreement to limit the President's ability to negotiate trade deals by giving the Congress the power to reject parts of negotiated trade deals if they violated existing laws.

I expected great things from this Senator. He had been serving in this Chamber for only 2 years, when on March 13, 2003, I predicted that Senator DAYTON would have a "long career, if he wishes to make it a long one."

I was surprised, I was disappointed, I was saddened to learn that he has chosen instead to make a short career in the Senate. I hope he does not retire from public life because our country—especially our less fortunate—will always need public servants like MARK DAYTON.

But whatever he chooses to do, I wish him happiness and success. And I will always be grateful for my friendship with MARK DAYTON and the work—yes, the work—that we have done together.

Mr. DAYTON. Mr. President, will the Senator yield briefly?

Mr. BYRD. I do yield.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 8½ minutes remaining.

Mr. BYRD. I yield to the Senator 2 minutes. Is that sufficient?

Mr. DAYTON. I will be very brief.

I thank the Senator from West Virginia for those gracious words. I am deeply honored because they come from the mouth of one of the greatest Senators in the history of this country. And whatever I have learned to apply with my understanding of the traditions of the Senate, the integrity of the Senate, the dignity of the Senate, I heard first and foremost from the great Senator from West Virginia, who has been a mentor, a guide, a leader, for whom I have the utmost respect. And

when I did preside and listen to the Senator speak about such subjects as the United States Constitution, I learned more from his wisdom than I have learned in the previous 55 years of my life.

I was honored to stand with him, really behind him, when he led the public outcry against the war resolution. And I was honored to be 1 of those 23 Senators, and history has proven us also correct. For his incredible service to his State for which he was cited as the Greatest West Virginian of the last century, and I expect will be cited as the Greatest West Virginian of this century as well, and for that same quality of devotion to our country and incredible leadership to our entire Nation, we are all—all of the country men and women—in great debt to him. I am, again, deeply honored by his words.

Mr. BYRD. Mr. President, I thank the distinguished Senator, and I will always cherish, as long as I live, his words.

JIM JEFFORDS

Mr. BYRD. Mr. President, unfortunately, when Congress meets again in January of 2007, this Chamber and our Nation will be without the services of our esteemed colleague, Senator JIM JEFFORDS.

Senator JEFFORDS has announced that he is retiring so he may spend more time with his lovely wife Elizabeth. May I make clear that Elizabeth's gain is the Senate's loss.

For 32 years, JIM JEFFORDS has proudly and superbly represented his beautiful State of Vermont and our great country in the U.S. Congress.

From 1975 to 1988, he was Vermont's lone Member in the United States House of Representatives. Now having served three terms in the Senate, he has decided to retire. I regret his departure. He is a Senator I have admired. He is a Senator I respected since he first came to this Chamber.

Through his hard work and his dedication to this institution, he has helped to make the Senate a better place. For that I have been grateful and thankful. He is a polite, friendly, mild-mannered man whom it is always pleasant to be around. He is a U.S. Navy veteran who has never failed to demonstrate his love for our great country.

This Senator is a great American who possesses a passion to do the right thing no matter what the consequence. He is a U.S. Senator who has always displayed a reverence for this institution, the Senate of the United States.

While he has a natural, easy-going manner, he is a Senator who will work feverishly, who will work tirelessly for the causes in which he believes. Seldom has the Senate seen a stronger or more avid defender of the environment. He was one of the founders of the Congressional Solar Coalition. He has chaired the House Environment Study Conference and the Senate Environment and Public Works Committee. In Congress, he has constantly sought to

broaden and to strengthen the power of the Environmental Protection Agency, and he has worked to ensure that important agency does its job.

His efforts to protect our environment have earned him recognition and awards from a number of environmental organizations, including the prestigious Sierra Club.

Senator JEFFORDS has been one of the Senate's foremost promoters of the rights of disabled Americans. Senator JEFFORDS has worked to open opportunities for them. He is coauthor of the Individuals With Disabilities Education Act, IDEA. For his efforts on behalf of disabled Americans, the National Multiple Sclerosis Society, NMSS, honored him as its "Senator of the year."

Senator JEFFORDS has been a promoter of the arts. He was a cofounder of the Congressional Arts Caucus, and not long ago as head of the Senate committee that oversees the National Endowment for the Arts, Senator JEFFORDS—yes, Senator JEFFORDS—was able to block a House effort to abolish the NEA.

Senator JEFFORDS has been one of the Senate's biggest and best promoters of education. I have read some criticisms of Senator JEFFORDS for his continuous efforts to seek more and more funding for educational programs for America's youth, America's young people, especially special educational programs. He has even been accused of "bartering his vote" on legislation for his own pet educational projects. I think this was probably meant as a criticism. If it were, I am sure that it is a criticism that Senator JEFFORDS wears with pride.

I don't think there is anything more important to Senator JEFFORDS than seeing that all of America's children have every opportunity to fulfill their educational pursuits. For this, he certainly has my respect and my admiration. I applaud him. Yes, I applaud Senator JEFFORDS.

Throughout his congressional career, Senator JEFFORDS, son of a Chief Justice of the Vermont Supreme Court and graduate of Yale University and Harvard Law School, has always displayed an independence of spirit, an independence of spirit for which he has been labeled a loose cannon. Knowing Senator JEFFORDS as I do, I know that his independence stems from an unrelenting determination to place doing the right thing above political or personal interest.

While in the House of Representatives, Senator JEFFORDS was the only Republican to vote against President Reagan's tax cut bill because he charged it would increase the national deficit. And it did. In the Senate, he was one of two Republicans who voted against President Bush's first round of tax cuts because those cuts were irresponsible and favored the wealthy. Senator JEFFORDS was the only Republican Senator to cosponsor President Clinton's effort to overhaul our national health care system.

I remember Senator JEFFORDS for being one of only 23 Senators who voted against going to war in Iraq. I have been in this Senate 48 years this year. I have cast 17,752 rollcall votes. I will say it again, 17,752 rollcall votes. And of all these votes—I have said it before—I am most proud of that particular vote, the vote against that arrogant and reckless charge to war in Iraq.

The Constitution says Congress shall have the power to declare war. It does not say that "one person," it does not say that the President of the United States, be he Republican or Democrat, shall have the power to declare war.

So, 23 Senators, including ROBERT BYRD and JIM JEFFORDS, voted to uphold the Constitution of the United States. That was the greatest vote ever cast in my 48 years in the Senate. If we only had more Senators with the courage, the determination and the character of JIM JEFFORDS, we might have avoided becoming involved in the bloody mess in which we now find ourselves in Iraq—with no end in sight. The Senate needs more JIM JEFFORDS.

In September 2000, Congressional Quarterly included a nice profile of Senator JEFFORDS. That article discussed his willingness to take independent positions even on the most partisan issues. It also discussed his black belt in the martial arts and how he had joined with other esteemed colleagues—SENATORS LOTT, CRAIG, and Ashcroft—to form that magnificent vocal group "The Singing Senators." Congressional Quarterly pointed out that Senator JEFFORDS "calls his own tunes," and I say he does. He calls his own tunes.

Eight months later, CQ proved prophetic. In May 2001 came an event for which Senator JEFFORDS will often be remembered in his 32 years in Congress, the event that he has called his own personal "declaration of independence." He followed his conscience and followed the path best for him. As I said before, we need more Senators like JIM JEFFORDS.

I am sorry to have to say goodbye to this unassuming, fiercely independent man. As much as I would prefer that he stay, I understand and I respect his wishes.

I wish Senator JEFFORDS and his lovely wife Elizabeth the blessing of Almighty God as they begin the next chapter of their lives.

The PRESIDING OFFICER. The Senator from Minnesota.

MARK DAYTON

Mr. COLEMAN. Mr. President, I see my colleague from Minnesota, Senator DAYTON. He will not be here in January, and I come to the Senate to associate myself with the praise of my distinguished colleague from West Virginia for Senator DAYTON.

We live in very partisan times. We live in times where there is great cynicism about politics. We come from opposite sides of the political aisle, and there are moments we are butting

heads on issues and press releases, but I have to say my colleague's heart is pure. On issue after issue, when MARK DAYTON, the Senator from Minnesota, says something, he says it because he believes it and he is passionate about it.

We worked together to try to make sure our troops, when they were on leave from Iraq, came home at no cost. We came together.

Earlier today, we were in the Senate talking about agricultural disaster assistance for Minnesota farmers. The public does not see all the times we work together. They do not look into a man's heart. I have been here 4 years, and what I call the pureness of the heart, the commitment to public service, a lifelong commitment to public service, again and again at level after level on the State and now in the U.S. Congress is something to be celebrated.

I express to my colleague and my friend—and we use that word rather loosely on occasion here, but he is my colleague and my friend—thanks for your service. Thank you for giving me the opportunity to work with you on behalf of the people of Minnesota and the people of this country.

Mr. DAYTON. Mr. President, I ask unanimous consent I might have 1 minute to respond.

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

Mr. DAYTON. Mr. President, I thank my friend, and I mean that sincerely, and my very distinguished colleague from Minnesota for those very kind words.

The Senator said we don't agree on everything, but we are not meant to agree on everything. That is part of the wisdom of the process here.

I have endless respect for the Senator from Minnesota. He was elected to the Senate by the people of our State under very difficult circumstances in the immediate aftermath of the tragic death of his predecessor. He handled that situation with great dignity and class, and he has continued to do so.

He represents our State with effectiveness, success beyond his young years. That is demonstrated by the high regard he is held in by most of the citizens in our State.

I thank him for his friendship. I thank him for the opportunity to work with him. I wish him continued success after I leave the Senate.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Parliamentary inquiry: I think I have the next 45 minutes under the unanimous consent.

The PRESIDING OFFICER. The Senator is authorized to proceed.

BILL FRIST

Mr. ENZI. Mr. President, soon the last remaining items of business on the legislative calendar for the 109th Congress will be taken up and the current session of Congress will end. When it does, several of our colleagues will be returning home and leaving public service. We will miss them and we will especially miss the good ideas and creative spirit they brought with them to add to our work here in the Senate.

One of our colleagues we will all miss is BILL FRIST, our good friend from Tennessee. In his two terms of service he has compiled quite a remarkable record of accomplishments as one of Tennessee's Senators and as majority leader here in the Senate.

BILL's interest in serving in the Senate began while he was attending Princeton as an undergraduate. He was an intern in the House when Representative Ewins of his home State encouraged him to run. But, before you do, he said, do something else for 20 years or so. Then you will be ready to run for office.

He knew that was good advice so he began a career that interested him and challenged him as much as politics did. BILL FRIST became a surgeon and established a reputation as one of the best transplant surgeons in the Nation.

We were fortunate that he chose that path in life, because his in depth knowledge of the practice of medicine and our Nation's health care system has been an invaluable addition to the debates we have had on those issues. His familiarity with health care from the perspective of the physician and his concern about rising costs as a member of the Senate helped to guide our efforts as we took up these and other matters in committee and on the Senate floor.

In the years he has served in the Senate, he has put his medical skills to practical use several times. When a gun battle had taken the lives of two Capitol Police officers, he went to the scene to help. Although he was unable to save the lives of either officer, he was ultimately successful in saving the life of their assailant. On another occasion, we were fortunate to have him with us when Strom Thurmond collapsed on the Senate floor and needed assistance. Finally, he was able to revive and save the life of one of his own constituents who had been the victim of a heart attack.

Many of our constituents remember BILL FRIST the days in 2001, when the Senate was attacked with anthrax. Once again, BILL FRIST was there to provide support and encouragement, and in that calm, reassuring manner of his, let the Nation know that we were doing everything we could to minimize the present danger and return the Senate to our normal pattern of work as soon as possible. The anthrax attack was a challenge that had never been faced before in the Congress, and BILL FRIST showed his credentials as a leader during that difficult time for us all.

During his service in the Senate, BILL has taken an active role in the consideration of a great many thorny and complicated issues that regularly come before the Senate. We were fortunate to have a doctor as our leader because, on many occasions, it was only BILL's bedside manner that helped him to forge agreements and develop bipartisan agreements on the Senate floor.

Looking back, the record will show that one of BILL's greatest successes was the Medicare drug benefit. This new addition to the Medicare program

is helping seniors to pay for their prescription drugs and it is having a great impact on the quality of the health care we provide our Nation's seniors. Although it is still going through its initial stages as it is introduced to the public, and we are working to ensure people understand the benefits it provides them, there is no doubt that we wouldn't have had a prescription drug benefit program enacted into law at all—if not for the role BILL FRIST played in the effort. Working with program opponents and organizations in the public sector that opposed the new program, BILL was able to resolve many of the doubts and uncertainties that surrounded it, and ultimately, get it enacted by the Congress and signed into law.

In addition, and in what was perhaps his biggest achievement, BILL led a successful effort to pass an initiative to fight AIDS in Africa and the Caribbean. He had a heartfelt interest in the legislation and firsthand knowledge of the problem it was designed to address because he had done volunteer medical work for many years in Africa. His witness of the impact of the disease on the population of that country inspired him to do everything he could to address and try to put an end to the suffering it caused. Bill can be very proud of the great result he achieved in that effort. That initiative is his legacy and it will save more lives over the years than we will ever be able to count.

The record is clear. During BILL FRIST's service in the Senate, especially his years as majority leader, the Senate and the Nation have faced challenges and addressed issues we had never had to deal with before. The war on terror, the detention of terrorists, the quality and definition of life, the future of our Nation's school system, partial birth abortion, stem cell research and so many more controversial issues have found their way onto the Senate floor for our consideration.

Through it all, BILL FRIST's knowledge, deep understanding of the issues involved, and determination to develop a consensus on them, so typical of his leadership style, enabled the Senate to be a pro-active and fully involved deliberative body. The results he achieved during his years of service in the Senate will be his legacy and help provide the foundation for the work we will do together during the 110th Session of Congress.

Now BILL and his wife Karyn will have the time they have always wanted to spend with their children as BILL considers his next opportunity for public service. BILL FRIST has been a major part of our day to day routine in the Senate for 12 years and we will miss his presence, his influence on our legislative routine, and his expertise on the issues we have considered on the floor.

PAUL SARBANES

Mr. President, there is always an element of sadness that touches us all when we come to the end of a session of Congress. As the clock winds down on the final hours of our legislative activities, it also signals the time when several of our colleagues will be retiring and ending their years of service in the U.S. Senate. One of our colleagues who will be leaving at the end of this session is my good friend PAUL SARBANES of Maryland.

I remember when I first came to Washington years ago. I wanted my staff and I to hit the ground running, so I was reading up on the people who would be my colleagues in the Senate. One name caught my eye—PAUL SARBANES. It was noted that PAUL was a brilliant man who was one of the Senate's most noted authorities on the detached nuances of finance.

As the Senate's only accountant I found that comment to be a badge of honor. I knew PAUL must be wearing it with great pride. I knew I would. I took an instant liking to him.

Through the years PAUL and I served on the Banking Committee together. Our 8 years of service there gave me an opportunity to come to know him and appreciate his skills as a legislator. He has a great ability to solve complicated problems by piecing together workable solutions and then reaching out to his colleagues on both sides of the aisle to forge an agreement that could be passed and signed into law.

As I came to know him, I came to greatly respect him, the hard work he puts into his job every day of the year, and his commitment to serve his constituents which directed his every effort on the Senate floor.

A few years ago I had the chance to work with him one on one as we crafted the provisions of what came to be known as the Sarbanes-Oxley legislation. We became good friends during the process and developed a mutual respect for each other's positions on the issues.

That was back during the days when several scandals had rocked the accounting and financial industries of our country. Determined to find a solution, PAUL rolled up his sleeves and went to work. I don't think anyone gave him much of a chance to succeed, but those were people who didn't know him or his determination to find a way to solve a problem once it had captured his attention.

As he began to work on his bill, he knew he wouldn't be able to pass it without the help of some Senate Republicans. On the other side of the aisle, we knew we couldn't get anything through the Senate without the support of several Senate Democrats. So PAUL reached across the aisle and got us all to work together to bring his bill to the Senate floor where it was ultimately passed and signed into law.

As he worked for the people of Maryland and I worked for the people of my State, we found, despite our political

and philosophical differences, we were always able to find common ground on the 80 percent of every issue that unites us. That is why PAUL has a well earned reputation here in the Senate for his willingness to work out problems for the greater good. He is known for his ability to navigate through partisan waters and arrive at solutions which are appreciated by the thoughtful majorities of both sides of the Senate. If you ask me, those are the abilities that have proven to be the secret of his success.

Back home, his constituents appreciate his workhorse style. He has served Maryland in the Senate for almost three decades and through it all he has earned the support of the people back home for his hard work and determined effort to make their lives better. The issues that were important to the people who sent him here always led PAUL to the Senate floor to take up the cause and do everything he possibly could to protect and promote the interests of those who were counting on him to get results. Needless to say—more often than not—he did.

Now three decades of service in the Senate have come to an end and PAUL is returning home to Maryland. I know we will all miss his ingenuity, his creativity, and his ability to focus our efforts and lead on both local and national issues. It is a well known adage that all politics is local and that is a lesson that PAUL learned and practiced as a master craftsman.

Now he and Christine will have time to enjoy their families together, and be a part of all that Maryland has to offer. I have a hunch he will not be slowing down so much as changing direction. I also expect I will continue to hear from him from time to time on matters that will still draw his interest.

It is a phone call expect and look forward to receiving in the years to come.

JIM JEFFORDS

Mr. President, as the session draws to a close and we complete the consideration of the bills before us by casting our final votes of the session, I rise to express my gratitude and best wishes to one of our colleagues who will be retiring when the final gavel brings to a close the current session of Congress.

JIM JEFFORDS, my good friend from Vermont, has decided to return home so that he can spend more time with his family. Although I will miss him, as will we all, I understand the reasons for his departure. There is nothing more important than family and the bonds between us and our children—and grandchildren—are stronger than any other in our life.

As the Chairman of the Health, Education, Labor and Pensions Committee, I will miss JIM's 'good ideas, his commitment to making a difference, and his strong determination to make our education and health care systems operate more effectively and efficiently. He was an important presence on the Committee and he and his staff were always willing to work long and hard

on the initiatives they proposed to help make our Nation a better place for us all to live.

Looking back, 1974 was a good year for both JIM and me. I was elected to my first term as Mayor of Gillette, WY, and JIM was elected to his first term in the House of Representatives. We both took office full of great hopes and dreams as we looked forward to doing everything we could to make a difference in the lives of the people we were elected to serve.

From the beginning, JIM was very clear on his mission in Congress. He had come here to make sure that our most precious resource—our children—were well taken care of. For JIM, the issue of education was not something he took lightly. It was a commitment that came from his heart. He took the problems of our schools personally and he was determined to do something about them. He wanted everyone to have the same advantages in life that he had. That was his goal and it inspired him and drove his active involvement in the consideration of the education issues that would come before the House and the Senate.

JIM's passion for education not only drove his work on the subject in Congress, but it also led him in the years to come to serve as a tutor at a public school on Capitol Hill each week as part of a literacy program he created. That program reaches out to involve us all in supporting our public schools. Its philosophy is simple. Anyone can make a difference in our schools. All it takes is a little investment of our time and a willingness to share our talents with the students of a local school.

Not long after JIM had taken his oath of office in the House, he began working on what was to be one of his greatest successes, the Individuals with Disabilities Education Act, or IDEA as it has come to be known. Over the years IDEA has ensured that students with disabilities have equal access to a good education—and a promising future. Thanks to this landmark legislation those living with disabilities will receive the education, support and encouragement we all need to help us become all we can be and reach our full potential in our lives.

As he served in the House, JIM's commitment to working today to make things better for us all tomorrow led him to fight for meaningful environmental protections, a more effective and responsive health care system, and a sound fiscal budget that didn't overspend our present resources and leave a bill behind for future generations to pay.

That is the philosophy that directed and guided JIM when he ran for and won a seat in the Senate in 1988. It wasn't long after he had taken the oath of office for his new position that he began working on the reauthorization of the Clean Air Act—another part of his legislative passion that will continue to be a key part of his legacy in the Senate. Even though he had just

begun his service in the Senate at the time, his good ideas and commitment to the protection and preservation of our natural resources made him an important part of the team that would write and promote this important bill.

No one was surprised that JIM was a key Member who was involved in so many difficult and important projects as soon as he arrived in the Senate. He preceded me as Chairman of the Health, Education, Labor and Pensions Committee and, under his leadership the committee took a close look at our schools and the quality of the education we provide our children. It considered how we might improve the training we provide our Nation's workers so that they might find and keep better and better jobs. And, it continued to look for ways that we might provide support and empower those living with disabilities so that all Americans are able to maximize their potential and live their own version of the American dream.

Back home, JIM has deep roots in his State that date back for generations. His father was a Chief Justice of the Vermont Supreme Court and I am sure he learned a great deal about politics, life and the law from his Dad.

In addition, coming from Vermont, JIM has a great understanding of the challenges faced by small and rural States and the local industries they depend on to keep local and State economies healthy and strong. It has been said that JIM knows as much about the dairy industry as anyone directly involved in it in his State. He knows firsthand that one size fits all solutions that work well for the big States, all too often penalize the smaller ones and leave them without the support they need to address the same problems the large states face.

In the years to come, when I think of JIM I will remember how he shared his dream of a better America with us. By daring us to dream, too, he encouraged us to work together so that the future

would be a brighter one for us, our children and our grandchildren.

There is an old saying the Native Americans in Wyoming know well. We have not inherited the earth from our ancestors, we are borrowing it from our children. It's a philosophy that JIM took to heart and put into practice every day during his many years of public service.

Mr. ENZI. I ask unanimous consent following my remarks and Senator DAYTON for 20 minutes, Senator HATCH be recognized to speak for up to 15 minutes.

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

HIV/AIDS TREATMENT

Mr. ENZI. Earlier this afternoon, there were comments made in the Senate by the Senator from New York, Mrs. CLINTON. Some of those comments distressed me a little bit. We have been trying to get the Ryan White Care Act, which passed out of committee and passed on the House floor, to pass in the Senate. This is one of those rare bipartisan, bicameral bills. We worked it out in advance with the House so the bill the House passed is essentially the bill we passed out of committee. It is a modernization act that would ensure equitable distribution of funds for HIV/AIDS treatment in the United States.

I am compelled to discuss some of the points that the Senator from New York made today about the Ryan White Care Act and our bipartisan bicameral legislation. I will talk about each of her claims in turn.

Senator CLINTON claimed that when you look at the funding for the whole bill, New York is not receiving the most funds per case. I don't doubt those figures. However, those are deceptive numbers. As an accountant, I have to point that out. They are deceptive for two reasons. First, her statement dealt only with funds per AIDS case. We have been talking about in-

cluding HIV cases as well. Why would she neglect to include HIV? I assume it is because 25 States have 50 percent of their HIV/AIDS cases not being counted today because those individuals have HIV, which has not progressed to AIDS.

Please note that all of my numbers have included both HIV and AIDS. We must include HIV in the funding formulas. Before, including only AIDS made sense because we were just waiting for people to die. Now, we have life-saving treatment for those with HIV; therefore, we must count each person who can receive lifesaving care.

Additionally, Senator CLINTON is looking at more than just the formula funding. Her figures include funding for community health centers, health care providers, providers who reach out to women and children. Thus, her figures include a lot of extra funding that is not at the heart of the debate.

If Senator CLINTON wants to rely on these numbers, numbers outside of the formulas, then she can do so under the current bill. She can trust that the other portions of the CARE Act will assist those who she is saying are being harmed by the bill.

As for her claim that her State has not spent Ryan White funds for things such as dog-walking, I will note that the Senator from Oklahoma provided information for the record regarding that.

Now, Senator CLINTON further claims that New York only carried over \$3 million. Well, I find that surprising, given that New York, on the average, has carried over \$29 million.

Mr. President, I ask unanimous consent to have printed in the RECORD a document from the Health Resources and Services Administration documenting the funds carried over for New York.

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