

by a broken heart. Ira Hayes is one such man. He was a Pima Indian from the Gila River Indian Reservation in Arizona. He eventually died a broken man, a victim of alcoholism and despair but to me will forever be known as an American hero who will forever be known as one of the Marines who raised the American flag with five others atop Mount Suribachi after taking the island of Iwo Jima from the Japanese.

Indian people have special admiration and respect for our veterans. They pray for ones still in battle, alongside their fellow Americans, so that they can have a safe journey back to their loving homes and families. They pray for the ones who have fought, and now, continue their journey through life's struggles.

I urge my colleagues to join me in supporting this resolution.

SENATE RESOLUTION 240—DESIGNATING NOVEMBER 2003 AS “NATIONAL AMERICAN INDIAN HERITAGE MONTH”

Mr. CAMPBELL (for himself, Mr. INOUE, Mr. DORGAN, Mr. BINGAMAN, Mr. JOHNSON, Mr. DOMENICI, Mr. MCCAIN, Mr. THOMAS, and Mr. HATCH) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 240

Whereas American Indians and Alaska Natives were the original inhabitants of the land that now constitutes the United States;

Whereas American Indians and Alaska Natives have traditionally exhibited a respect for the finiteness of natural resources through a reverence for the Earth;

Whereas American Indians and Alaska Natives have served with valor in all of the wars of the United States, beginning with the Revolutionary War and continuing through the conflict in Iraq, and the percentage of Native Americans serving in the United States armed services has significantly exceeded the percentage of Native people in the population of the United States as a whole;

Whereas American Indians and Alaska Natives have made distinct and important contributions to the world in many fields, including agriculture, medicine, music, language, and the arts;

Whereas American Indians and Alaska Natives should be recognized for their contributions to the United States, including as local and national leaders, artists, athletes, and scholars;

Whereas such recognition will encourage self-esteem, pride, and self-awareness in American Indians and Alaska Natives of all ages; and

Whereas November is a month during which many Americans commemorate a special time in the history of the United States, when American Indians and English settlers celebrated the bounty of their harvest and the promise of new kinships: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates November 2003 as “National American Indian Heritage Month”; and

(2) requests that the President issue a proclamation calling on the Federal Government and State and local governments, interested groups and organizations, and the

people of the United States to observe the month with appropriate programs, ceremonies, and activities.

Mr. CAMPBELL. Mr. President, today I am pleased to be joined by Senators INOUE, DORGAN, BINGAMAN, JOHNSON, DOMENICI, MCCAIN, THOMAS and HATCH in submitting a resolution to recognize the many contributions American Indians and Alaska Natives have made to our great Nation and to designate November, 2003, as “National American Indian Heritage Month” as Congress has done for nearly a decade.

Native people have left an indelible imprint on many aspects of our everyday life that most Americans take for granted. The arts, education, science, the armed forces, medicine, industry, and government are a few of the areas that have been influenced by American Indian and Alaska Native people over the last 500 years.

In the medical field, many of the healing remedies that we use today derive from practices used first by Native people hundreds of years before we incorporated them into western medicine.

Native people revere the natural environment, have great respect for elders and veterans, and cherish the family which is the center of Indian life and culture. These values are deeply rooted, strongly embraced and thrive with generation after generation of Native people.

From the difficult days of Valley Forge through our peace keeping efforts around the world today, American Indian and Alaska Native people have proudly served and dedicated their lives in the military readiness and defense of our country in wartime and in peace. It is a fact that on a per capita basis, Native participation rate in the armed Forces outstrips the rates of all other groups in the Nation.

Many Native men and women have made the ultimate sacrifice in defending the Nation, some before they were granted citizenship in 1924.

Many of the words in our language have been borrowed from Native languages, including many of the names of the rivers, cities, and States across America. Indian arts and crafts have also made a distinct impression on our heritage.

By designating November 2003, as “National American Indian Heritage Month” we will continue to encourage self-esteem, pride, and self-awareness among American Indians and Alaska Natives of all ages and remind all Americans of the contributions of the Native people of this great land.

SENATE RESOLUTION 241—EXPRESSING THE SENSE OF THE SENATE REGARDING THE PALESTINIAN AUTHORITY

Mr. GRAHAM of South Carolina submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 241

Whereas the Palestinian people have a right to live in peace with the Israeli people in a free and independent Palestinian state;

Whereas the leadership of both these peoples must be committed to moving the peace process forward;

Whereas violence undermines the establishment of a free and independent Palestinian state;

Whereas violence in Israel and the occupied territories effects the stability of the entire region;

Whereas Yasser Arafat has taken insufficient action as Chairman of the Palestinian Authority to reduce violence and terrorist acts;

Whereas Chairman Arafat has established ties to those responsible for the violence;

Whereas high level officials in Chairman Arafat's administration and Chairman Arafat himself have illegally imported weapons and, according to the Department of State, sponsored a ship bringing more than 50 tons of weapons, including rockets, explosives, and assault rifles, to the Palestinian Authority;

Whereas Chairman Arafat's administration is demonstrably corrupt, as proven by the findings of the International Monetary Fund with respect to the actions of Chairman Arafat to redirect \$900,000,000 in government revenue to private bank accounts between 1995 and 2000;

Whereas the Palestinian Authority supports Hamas, an organization that is committed to the destruction of the state of Israel, and which threatens in its Covenant that “Israel will exist and will continue to exist until Islam will obliterate it, just as it obliterated others before it”;

Whereas the Palestinian Authority has supported Hamas and Islamic Jihad;

Whereas Chairman Arafat consistently refuses to accept a two-state solution to the violence between Israelis and Palestinians;

Whereas the Palestinian people need a strong leader capable of controlling militant groups; and

Whereas the Palestinian people need a strong leader committed to negotiating a peace for them and their neighbors: Now, therefore, be it

*Resolved*, That it is the sense of the Senate that—

(1) Chairman Yasser Arafat is not an agent for peace, and the United States should not continue dialogue with Chairman Arafat regarding the establishment of a peace between Israelis and Palestinians; and

(2) the United States should consider reducing future financial assistance to the Palestinian Authority if the Palestinian Authority continues to fail to control groups like Hamas and Islamic Jihad whose goal is to destroy both Israel and the peace process.

SENATE RESOLUTION 242—TO EXPRESS THE SENSE OF THE SENATE CONCERNING THE DO-NOT-CALL REGISTRY

Ms. MURKOWSKI submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 242

Whereas on September 25, 2003, the United States District Court for the District of Colorado decided the case of Mainstream Marketing Services, Inc. v. Federal Trade Commission, 2003 U.S. Dist. LEXIS 16807;

Whereas the case considered the constitutionality of the amended telemarketing sales rules promulgated by the Federal Trade Commission, which established a do-not-call registry;

Whereas the district judge held that the do-not-call registry violated the First Amendment free speech rights of telemarketers and was therefore unconstitutional;

Whereas on September 25, 2003, Congress passed legislation reaffirming the authority of the Federal Trade Commission to establish the do-not-call registry;

Whereas over 50,000,000 telephone consumers have signed up for the do-not-call registry, which was to go into effect on October 1, 2003; and

Whereas the people of the United States have the right to protect the privacy of their homes from unsolicited commercial telemarketing calls: Now, therefore, be it

*Resolved*, That the Senate—

(1) strongly disapproves of the decision of the United States District Court in *Mainstream Marketing Services, Inc. v. Federal Trade Commission*; and

(2) directs the Senate Legal Counsel—

(A) to intervene in any case brought to defend the constitutionality of the do-not-call registry; or

(B) if unable to intervene, to file an amicus curiae brief in support of the constitutionality of the do-not-call registry.

Ms. MURKOWSKI. Mr. President, I come to the floor today to address yet another misguided judicial action that is threatening again to prevent the “Do-Not-Call Registry” from going into effect on Wednesday, October 1. This body just last week addressed the misguided application of the law from a Federal Court in Oklahoma.

Not 48 hours had passed before the lawyers for the telemarketers found another judge to halt the implementation of that program—this time on constitutional grounds.

The U.S. District Court for the District of Colorado in *Mainstream Marketing Services, Inc., et. al. v. Federal Trade Commission*, last Friday held that the FTC “Do-Not-Call Registry” violated the Right of Free Speech provisions of the United States Constitution.

How many times must this body speak before the courts will listen?

Americans are outraged that their right to privacy can be invaded every night while they try to eat dinner with their families. Our lives are busy enough throughout the day with work and school, after school activities and preparing for the next day. To have a little quiet time at dinner is not too much to ask, yet these telemarketing companies now feel it is their right to disturb our few moments of family solitude.

In the first case they brought against the regulations they argued lack of authority. Now they argue lack of constitutional support. What is next, lack of ability to abide by what the Administration, Congress and the American people are clamoring for?

Those who seek to stop the implementation of this program assert they are protected by a right of free speech. Therein lies the problem.

The commercial speech that the telemarketers seek to preserve is not held to the same standard under the First Amendment as individual right of speech. Further, the FTC regulations

are not arbitrary and capricious because the FTC considered the comments of thousands of people and clearly made findings justifying their regulations.

Now, Congress has subsequently acted to establish in law the authority for the FTC to say that telemarketers do not enjoy a free rein into our homes by using the telephone.

I say it is the people who have the right to decide they do not want to be hounded by telemarketers and those who would interrupt the sanctity of their homes.

The U.S. Supreme Court has found that one aspect of residential privacy is the right to avoid unwanted communications. The Supreme Court also has repeatedly held that individuals are not required to welcome unwanted speech into their homes and that the government may protect this freedom.

The entire purpose of the FTC’s “Do No Call Registry” program is to allow Americans to opt-out of receiving these annoying phone calls. In my judgment the court’s decision to stop this program tilts our privacy rights out of balance in favor of these telemarketing companies.

As we heard repeatedly on the Senate floor last week, in just the few short months since the FTC adopted these rules nearly 50 million people have registered to stop these harassing phone calls.

Alaskans were looking forward to the implementation of this FTC rule to give them the peace and quiet they have sought for so long. We need this FTC rule to protect our citizens and their privacy.

Americans and Congress have spoken. People do not like to be disturbed by unwanted and harassing phone calls from people selling products over the phone. The Administration listened to the cries of Americans. Congress listened to the cries of Americans. Now the courts must respect the choice of the people by allowing this rule to go into effect.

Unfortunately, the most recent court opinion on this issue shows yet again that the justice system in America is broken and badly in need of repair.

The resolution that I submit today is different from what the Senate voted on last week. This resolution states that it is the sense of the United States Senate that the court’s judgment in this most recent case was in error.

The Resolution further authorizes the Senate Legal Counsel to intervene in this most recent case to assert the constitutionality of the “Do-Not-Call Registry,” or if it is unable to intervene, to file an amicus curiae brief in support of the constitutionality of the do-not-call registry.

Once again I ask this body: How many times must we speak before the courts will let this rule go into effect? Hopefully the courts will pay attention today.

I am proud to submit this resolution and I hope this body will act quickly

on this measure to send yet another message to our courts that the privacy of our homes cannot be invaded.

SENATE CONCURRENT RESOLUTION 72—COMMEMORATING THE 60TH ANNIVERSARY OF THE ESTABLISHMENT OF THE UNITED STATES CADET NURSE CORPS AND VOICING THE APPRECIATION OF CONGRESS REGARDING THE SERVICE OF THE MEMBERS OF THE UNITED STATES CADET NURSE CORPS DURING WORLD WAR II

Mr. DASCHLE submitted the following concurrent resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. CON. RES. 72

Whereas the United States experienced an extreme shortage of nurses and medical personnel during World War II, and this shortage was filled in part by the 180,000 women of the United States Cadet Nurse Corps;

Whereas the United States Cadet Nurse Corps was under the jurisdiction of the Public Health Service, a branch of the uniformed services of the United States;

Whereas the United States Cadet Nurse Corps was established pursuant to the Act of June 15, 1943 (Chapter 126; 57 Stat. 153), commonly known as the Bolton Act in honor of Congresswoman Frances Payne Bolton who introduced the legislation;

Whereas the members of the United States Cadet Nurse Corps were required to undergo training that involved 12-hour days in hospitals followed by classes, with specific standards for admission into the Corps;

Whereas the members of the United States Cadet Nurse Corps made a pledge upon entrance into their post to be available for military, governmental, or essential civilian services for the duration of World War II;

Whereas the members of the United States Cadet Nurse Corps wore uniforms with patches certified by the Secretary of the Army and served under the authority of commissioned officers;

Whereas members of the United States Cadet Nurse Corps were charged with the reception of sick and wounded members of the Armed Forces and performed other duties in promotion of the public interest in connection with military operations;

Whereas the United States Cadet Nurse Corps was responsible for saving civilian hospital nursing services by providing 80 percent of the nursing staff for civilian hospitals during World War II;

Whereas some members of the United States Cadet Nurse Corps left their families and served all across the Nation in various hospitals, occasionally substituting for doctors; and

Whereas the United States Cadet Nurse Corps remains unrecognized as a military organization and its members remain unrecognized as veterans of the United States Army: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring)*, That Congress—

(1) recognizes the members of the United States Cadet Nurse Corps for their patriotism and civic activism in a time of emergency during World War II; and

(2) honors the 60th Anniversary of the creation of the United States Cadet Nurse Corps.

Mr. DASCHLE. Mr. President, today I am submitting a concurrent resolution to honor a special group of women