

The Senate has a renewed responsibility to do better. Each State's constitutional right to determine medical practice exists whether the Congress agrees or disagrees—to put it bluntly, whether Congress likes it or not. Congress cannot only respect the principle of States rights when it thinks the State is right. In the same way, the checks and balances the Founding Fathers set among the executive, legislative, and judicial branches, those powers are not up for negotiation because they produce an outcome that is unacceptable to some Americans. Before acting, the Senate ought to consider the very nature of federalism that has brought and held our States together for more than two centuries. Then the Congress should think carefully about whether it makes sense to tear down a basic pillar of our national contract.

This body writes Federal laws. If the Senate does not like the effect of a Federal law, our prerogative is to change it. But it is not the Senate's prerogative to play constitutional chicken when matters happen outside of our jurisdiction. That is true no matter how strong our personal passions may be.

I have fought for the rights of my State and its voters to decide the issue of physician-assisted suicide at home in Oregon. As I make this point, I want to point out that I voted twice against this law as an individual citizen. On two occasions, I cast my personal ballot against legalizing assisted suicide in my State. In addition, I voted against Federal funding of assisted suicide as a Member of this body. But the people of my State have spoken on an issue they have a right to decide at home in Oregon. As I have said in this body, I intend to defend their right to make that decision in every way I can.

In the case of Ms. Schiavo, I believe that Floridians, through their representatives in the State legislature, deserve the same leeway to decide such medical matters for themselves. When Congress ignored the fact that Florida's legislature was still working on the case and ignored the right of the State courts to rule, it sought to weaken Florida's rights, Oregon's rights, and the rights of every State in our Nation. Any legislation this body passes now should not pose the same constitutional threat. The legislation I have outlined today will not, and I will oppose any legislation that does so again.

It is an imperfect process even for States to rule on medical matters. End-of-life issues are about the heart and the head, about our personal morals as well as the law. Letting States decide is the rule of the Constitution I have sworn to uphold, and I intend to stand up for that principle. It is a critically important principle that the Senate stand for. And it is a principle that ought to dictate our actions before any legislation comes to a vote on the floor. In hearings this week—and in any part of the legislative process—there are responsibilities to fulfill be-

fore the Senate acts or there is a risk of gravely irresponsible legislation.

The Senate should ask: Does any legislation on end of life meet key tests? Does it clarify and expand and ensure the choices that individuals and families can make? Does it aid in the honoring of those wishes once expressed, whether those wishes are to have life sustained or unwanted treatments withheld? Does it protect the rights of those in the disability community and those who are incapacitated, particularly when they have not had the opportunity to make their wishes known? Does it speak to more than the political debates of the moment and truly take in hand the basic issues at the end of life? Does it contribute to less pain, better care, and more peace for those at the end of life? Does it fully meet the responsibility of the Senate without usurping the constitutional role of the States and the judiciary? And finally, does it meet the obligations of the Senate to the American people without extending our reach into their personal lives?

The Senate has an obligation to learn from the events of the last 2 weeks. Before acting, let us think. The Senate has been called the world's greatest deliberative body. Let us now be more deliberative as we dare to approach issues that are more intimate and more personal than any others we could discuss.

The truth is, Americans' end-of-life choices should not be made by strangers in the Congress, pushed by the passion of one case or the political priorities that press on every side. Americans are going to continue to wrestle with end-of-life care for themselves and their loved ones for as long as breath is drawn on this soil. Americans will bring all they have to bear ethically, morally, and spiritually to make the best decisions for themselves and to honor the decisions of their loved ones. The Senate must equal their effort and do its duty with honor for those at the end of life.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Florida.

Mr. NELSON of Florida. Mr. President, what is the parliamentary procedure we are in at the moment?

The ACTING PRESIDENT pro tempore. The Senator from Florida should know that we are in morning business and there is a 10-minute limit on the Senator's remarks.

#### USS "JOHN F. KENNEDY"

Mr. NELSON of Florida. Mr. President, I want to inform the Senate I am introducing a bill today that I will offer as an amendment to the supplemental funding bill for defense which is supposed to come out of the Appropriations Committee this week and will be coming then more than likely to the floor next week. This supplemental appropriations bill is a must-pass bill because it contains the funding for additional expenses on the war in Iraq. As

such, it becomes a vehicle through which I can try to attach an amendment that would have a significant policy effect upon our defense posture.

It is no secret that a number of us have joined in opposing the Pentagon's plans to scrap one of our 12 aircraft carriers. The aircraft carrier they have selected is the *John F. Kennedy*, which is home ported at Mayport Naval Station, which is in Jacksonville, FL. Naturally, I speak for the interests of Jacksonville and the State of Florida, but I speak with a much larger vision about the defense interests of our country.

For example, if the Pentagon, which I think has made a wrongheaded decision on budgetary reasons—they think it is going to save them a billion dollars when in fact it is not, but even so, if that were true, in the middle of a war is not the time for us to be reducing our ability to protect our forces around the world with these floating air fields that we call aircraft carriers. And we only have 12. The Pentagon is proposing to scrap one of the 12.

There is another reason. As a result of the announcement that was made by the Navy this past Friday night after business hours, the Navy is going through with the plans on the *Kennedy* by scrapping the plans for rehabbing it in dry dock. It is not a surprise, but it is a confirmation that it is the *John F. Kennedy* they are planning to axe. The significance of this from a defense posture is that it leaves all of our remaining carriers in the Atlantic fleet home ported in one port—Norfolk, VA.

The significance of that is in testimony in our Senate Armed Services Committee, over and over, four star admirals have come in front of us and said: Don't keep all of your carrier assets in one place. Spread them out.

It is no secret that when a terrorist is looking to do some damage of closing up a port, particularly a port that is upriver such as Norfolk, with some one or several carriers that could be in port, just sinking debris in the channel could close up the port. That is not the defense posture we want.

So there is no one who is in the uniformed military who thinks you should not spread your assets. As a matter of fact, on the west coast, on the Pacific fleet, we have three ports for aircraft carriers. The response is: If you are going to scrap the *Kennedy*, which is a conventional carrier, powered by oil, why not then take one of the nuclear carriers and put it down at Mayport Naval Station and you have achieved the same thing? That would be good, but it is going to take, according to testimony in the Armed Services Committee, a minimum of 5 to 7 years before that could happen because of the environmental impact statement that first has to be done and then, secondly, the reconfiguring of the docks and the other facilities to be able to handle a nuclear-powered carrier. The result of this is that for 5 to 7 years you do not have another home port for a nuclear

carrier on the east coast of the United States, and all of them are home-ported in one place. That is not the defense posture the United States should be in.

It is another thing to talk about the parochial interests, which I represent, of Jacksonville and Florida. That is certainly an economic hit because Jacksonville, even if they get a nuclear carrier—and by the way, 5 to 7 years down the road it is another administration and another Congress to make those decisions—but in the meantime, Jacksonville doesn't have a carrier for 5 to 7 years, with the economic hit that takes place and the Nation doesn't have its carrier assets spread on the Atlantic coast of this country. That is not a position we should have.

I am going to offer a compromise, since it seems that the Pentagon is absolutely intent on scrapping—they call it mothballing—this carrier. The compromise I am suggesting, and I talked to the Vice Chairman of the Joint Chiefs just moments ago, is since the Navy and the Pentagon have decided they are not going to rehab the *John F. Kennedy* in a dry dock and save that expense, but the *Kennedy* can remain operational for the next 3 to 4 to 5 years without being rehabbed in dry dock, let us keep our assets dispersed on the east coast until these decisions are made and the facilities are changed so we can spread our nuclear carrier assets.

That does another thing for the defense policy of this country. There is a question coming up in 2008, when the conventionally powered aircraft carrier *Kitty Hawk* is scheduled to be decommissioned. She is now home-ported in Japan because Japan, the Japanese Government, has had a policy of not accepting a nuclear carrier. What happens if by 2008 the Japanese Government does not change the policy and will not receive a nuclear carrier? Then we ought to have the *John F. Kennedy* kept alive in an operational status where it can fill that role and, over the course of the next 3 years coming up to 2008—and we are in 2005 right now—we will know the status.

From the standpoint of defense policy, No. 1, of spreading our carrier assets, the compromise I am offering makes sense. No. 2, from the standpoint of being able to respond quickly if we needed another conventionally powered carrier in Japan, we would have a backup conventional carrier in 2008 if the Japanese Government would not receive a nuclear carrier. And, No. 3, it would not disrupt the lives of all those Jacksonville families by suddenly abolishing one of our carriers and all of the 5,000 sailors and their families and perhaps other ships in the carrier battle group that would go away. It seems to me it is the prudent defense policy thing to do.

I know if I offer this, if it is not being considered in the Pentagon, that I am swimming upstream. But I think it is worth the fight, not only as a Senator

representing Florida but as a member of the Senate Armed Services Committee; it is a matter of protection, of the defense interests of this country.

Mr. President, I yield the floor. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CORNYN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. CORNYN. Mr. President, I ask unanimous consent that I be recognized to speak for up to 10 minutes, but then following my remarks that the Senator from Tennessee be recognized for any remarks he might have, and following the conclusion of his remarks that I might then be recognized at that time.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### HONORING POPE JOHN PAUL II

Mr. CORNYN. Mr. President, today we mourn the passing of a great man. In the long history of Roman Catholic Popes, John Paul II is among the greatest in championing human dignity. He also was a champion for the sanctity of human life and for the family and for working for the good of his Church. He is the kind of leader who only comes along once in a very great long time.

As the most traveled pontiff of all time, Pope John Paul personally delivered hope, encouragement, and inspiration to more people in more places than any other person in human history. And he was especially beloved by the youth, the future of our world, with whom he had a very special relationship.

Catholics and non-Catholics alike should feel fortunate to have had such a leader in our midst, a man who gave so much to humanity.

Undeterred, perhaps even driven a bit harder by an assassin's bullets, this devout man embarked on an exhausting journey over a quarter of a century to spread words of freedom, compassion, and justice. His mission seems to have been nothing less than redemption of the world. Surely, but for men such as this, the world would have long fallen into irreparable chaos and decline.

Elected Bishop of Rome on October 16, 1978, Pope John Paul II's faith and courage was forged and proven as a Polish priest standing up to the horrors of the Soviet Union. He took his stance at a time when dissidents were whisked away in the dark, never to be heard from again. Yet John Paul's perseverance eventually awakened the soul of a nation of secret believers who stood in candlelit solidarity to bring down an evil empire.

According to Harvard theologian George Williams, a Protestant who be-

friendied the Pope many years ago, he is an imposing man in physique, big in intellectual vision, who deeply enjoys people. In a most remarkable way, he is a man whose soul is at leisure with himself.

Only two Popes have served longer and none with more sustained vigor, clarity, or cheerfulness. Even after his step faltered and his voice began to waiver, he bore his infirmities with honor and humor. Although his body was failing, his indomitable spirit continued to touch the world and teach us about the strength and promise of the human heart.

This great Pope was loved by people of various religions and across ideological spectrums. Even many who disagreed with him respected his grand vision and his convictions. Having captured the world's attention and admiration by standing for our better angels for so long, Pope John Paul II will surely stand with President Ronald Reagan as one of the giants of our time.

Both men understood deeply where the hope of mankind lay—in faith, in courage, in liberty. On October 11, 2001, 1 month after the devastating terrorist attacks of 9/11, John Paul offered this prayer:

O God almighty and merciful, he who sows discord cannot understand You. He who loves violence cannot welcome You. Watch over us in our painful condition, tried by the brutal acts of terrorism and death. Comfort Your children and open our hearts to hope that in our time, we again may know serenity and peace.

I can only add my own amen to that prayer.

I yield the floor to Senator ALEXANDER under the terms of the previous order.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I thank the Senator from Texas. I join with him in his thoughts about Pope John Paul II and the thoughts of our other colleagues that have been expressed. He was a man of sincerity and great character. He traveled more than any other Pope. He traveled the United States more than any other Pope. He carried a message of peace. He carried a message of charity. He had a profound impact on the world and his native country of Poland. It can fairly be said that Poland would not have overthrown communism, at least not when it did, had it not been for Pope John Paul.

I remember in 1987, our family had lived in Australia for 6 months, three teenagers and a 7-year-old, and we came home from around the world in a little different way. We took a train from Moscow to Paris. This was before the Berlin Wall came down. All of us, our different ages in our family, remember how in Poland the churches were open and vibrant, they were active, and people were there. In Russia, they were museums. We thought about that. We think about that today as we