

to overcome current medical challenges involved in blood and tissue preservation.

Recent U.S. military actions have resulted in stationing troops in harsh climates and conditions, such as those experienced in Afghanistan. Current locations and missions require new capabilities in combat casualty care, and these capabilities would include stable blood products, organs, and wound repairing tissues that will enhance human survivability under conditions of trauma, shock, anoxia, and other extreme conditions, including extreme environment. The Department of Defense needs to develop tissues with a long shelf life to support combat casualty care. Research in this area could develop stress-tolerant biosystems or tissues that selectively control critical metabolic processes by exploiting an enhanced understanding of differential gene expression in bio-organisms and systems exposed to extreme environments.

Ms. LANDRIEU. The Senator from Maine is quite correct in her observation and assessment that medical treatment, and specifically combat casualty care, particularly in a time of war, should not be overlooked. Further, the Department of Defense must consider all initiatives that could provide our military physicians and medical staff the tools necessary to save the lives of men and women whose service to our Nation puts them at risk of severe injury.

Ms. COLLINS. I am hopeful that as our bill moves through floor consideration and conference with the House, we can work to ensure that this type of research is adequately funded within the Department of Defense.

There are many aspects to consider in taking care of our soldiers, sailors, airmen and marines who are sent into harm's way. In times like these, preserving the well-being of our men and men in uniform should be given the investment necessary to see that research like this gets to the field.

Ms. LANDRIEU. I thank the distinguished Senator from Maine for highlighting the critical nature of this research. I recognize her interest in this particular area and that this research clearly has potential for saving lives, both military and civilian. I look forward to working with her on this issue as the Fiscal Year 2003 National Defense Authorization bill moves forward.

Ms. COLLINS. I thank the distinguished chairman for her commitment to support investments in the well-being of a most precious national asset—our men and women in uniform. And I look forward to working with her on this important issue. The support of the chairman of the Emerging Threats and Capabilities Subcommittee will be critical, and welcomed, to see that leading edge medical research is not only explored, but deployed in the days ahead.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

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

MORNING BUSINESS

Mr. REID. It is my understanding the Senate is now in morning business; is that right?

The PRESIDING OFFICER. That is correct.

SUPREME COURT DECISION IN ATKINS V. VIRGINIA

Mr. BIDEN. Madam President, last week the Supreme Court ruled, in a case called *Atkins v. Virginia*, that the execution of mentally retarded persons violates the eighth amendment's prohibition of cruel and unusual punishment. The Court thereby reversed its 1989 holding in *Penry v. Lynaugh*, which it decided at a time when only two States with death penalty laws forbade the execution of the mentally retarded. In *Atkins*, the Court noted that in the 13 years following *Penry*, 16 additional States have enacted laws banning such executions. In addition, 12 States do not have the death penalty at all, meaning that a total of 30 States do not permit the execution of the mentally retarded. Therefore, the Court concluded that a "national consensus" has emerged against the execution of the mentally retarded. Because the Court interprets the eighth amendment in accordance with "evolving standards of decency that mark the progress of a maturing society," the Court concluded that the emergence of this national consensus rendered such executions unconstitutional.

I applaud the Supreme Court's decision. And I do so not from the perspective of one who opposes the death penalty in all its applications. Rather, I am a supporter of the death penalty. I believe that, when used appropriately, it is an effective crime-fighting tool and a deterrent. Indeed, I am the author of two major Federal crime laws that extended the availability of the death penalty. I authored the Anti-Drug Abuse Act of 1988, which extended the death penalty to drug kingpins. And I authored the Violent Crime Control and Law Enforcement Act of 1994, which extended the death penalty to roughly 60 crimes, including—just to name a few—terrorist homicides, murder of Federal law enforcement officers, large-scale drug trafficking, and sexual abuse resulting in death.

But I believe that when we apply this ultimate sanction—which is, of course, irrevocable—we must do so consistent with the values that we stand for as a nation and as a civilized people. We must be as reasonable, as fair, and as judicious as we possibly can be. And we

must ensure that we reserve the death penalty only for monstrous people who have committed monstrous acts. In short, we must apply the death penalty in a way that is worthy of us as Americans.

That is why I have led the fight to make sure that the Federal death penalty—which I strongly support—does not apply to the mentally retarded. Just as we would not execute a 12-year-old who commits a crime, even though that 12-year-old knows the difference between right and wrong, so we should not execute a mentally retarded person. To be mentally retarded is to be deprived of the ability to comport oneself in a normal way, not because of anything that one did, but because of an accident of birth. We all know families into which children are born who do not have a high enough intelligence quotient to justly and fairly measure their actions against every other person in society. I cannot imagine strapping in a chair someone with an I.Q. of less than 70, with the mental capacity of a 12-year-old—at most—and telling him that he must die for his crimes.

Let me be clear: I do not believe that a mentally retarded criminal is blameless. Far from it. A mentally retarded person, like a child, may well know the difference between right and wrong, and may be able to control his actions. Therefore, I must be clear about one further point. This is not about choosing between executing mentally retarded criminals or letting them roam the streets. That is a false choice. Under the Federal laws that I have authored, as well as under State statutes, we provide for every possible penalty short of death for the mentally retarded, including life imprisonment without possibility of parole.

That was true last week, and it remains true today. The Supreme Court decision does not alter that fact one bit. It remains within our ability—and it remains our duty—to ensure that dangerous mentally retarded criminals are kept far away from law-abiding citizens. We have a host of penalties available to us to ensure that we are able to do so. And we have been doing so effectively. Since the 1989 *Penry* decision, only five States have resorted to executing mentally retarded persons. The remaining States, as well as the Federal Government, have effectively confined and deterred mentally retarded criminals by means of incarceration.

Some people have argued that we must allow executions of the mentally retarded because it is often extremely difficult to define and determine mental retardation. I disagree. That has not been the experience of the States in recent years. More importantly, whether something is difficult to do has no bearing on whether it is the right thing to do. Sparing the lives of mentally retarded criminals is manifestly the right thing to do, regardless of whether it is difficult on the margins. We ask judges and juries to make

difficult decisions every day of the year, because a system of justice based upon avoiding difficult decisions would provide no justice at all.

In 1990, I led the fight against an amendment that would have changed the Federal death penalty statute to permit the execution of the mentally retarded. During the floor debate, I implored my colleagues, "Let us show that our support for the death penalty is bonded by humanity." I asked my colleagues to remember that to be mentally retarded is to be denied the ability to develop the full human faculties that the rest of us take for granted. "We do not execute children," I noted. "Let us not execute people who never get beyond that stage in their life through absolutely no fault of their own."

I am proud that a majority of this body agreed with me and rejected the amendment. And I am proud that by our action, we, in our own small way, helped galvanize our brothers and sisters in State legislatures to such an extent that, 12 years later, the Supreme Court can state that a national consensus has emerged against executing the mentally retarded. As a supporter of the death penalty, I know that this ultimate sanction is justifiable only if it is administered in a way that comports with American values. Last week, the Supreme Court agreed, and we are a stronger nation for it.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Madam 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 September 17, 2001 in Evanston, IL. Mustapha Zemkour, a Chicago taxi driver and student, was injured when two men—including a Cook County corrections officer—chased him on motorcycles, then hit him in the face and yelled, "This is what you get, you mass murderer!" The perpetrators "apparently assumed he was of Arab descent" police said. The two men were charged with aggravated battery and a hate crime in the attack.

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.

AWARD OF THE DISTINGUISHED FLYING CROSS TO FORMER SEN- ATOR WILLIAM D. HATHAWAY

Ms. SNOWE. Madam President, I rise to salute a soldier, public servant, and son of Maine who Monday afternoon was honored for his heroic service 58 years ago today. This recognition is all the more special for me, for our Nation also honors a colleague, former Senator William D. Hathaway of Maine.

On Monday, the United States Air Force recognized a distinguished World War II veteran for his heroic service 58 years ago. As a young airman serving with the Fifteenth Air Force high over the Ploesti oil fields in Romania, Second Lieutenant Bill Hathaway and his crew mates showed their courage, and in the process helped turn the tide of the Battle of Ploesti toward the Allied cause.

As Major General N.F. Twining, Commanding General of the Fifteenth Air Force, wrote in a letter to Lieutenant Hathaway after the battle, "Your return marked the culmination of an outstanding campaign in the annals of American military history. The German war machine's disintegration on all fronts is being caused, to a large extent, by their lack of oil oil that you took away from them."

On the morning of June 24, 1944, while stationed near San Pancrazio, Italy, Lieutenant Hathaway and other members of the 514th Flying Squadron were deployed to Romania, where a battle for control of the Ploesti oil fields was raging with the Germans. Early that morning, Lieutenant Hathaway's squadron took off from their air station, located near the heel of Italy's boot, and crossed the Adriatic toward Bucharest, and the nearby oil fields. Future Senator Bill Hathaway was situated as a navigator as his B-17 aircraft droned toward its target.

By 10:00 a.m., the squadron had arrived over Ploesti, but they encountered heavy enemy fire from the time they crossed the Rhine River nearby. As many as 200 German fighters challenged the American flyers, who encountered heavy flak. Upon arriving over the oil fields, though, the American mission was thwarted by a heavy German smoke screen that shielded the oil fields and other targets on the ground from sight.

Undaunted, Lieutenant Hathaway and the crew plotted another alternative, as the squadron's commanding officer ordered the crew to turn around, circle back, and try the bombing run again. Dodging nearby anti-aircraft fire and enemy fighters, the team proceeded over the oil fields again, and this time they found their target. The 514th dropped its bombs on target and headed away from Ploesti.

But as with so many battles, the 514th's celebration was fleeting. Soon after dropping its bombs, Lieutenant Hathaway's aircraft was hit by flak from the dogfight over the oilfields. One of the B-17's engines was disabled, and three crew were injured: Lieuten-

ant Hathaway was hit in the shoulder, nose gunner George Deputy in the head; and bombardier Richard McDowell in the leg. Demonstrating the tenacity and courage that has characterized Bill Hathaway throughout his career, Lieutenant Hathaway gave his pilot a course to Turkey, and, while medics dressed the wounds of the other two airmen, he assumed Deputy's position in the nose turret, and fired at the German fighters that continued to buzz his aircraft.

Despite his valiant effort, the plane was crippled and continued to lose altitude. After German fighters took out a second engine, the pilot gave the order to bail out. Lieutenant Hathaway, and other members of the crew, donned their parachutes and jumped. Two crew, copilot David Kistler and waist gunner Ben Matthews, were killed when their parachutes failed to open. Lieutenant Hathaway and two others were taken prisoner upon landing, later being reunited with the remainder of the B-17 crew. Ultimately, these American heroes were imprisoned in Bucharest by German forces, where they remained until Romania was liberated by Russian allied soldiers in August, 1944.

For his extraordinary heroism and bravery, the Air Force this week honored Senator Hathaway, and fellow crew members Herman Hucke and Richard McDowell, with the Distinguished Flying Cross. The ceremony at the Officer's Club at Bolling Air Force Base Monday afternoon provided yet another distinguished recognition for Senator Bill Hathaway, who represented Maine for 13 years in Congress. Since leaving Congress, he has remained active and engaged in public service, including time as a commissioner and chairman of the Federal Maritime Commission.

In reviewing the courageous actions of Lieutenant Hathaway and his crew today, I am reminded of the words of President John F. Kennedy, who said, "In the long history of the world, only a few generations have been granted the role of defending freedom in its hour of maximum danger." Well, how fortunate we are that those few generations were blessed with men like Bill Hathaway, Herman Hucke, Richard McDowell, and other members of the crew, seemingly ordinary Americans from small towns and big cities all across our Nation who performed extraordinary deeds in service to their country.

So I am proud to join with the Air Force, the President, and the people of Maine and a grateful Nation in honoring Senator Hathaway, and his fellow crew, for their outstanding service. This recognition is well-deserved and, certainly, long overdue.

THE ANNOUNCEMENT OF GOV- ERNOR JESSE VENTURA NOT TO SEEK A SECOND TERM IN OF- FICE

Mr. MCCAIN. Mr. President, I rise to talk about one of most colorful, to put