

do anything to protect the lives of our fellow countrymen. This is our mission.

I believe every American has a responsibility to America. I don't mean that everyone should join the military. The military life is a hard one, and not a path easily trod. Once my four years are completed, I will more than likely rejoin the ranks of civilians that I work so hard to protect now. However, I have fulfilled at least a part of what I owe America. Everyone has a part to play, be it military, politics, being an activist, or even just helping an elderly neighbor rake their lawn. Each American has a responsibility to every other person in our country. Each of us has a responsibility to every other person in this world. Ani DiFranco wrote "the world owes me nothing, but we owe each other the world." I believe this to be one of the most true statements I've ever heard. We, as a species, could not survive without each other, even though it seems at times that we are hell-bent on destroying ourselves.

I want every person in America to know this: I stand for you. I will take your place in line when the final bell tolls, and I will do it gladly, for I believe that your life is worth it. You are worth every hardship, every effort, and every last breath in my body. I love you. Even if I do not know you, have never seen your face, have never heard your voice, I love you. I do this today and every day for you. So please, do not wave off my gift to you. Don't say you don't want it, just accept that I love you, and will defend you, even if it means my life.

May your life be blessed,

BARBARA MARIE O'REILLY,
033 USN.

LOCAL LAW ENFORCEMENT ACT
OF 2001

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. In the last Congress Senator KENNEDY and I introduced the Local Law Enforcement Act, a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred October 9, 2001 in Los Angeles, CA. While a Sikh in traditional clothing was out on an evening walk close to his home, four men attacked, beat, and punched him. The attackers yelled "terrorist" as they beat him.

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 is 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.

VOTE EXPLANATION

Mr. LIEBERMAN. Mr. President, I unfortunately had to miss the vote yesterday on the nomination of Jeffrey Sutton to serve on the U.S. Court of Appeals for the Sixth Circuit, but I would like to explain why, had I been here, I would have voted against the nomination.

I take very seriously the Senate's constitutional duty to review Presi-

dential nominees, especially those to the Federal bench. Once confirmed by the Senate, judges have lifetime tenure, meaning that there is no real opportunity to correct poor choices for judicial positions. Given the nature of a judge's job—they hold power not only over the liberty, but in many cases, the lives of those before them—Members of the Senate must be convinced that the nominee is right for the job before offering our consent to their nominations.

This does not mean that we should confirm only those whose views comport precisely or even largely with their own; indeed, the President must be given broad leeway to nominate those who he believes are right for the job, which is why I have supported most of this President's nominees, to the bench or otherwise, regardless of whether I would consider them the best candidates for the job. But the Senate has a constitutional obligation to review, and, when necessary, serve as a check on the President's choices, and when a nominee's views and positions lie far from the mainstream or are so at odds with what I consider to be needed for the job, I must respectfully withhold my consent from their nomination, especially when the stakes are as high as they are for the bench.

After reviewing Mr. Sutton's record, I have concluded that I cannot support his nomination. Although his professional credentials are impressive and I have little doubt that he is a good lawyer, I believe that his legal views lie far out of the mainstream and that his presence on the Federal bench could do serious harm to the values about which our Nation cares deeply, particularly when it comes to our national desire to fight discrimination and protect individual rights. Mr. Sutton has devoted a significant part of his legal career to advancing an extreme vision of federalism that restricts both the power of Congress to pass civil rights laws and the ability of individuals who have been harmed by discriminatory acts of State governments to seek redress. He has used that vision of federalism to convince activist judges to restrict congressional enactments. He has argued against the Americans with Disabilities Act, the Age Discrimination in Employment Act and the Violence Against Women Act. These were laws with strong, mainstream support, and the records justifying them were strong. I have deep concern that when future civil rights and similar laws come before him, he will argue against them on federalism grounds as well. I cannot in good conscience support putting him in a position where he will be able to further restrict these good laws.

VA FINDS FLU SHOTS PROTECT
ELDERLY

Mr. GRAHAM of Florida. Mr. President, throughout its history, the Department of Veterans Affairs, VA, has

made great strides in medical research. At a time when VA's medical and prosthetic research program is being starved of vital funding, as ranking member of the Committee on Veterans' Affairs, I would like to draw attention to a significant discovery the program recently has made.

As highlighted in an April 22, 2003, article in The Washington Post, researchers at the Minneapolis VA Medical Center found that not only do seniors who get vaccinated against the flu gain protection from the disease, but they also reduce their risk of hospitalization from pneumonia, cardiac disease and stroke. The VA study, published in the April 3, 2003, issue of The New England Journal of Medicine, also found that during a given flu season, vaccinated elderly patients were half as likely to die as their unvaccinated peers.

Since its inception, the VA research program has made landmark contributions to the well-being of veterans and the Nation as a whole. Past VA research projects have resulted in the first successful kidney transplant performed in the U.S., as well as the development of the cardiac pacemaker, a vaccine for hepatitis, and the CAT and MRI scans. This new discovery is yet another example of the crucial research work done by the VA, and of why we must keep the research program sufficiently funded.

I ask unanimous consent that the article from The Washington Post highlighting the VA research study on the benefits of the flu vaccine be printed in the RECORD.

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

[From the Washington Post, Apr. 22, 2003]
FLU SHOTS SAVE LIVES

(By Jennifer Huget and Associated Press)

Seniors who get vaccinated against the flu not only protect themselves from that deadly disease but also reduce their risk of hospitalization for pneumonia, cardiac disease and stroke. Plus, a study in the April 3 issue of the New England Journal of Medicine shows, vaccinated elderly patients were half as likely to die as their unvaccinated peers during a given flu season.

The study, conducted by the Department of Veterans Affairs at the Minneapolis VA Medical Center, tracked 286,000 men and women age 65 and over through two flu seasons. Although the vaccinated folks were on average older and in worse overall health than the unvaccinated, they were about a third less likely to have pneumonia and about a fifth less likely to be hospitalized for cardiac care or suffer a stroke during the flu season.

Influenza kills about 36,000 people of all ages each year, according to the Centers for Disease Control and Prevention (CDC); about 90 percent of those deaths are among the elderly. Yet the CDC says that only 63 percent of those over age 65 got flu shots in 2001. Flu shots confer benefits for one flu season only. Since this year's flu season is now winding down, experts suggest that seniors start seeking new shots in October.

IDEA FULL FUNDING

Mr. ROBERTS. Mr. President, today I am proud to cosponsor the Hagel

IDEA bill, S. 939, which will finally make Congress pay its promised share of special education funding. I have long been a supporter of fully funding IDEA and I am pleased today to support this important piece of legislation.

Nearly 30 years ago, Congress made a promise to our schools to share the cost of special education. The promise was simple—the Federal Government pays 40 percent of the excess cost of educating a special needs child. Sadly, we have yet to fulfill that promise and I believe it is well beyond time that Congress relieves our State and local governments of the financial burden they have been forced to shoulder. This bill will fully fund IDEA in 8 years by increasing funding by \$2 billion annually for 7 years and \$1.8 billion in 2011. This funding will have a tremendous impact in my home State of Kansas. The Kansas Department of Education estimates that this legislation will provide the State an increase of \$19 million in overall funding for IDEA each year. Kansas schools may then spend these newly freed-up dollars in areas where they need it the most, such as professional development, title I programs, or technology.

In the State of Kansas, special education costs have skyrocketed to over \$530 million for 2002. Unfortunately, the Federal Government only picks up about 16 percent of that figure, leaving 84 percent of the funding to State and local governments. In dollar amounts, the State of Kansas pays over \$251 million in special education costs, while local schools must fork out an additional \$200 million to cover the costs of special education. This is unacceptable. IDEA is the “granddaddy” of all unfunded mandates and I can assure my colleagues that funding IDEA at the promised level of 40 percent would not only relieve schools in my home State of Kansas, but would also relieve schools in each and every State in our great Nation. I stress to my colleagues that there is no better time than now to help our local schools by fully funding IDEA.

I would like to share with my colleagues the current budget situation in Kansas. Like many other States, Kansas is facing ominous cuts in the State budget, and schools across the State are worried about shortfalls in their own budgets. Rural schools all over Kansas are considering consolidation to alleviate budget woes. Schools in western Kansas are cutting the school week to 4 days in order to save money. Schools in eastern Kansas are cutting academic programs in order to cut costs. If Congress would pay its promised share of special education funding, then our schools would be able to use those freed-up dollars for other educational needs. We are talking about real dollars for real people. Fully funding IDEA is not just something that Congress should do, it is something we promised to do.

I would like to thank my colleagues for the commitment to education fund-

ing. I do believe that Congress is on the right path to fully funding IDEA, and I am pleased that education funding has been a top priority over the last few years. Since 2000, Federal special education funding has increased by approximately 58 percent and title I funding has increased by nearly 45 percent.

I am proud of this support for education funding, and I urge my colleagues to continue on the course to fully funding IDEA. It is our duty to once and for all meet the promise we made nearly 30 years ago.

MORATORIUM ON EXECUTIONS IN ILLINOIS

Mr. FEINGOLD. Mr. President, I want to take a moment to comment on Governor Rod Blagojevich's recent decision to continue the moratorium on executions in Illinois initiated by former Governor George Ryan. The leadership we have now seen from two successive Illinois Governors—one Republican and one Democrat—sends the right message for the Nation. This is not a partisan issue. All Americans who value fairness and justice can agree that executions should not take place—in Illinois or elsewhere in the Nation—under a flawed death penalty system, a system that risks executing the innocent.

Three years ago, Governor Ryan, a death penalty supporter, made national headlines when he was the first Governor in the Nation to place a moratorium on executions. He did so after considering irrefutable evidence that the system in Illinois risks executing the innocent. Since the death penalty was reinstated in Illinois in 1977, Illinois had executed 12 people. But, during this same time, another 13 death row inmates were found to be innocent and to have been wrongfully sentenced to death.

Governor Ryan did not stop there. He created an independent, blue ribbon commission, including former U.S. Attorney Thomas Sullivan, one of our former colleagues, Senator Paul Simon, and lawyer and novelist Scott Turow. He instructed the commission, composed of death penalty proponents and opponents, to review the State's death penalty system and to advise him on how to reduce the risk of executing the innocent and to ensure fairness in the system.

After an exhaustive 2-year study, the commission issued a comprehensive report and set forth 85 recommendations for reform of the Illinois death penalty system. These recommendations address difficult issues like inadequate defense counsel, executions of the mentally retarded, coerced confessions, and the problem of wrongful convictions based solely on the testimony of a jailhouse snitch or a single eyewitness. The commission's work is the first and, so far, only comprehensive review of a death penalty system undertaken by a State or Federal Government in the modern death penalty era.

Earlier this year, the Illinois legislature responded with a bill that included some of the recommendations of the commission. Governor Blagojevich, however, rightly reviewed the legislation and determined that the bill did not go far enough. And last week, he concluded that executions should not resume.

But, the series of mistakes that led to a moratorium are not unique to Illinois. Death penalty systems across the country are fraught with errors and the risk that an innocent person may be condemned to die. There have been over 800 executions in the United States in the modern death penalty era. During that same period, 107 people who were sentenced to death were later exonerated. That means that for approximately every eight persons executed, an innocent person has been wrongly condemned to die.

Evidence that race plays a role in who is sentenced to death continues to mount. A recent report on race and the death penalty released last week by Amnesty International tells us that while African Americans comprise 12 percent of the U.S. population, they are more than 40 percent of the current death row population and one in three of those executed since 1977. The U.S. could soon carry out the 300th execution of an African American inmate since executions resumed in 1977. The report also highlighted that 80 percent of people executed in the modern death penalty era in the U.S. were executed for murders involving white victims, even though blacks and whites are murder victims in almost equal numbers in our society.

We should all be startled by this statistic. There is something particularly insidious, particularly un-American about racial discrimination in the application of the death penalty. A system that treats people differently in administering the ultimate punishment based on their race or the race of the victim is immoral.

In the face of these and other startling pieces of evidence that the death penalty is broken, our Nation is not, as it should be, ceasing or slowing the use of capital punishment. Instead, executions are being carried out at an alarming pace. Already this year, 28 people have been executed, and over the last 6 years, the average annual number of executions is well above that of previous years in the modern death penalty era. In 1999 alone, 99 people were executed in America.

It is my hope that we do not break any records this year. With an eight-to-one executed-to-exonerated ratio, however, we are clearly in a race—a race against time. Because with 107 death row inmates exonerated to date, I do not think any American can be sure that an innocent person has not been executed in this country, and we most certainly cannot guarantee that it will never happen. We must suspend executions and study the flaws in the