

those countries and other foreign investors pull out in the face of rising fiscal imbalances, as has happened elsewhere, the consequences for our economy could be very serious.

In my view, the current course of fiscal policy is not only unwise and dangerous, it is ultimately unsustainable. We can't go on like this. Either our leaders here in Washington will face reality and reverse course, or the markets will punish us until we do. Either the dollar will collapse, or interest rates will rise substantially, or inflation will rise, or all these problems will hit at once.

When that might happen is anybody's guess. But you can't reverse the basic laws of economics. Sooner or later, the piper gets paid.

So, I think we have made a mistake by increasing the debt limit so substantially. Needless to say, we must protect the full faith and credit of the United States. But we do not need a debt limit extension of this magnitude. And we should not have approved it yesterday. Instead, we should have passed a much smaller increase, in order to put real pressure on the Congress next year to finally get serious about the need for fiscal discipline.

Next year we will begin perhaps the most important domestic policy debate in a generation when we take up President Bush's call to privatize Social Security. At that point, Congress will have to make a decision. Either we will keep our promise to American workers, or we will break that promise and cut earned benefits. I think we should keep our promise and protect benefits. But we can only afford to do that if we quickly reestablish some measure of fiscal discipline. Increasing our debt by \$800 billion is not the way to do that and, in my view, is a serious mistake.

So for all these reasons, I cast my vote no yesterday. For the sake of our economy, for the sake of our future, and for the sake of our values as a Nation, we must restore fiscal discipline. And we must do it soon.

JUSTICE FOR MARINE CORPS FAMILIES VICTIMS OF TERRORISM

Mr. SPECTER. Mr. President, I seek recognition to describe legislation that I plan to introduce in the 109th Congress. I have been asked to pursue this legislation on behalf of the 158 families of the brave servicemen who died when the terrorist faction Hezbollah—with the support of the Government of Iran—sent a suicide bomber into the Marine Corps Barracks in Beirut, Lebanon, on October 23, 1983, killing 241 U.S. servicemen—18 sailors, 3 soldiers, and 220 Marines.

This legislation will provide an explicit private right of action for United States citizens against state sponsors of terrorism in our Federal courts, and will ultimately allow victims of such acts to collect court-ordered damages against state-sponsors of terrorism. The specific provisions of the legisla-

tion have been drafted to harmonize existing statutory law with the recent direction of the District of Columbia circuit in *Cicippio-Puleo v. Islamic Republic of Iran*, 353 F.3d 1024 (D.C. Cir. 2004), which held that “neither 28 U.S.C. §1605(a)(7) nor the Flatow Amendment to the Foreign Sovereign Immunities Act . . . , nor the two considered in tandem, creates a private right of action against a foreign government.” 353 F.3d 1024, 1032–33 (D.C. Cir. 2004).

In 1996, I supported the legislation that ultimately was enacted into the statutes that I have just cited. These statutes have been interpreted by the D.C. Circuit in *Cicippio-Puleo* to provide the following:

No. 1, 28 U.S.C. §1605(a)(7) provides an exception to sovereign immunity for state sponsors of terrorism and permits Federal courts to hear claims seeking money damages for personal injury or death against such nations and arising from terrorist acts they commit, or direct to be committed, against American citizens or nationals outside of the foreign state's territory; and No. 2, 28 U.S.C. §1605(a)(7)(note), also known as the “Flatow Amendment,” named for New Jersey student Alisa Flatow, who was killed when Palestinian Islamic Jihad bombed a Gaza bus on which she was riding, imposes liability upon an official, employee, or agent of a foreign state that is designated as a state sponsor of terrorism, only if that official, employee or agent is acting in their “official capacity.”

On October 23, 2004, in Philadelphia, I was privileged to take part in a memorial service held in honor of the servicemen killed in the 1983 Beirut attack. Some of the family members of those killed attended the event. Their moving comments about how they have been denied the ability to seek legal redress, despite clear findings implicating Hezbollah and Iran in the attacks, were both poignant and persuasive. It is vitally important to victims' families that they have a private right of action against the state sponsor itself, not just its officials, employees or agents acting in their official capacity. These victims and their families deserve not simply a day in court, but also the ability to recover damages against terrorist states that commit, direct, or materially support terrorist acts against American citizens or nationals. The former, in isolation, is a hollow right—in legal terms, a right without a remedy. The D.C. Circuit in *Cicippio-Puleo* tells us that only Congress can provide such a remedy. That is my intent.

I ask unanimous consent that the October 23, 2004, remarks by Lynn Smith Derbyshire, the sister of deceased Marine CPT Vincent Smith and a leader of the families advocating for this legislation, be printed in the RECORD.

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

REMARKS OF LYNN SMITH DERBYSHIRE,
BEIRUT MEMORIAL SERVICES, OCT. 23, 2004

We are here today to honor the men who died in Beirut, Lebanon on this day 21 years ago. As families, we believe that our first duty is to remember. Thank you for coming to help us commemorate the lost.

As you know, in 1996 Congress passed legislation that gave victims of state sponsored terrorism, and their families, the right to sue those nations in a United States Court. This legislation did two things: It gave us a path to pursue justice and compensation, and it provided a way to hold rogue nations accountable for their crimes, and thereby deter more terrorism. The problem with the existing legislation, however, is that it has loopholes. And the U.S. Government is using these loopholes to continually torpedo the efforts of the families to collect damages, and penalize terrorist states.

On October 23, 1983—21 years ago today—Hezbollah, at the behest of the government of Iran, sent a suicide bomber into the Marine Corps Barracks in Beirut Lebanon, killing 241 U.S. servicemen.

One of the young Marines who was killed that day was a blond, blue-eyed, bowlegged helicopter pilot, named Captain Vincent Smith. He had just turned 30. He had a wife named Ana, a 3-year-old son named Ian, and dog named Whiskey. Vince had a penchant for practical jokes, an infectious laugh and a contagious grin. He sang in the church choir with his velvety tenor voice, he loved to water-ski, and throw the football with his brothers on crisp fall afternoons—like this one, and have cookouts on the deck with his friends.

Vince was my brother. He was my protector, my confidant, and my friend. And I loved him deeply. Twenty-one years after his death there is still a hole in my heart and in my life, and in my family. I miss him more every day.

I have learned over the past 21 years that one does not “get over” the murder of a brother. Whoever said that time heals wounds was an idiot—and whoever said that never had a wound like this. My wound cannot completely heal, because every time there is another terrorist attack, the hole in my heart is ripped open again:

The U.S. Embassy in Beirut, the Achille Lauro, the murder of Robert Stetham of TWA flight 847, Khobar Towers in Saudi Arabia, the U.S.S. *Cole*, Madrid, and even this morning, a car bomb outside of Baghdad killed 10 and wounded 42.

And who here can ever forget that fateful day: September 11, 2001.

One after the next, after the next, these events have sliced open my scar-tissured heart, and I must grieve the brother I loved so dearly over and over again. All of these events bring me to my knees. And when I am on my knees I pray for justice—not revenge—justice.

I do not want vengeance. I do not want the sisters and mothers of young vibrant Iranian soldiers to have to weep at the closed casket of their brothers and sons as I did, knowing that his body is not even whole inside the box. I do not want anyone to discover as I have that this kind of grief is an incessant pain and it hurts all over. I would not wish the last 21 years of agonizing sorrow on a rabid dog. No. I do not want vengeance.

But I do want justice. And I do want the terrorism to stop.

In March 2003, the Beirut families brought suit against the country of Iran for the murder of our beloved brothers and sons and fathers and husbands. We proved in a court of law, that Hezbollah was carrying out the direct will of the Iranian government. Iran is guilty of the murder of my brother, and of

Freas Kreischer's son, and Shirla Maitland's brother.

That day in court was a moral victory for us. There was a tremendous sense of relief to finally be able to name the guilty party. But it's a hollow victory if Iran is not somehow held accountable. Terrorists continue to terrorize because they can. We have not held them accountable for their crimes, and so they laugh and build more bombs. There has been no justice, so there can be no healing.

And it is galling that my own government continues to allow Iran to get away with murder—literally.

It's a simple rule: one that the parent of any small child can grasp. If your child hits another child with a stick, you have to take the stick away, and give your child consequences. If there are no consequences, the child will keep hitting kids with sticks, because he has figured out that it gives him power.

I want the cruelty and senselessness of terrorism to stop. And there is only one way to do that. We have to take away the stick. There must be consequences.

Senator Specter, thank you for introducing a bill that will finally allow families like mine and Freas Kreischer's and Shirla Maitland's, to pursue rogue nations in the courts and to threaten them by threatening their assets. Their Achilles heel is financial. If we take away enough of their money, they will not be able to afford to build more bombs. And then perhaps you will be spared the agony of losing your brother or your son. If that happens, perhaps this gaping, bleeding wound in my heart will finally be able to heal.

Senator Specter, I want to thank you, on behalf of the families of the Marine Corps Barracks, Beirut bombing victims, for coming to our aid. Thank you for being willing to champion our cause in the Congress by sponsoring this bill. And Senator, I urge you to do everything in your power to enact this bill into law with the utmost haste.

Thank you very much, sir.

COUNCIL ON OCEANS POLICY AWARENESS

Mrs. DOLE. Mr. President, recently, the U.S. Commission on Ocean Policy made a series of far-reaching recommendations to help keep our oceans viable for future generations. While the Senate as a whole will not address these recommendations this Congress, I hope we may be able to work on these critical issues next year.

In the meanwhile, my home State of North Carolina has already begun to make real the recommendations of the Commission. For instance, North Carolina public schools have begun fostering formal ocean education in K-12 schools, after the State mandated inclusion of ocean curricula in middle school.

North Carolina is also leading the Nation in heeding the call for improved scientific understanding of the oceans. Of particular pride is the success of the Southeast Coastal Ocean Observing System, or SEACOOS, an umbrella organizations of institutions that is building a regional ocean monitoring and prediction system for the southeast States of North Carolina, South Carolina, Georgia and Florida.

Through the leadership of the University of North Carolina at Chapel

Hill, SEACOOS aggregates ocean information from federal and non-Federal sources for display and redistribution. This information system supports many uses, from search and rescue and hazardous spill response to providing information for recreational boaters and fishermen. This collaborative effort among dozens of institutions is a model of teamwork that will enable rapid development of a relevant, user-driven multi-purpose system.

As part of the larger IOOS system, SEACOOS will improve the decision-making process for coastal managers, severe weather response teams, and so many others in whose decisions coastal conditions are a factor. Through its scientific contributions to data collection and analysis, SEACOOS will advance the Nation's needs in such broad areas as: marine operations, e.g. shipping and offshore operations like drilling and mining; natural hazard mitigation, e.g. storm forecasting, surge prediction, tsunami warning; climate change and its effects, e.g. interannual variability in water temperature, salinity, nutrients, storminess, plankton species and abundance, fish species and abundance; national security, e.g. toxin trajectories, detection of covert operations; public health, e.g. unsafe biological activity, rip currents, harmful algal blooms; ecosystem health, e.g. changes in food web structure; and sustainable use of marine resources, e.g. fish stock assessments.

Among so many throughout the southeast who have made SEACOOS possible, I especially want to note and thank Harvey Seim, Associate Professor of Marine Science at UNC Chapel Hill. Professor Seim has been the visionary and leader in building this collaborative initiative. His dedication to advancing scientific knowledge that serves the public interest embodies the best spirit of higher education and the academic research enterprise that makes our nation great.

In keeping with the recommendations of the commission, SEACOOS is a model worthy of replicating around the country. It is consistent with the Integrated Ocean Observing System that is called for in the commission report. IOOS is a national, interagency program that the commission recommends be fully funded and implemented to provide a multipurpose ocean information system for the Nation. Legislation to authorize IOOS has already been unanimously passed by the Senate, S. 1400 and companion bills are pending in the House. I look forward to continued congressional support and continued success as we increase our knowledge and understanding of our oceans.

LOCAL LAW ENFORCEMENT ACT OF 2003

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. On May 1, 2003, Senator KENNEDY and I introduced the Local Law Enforcement Enhancement

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.

On September 19, 1998, in Chicago, IL, three men were allegedly attacked by two men who made anti-gay remarks.

I believe that the 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.

HAYWOOD COUNTY EMERGENCY OPERATIONS DAY

Mrs. DOLE. Mr. President, this past September marked a devastating hurricane season for many States. My home State of North Carolina was ravaged by not one, but four hurricanes this fall. Western North Carolina was particularly hit hard by Hurricanes Frances and Ivan, which destroyed homes, washed away roadways, and even took lives. Out of this ruin came the challenge of rebuilding and piecing together homes, lives, and communities. As I visited the devastation in Western North Carolina, I found encouragement in the selfless hearts of North Carolinians who went to great lengths to help those struggling through the wreckage left behind. There are many who came together during this crisis. I would especially like to thank the first responders who answered the call of duty. Our first responders are there for us in times of need, and they literally are on the front lines defending our homeland.

On November 21, 2004, the Town of Clyde and the Town of Canton are honoring all those who were involved in the rescue and emergency operations following the devastation which occurred as a result of the hurricane season. November 21, 2004, has officially been declared by those towns as "Haywood County Emergency Operations Appreciation Day."

I would like to commend the efforts of these men and women who are members of the following departments who brought the community together after such devastation: Haywood County Sheriffs Department, North Carolina Highway Patrol, North Carolina Probation and Parole, North Carolina Alcohol Law Enforcement, North Carolina Division of Motor Vehicles, Waynesville Police Department, Canton Police Department, Maggie Valley Police Department, Haywood County Emergency Management, Waynesville Fire Department, Cruso Volunteer Department, Clyde Fire Department, North Carolina National Guard, Canton Fire Department, North Canton Fire Department, Maggie Valley Fire Department, Lake Junaluska Fire Department, Crabtree Fire Department, Fines Creek Fire Department, Jonathan Creek Fire Department, Saunooke