

scholars of careers of excellence and leadership in science and technology.

The Center's Research Science Institute, held on the campuses of the Massachusetts Institute of Technology and the California Institute of Technology, are nationally recognized for promoting this nation's competitive future in math, science, engineering and technology and for encouraging international understanding among future leaders. To date, over 1,500 U.S. students, including students from the U.S. Department of Defense Overseas Schools and student representatives from 46 nations have benefited from the Center's programs. They remain the only U.S. programs sponsored at no cost to students, who are competitively chosen to attend. The Center boasts of more winners and honorees of the Intel Talent Search competition than any other U.S. organization.

The USA Biology Olympiad has been sponsored in this Nation by the Center for 2 years. Over 5,000 students competed in the Center's USABO this past summer, from which four outstanding high school students represented the U.S. in the International Biology Olympiad in Australia. For the first time in the 15-year history of the IBO, a four-member team was awarded four gold medals.

We are proud that the Center for Excellence in Education has encouraged talented U.S. high school students to succeed in one of the premier world scientific competitions, and would like to take this opportunity to congratulate each one of the Gold Medalists:

Kay Aull, Thomas Jefferson High School for Science and Technology, Alexandria, VA  
ZeNan Chang, Santa Monica High School, Santa Monica, CA

Clinton Hansen, Oneida High School, Oneida, NY

Brad Hargreaves, Caddo Parish Magnet High School, Shreveport, LA

We also congratulate the two coaches of the USABO:

Dr. Alan Christensen of George Mason University, and

Dr. William Stuart of the University of Maryland.

We appreciate this opportunity to recognize the Center for Excellence in Education for its 22 years as an outstanding nonprofit educational organization. The late Admiral H.G. Rickover, father of the nuclear powered submarine, can be proud of the organization which he established in 1983.

#### NATIONAL AMERICAN INDIAN HERITAGE MONTH

Mr. REID. Mr. President, I rise today to recognize National American Indian Heritage Month, an important celebration that acknowledges the tremendous contributions of native peoples to our Nation.

In 1990, President George H. W. Bush approved a joint resolution designating November 1990 "National American Indian Heritage Month." The origins of this celebration, however, can be

traced back to 1915, when the Annual Congress of the American Indian Association directed its president to call upon the Nation to observe a day honoring Native Americans. In 1916, New York became the first State to declare an official American Indian Day.

Over the years, our Nation has moved toward a greater appreciation of the role of native peoples in American cultural, social, political, and economic life. This is reflected not only in the celebrations around the country associated with National American Indian Heritage Month, but also by the opening of the Museum of the American Indian as part of the Smithsonian Institution earlier this year.

As we celebrate the rich heritage and continuing contributions of native peoples this month, it is also important to acknowledge the challenges that many native communities face today. As a member of the Indian Affairs Committee, I am all too familiar with these challenges, and I believe we must empower native communities so every member can reach his or her full potential. That means respecting the sovereignty of tribes, strengthening education, improving health care, and enhancing economic opportunities for native peoples.

I look forward to working on these issues in the 109th Congress, and I hope my colleagues will join me in celebrating National American Indian Heritage Month.

#### JUAN GABRIEL

Mr. REID. Mr. President, I rise today to recognize Juan Gabriel as one of Mexico's leading vocalists and songwriters. He is well known internationally for his musical talent and as a leader of philanthropic causes.

Born Alberto Aguilera Valadez, Juan Gabriel is a six-time Grammy nominee, twice inducted into the Billboard Latin Music Hall of Fame. He has entertained sold-out audiences throughout the world, and last Sunday—November 14, 2004—he played to an energetic and enthusiastic crowd at Mandalay Bay Events Center in Las Vegas.

Juan has sold more than 30 million copies of his own albums. He is also a successful producer who has worked with artists such as Rocio Durcal, Lucha Villa, Lola Beltran, and Paul Anka.

Mr. Gabriel has reflected that "My hope for a better world and my love for music are my inspiration." And he has lived by those words, using his fame and success to establish SEMJASE, an organization that provides living assistance and schooling for orphaned and underserved children in Ciudad Juarez, Mexico.

I hope my colleagues will join me in thanking Juan Gabriel for sharing his tremendous musical talents with the citizens of Las Vegas this past week, and for his passion and commitment to help the less fortunate through charitable programs such as SEMJASE.

#### HONORING OUR ARMED SERVICES

SPECIALIST ALAN J. BURGESS

Mr. GREGG. Mr. President, the United States of America was founded on a passion for freedom, personal liberties, and equality for all its citizens. In a fierce battle for freedom and independence, the citizens of this new world cast off the shackles of tyranny and built for themselves a land of hope and promise. So fervently held were the beliefs and ideals of this country, that a son of New Hampshire, GEN John Stark, reminded us of the price of our liberties with his admonishment to "Live free or die." The heroes and Founding Fathers of that long ago time have been joined by another noble son of New Hampshire, SP Alan J. Burgess of Landaff. It is in his memory that I rise today to honor Alan for his service and supreme sacrifice in the continuing defense of this country and for his relentless defense of freedom.

Specialist Burgess demonstrated a willingness and dedication to serve and defend his country by joining the National Guard after this country was attacked in September 2001, and we had begun the task of destroying the enemies of our country. Just as many of America's heroes have taken up arms in the face of dire threats, Alan too dedicated himself to the defense of our ideals, values, freedoms, and way of life. His valor and service cost him his life but earned him a place on the roll-call of honor within the pantheon of heroes this country has produced.

Following basic training, Alan joined his comrades in 2nd Battalion, 197th Field Artillery Brigade, Army National Guard as a Military Policeman and began training for his deployment to Iraq in support of Operation Iraqi Freedom. From this unit's home base in Woodsville, NH, he would deploy in March 2004 to Iraq in pursuit of those who would threaten our way of life.

During his all too brief career, Alan accumulated a significant list of accolades and experiences which testify to the dedication and devotion he held for the Army, his fellow soldiers, and his country. Alan's expertise contributed greatly to his unit's successes and cemented his place as a participant in the great endeavor known as America. Alan was recognized for his service by the Bronze Star Medal, the Purple Heart Medal, the Good Conduct Medal, the National Defense Service Medal, the Global War on Terrorism Expeditionary Medal, the Global War on Terrorism Service Medal, the Army Service Ribbon, and the Army Reserve Overseas Service Ribbon.

I offer Alan's family my deepest sympathies and most heartfelt thanks for the service, sacrifice, and example of their soldier, SP Alan Burgess. Alan exemplified the words of Daniel Webster who said, "God grants liberty only to those who love it, and are always ready to guard and defend it." Because of his efforts, the liberty of this country is made more secure.

CORPORAL KEVIN DEMPSEY

Mr. DODD. Mr. President, I rise to speak in memory of Cpl Kevin J. Dempsey, of Monroe, CT, who was killed in Iraq this past Saturday, November 13, 2004 at the age of 23.

Corporal Dempsey served with the 2nd Reconnaissance Battalion, 2nd Marine Expeditionary Force, based out of Camp Lejeune, NC. He died in an explosion in the Al-Anbar province in Western Iraq. He had been in Iraq for only 3 months, and was sent there shortly after finishing a tour of duty in Haiti.

Although Corporal Dempsey's given name was Kevin, he was known to his family and friends as Jack Dempsey, after the famous boxing champion. Kevin Dempsey truly was a fighter. At New Canaan High School, he wrestled and played for the football team, and was known for playing through injuries. Kevin was also a young man who would stand up for his fellow students, and help them out when they were in need.

According to Corporal Dempsey's friends, he and the Marines were a perfect match. An individual known for his toughness and steadfast dedication found a branch of the Armed Forces with a reputation for those same traits. Corporal Dempsey brought to the battlefields of Iraq the same determination that he took to the wrestling mat. He loved his country, and he loved the U.S. Marines.

Kevin Dempsey had considered enlisting in the Marines since he graduated from high school. But his decision became final after the attacks of September 11, 2001. Like so many others across this Nation, he resolved on that day to do what he could to defend our Nation. He called his recruiter at noon on that day and said he was ready to sign up.

With each passing day we hear news out of Iraq about brave American men and women who have lost their lives fighting there. As the toll rises, it is critical for us to remember that our soldiers overseas are each individual young men and women, each with their own families, their own reasons for serving, and their own stories. I have told one story today, but there are many others. Let us do our best to keep those stories in mind, and let us keep heroes like Kevin Dempsey and his family in our thoughts and prayers, particularly as we approach the holiday season.

I offer my deepest sympathies to Corporal Dempsey's mother, Barbara, to his sister Jennifer, and to all who knew and loved him.

CHIEF WARRANT OFFICER WILLIAM BRENNAN

Mr. President, I rise to pay tribute to CWO Brennan, a native of Bethlehem, CT, who was killed in Iraq last month. CWO Brennan died at the age of 36 when his Bell helicopter went down over Baghdad on October 16, 2004.

William Brennan came from a family and community steeped in military tradition. His father Nicholas was a Navy commander during the Second

World War. His uncle was a bomber pilot during World War II and the Korean War. And his grandfather was a pilot who served in Vietnam.

With those influences, it comes as no surprise that William Brennan, known to his friends and family as Will, dreamed from a young age of flying a plane. It wasn't an easy career path for William; in fact, the first time he applied to Army flight school, his application was tossed in the garbage after an Army official accidentally spilled coffee on it. But through persistence and perseverance, William Brennan realized his dream.

William Brennan's military resume is one of which any soldier would be proud. His career in the Army spanned 15 years. In addition to his service in Iraq, he served as part of the peacekeeping mission led by the United States in Bosnia. And shortly after the attacks of September 11th, he flew surveillance flights over New York City.

Chief Warrant Officer Brennan was proud of his service, and was proud of his family as well. He and his wife Kathy, who met while they were both stationed at Fort Drum, New York, were the parents of two girls, Kaitlin and Cassidy. In fact, William's greatest concerns leaving for Iraq were not about the danger he would face, but about the wife and daughters he was leaving behind.

Next week we will be celebrating the holiday of Thanksgiving, and in another month, we will encounter the traditional winter holidays. Most of us will be gathering together with our families and giving thanks for all that we have. On these occasions, let us also remember families like William Brennan's, who have lost loved ones over this past year in places like Iraq and Afghanistan. Let us remember them, and do what we can to offer them a helping hand, or a shoulder to cry on, during what is surely a difficult time of year.

I offer my deepest sympathies to Kathy Brennan, to Kaitlin and Cassidy, to William's brothers and sisters, and their entire family.

LANCE CORPORAL JAMES SWAIN

Mr. BAYH. Mr. President, I rise today with a heavy heart and deep sense of gratitude to honor the life of a brave young man from Kokomo, IN. LCpl James Swain, 20 years old, died on November 15th. When his unit was faced with determining who among them would go to Iraq, James volunteered—a selfless choice that would cost him his life. James was shot while conducting combat operations in the Al Anbar province of Iraq. With his entire life before him, James risked everything to fight for the values Americans hold close to our hearts, in a land halfway around the world.

After graduating from Kokomo High School in 2002, James followed a long-standing family tradition by joining the Armed Forces. His father Dan told the Kokomo Tribune that James had always enjoyed hearing stories of his

days as an Army medic. However, James chose the path of his grandfather, who had also been a marine. According to friends and loved ones, James was born to serve and had touched many lives with his service and his generous spirit. He had dreams of continuing to help his country by becoming a criminal profiler for the CIA or FBI.

James was the 39th Hoosier soldier to be killed while serving his country in Operation Iraqi Freedom. He was assigned to the Headquarters Battalion, 1st Marines, Regimental Combat Team-1, 1st Marine Division, Camp Pendleton, CA. This brave young soldier leaves behind his parents, Dan and Mona Swain; his grandfather, Edward Swain; his brother, Benjamin Swain; and his sisters, Mary Ann and Melissa Swain.

Today, I join James' family, his friends, and the entire Hoosier community in mourning his death. While we struggle to bear our sorrow over this loss, we can also take pride in the example he set, bravely fighting to make the world a safer place. It is his courage and strength of character that people will remember when they think of James, a memory that will burn brightly during these continuing days of conflict and grief.

James was known for his dedication to serving others and his love of family and country. When looking back on James' life, Charlie Hall, a former coach at Kokomo High School, told the Kokomo Tribune, "Anything he tried, he did to the fullest. He did well. I think it says a lot about the quality of our service people if there are people like James serving." His high school principal Harold Canady remembered him by saying, "James was an outstanding young man . . . The best way I can describe him is that he is the all-American boy. He chose to serve his country and was willing to make that sacrifice." Today and always, James will be remembered by family members, friends and fellow Hoosiers as a true American hero and we honor the sacrifice he made while dutifully serving his country.

As I search for words to do justice in honoring James' sacrifice, I am reminded of President Lincoln's remarks as he addressed the families of the fallen soldiers in Gettysburg: "We cannot dedicate, we cannot consecrate, we cannot hallow this ground. The brave men, living and dead, who struggled here, have consecrated it, far above our poor power to add or detract. The world will little note nor long remember what we say here, but it can never forget what they did here." This statement is just as true today as it was nearly 150 years ago, as I am certain that the impact of James' actions will live on far longer than any record of these words.

It is my sad duty to enter the name of James Swain in the official record of the Senate for his service to this country and for his profound commitment

to freedom, democracy, and peace. When I think about this just cause in which we are engaged, and the unfortunate pain that comes with the loss of our heroes, I hope that families like James' can find comfort in the words of the prophet Isaiah who said, "He will swallow up death in victory; and the Lord God will wipe away tears from off all faces."

May God grant strength and peace to those who mourn, and may God be with all of you, as I know He is with James.

#### TRUTH IN TRIALS ACT

Mr. GRASSLEY. Mr. President, the Federal Government has a long-standing obligation to monitor the purity, safety, and effectiveness of the medicines that are available to the public. For this reason, I would like to express my opposition to S. 2989, the Truth in Trials Act. This legislation reverses almost 100 years of progress that we have made by undermining any scientific evidence about medicine and replacing it with popular referendums passed by slick ad campaigns.

There was a time in this country when individuals and businesses could market anything as a medicine and make any claim for its effectiveness. Because of this, a flood of narcotics and stimulants were freely marketed as nostrums sold over the counter and through the mail. Often these "miracle cures" were miscellaneous concoctions made from unknown ingredients. In addition, these nostrums were often accompanied by endless testimonials from satisfied customers on how well these products performed.

Thankfully, our grandparents and great-grandparents, who had to deal with these practices, woke up to the fraud that was being perpetrated on the public by these "snake-oil salesmen." These dangerous drugs were creating a major addiction problem, and the unknown ingredients in these cures were actually doing a great deal of harm. In response to demands from the public, truth in labeling was born.

Consumers in the early 1900s took steps to ban dangerous drugs to determine what drugs had medical uses that could be demonstrated to be safe and effective. Based on this experience, the Pure Food, Drug, and Cosmetic Act, FDCA, of 1906 was passed, which required food and medicines be pure, and the contents of medicines be labeled. In 1938, the FDCA was amended to add the requirement that all medicines be safe, and the Food and Drug Administration was created to regulate this. In 1962, the FDCA was further amended by the Harris-Kefauver amendment, which added an additional requirement that any medicine must also be effective, and further required the FDA to establish efficacy standards.

Furthermore, a variety of laws were passed to deal with the distribution of dangerous drugs. The first of these was the Harrison Narcotics Control Act of 1914. The next major piece of legisla-

tion on drug control was the Marijuana Tax Act of 1937. These and other laws covering various types of drugs were replaced in 1970 when the Controlled Substances Act was signed into law. This Act further defined the process that a substance had to go through to become an acceptable medicine. In addition, a five-tier scheduling system for all pharmacological substances was established, allowing for the categorizing of all medicines and other pharmacological substances based on their abuse potential and accepted use as a medicine.

Unfortunately, this does not mean that we will no longer have unscrupulous business enterprises that promise salvation through snake-oil products. Over the past 60 years, the FDA has developed a careful, proven method for testing and approving drugs. This process is the standard by which the rest of the world measures the safety and effectiveness of their drug approval system.

Americans today have the world's safest, most effective system of medical practice, built on a process of scientific research, testing, and oversight that is unequalled. Every drug prescribed as medicine in this country must be tested according to scientifically rigorous protocols to ensure that it is safe and effective before it can be sold.

To this date, over 15,000 scientific, peer-reviewed studies into the medicinal value of marijuana have been published, and not one demonstrates that smoking marijuana has any medicinal value for any condition. In fact, there is medical evidence to suggest that marijuana may actually aggravate some of the conditions it is supposed to treat.

On top of all that, there are legal, effective medicines that are already currently available and meet all of the guidelines that have been established by the FDA. This includes Marinol, which is a legally available, FDA-approved form of a marijuana extract that is currently being used as a treatment for nausea and AIDS wasting syndrome. In addition, there are many other medicines that have been developed and received FDA approval that do not have the hallucinogenic side effects that come with smoking marijuana. These are medicines that meet scientific standards and do not rely on anecdotes and testimony for validation.

Certainly, we all want to provide relief for people who are sick and dying, but smoking marijuana has not been scientifically proven to have any medicinal value. By allowing patients and caregivers to use and provide marijuana through the political process, we clearly bypass the safeguards established by the FDA to protect the public from dangerous or ineffective drugs.

I urge my colleagues to join me in opposing this bill and other efforts to legalize marijuana.

#### JUSTICE FOR ALL ACT

Mr. LEAHY. Mr. President, last month, the House and Senate overwhelmingly approved H.R. 5107, the Justice for All Act of 2004. This important criminal justice package includes the Innocence Protection Act, a modest and practical set of reforms aimed at reducing the risk of error in capital cases. I first introduced the IPA in February 2000, and as time passed, the bipartisan coalition in support of this pioneering bill grew. Capping these years of effort, the President has now signed the bill into law.

As enacted, the Innocence Protection Act contains several key reforms. First, it ensures access to post-conviction DNA testing for those serving time in prison or on death row for crimes they did not commit. Second, it establishes a grant program to help defray the costs of post-conviction DNA testing. This program is named in honor of Kirk Bloodsworth, the first death row inmate exonerated as a result of DNA testing. Third, the IPA establishes rules for preserving biological evidence secured in the investigation or prosecution of a Federal offense. Fourth, it authorizes grants to States to improve the quality of legal representation in capital cases. Finally, it substantially increases the maximum compensation that may be awarded in Federal cases of wrongful conviction.

Three weeks before the Senate approved H.R. 5107, the Senate Judiciary Committee wrapped up weeks of work on the Senate version of the bill, S. 1700, the Advancing Justice Through DNA Technology Act of 2003. The Committee voted to approve S. 1700 by a bipartisan vote of 11 to 7, but given time constraints and continuing negotiations, the Committee did not issue a report. Nor was there a conference report on the final legislation, as the Senate's acceptance of H.R. 5107 in substantially the form that it passed the House made a House-Senate conference unnecessary.

The upshot of all of this is that there is a substantial gap in the legislative history of this landmark legislation. As the principal author of the Innocence Protection Act, I offer the following remarks to fill that gap and guide those who will be implementing and enforcing these important provisions in the future.

I introduced S. 1700 on October 1, 2003, together with the Chairman of the Judiciary Committee, Senator ORRIN HATCH, and 16 additional co-sponsors. On the same day, the Chairman of the House Judiciary Committee, Representative JAMES SENSENBRENNER, and 99 cosponsors introduced an identical measure, H.R. 3214.

The bill moved swiftly through the House. On October 16, 2003, the House Judiciary Committee reported an amended version of the bill by a vote of 28 to 1. The few changes to the bill were largely technical, clarifying, or stylistic in nature, and are described in the report accompanying the bill to the