

have developed a great deal of respect I did not have. The reason is that even though there are only 100 of us, on most occasions we do not work on a very close basis. We come through and vote, have committee hearings, and hear each other talk, but here we had no alternative but to sit down in the trenches and try to work out tremendous differences that we began with. We were able to do that.

Legislation is the art of compromise. Had Senator INHOFE stuck to his guns and I stuck to my guns, we would not have a bill. That is nothing bad. That is what legislation is all about, consensus building. I deeply appreciate the ability I have had to get to know my friend from Oklahoma much better.

I express my appreciation, of course, to my counterpart on the subcommittee, Senator BOND. I appreciate his good work. They both have excellent staffs. I have gotten to know them also.

Of course, Senator JEFFORDS and I, everyone knows of our close and longstanding relationship and how much we care about each other. I appreciate very much his work on this bill and his allowing me a little bit of freedom on a bill that normally but for the closeness of our relationship would not have occurred.

The other Senators have spoken about their staffs and how much they appreciate them and that they would submit the names for the RECORD and they ran off a lot of names. I have one staff person. No one knows this bill better than he does. No one knows the numbers better than he does. I am so well served by J.C. Sandberg. I appreciate so much the tireless efforts on his behalf. He was up until 3 in the morning this morning, last night, and many nights during the past 6 months. He has worked very long hours. I wish I could rattle off the names of lots of other people who worked with me on this bill, but the only person who did great work on my staff was J.C. Sandberg, which was exemplary. Not only has he rendered great service to me and the people of the State of Nevada, but I believe this entire country.

Also, my legislative director, Lisa Moore, has done good work. She has been around all the time helping J.C. and helping me, and I want her to know how much I appreciate her good work.

#### MORNING BUSINESS

Mr. INHOFE. Mr. President, I ask unanimous consent that the Senate now be in a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each.

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

#### DIVERSITY VISA LEGISLATION

Mr. CHAMBLISS. Mr. President, today I am introducing legislation to

fix a problem some of my colleagues have experienced in serving their constituents. Immigration case work is one of the top issues my State offices handle on a regular basis. Occasionally, people who are in the country legally and playing by the rules can slip through the cracks as they wait on the immigration process to run its course. With the massive caseload handled by Immigration Services, there are bound to be mistakes and this legislation allows the agency to remedy those mistakes in the limited situation of the Diversity Visa Program.

The case of an Atlanta couple, Charles Nyaga and his wife Doin, recently came to my attention. Charles Nyaga, a native of Kenya, came to the United States with his family as a student in 1996. He is currently pursuing a master's degree in divinity.

In 1997, he applied for the fiscal year 1998 Diversity Visa Program and the Immigration and Naturalization Service selected him. In accordance with the diversity visa requirements, Nyaga and his wife submitted an application and a fee to adjust their status to legal permanent resident. A cover letter on the diversity visa application instructed Mr. Nyaga as follows:

While your application is pending before the interview, please do not make inquiry as to the status of your case, since it will result in further delay.

During the 8 months the INS had to review his application, Mr. Nyaga accordingly abided by what the INS told him to do and never made any inquiry. He unfortunately never heard back. His valid application simply slipped through the cracks because at the end of the fiscal year Mr. Nyaga's application expired, although a sufficient number of diversity visas remained available.

Mr. Nyaga and his wife took their case all the way to the Eleventh Circuit Court of Appeals. In a decision last year, the court found that the INS lacks the authority to act on Mr. Nyaga's application after the end of the fiscal year, regardless of how meritorious his case is. The court even went so far as to note that a private relief bill is the remedy for Mr. Nyaga in order to overcome the statutory barrier that prohibits the INS from reviewing the case in a prior fiscal year. The U.S. Supreme Court recently refused to take up the case.

My legislation would overcome this statutory hurdle for Charles Nyaga, his wife, and others who are similarly situated. The legislation would give the Department of Homeland Security the opportunity to reopen cases from previous fiscal years in order to complete their processing. The bill would still give the Department of Homeland Security the discretion to conduct background checks and weigh any security concern before adjusting an applicant's status.

I look forward to working with my colleagues and with homeland security officials to pass this legislation this

year. We must provide relief in these cases. I believe this targeted legislation strikes the proper balance to provide thorough processing of diversity visa applications while not compromising the Department's national security mission.

I yield the floor.

Mrs. MURRAY. Mr. President, I rise this evening to introduce an important piece of legislation called the Guard and Reserve Enhanced Benefits Act of 2004. This bill is at the desk.

I ask unanimous consent to add the following cosponsors: Senator LEAHY and Senator REID of Nevada.

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

(The remarks of Mrs. MURRAY pertaining to the introduction of S. 2068 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER (Mr. CHAMBLISS). The Senator from Rhode Island.

#### THE STATION NIGHTCLUB FIRE

Mr. REED. Mr. President, I rise today to recall one of the most tragic events in the history of the State of Rhode Island. It was almost 1 year ago, on February 20, 2003, that a devastating fire destroyed the Station nightclub in West Warwick, RI, killing 100 people and injuring nearly 300 more. The impact of this horrific incident on our small State is beyond measure, as most Rhode Islanders either suffered a direct loss, or knew someone who died or was injured in this blaze.

The first anniversary of the fire will bring back painful memories for many in our community. I want to express my heartfelt condolences to the families of those who perished and to let them know that our thoughts and prayers remain with them and with the survivors who continue to struggle with the physical and mental toll of this horrible event.

Looking back on the West Warwick fire and its aftermath also reminds us that it brought out the best in our people. In the first minutes and hours of this tragedy, our firefighters, police, and emergency medical personnel performed heroically under terrifying circumstances, as did many of the patrons who were at the scene and helped to save others. Nearby small businesses like the Cowesett Inn restaurant were turned into triage centers, and first responders from throughout southern New England descended upon West Warwick to do whatever they could to help.

I visited victims at all of our hospitals and in Boston as well. I was inspired by their courage and the extraordinary skill and compassion of countless doctors, nurses and health professionals.

As our Nation continues to fight the war on terror, the response to the West Warwick fire provides a good illustration of the progress we have made—and

how far we have to go—in improving our emergency management capabilities. As the magnitude of the tragedy became known, the Rhode Island Emergency Management Agency and hospitals throughout southern New England activated emergency incident command systems, many of which were designed after September 11, 2001. The process of rescuing and treating victims, putting out the blaze, identifying bodies, accounting for the missing, providing crisis counseling for survivors put a tremendous strain on State and local agencies.

I have no doubt that Rhode Island's post-September 11 emergency management planning efforts, backed by Federal assistance programs through the new Department of Homeland Security, made a difference in responding to the West Warwick fire.

In the past year, Rhode Island's ability to respond to mass casualty events has been further improved with the help of Federal programs such as the State Homeland Security Grant Program, the Assistance to Firefighters Grant Program, Interoperable Communications grants, and the Department of Health and Human Services' bioterror response grants to hospitals. All told, Congress has provided more than \$75 million to Rhode Island over the past 3 years for emergency management and terrorism prevention and response. Yet we continue to face tremendous challenges, and we need to do more.

I want to say a special word of thanks to my colleagues Senator GREGG and Senator HOLLINGS for their strong support in securing funding through the Department of Justice to reimburse State and local law enforcement agencies in Rhode Island for extraordinary expenses related to the fire.

The Station nightclub fire was a catastrophe. Fault will be appointed in the days ahead by the civil and criminal courts, but Rhode Island is already taking steps to ensure that a tragedy like this never happens again. The Rhode Island General Assembly passed the Comprehensive Fire Safety Act of 2003 to repeal the "grandfather" exemption from modern fire codes and require more sprinklers in places of public assembly, especially nightclubs. The law also bans pyrotechnics in most indoor venues and gives greater power to fire inspectors. The State fire marshal now faces the task of training the State's fire inspectors and meeting with businesses and institutions to explain how the code applied to individual buildings.

As State and local officials across the country reexamine their fire and building codes and step up enforcement of safety practices in public buildings, Congress should do everything it can to support this effort and to encourage both State and local governments and Federal agencies to adopt and strictly enforce the most current fire and building consensus codes. I was also proud

to join my colleague Senator HOLLINGS in introducing the American Home Fire Safety Act—S. 1798—to require the Consumer Product Safety Commission to implement comprehensive fire safety standards for upholstered furniture, mattresses, bedclothing, and candles.

No one in Rhode Island will forget the tragic events of February 20, 2003, and I hope we will never forget the way Rhode Islanders came together in that dark hour to do whatever was needed to save lives and relieve the suffering of the victims. That generous spirit has continued. Over the past year, Rhode Islanders and Americans across the country have donated more than \$3 million to the Station Nightclub Fire Relief Fund to help families affected by the tragedy, including children who lost parents in the fire.

We often hear that it is in times of crisis that a person's true nature is revealed. That standard applies to communities as well, and as we approach a painful anniversary that will again focus the world's attention on the sorrow and grief felt by so many Rhode Islanders, I believe the people of our State have much to be proud of for the way they responded to this tragedy. It is now our duty to do all that we can to make sure that no community ever again faces a catastrophe like this one.

I thank the Chair and I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant journal clerk proceeded to call the roll.

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

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

#### INDIAN BUDGET ISSUES

Mr. DASCHLE. Mr. President, 2 days ago I talked about the need to find a way to ensure that every American has access to health insurance and high-quality health care—and to counter the defeatism of some who suggest it isn't possible. As I said, the United States is the only industrialized country that has failed to achieve this goal. It is possible. It is a matter of political will, and we must show that we, as a Nation, have it.

Today I want to talk a little about a group of people who are counted among the insured in this country—Native Americans. They are counted among the insured, but the Government has failed utterly to deliver even basic health care to the vast majority of them.

Through treaty and statute, the Federal Government has promised health care to all Native Americans through the Indian Health Service. In fact, the Federal Government provides less than half what it would cost to provide basic clinical services to the current IHS user population.

Incredibly, the Federal Government spends twice as much per capita on

medical treatment for Federal prisoners than it spends on treatment for Native Americans. Twice as much on Federal prisoners as Native American children.

Last year, and the year before that, I offered amendments to the budget resolution to make up the difference. During consideration of last year's budget resolution, we were two votes short of passing our amendment to add \$2.9 billion in funding for IHS clinical services.

Every Democratic Senator voted for the funding; every Republican Senator voted against it. Republican leaders then offered an amendment to provide one-tenth of those funds—\$290 million to the IHS. As meager as that increase was, it was welcome. Unfortunately, that amendment never made it through the conference with the House. Furthermore, when the Interior Appropriations bill was considered, the Republican support for that \$290 million—their own proposal—had dried up.

This year, the President's budget does no better. The President's budget includes a \$7 million increase for IHS clinical services—less than the cost of inflation, and about \$3.4 billion short of what is needed to meet Native Americans' basic health care needs.

I have spoken many times on this floor about the "life or limb" test at the Indian Health Service. When funding is low—and that is pretty much all the time—treatment is rationed using the "life or limb" test.

If a Native American patient isn't at immediate risk of losing his or her life or a limb, then he or she is turned away. Of course, denying early treatment often leads to a worsening condition. Sometimes by the time their condition is bad enough to meet the "life or limb" test, the funding is simply gone.

People are suffering preventable long-term health effects, and even dying, because we—the U.S. Government—are failing to meet our responsibilities. Sometimes we grow numb to these realities.

We do not want to face them. We hear "life and limb test" and simply don't believe it. But this is the reality in Indian country. We have the power to fix it.

The Indian health care budget and the overall budget for Indian country were the subjects of discussion in several meetings I have had this week. Tuesday afternoon I met with, among others, John Yellow Bird Steele, president of the Oglala Sioux Tribe.

President Steele talked about what an affront to Indian country President Bush's fiscal year 2005 budget is. Inadequate funding for Indian health. Inadequate funding for Indian education. Inadequate funding for law enforcement. Inadequate for housing. There is only one area of the budget that was increased—the Department of the Interior's proposed reorganization of the Bureau of Indian Affairs and the Office of the Special Trustee that will oversee