

There being no objection, the Senate proceeded to consider the resolution.

Mr. BURNS. Mr. President, this year marks the 75th anniversary of the Montana FFA, an organization near and dear to my heart. As a former blue jacket myself, I know firsthand how much this organization contributes to the development of leadership skills. A number of my staff, including my chief of staff, are former Montana FFA officers. I couldn't be prouder to introduce today, along with my colleague, Senator BAUCUS, a resolution congratulating the Montana FFA on its 75th anniversary.

With over 2,500 current members from 75 chapters, the Montana FFA provides outstanding career and technical education to students across the State. Over 40,000 Montanans have participated in FFA programs.

As this resolution states, the mission of the FFA, a federally chartered national organization, is to make a positive difference in the lives of students by developing their potential for premier leadership, personal growth, and career success through agriculture education. In Montana, that mission is achieved every day. Whether focusing on public speaking skills, or developing business expertise, or learning about horticulture at the new greenhouse at Park High in Livingston, FFA ensures that our students are ready to embrace all the opportunities the future holds for them.

When the national FFA began in 1928, it did so with just 33 members. Today, it has blossomed into a powerful force for career education, with over 475,000 members. Each year, the halls of Congress are filled with the familiar blue-and-gold jackets, as FFA students from across the nation come to share their thoughts and concerns with us.

The contributions of both the Montana FFA and the national FFA are numerous, and I am pleased to have the opportunity to honor this great organization today. I know this program will continue to flourish and offer our youngsters skills in leadership, personal growth, and career options in the agricultural community as it has done every day since its inception back in Kansas City.

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

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

The resolution (S. Res. 89) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

#### S. RES. 89

Whereas in 2005, the Montana FFA, chartered in 1930, celebrates its 75th anniversary as a premier student development organization where members gain life and leadership skills;

Whereas more than 40,000 Montanans have been FFA members;

Whereas Montana FFA alumni provide outstanding leadership to agriculture and agribusiness at the local, State, and Federal levels;

Whereas the Montana FFA Association is the largest career and technical student organization in the State, with over 2,550 members from 75 chapters;

Whereas the mission of the FFA is to make a positive difference in the lives of students by developing their potential for premier leadership, personal growth, and career success through agriculture education;

Whereas FFA is an integral component of agriculture education in the public school system; and

Whereas the National FFA Organization is a federally-chartered organization:

Now, therefore, be it

*Resolved*, That the Senate—

(1) congratulates the Montana FFA on its 75th anniversary; and

(2) directs the Secretary of the Senate to transmit to the Montana FFA an enrolled copy of this resolution for appropriate display.

#### HOLOCAUST COMMEMORATION WEEK

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 90 which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 90) designating the week of May 1, 2005, as "Holocaust Commemoration Week."

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

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

The resolution (S. Res. 90) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

#### S. RES. 90

Whereas the year 2005 marks the 60th anniversary of the end of the Holocaust, which was ruthlessly and tragically carried out by Nazi Germany under the leadership of Adolf Hitler and his collaborators;

Whereas the Holocaust involved the murder of millions of innocent Jewish men, women, and children along with millions of others, and an enormity of suffering inflicted on the many survivors through mistreatment, brutalization, violence, torture, slave labor, involuntary medical experimentation, death marches, and numerous other acts of cruelty that have come to be known as "genocide" and "crimes against humanity"; and

Whereas in the past 60 years, the Holocaust has provided the peoples of the world with an object lesson in the importance of compassion, caring, and kindness; an awareness of the dangers inherent in bigotry, racism, intolerance, and prejudice; and an understanding of the importance of an appreciation of the sensitivity to diversity: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates the week of May 1, 2005, as "Holocaust Commemoration Week";

(2) commemorates the occasion of the 60th anniversary of the end of World War II and the liberation of the concentration camps; and

(3) encourages all Americans to commemorate the occasion through reflection, acts of compassionate caring, and learning about the terrible consequences and lessons of the Holocaust.

#### EUROPEAN ARMS EMBARGO ON THE PEOPLE'S REPUBLIC OF CHINA

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 91 submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 91) urging the European Union to maintain its arms export embargo on the People's Republic of China.

There being no objection, the Senate proceeded to consider the resolution.

Mr. SMITH. Mr. President, I rise today to support an updated version of S. Res. 59, which I submitted on February 17 that calls on the European Union to maintain its arms embargo against the People's Republic of China.

I am pleased that all of the original cosponsors of S. Res. 59 are joining me in submitting this revised legislation.

This resolution states our strong support of the United States arms embargo on China and urges the European Union to strengthen, enforce, and maintain its embargo as well. It encourages the EU to examine its current arms control policies, close any loopholes, and examine their trade with China in light of serious human rights concerns.

The human rights abuses at Tiananmen Square in 1989 led the United States and the EU to impose this embargo. Now is not the time to lift it. If the EU proceeds down this road, there will be negative consequences to our relationship—an outcome their officials claim they do not want. This resolution expresses the Senate's view that maintaining the embargo is in our mutual security interests.

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table en bloc, and that any statements relating to the resolution be printed in the RECORD.

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

The resolution (S. Res. 91) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

#### S. RES. 91

Whereas, on June 4, 1989, the Communist Government of the People's Republic of China ordered the People's Liberation Army to carry out an unprovoked, brutal assault on thousands of peaceful and unarmed demonstrators in Tiananmen Square, resulting

in hundreds of deaths and thousands of injuries;

Whereas, on June 5, 1989, President George H. W. Bush condemned these actions of the Government of the People's Republic of China, and the United States took several concrete steps to respond to the military assault, including suspending all exports of items on the United States Munitions List to the People's Republic of China;

Whereas, on June 27, 1989, the European Union (then called the European Community) imposed an arms embargo on the People's Republic of China in response to the Government of China's brutal repression of protestors calling for democratic and political reform;

Whereas the European Council, in adopting that embargo, "strongly condemn[ed] the brutal repression taking place in China" and "solemnly request[ed] the Chinese authorities... to put an end to the repressive actions against those who legitimately claim their democratic rights";

Whereas the poor human rights conditions that precipitated the decisions of the United States and the European Union to impose and maintain their respective embargoes have not improved;

Whereas the Department of State 2004 Country Reports on Human Rights Practices states that, during 2004, "[t]he [Chinese] Government's human rights record remained poor, and the Government continued to commit numerous and serious abuses";

Whereas, according to the same Department of State report, credible sources estimated that hundreds of persons remained in prison in the People's Republic of China for their activities during the June 1989 Tiananmen demonstrations;

Whereas the Government of the People's Republic of China continues to maintain that its crackdown on democracy activists in Tiananmen Square was warranted and remains unapologetic for its brutal actions, as demonstrated by that Government's handling of the recent death of former Premier and Communist Party General Secretary, Zhao Ziyang, who had been under house arrest for 15 years because of his objection to the 1989 Tiananmen crackdown;

Whereas, since December 2003, the European Parliament, the legislative arm of the European Union, has rejected in five separate resolutions the lifting of the European Union arms embargo on the People's Republic of China because of continuing human rights concerns in China;

Whereas the February 24, 2005, resolution passed by the European Parliament stated that the Parliament "believes that unless and until there is a significant improvement in the human rights situation in China, it would be wrong for the EU to envisage any lifting [of] its embargo on arms sales to China, imposed in 1989" and that it "requests that the Commission formally oppose such a move when it is discussed in the [European] Council";

Whereas the governments of a number of European Union member states have individually expressed concern about lifting the European Union arms embargo on the People's Republic of China, and several have passed resolutions of opposition in their national parliaments;

Whereas the European Union Code of Conduct on Arms Exports, as a non-binding set of principles, is insufficient to control European arms exports to the People's Republic of China;

Whereas public statements by some major defense firms in Europe and other indicators suggest that such firms intend to increase military sales to the People's Republic of China if the European Union lifts its arms embargo on that country;

Whereas the Department of Defense fiscal year 2004 Annual Report on the Military Power of the People's Republic of China found that "[e]fforts underway to lift the European Union (EU) embargo on China will provide additional opportunities to acquire specific technologies from Western suppliers";

Whereas the same Department of Defense report noted that the military modernization and build-up of the People's Republic of China is aimed at increasing the options of the Government of the People's Republic of China to intimidate or attack democratic Taiwan, as well as preventing or disrupting third-party intervention, namely by the United States, in a cross-strait military crisis;

Whereas the June 2004, report to Congress of the congressionally-mandated, bipartisan United States-China Economic and Security Review Commission concluded that "there has been a dramatic change in the military balance between China and Taiwan," and that "[i]n the past few years, China has increasingly developed a quantitative and qualitative advantage over Taiwan";

Whereas the Taiwan Relations Act (22 U.S.C. 3301 et seq.) codifies in United States law the basis for continued relations between the United States and Taiwan, affirmed that the decision of the United States to establish diplomatic relations with the People's Republic of China was based on the expectation that the future of Taiwan would be determined by peaceful means;

Whereas the balance of power in the Taiwan Straits and, specifically, the military capabilities of the People's Republic of China, directly affect peace and security in the East Asia and Pacific region;

Whereas the Foreign Minister of Japan, Nobutaka Machimura, recently stated that Japan is opposed to the European Union lifting its embargo against the People's Republic of China and that "[i]t is extremely worrying as this issue concerns peace and security environments not only in Japan but also in East Asia as a whole";

Whereas the United States has numerous security interests in the East Asia and Pacific region, and the United States Armed Forces, which are deployed throughout the region, would be adversely affected by any Chinese military aggression;

Whereas the lifting of the European Union arms embargo on the People's Republic of China would increase the risk that United States troops could face military equipment and technology of Western or United States origin in a cross-strait military conflict;

Whereas this risk would necessitate a re-evaluation by the United States Government of procedures for licensing arms and dual-use exports to member states of the European Union in order to attempt to prevent the re-export or retransfer of United States exports from such countries to the People's Republic of China;

Whereas the report of the United States-China Economic and Security Review Commission on the Symposia on Transatlantic Perspectives on Economic and Security Relations with China, held in Brussels, Belgium and Prague, Czech Republic from November 29, 2004, through December 3, 2004, recommended that the United States Government continue to press the European Union to maintain the arms embargo on the People's Republic of China and strengthen its arms export control system, as well as place limitations on United States public and private sector defense cooperation with foreign firms that sell sensitive military technology to China;

Whereas the lax export control practices of the People's Republic of China and the continuing proliferation of technology related

to weapons of mass destruction and ballistic missiles by state-sponsored entities in China remain a serious concern of the Government of the United States;

Whereas the People's Republic of China remains a primary supplier of weapons to countries such as Burma and Sudan where, according to the United States Commission on International Religious Freedom, the military has played a key role in the oppression of religious and ethnic minorities;

Whereas the most recent Central Intelligence Agency Unclassified Report to Congress on the Acquisition of Technology Relating to Weapons of Mass Destruction and Advanced Conventional Munitions, 1 July Through 31 December 2003, found that "Chinese entities continued to work with Pakistan and Iran on ballistic missile-related projects during the second half of 2003," and that "[d]uring 2003, China remained a primary supplier of advanced conventional weapons to Pakistan, Sudan, and Iran";

Whereas, as recently as December 27, 2004, the Government of the United States determined that seven entities or persons in the People's Republic of China, including several state-owned companies involved in China's military-industrial complex, are subject to sanctions under the Iran Nonproliferation Act of 2000 (Public Law 106-178; 50 U.S.C. 1701 note) for sales to Iran of prohibited equipment or technology;

Whereas the authority under the Iran Nonproliferation Act of 2000 to impose sanctions on Chinese persons or entities was used 23 times in 2004; and

Whereas the assistance provided by these entities to Iran works directly counter to the efforts of the United States Government and several European governments to curb illicit weapons activities in Iran: Now, therefore, be it

*Resolved*, That the Senate—

(1) strongly supports the United States embargo on the People's Republic of China;

(2) strongly urges the European Union to continue its ban on all arms exports to the People's Republic of China;

(3) requests that the President raise United States objections to the potential lifting of the European Union arms embargo against the People's Republic of China in any upcoming meetings with European officials;

(4) encourages the Government of the United States to make clear in discussions with representatives of the national governments of European Union member states that a lifting of the European Union embargo on arms sales to the People's Republic of China would potentially adversely affect transatlantic defense cooperation, including future transfers of United States military technology, services, and equipment to European Union countries;

(5) urges the European Union—

(A) to strengthen, enforce, and maintain its arms embargo on the People's Republic of China and in its Code of Conduct on Arms Exports;

(B) to make its Code of Conduct on Arms Exports legally binding and enforceable in all European Union member states;

(C) to more carefully regulate and monitor the end-use of exports of sensitive military and dual-use technology; and

(D) to increase transparency in its arms and dual-use export control regimes;

(6) deplors the ongoing human rights abuses in the People's Republic of China; and

(7) urges the United States Government and the European Union to cooperatively develop a common strategy to seek—

(A) improvement in the human rights conditions in the People's Republic of China;

(B) an end to the military build-up of the People's Republic of China aimed at Taiwan;

(C) a permanent and verifiable end to the ongoing proliferation by state and non-state owned entities and individuals in the People's Republic of China of munitions, materials, and military equipment and the trade in such items involving countries, such as Burma and Sudan, whose armies have played a role in the perpetration of violations of human rights and of humanitarian law against members of ethnic and religious minorities;

(D) improvement in the administration and enforcement of export controls in the People's Republic of China; and

(E) an end to the ongoing proliferation by state and non-state owned entities and individuals in the People's Republic of China of technology related to conventional weapons, weapons of mass destruction, and ballistic missiles.

#### AUTHORIZATION TO SIGN LEGISLATION

Mr. FRIST. Mr. President, I ask unanimous consent that during this adjournment of the Senate, the majority leader, the assistant majority leader, and the senior Senator from Virginia be authorized to sign duly enrolled bills or joint resolutions.

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

#### APPOINTMENT

THE PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, pursuant to Public Law 96-388, as amended by Public Law 97-84 and Public Law 106-292, appoints the following Senators to the United States Holocaust Memorial Council:

The Senator from Wisconsin, Mr. Feingold, and the Senator from New Jersey, Mr. Lautenberg.

#### TERRI SCHIAVO

Mr. FRIST. Mr. President, in closing tonight, I will take a few final moments to speak on an issue that I opened with early this morning, about 14 hours ago, an issue which Senators MARTINEZ and SANTORUM were on the floor speaking to about 45 minutes ago. It has to do with the Terri Schiavo case in Florida.

I close this evening speaking more as a physician than as a U.S. Senator and speak to my involvement as a physician and as a Senator and as leader in the Senate in what has been a fascinating course of events for us over the last 48 hours, a saga which has not ended but one which we took major steps toward tonight in seeing that this woman is not starved to death tomorrow beginning at 1 o'clock, about 13 hours from now.

When I first heard about the situation facing Terri Schiavo, I immediately wanted to know more about the case from a medical standpoint. I asked myself, just looking at the newspaper reports, is Terri clearly in this diagnosis called persistent vegetative state. I was interested in it in part because it is a very difficult diagnosis to make and I have been in a situation

such as this many, many times before as a transplant surgeon.

When we do heart transplants and lung transplants—and they are done routinely and were done routinely at the transplant center that I directed at Vanderbilt—in each and every case when you do a heart transplant or a lung transplant or a heart-lung transplant, the transplanted organs come from someone who is brain dead and death is clearly defined with a series of standardized clinical exams over a period of time, as well as diagnostic tests.

Even brain death is a difficult diagnosis to make, and short of brain death, there are stages of incapacitation that go from coma to this persistent vegetative state to a minimally conscious state. They are tough diagnoses to make. You can make brain death with certainty, but short of that it is a difficult diagnosis and one that takes a series of evaluations over a period of time because of fluctuating consciousness.

So I was a little bit surprised to hear a decision had been made to starve to death a woman based on a clinical exam that took place over a very short period of time by a neurologist who was called in to make the diagnosis rather than over a longer period of time. It is almost unheard of. So that raised the first question in my mind.

I asked myself, does Terri clearly have no hope of being rehabilitated or improved in any way? If you are in a true persistent vegetative state, that may be the case. But, again, it is a very tough diagnosis to make and only by putting forth that rehabilitative therapy and following over time do you know if somebody is going to improve. At least from the reporting, that has not been the case.

Then I asked myself, because we have living wills now and we have written directives which are very commonplace now, but 10 years ago they were not that common and, to be honest with you, a lot of 20- and 30-year-olds do not think about their own mortality and do not offer those written directives. They did not 10 years ago. Now they do with increasing frequency. I encourage people to do that.

So, I asked, did they have a written directive? And the answer was no. And did she have a clear-cut oral directive? And the answer was no.

So my curiosity piqued as I asked to see all of the court affidavits. I received those court affidavits and had the opportunity to read through those over the last 48 hours. My curiosity was piqued even further because of what seemed to be unusual about the case, and so I called one of the neurologists who did evaluate her and evaluated her more extensively than what at least was alleged other neurologists had. And he told me very directly that she is not in a persistent vegetative state. I said, well, give me a spectrum from this neurologist who examined her. To be fair, he examined her about

2 years ago and, to the best of my knowledge, no neurologist has been able to examine her. I am not positive about that, but that is what I have been told in recent times. But at that exam, clearly she was not in a persistent vegetative state, and of 100 patients this neurologist would take care of, she was not at the far end of being an extreme patient in terms of her disability. He described it as if there were 100 patients, she might have been the 70th but not the 80th or 90th or 100th.

So I was really curious that a neurologist who has spent time with her says she is not in a persistent vegetative state but they will begin starving her to death tomorrow at 1 o'clock because of what another neurologist said.

I met with her family and her son. Her son says she has a severe disability. A lot of people have severe disabilities, such as cerebral palsy and receptive aphasia, but her brother said that she responds to her parents and to him. That is not somebody in persistent vegetative state.

I then met in person with the chairman of the Judiciary Committee 2 days ago in Florida to discuss the case. He told me that they had exhausted all options in the State of Florida to reverse what was going to be inevitable tomorrow, Friday, the 18th of March; and that is, that feedings and hydration were going to stop, that everything had been exhausted.

He said the courts have been exhausted, and that all of the court decisions and the court cases had not been based on the facts because the facts were very limited and were the conclusions of one judge and two neurologists, and that was it, and that there were, in terms of the affidavits—I will get the exact number that I read—there were something like 34 affidavits from other doctors, who said that she could be improved with rehabilitation.

So then it came to, what do you do? Here is the U.S. Senate that normally does not and should not get involved in all of these private-action cases. It is not our primary responsibility here in the U.S. Senate. But with an exhaustion of a State legislature, an exhaustion of the court system in a State—yet all of this is based on what one judge had decided on what, at least initially, to me, looks like wrong data, incomplete data. But somebody is being condemned to death—somebody who is alive; there is no question she is alive—is being condemned to death.

It takes an action to pull out a feeding tube. It takes an action to stop feeding. The inaction of feeding becomes an action. And thus, as I started talking about it this morning, the question was, what do we do? Bills had been put forth broadly on the floor, and Senator MARTINEZ had very effective legislation, but it had to do with the habeas corpus, a very large issue that we have not had hearings on and debated.

So what we decided to do was to fashion a bill that was very narrow, aimed