

Senate rules, or clarifying the application of Senate precedents—not undermining them. The Senate has been the last fortress of minority rights and freedom of speech in this Republic for more than two centuries. I pray that Senators will pause and reflect before ignoring that history and tradition in favor of the political priority of the movement.

Mr. FRIST. Mr. President, I ask unanimous consent that the bill be read a third time and the Senate proceed to a vote on passage.

The ACTING PRESIDENT pro tempore. Is there objection? Without objection, it is so ordered.

The bill having been read the third time, the question is, Shall the bill pass?

The bill (S. 686) was passed, as follows:

S. 686

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. RELIEF OF THE PARENTS OF THERESA MARIE SCHIAVO.**

The United States District Court for the Middle District of Florida shall have jurisdiction to hear, determine, and render judgment on a suit or claim by or on behalf of Theresa Marie Schiavo for the alleged violation of any right of Theresa Marie Schiavo under the Constitution or laws of the United States relating to the withholding or withdrawal of food, fluids, or medical treatment necessary to sustain her life.

**SEC. 2. PROCEDURE.**

Any parent of Theresa Marie Schiavo shall have standing to bring a suit under this Act. The suit may be brought against any other person who was a party to State court proceedings relating to the withholding or withdrawal of food, fluids, or medical treatment necessary to sustain the life of Theresa Marie Schiavo, or who may act pursuant to a State court order authorizing or directing the withholding or withdrawal of food, fluids, or medical treatment necessary to sustain her life. In such a suit, the District Court shall determine de novo any claim of a violation of any right of Theresa Marie Schiavo within the scope of this Act, notwithstanding any prior State court determination and regardless of whether such a claim has previously been raised, considered, or decided in State court proceedings. The District Court shall entertain and determine the suit without any delay or abstention in favor of State court proceedings, and regardless of whether remedies available in the State courts have been exhausted.

**SEC. 3. RELIEF.**

After a determination of the merits of a suit brought under this Act, the District Court shall issue such declaratory and injunctive relief as may be necessary to protect the rights of Theresa Marie Schiavo under the Constitution and laws of the United States relating to the withholding or withdrawal of food, fluids, or medical treatment necessary to sustain her life.

**SEC. 4. TIME FOR FILING.**

Notwithstanding any other time limitation, any suit or claim under this Act shall be timely if filed within 30 days after the date of enactment of this Act.

**SEC. 5. NO CHANGE OF SUBSTANTIVE RIGHTS.**

Nothing in this Act shall be construed to create substantive rights not otherwise secured by the Constitution and laws of the United States or of the several States.

**SEC. 6. NO EFFECT ON ASSISTING SUICIDE.**

Nothing in this act shall be construed to confer additional jurisdiction on any court to consider any claim related—

- (1) to assisting suicide, or
- (2) a State law regarding assisting suicide.

**SEC. 7. NO PRECEDENT FOR FUTURE LEGISLATION.**

Nothing in this Act shall constitute a precedent with respect to future legislation, including the provision of private relief bills.

**SEC. 8. NO EFFECT ON THE PATIENT SELF-DETERMINATION ACT OF 1990.**

Nothing in this Act shall affect the rights of any person under the Patient Self-Determination Act of 1990.

**SEC. 9. SENSE OF THE CONGRESS.**

It is the Sense of the Congress that the 109th Congress should consider policies regarding the status and legal rights of incapacitated individuals who are incapable of making decisions concerning the provision, withholding, or withdrawal of foods, fluid, or medical care.

Mr. FRIST. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. FRIST. Mr. President, I rise today to speak about the bill we just passed that will give Terri Schiavo another chance. The bill we passed this afternoon centers on the sanctity of human life. It is bipartisan; it is bicameral. The House of Representatives is considering the exact same bill today. After the Senate and House pass this legislation, the President will immediately sign it into law.

There has been a lot of discussion about what this bill actually does. Let me point out several things.

Simply put, it allows Terri's case to be held in Federal court. The legislation permits a Federal district judge to consider a claim on behalf of Terri for alleged violations of constitutional rights or Federal laws relating to the withholding of food, water, or medical treatment necessary to sustain life.

The bill guarantees a process to help Terri but does not guarantee a particular outcome. Once a new case is filed, a Federal district judge can issue a stay at any time 24 hours a day. A stay would allow Terri to be fed once again. The judge has discretion on that particular decision. However, I would expect that a Federal judge would grant the stay under these circumstances because Terri would need to live in order for the court to consider the case. If a new suit goes forward, the Federal judge must conduct what is called de novo review of the case. De novo review means the judge must look at the case anew. The judge need not rely on or defer to the decision of previous judges.

The judge also may make new findings of fact, and from a practical standpoint this means that in a new case the judge can reevaluate and reassess Terri's medical condition.

I would like to make a few other points about the bill.

First, it is a unique bill passed under unique circumstances that should not serve as a precedent for future legislation.

Second, this bill would not impede any State's existing laws regarding assisted suicide.

Finally, in this bill Congress acknowledges that we should take a closer look in the future at the legal rights of incapacitated individuals.

While this bill will create a new Federal cause of action, I still encourage the Florida Legislature to act on Terri's behalf. This new Federal law will help Terri, but it should not be her only remaining option.

Remember, Terri is alive. Terri is not in a coma. Although there is a range of opinions, neurologists who have examined her insist today that she is not in a persistent vegetative state. She breathes on her own just like you and me. She is not on a respirator. She is not on life support of any type. She does not have a terminal condition.

Moreover, she has a mom and a dad and siblings, her closest blood relatives, who love her, who say she is responsive to them, who want her to live, and who will financially support her. These are the facts.

We in the Senate recognize that it is extraordinary that we, as a body, act. But these are extraordinary circumstances that center on the most fundamental of human values and virtues—the sanctity of human life.

The level of cooperation and thoughtful consideration surrounding this legislative effort on behalf of my colleagues has truly been remarkable. I thank Senate minority leader HARRY REID for his leadership on this issue. He and I have been in close contact throughout this process. I also thank my Democratic colleagues who expressed their concerns but have allowed us to move forward. In particular, I thank Senators MEL MARTINEZ, RICK SANTORUM, TOM HARKIN, and KENT CONRAD for their dedication in shepherding this legislation. This is bipartisan, bicameral legislation.

**CONDITIONAL ADJOURNMENT OR RECESS OF THE SENATE AND HOUSE OF REPRESENTATIVES**

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of S. Con. Res. 23, the adjournment resolution, which is at the desk. I further ask that the concurrent resolution be agreed to and the motion to reconsider be laid upon the table.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 23) was agreed to, as follows:

S. CON. RES. 23

*Resolved by the Senate (the House of Representatives concurring), That when the Senate recesses or adjourns on any day from Sunday, March 20, 2005, through Sunday, April 3, 2005, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Monday, April 4, 2005, or until such other time as may be specified by the Majority Leader or his designee*

in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the House adjourns on any day from Sunday, March 20, 2005, through Monday, April 4, 2005, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2 p.m. on Tuesday, April 5, 2005, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Minority Leader of the Senate and the Speaker of the House, or their respective designees, acting jointly after consultation with the Minority Leader of the Senate and the Minority Leader of the House, shall notify the Members of the Senate and House, respectively, to reassemble at such place and time as they may designate whenever, in their opinion, the public interest shall warrant it.

#### ORDER FOR RECORD TO REMAIN OPEN

Mr. FRIST. Mr. President, I ask unanimous consent that notwithstanding the Senate's adjournment, the RECORD remain open for statements only on Monday, March 21, from 11 a.m. until 5 p.m.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### ADDITIONAL STATEMENTS

##### THE PASSING OF PAT OKURA

• Mr. INOUE. Mr. President, on January 30, 2005, America lost a pioneer and leader in civil rights, human rights and mental health. Among his many accomplishments, Mr. K. Patrick Okura served as president of the Japanese American Citizens League, JACL, between 1962 and 1964 and led the JACL into a new era of civil rights activism. Pat was also an active board member of the Asian Pacific American Heritage Council and dedicated himself to nurturing the growth of the Asian Pacific American community. In addition, Pat had a long and distinguished career in mental health and helped found the Asian American Psychological Association.

On February 11, 2005, a memorial service was held for Pat in Bethesda, MD. At this memorial service, an eloquent eulogy was presented by the current president of the JACL, Mr. John Tateishi, highlighting Pat's accomplishments, describing his character, and expressing sadness at his passing.

I feel much the same way as Mr. Tateishi does about Pat's passing. I would like to share his thoughts with you. Today, I ask that a copy of Mr. Tateishi's eulogy for Pat Okura to be printed in the RECORD.

The material follows:

##### EULOGY FOR K. PATRICK OKURA

If the true measure of a man is seen in his actions rather than in the words he speaks, then Pat Okura is a giant among us today. He was someone who believed passionately in equality and the rights of individuals, and more importantly, he spent a lifetime fighting for those things he believed in so strongly.

Some 30 years ago, when we were all so much younger, Pat and I talked long into the night at a JACL convention, and it was then that I first got to know something about this remarkable man. He told me about the things that had shaped his life: his days at UCLA, meeting and marrying his lovely wife Lily, those miserable days imprisoned and living as newlyweds in a horse stall at the Santa Anita race track, life at Boys Town in Omaha, and the post-war years. And apart from his life with Lily, he told me the one event that shaped his view of the world more than any other was the injustice of the internment. As a result, he spent the rest of his life fighting against racism and social injustice and always tried to ensure justice in this world, especially for those who were the least able to fight for themselves.

The one thing that is legendary about Pat was his love of mentoring young people. He would always tell the stories of his life, not to talk about himself, but to impart wisdom from those experiences, to use the stories of his life as a way to teach and guide the young people who came to him for his help. He loved to counsel, advise, to mentor the young, and he always, without hesitation, extended a helping hand. There are countless numbers of us who have benefited from his generosity and kindness. That was one of the hallmarks of his life.

In 1962, Pat was elected as the National President of JACL, and during his term of office, he led the JACL into a new era of civil rights. A year after winning election as the organization's president, he convened a meeting of the JACL's National Board in Washington D.C., the first time the Board had ever met anywhere other than at its national headquarters in its 64 year history. He did so to urge the JACL Board to support the now historic March on Washington, led by the Reverend Martin Luther King, Jr.

In order to put that into context, it should be noted that in 1963, the notion of civil rights was not yet part of the popular lexicon of the American vernacular. At that time, it was viewed as a radical movement by upstart blacks and radical students from the north, and the idea of civil rights for non-whites created discomfort in the hearts of many in this country. Certainly, for the JACL, moderate at best, being part of the civil rights movement was a radical idea.

So in 1963, when Pat passionately cajoled the JACL National Board into supporting the march and proudly marched with Dr. King in the Nation's Capitol, he moved the JACL into a new era—from an organization that looked inward to its own community to one that reached out to any individuals or groups in this country victimized by social injustice.

We in the JACL have been fortunate to have known Pat as a friend, a colleague, and a leader. For a brief moment, he was given to us, and we are proud to have had him as one of us to have been a part of his life. He will be sorely missed, and his passing leaves a gaping void that cannot easily be filled. Legends among us are passing, and how do we possibly replace them? The likes of Patrick Okura simply cannot be replaced. He was too remarkable.

Lily, on this day of mourning, we thank you for sharing Pat with us. Our thoughts are with you as we celebrate the incredible life of a wonderful human being and a good friend.●

##### SENATE PASSAGE OF THE TERRI SCHIAVO BILL

• Mr. TALENT. Mr. President, I believe in the dignity and value of life at all stages and I strongly supported the legislation to help Terri Schiavo. Doctors have said that Terri is not in a

persistent vegetative state and there is a lot of evidence that she would improve if she can get the care her family wants to give her.

It is not uncommon in cases where there has been a miscarriage of justice for the Congress to pass private bills. Our actions are consistent with the will of the people of Florida who have been repeatedly frustrated by the State courts. We have a chance to allow this young woman to live under the nurturing of her parents and to improve her condition.

On Sunday, March 20, the Senate passed the Terri Schiavo bill. The House passed the bill early on Monday, March 21, by a vote of 203-58 and President Bush signed the bill into law less than an hour later.

The legislation will allow Federal courts to hear a claim on behalf of Terri Schiavo by her parents, Robert and Mary Schindler, alleging a violation of their daughter's rights under the Constitution or Federal law relating to the withholding or withdrawal of food, fluids, or medical treatment necessary to sustain her life.●

##### TRIBUTE TO SIDNEY A. GOODMAN

• Mr. COLEMAN. Mr. President, it broke my heart to miss my good friend Sidney Goodman's birthday today. So I wanted to memorialize this great occasion in a way that would be remembered. As I told Sidney in a letter, if he hadn't made something out of me, I would be there to celebrate with him instead of working here in Washington.

Thomas Jefferson said that, "The test of every generation is giving a better world to its children than it got from its parents." By that standard, Sidney is one of the greatest of the Greatest Generation.

As you well know, it is not the years of life but the life in years that counts. Sidney has lived many years and lived them to the hilt. He has poured so much love and energy into those around him, including me. I hope he can receive all the richly deserved honor bestowed on him on this special day. He is 1 in 5 billion.

Sidney A. Goodman is the quintessential entrepreneur, with heart.

His charisma instantly draws people, and his expectations encourage them to become the very best they can be. His uncanny business sense makes him the consummate deal maker and natural leader. His honesty, integrity and warmth have cultivated thousands of business relationships that have become genuine friendships.

These abilities enabled him to set the foundation of what would become the Goodman Group, one of the Nation's most unique and innovative privately held companies, in which he is still actively involved today. The Goodman Group is made up of: Sage Company, which has communities in 11 States