

Whereas effective truancy reduction programs can take many forms and can be implemented in many different settings, including in schools, courts, and through community programs;

Whereas truancy prevention programs focused on middle grade students are key to preventing future dropouts; and

Whereas truancy reduction programs are highly cost effective, reduce juvenile and adult crime, and save taxpayer money: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates August 2008 as “National Truancy Prevention Month”;

(2) recognizes the significant harm of chronic truancy to the youth of the United States;

(3) acknowledges the work being done by truancy prevention programs throughout the United States to help at-risk youth; and

(4) encourages law enforcement, school officials, the judiciary, community leaders, and the business community to work together to address truancy.

#### SENATE RESOLUTION 625—DESIGNATING AUGUST 16, 2006, AS NATIONAL AIRBORNE DAY

Mr. HAGEL (for himself, Mr. GREGG, Mr. KERRY, Mr. REED, Mr. REID, Ms. SNOWE, and Mr. STEVENS) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 625

Whereas the airborne forces of the Armed Forces have a long and honorable history as units of adventuresome, hardy, and fierce warriors who, for the national security of the United States and the defense of freedom and peace, project the effective ground combat power of the United States by Air Force air transport to the far reaches of the battle area and, indeed, to the far corners of the world;

Whereas August 16 marks the anniversary of the first official Army parachute jump on August 16, 1940, an event that validated the innovative concept of inserting United States ground combat forces behind the battle line by means of a parachute;

Whereas the United States experiment of airborne infantry attack began on June 25, 1940, when the Army Parachute Test Platoon was first authorized by the Department of War, and was launched when 48 volunteers began training in July 1940;

Whereas the success of the Parachute Test Platoon in the days immediately preceding the entry of the United States into World War II led to the formation of a formidable force of airborne units that have served with distinction and have had repeated success in armed hostilities;

Whereas among those airborne units are the former 11th, 13th, and 17th Airborne Divisions, the venerable 82nd Airborne Division, the versatile 101st Airborne Division (Air Assault), and the airborne regiments and battalions (some as components of those divisions, some as separate units) that achieved distinction as the elite 75th Ranger Regiment, the 173rd Airborne Brigade, the 187th Infantry (Airborne) Regiment, the 503rd, 507th, 508th, 517th, 541st, and 542nd Parachute Infantry Regiments, the 88th Glider Infantry Regiment, the 509th, 551st, and 555th Parachute Infantry Battalions, the 325th and 327th Glider Infantry, and the 550th Airborne Infantry Battalion;

Whereas the achievements of the airborne forces during World War II prompted the evolution of those forces into a diversified force of parachute and air assault units that, over

the years, have fought in Korea, Vietnam, Grenada, Panama, the Persian Gulf region, and Somalia, and have engaged in peace-keeping operations in Lebanon, the Sinai Peninsula, the Dominican Republic, Haiti, Bosnia, and Kosovo;

Whereas the modern-day airborne force that has evolved from those World War II beginnings is an agile, powerful force that, in large part, is composed of the 82nd Airborne Division, the 101st Airborne Division (Air Assault), and the 75th Ranger Regiment;

Whereas the modern-day airborne force also includes other elite forces composed entirely of airborne trained and qualified special operations warriors, including Army Special Forces, Marine Corps Reconnaissance units, Navy SEALs, and Air Force combat control teams, all or most of which comprise the forces of the United States Special Operations Command;

Whereas in the aftermath of the terrorist attacks on the United States on September 11, 2001, the 75th Ranger Regiment, special forces units, and units of the 82nd Airborne Division and the 101st Airborne Division (Air Assault), together with other units of the Armed Forces, have been prosecuting the war against terrorism by carrying out combat operations in Afghanistan, training operations in the Philippines, and other operations elsewhere;

Whereas in the aftermath of the President's announcement of Operation Iraqi Freedom in March 2003, the 75th Ranger Regiment, special forces units, and units of the 82nd Airborne Division, the 101st Airborne Division (Air Assault), the 173rd Airborne Brigade, and the 4th Brigade Combat Team (Airborne) of the 25th Infantry Division, together with other units of the Armed Forces, have been prosecuting the war against terrorism, carrying out combat operations, conducting civil affairs missions, and assisting in establishing democracy in Iraq;

Whereas the airborne forces are and will continue to be at the ready and the forefront until the Global War on Terrorism is concluded;

Whereas of the members and former members of the United States airborne forces, all have achieved distinction by earning the right to wear the airborne's “Silver Wings of Courage”, thousands have achieved the distinction of making combat jumps, 69 have earned the Medal of Honor, and hundreds have earned the Distinguished-Service Cross, Silver Star, or other decorations and awards for displays of such traits as heroism, gallantry, intrepidity, and valor;

Whereas the members and former members of the United States airborne forces are members of a proud and honorable fraternity of the profession of arms that is made exclusive by those distinctions which, together with their special skills and achievements, distinguish them as intrepid combat parachutists, special operation forces, and (in former days) glider troops;

Whereas the history and achievements of the members and former members of the airborne forces of the United States Armed Forces warrant special expressions of the gratitude of the American people; and

Whereas, since the airborne community celebrates August 16 as the anniversary of the first official jump by the Army Parachute Test Platoon, August 16 would be an appropriate day to recognize as National Airborne Day: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates August 16, 2008, as “National Airborne Day”; and

(2) calls on the people of the United States to observe “National Airborne Day” with appropriate programs, ceremonies, and activities.

#### SENATE RESOLUTION 626—EXPRESSING THE SENSE OF THE SENATE THAT THE SUPREME COURT OF THE UNITED STATES ERRONEOUSLY DECIDED KENNEDY V. LOUISIANA, NO. 07-343 (2008), AND THAT THE EIGHTH AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES ALLOWS THE IMPOSITION OF THE DEATH PENALTY FOR THE RAPE OF A CHILD

Mr. VITTER (for himself, Mr. DEMINT, Mrs. DOLE, Mr. CRAPO, Mr. CORNYN, Mr. COBURN, Mr. SESSIONS, Mr. BURR, and Mr. KYL) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 626

Whereas 1 out of 3 sexual assault victims is under 12 years of age;

Whereas raping a child is a particularly depraved, perverted, and heinous act;

Whereas child rape is among the most morally reprehensible crimes;

Whereas child rape is a gross defilement of innocence that should be severely punished;

Whereas a raped child suffers immeasurable physical, psychological, and emotional harm from which the child may never recover;

Whereas the Federal Government and State governments have a right and a duty to combat, prevent, and punish child rape;

Whereas the popularly elected representatives of Louisiana modified the rape laws of the State in 1995, making the aggravated rape of a child 11 years of age or younger punishable by death, life imprisonment without parole, probation, or suspension of sentence, as determined by a jury;

Whereas on March 2, 1998, Patrick Kennedy, a resident of Louisiana, brutally raped his 8-year-old stepdaughter;

Whereas the injuries inflicted on the child victim by her stepfather were described by an expert in pediatric forensic medicine as “the most severe he had seen from a sexual assault”;

Whereas the cataclysmic injuries to her 8-year-old body required emergency surgery;

Whereas a jury of 12 Louisiana citizens convicted Patrick Kennedy of this depraved crime, and unanimously sentenced him to death;

Whereas the Supreme Court of Louisiana upheld this sentence, holding that the death penalty was not an excessive punishment for Kennedy's crime;

Whereas the Supreme Court of Louisiana relied on precedent interpreting the eighth amendment to the Constitution of the United States;

Whereas on June 25, 2008, the Supreme Court of the United States held in *Kennedy v. Louisiana*, No. 07-343 (2008), that executing Patrick Kennedy for the rape of his stepdaughter would be “cruel and unusual punishment”;

Whereas the Supreme Court, in the 5-4 decision, overturned the judgment of Louisiana's elected officials, the citizens who sat on the jury, and the Louisiana Supreme Court;

Whereas this decision marked the first time that the Supreme Court held that the death penalty for child rape was unconstitutional;

Whereas, as Justice Alito observed in his dissent, the opinion of the majority was so broad that it precludes the Federal Government and State governments from authorizing the death penalty for child rape “no matter how young the child, no matter how many times the child is raped, no matter

how many children the perpetrator rapes, no matter how sadistic the crime, no matter how much physical or psychological trauma is inflicted, and no matter how heinous the perpetrator's prior criminal record may be";

Whereas, in the United States, the people, not the Government, are sovereign;

Whereas the Constitution of the United States is supreme and deserving of the people's allegiance;

Whereas the framers of the eighth amendment did not intend to prohibit the death penalty for child rape;

Whereas the imposition of the death penalty for child rape has never been within the plain and ordinary meaning of "cruel and unusual punishment", neither now nor at the adoption of the eighth amendment;

Whereas instead of construing the eighth amendment's prohibition of "cruel and unusual punishment" according to its original meaning or its plain and ordinary meaning, the Court followed a two-step approach of first attempting to discern a national consensus regarding the appropriateness of the death penalty for child rape and then applying the Justices' own independent judgment in light of their interpretation of a national consensus and evolving standards of decency;

Whereas, to the extent that a national consensus is relevant to the meaning of the eighth amendment, there is national consensus in favor of the death penalty for child rape, as evidenced by the adoption of that penalty by the elected branches of the Federal Government only 2 years ago, and by the swift denunciations of the Kennedy v. Louisiana decision by the presumptive nominees for President of both major political parties;

Whereas the evolving standards of decency is an arbitrary construct without foundation in the Constitution of the United States and should have no bearing on Justices who are bound to interpret the laws of the United States;

Whereas the standards of decency in the United States have evolved toward approval of the death penalty for child rape, as evidenced by 6 States and the Federal Government adopting that penalty in the past 13 years;

Whereas the Supreme Court rendered its opinion without knowledge of a Federal law authorizing the death penalty for child rapists;

Whereas the Federal law authorizing the death penalty for child rapists was passed by Congress and signed by the President 2 years before the Supreme Court released the decision; and

Whereas the Court presumably would have deferred to the elected branches of government in determining a national consensus regarding evolving standards of decency had it been aware of the Federal law authorizing the death penalty for child rapists at the time that it made the decision: Now, therefore, be it

*Resolved*, That it is the sense of the Senate that—

(1) the depraved conduct of the worst child rapists merits the death penalty;

(2) standards of decency allow, and sometimes compel, the death penalty for child rape;

(3) the eighth amendment to the Constitution of the United States allows the death penalty for the rape of a child where the crime did not result, and was not intended to result, in death of the victim;

(4) the Louisiana statute making child rape punishable by death is constitutional;

(5) the Supreme Court of the United States should grant any petition for rehearing of Kennedy v. Louisiana, No. 07-343 (2008), because the case was decided under a mistaken view of Federal law;

(6) the portions of the Kennedy v. Louisiana decision regarding the national consensus or evolving standards of decency with respect to the imposition of the death penalty for child rape should not be viewed by Federal or State courts as binding precedent, because the Supreme Court was operating under a mistaken view of Federal law; and

(7) the Supreme Court should reverse its decision in Kennedy v. Louisiana, on rehearing or in a future case, because the decision was supported by neither commonly held beliefs about "cruel and unusual punishment", nor by the text, structure, or history of the Constitution of the United States.

**SENATE RESOLUTION 627—WELCOMING HOME KEITH STANSELL, THOMAS HOWES, AND MARC GONSAIVES, THREE CITIZENS OF THE UNITED STATES WHO WERE HELD HOSTAGE FOR OVER FIVE YEARS BY THE REVOLUTIONARY ARMED FORCES OF COLOMBIA (FARC) AFTER THEIR PLANE CRASHED ON FEBRUARY 13, 2003**

Mr. NELSON of Florida (for himself, Mr. ISAKSON, Mr. MARTINEZ, Mr. DODD, Mr. COLEMAN, Mr. LIEBERMAN, Mr. CARDIN, Mr. CRAIG, Mr. BOND, Mr. DOMENICI, Mr. HATCH, and Mr. CHAMBLISS) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 627

Whereas a Congressional Resolution in 2007 (S. Con. Res. 53) condemned the kidnapping and hostage-taking of three citizens of the United States, Keith Stansell, Thomas Howes, and Marc Gonsalves for over four years by the FARC, and demanded their immediate and unconditional release;

Whereas the Senate expresses sorrow at the murder of Tom Janis by the FARC, another citizen of the United States that was on the downed aircraft, and Luis Alcedes Cruz, a member of the Colombian military, as well as citizens of the United States who died during a hostage search mission in 2003;

Whereas the Government of Colombia carried out a historic rescue mission on July 2, 2008, freeing 15 hostages who the FARC had kidnapped and held in captivity, including these three citizens of the United States, Ingrid Betancourt, and military and police personnel of Colombia;

Whereas the armed forces of Colombia planned, led, and executed the rescue operation without a single gunshot;

Whereas the United States Government played a key supportive role in the rescue mission by the armed forces of Colombia;

Whereas the FARC is designated as a foreign terrorist organization by the Department of State and the European Union;

Whereas the FARC utilizes kidnappings for ransom, extortion, and the drug trade to finance its activities;

Whereas the FARC committed atrocities against citizens of both Colombia and the United States;

Whereas the FARC has kidnapped at least 36 citizens of the United States since 1980, and killed 10 citizens of the United States;

Whereas the FARC currently holds an estimated 700 people as hostages; and

Whereas over 50 FARC leaders have been indicted in the United States for drug trafficking: Now, therefore, be it

*Resolved*, That the Senate—

(1) welcomes Keith Stansell, Thomas Howes, and Marc Gonsalves home to the United States after being held for over five

years by the Revolutionary Armed Forces of Colombia (FARC);

(2) celebrates with the families and relatives of the hostages who kept faith despite being unsure of the fates of their family members for more than five years;

(3) expresses gratitude to the Government of Colombia and the armed forces of Colombia for successfully rescuing the hostages, and applauds the effective contribution of the United States Government to this effort;

(4) calls for the immediate release of all hostages held by the FARC and other armed terrorist groups in Colombia; and

(5) urges the FARC to lay down their weapons and reject terrorism.

Mr. NELSON of Florida. Mr. President, I come here on a happy note. I am filing a resolution and I hope this is the kind of thing the Senate can come together to celebrate, the fact that three Americans that were held hostage over 4 years in the jungle by the FARC contraband guerillas, a drug-running crowd, murderers who put chains around these captives' necks just like an animal, a wild animal, and they had to carry these collars, these steel collars with these steel chains, heavy, so that was another way of keeping them from escaping. But if they escaped, where were they going to go? They were out in the middle of the jungle. This resolution which I am introducing with Senator ISAKSON, because there is a connection of one of the hostages to Georgia, and my colleagues Senators MARTINEZ, DODD, COLEMAN, LIEBERMAN, CARDIN, CRAIG, BOND, DOMENICI, HATCH, and CHAMBLISS, I would like to see move like greased lightning through the Senate so we can recognize this significant achievement of the Colombian military, assisted by the U.S. Government in a miraculous hostage rescue of 15 people, including Ingrid Betancourt, the celebrated and quite well known former senator in Colombia who also had dual citizenship with France.

In this miraculous rescue operation there was not one bullet fired and not one drop of blood spilled.

Our three Americans, all of whom live in Florida—Keith Stansell, Thomas Howes, and Marc Gonsalves—were held hostage for over 5 years by the Revolutionary Armed Forces of Colombia, known as the FARC, after their plane had crashed on February 13, 2003.

The pilot was hurt, and he was executed. There was another Colombian with them at the time who was executed. These three—Keith, Tom, and Marc—were taken hostage and, in the words of Keith Stansell, whom I have spoken to today, they were human currency. They were the trading, the barter for the FARC to get whatever they wanted.

They kept them over 5 years. They would still have them if they did not have this miraculous rescue operation. This is one of the few times you have seen in the entire world where the world came together and focused and said: That is a job well done; for it was reported how miraculous this was,