

that debate represent the majority of the American population. Now, put that way, the decision of the Senate on this controversial nominee hardly seem anti-democratic.

I respect the role of the Senate and the ways in which it has traditionally functioned on behalf of the American people. Any rule or practice can be used for ill, of course. For instance, the Senate grants significant authority to committees and to chairs of committees to determine the Senate's agenda and business. Traditionally, when a committee votes down a nominee, that nomination does not go forward. We have made one recent exception for the nomination of Judge Bork to the Supreme Court. That led to a heated battle on the Senate floor that resulted in that nomination ultimately being rejected by the Senate. Never in our history has the Senate or an administration simply overridden the judgment of the Judiciary Committee. That is what this administration chose to do when it renominated Judge Owen after her nomination had been thoroughly and fairly considered last year.

Finally, I am troubled that the administration and Senate Republicans are so intent on changing the rules and procedures and practices of the Senate in so many ways to gerrymandering the process in favor of the administration's most extreme, divisive and controversial nominees. That was not the motivation behind the amendment of rule 22 in 1975 that I supported. It used to be rare that judicial nominees would receive so many negative votes and engender so much opposition. In accordance with the consultation and cooperation that prevailed between administrations before this one and Senators from both parties, it was a rarity to have a contested nomination or to have close votes. That this administration is so fixated on forcing through the Senate nominees that do not have the support of more Senators is alarming in itself.

Consensus, mainstream, qualified nominees will get the support of not just a bare majority of Senators voting but the overwhelming majority of Senators. Thus, Judge Prado, and Judge Gregory, and Judge Raggi were confirmed with overwhelming bipartisan support. So, too, I am confident that Judge Consuelo Callahan will be the second Hispanic nominee of this administration to a circuit court to receive the strong support of Democratic Senators, when the leadership decides to schedule a vote on her confirmation. The 125 judicial confirmations to date are by and large conservative nominees but many enjoyed the strong bipartisan vote of Senators from both parties.

Yet Senate Republicans at the behest of the administration want to grant even more power to the administration by encouraging the President to nominate more controversial nominees. I respectfully suggest that the better way to proceed would be for the White

House to work more closely with Democrats and Republicans in the Senate to identify consensus nominees who will not generate a close vote and do not need special rules in order to be considered.

I thank the majority leader for working with the Democratic leader and assistant leader to make what he himself recognized as progress over the last weeks. With some cooperation and consideration from the administration we could accomplish so much more.

#### RECOGNITION OF NATIVE AMERICAN CODE TALKERS

Mr. JOHNSON. Mr. President, throughout the military history of the United States, Native Americans have served their country above and beyond the call of duty. Although they have served in many capacities, perhaps none has been more valuable than the services they have provided as code talkers. Today, I rise to support and cosponsor S. 540, a bill to authorize the presentation of gold medals on behalf of Congress to Native Americans who served as code talkers during foreign conflicts.

During World War II, the Sioux Indians volunteered their native languages, Dakota, Lakota, and Nakota Sioux, as codes. The Sioux code talkers worked tirelessly around the clock to provide information, such as the location of enemy troops and the number of enemy guns, which saved the lives of many Americans in war theaters in the Pacific and Europe. U.S. military commanders credit the Sioux with saving the lives of countless American soldiers and with being instrumental to the success of the United States in many battles during the war.

Today I would like to acknowledge the following distinguished gentlemen: Eddie Eagle Boy, Simon Brokenleg, Iver Crow Eagle Sr., Edmund St. John, Walter C. John Bear King, Phillip "Stoney" LaBlanc, Baptiste Pumpkinseed, Guy Rondell, Charles Whitepipe, and Clarence Wolfguts.

During the D-Day invasion and afterwards in the European theater, the 4th Signal Division employed Comanche code talkers to help the Army develop a code, which proved to be unbreakable by the Axis powers, and which was used extensively throughout Europe. This code was instrumental to winning the war in Europe and saved countless lives. The time has come to honor the Comanche code talkers for their valor and service to the United States. Today I would like to acknowledge the brave accomplishments of Charles Chibitty, Haddon Codynah, Robert Holder, Forrest Kassinovoid, Willington Mihecoby, Perry Noyebad, Clifford Otitivo, Simmons Parker, Melvin Permansu, Dick Red Elk, Elgin Red Elk, Larry Saupitty, Morris Sunrise, and Willie Yackeschi.

During the first year of World War I, when Germany had deciphered all Allied codes, and Allied forces were suf-

fering from heavy casualties, 18 Choctaw Indian soldiers were recruited on the battlefield to use their native language as a new code. This code, which was never successfully deciphered by the Germans, was thereafter used widely throughout the war and was instrumental in the movement of American soldiers, the protection of American supplies, and the preparation for assaults on German positions.

The Choctaw code talkers were highly successful and saved many lives and munitions. Their contribution is just another example of the commitment of Native Americans to the defense of the United States, as well as another example of the proud legacy of the Native Americans. The original 18 Choctaw code talkers have already been honored by a memorial bearing their names located at the entrance of the tribal complex in Durant, OK. Now I would like to continue to honor their legacy by urging my colleagues to vote affirmatively for S. 540.

#### MEMORIAL DAY

Ms. STABENOW. Mr. President, I rise today to reflect on this year's Memorial Day commemorations and the importance of this holiday in American life.

As I attend Memorial Day parades and commemorations, I'm struck by the spirit of national unity on display because I know that across Michigan—and across our Nation—our fellow Americans are taking part in similar gatherings where we take the time to reflect on our history and the sacrifice that brought us to where we are today.

Memorial Day is unique among American holidays. On Memorial Day we do not honor a particular date or event—a battle or the end of a war. On Memorial Day we do not honor an individual leader—a president or a general. On Memorial Day we do not even honor ourselves—at least not in the present tense.

On Memorial Day we pay homage to the thousands and thousands of individual acts of bravery and sacrifice that stretch back to the battlefields of our Revolution and are on display today in the deserts of Iraq and the mountains of Afghanistan.

We honor the brave men and women who answered their Nation's call to duty. And—making that ultimate sacrifice—never returned to their families and loved ones.

As part of this year's Memorial Day commemorations, I have been paying special respects to our Korean war veterans because this July marks the 50th Anniversary of the armistice that ended that war.

Notice I said Korean war. I did not say "the Korean Conflict." I did not call it a police action. I've met too many Korean war veterans. I've heard too many of their stories.

It was the Korean war.

About 2 million Americans served on active duty with the United States

Armed Forces during the Korean war. And nearly 55,000 never came home.

The Korean war is often called "the forgotten war." Well, it is not forgotten by me. I've met too many Korean war veterans and heard the stories of the hardships they endured defending—in the words of the plaque at the Korean War Memorial—"a country they never knew, and a people they never met."

So I think that one of the most fitting ways to pay homage to our fallen patriots is to treat their living comrades with the respect and honor they deserve.

Michigan is home to 875,000 veterans, and in personal conversations, letters, phone calls and e-mails I have heard from many who are not being treated fairly by the veterans' health care system or by present pension regulations.

Right now, we are underfunding veterans' health care by close to \$2 billion. This means it can take months to see a doctor and delays of a year or longer for some surgical procedures.

I am cosponsoring the Veterans Health Care Funding Guarantee Act of 2003—S. 50—that would order a 20 percent increase in funding for the Veteran's Health Administration by 2005, and adjust the amount upwards every year after that to take into account new enrollees.

Also, antiquated laws have also created an unfair situation wherein a veteran's pension can be reduced by the amount of their disability payment for a service-related disability. In some cases the pension can be wiped out entirely.

This is unfair. Pension and disability payments are two separate and distinct benefits. Our veterans have earned their pensions. And if they also suffered a service-related disability that has cut their ability to earn money outside the military, they are entitled to a separate disability payment as well.

I am cosponsoring the Retired Pay Restoration Act of 2003—S. 392. This bill would require that veterans receive their full pension plus all disability payments to which they are entitled. This issue is also known as full concurrent receipt.

As we observe this holiday we call Memorial Day, let us remember the centuries of sacrifice by thousands and thousands of men and women that this day represents. And let's make sure that all who served with honor are honored in return.

#### STATEMENT IN MEMORY OF MARY BOWERS

Ms. SNOWE. Mr. President, I rise today to pay tribute to one of the most extraordinary and courageous people I have ever had the privilege to know.

Mary Bowers was an integral and beloved member of my staff who sadly passed away on May 3 at the age of 28. My thoughts and prayers are with her husband, Wayne Rolland; her parents,

Betty and Chris Bowers of Hermon, ME; Mary's sister, Melissa; and her entire family who she loved so deeply. Mary's life was all too tragically brief, but how rich it was in experience and love—and how profoundly she taught us all about the art of living.

On a professional level, Mary was a tremendous asset to my staff, and I would be remiss not to recall the myriad ways in which she was the nucleus of the office. As my Maine scheduler and Assistant to the Chief of Staff, she was of extraordinary assistance, and it is no exaggeration to say that through her efforts the people of her home State of Maine—which she loved so dearly—were exceptionally well served. Yet, it should be said that Mary's most significant contributions sprang not from her work in my office—but instead from the positive and irrepressible force of her presence.

I first came to know Mary as a young volunteer on my campaigns for Congress. She was passionate even then about politics, and the role that government and elected officials could play in securing for America the blessings and ideals upon which our Nation was founded. In an era when so many of our young people feel disaffected and disenfranchised, Mary believed deeply that involvement in the process could make a very real difference—that it was a responsibility and an obligation in return for the fruits of freedom and opportunity provided by the basic tenets of this great Nation.

As her high school years drew to a close, Mary sought a nomination to the U.S. Military Academy at West Point. It was obvious by then she was not only a bright young woman, but possessed the kind of exceptional qualities that would make her a success both at the Academy and—even more importantly—in life—honesty, a commitment to service, an unassuming yet unmistakable confidence, and an intangible demeanor that inspired others to their better nature.

Indeed, even early on, Mary embodied the essence of a leader. Later, as a member of my staff, she always took charge without ever "taking over". She would have made a brilliant Army officer—people would have followed her anywhere, responding to the genuine persuasiveness of her personality and the clarity of her vision.

But Mary's greatest challenge was thrust upon her while at the Military Academy—one far greater than any obstacle course. Young, vibrant, full of promise—she learned she had cancer. In the months and years that followed, in all of the ways that truly count in this world, she would meet that challenge—and in the process forever change the lives of all who were blessed to know her.

Perhaps what was most heroic about Mary is that she never allowed herself to be defined by her disease—yet the way in which she comported herself while fighting her disease epitomized her very essence—and will surely be

the legacy that lives on in our hearts and the way in which we lead our own lives.

Quite simply, Mary was a diminutive dynamo. Tiny in stature, she was a giant in her soul. Even as cancer sapped her physical strength, she possessed a deep, more spiritual reserve from which to draw. Certainly, there appeared no rational explanation for her ability to muster energy. We could no more understand how she defied the realities that cancer imposes on the human body and spirit than we could determine how she summoned such extraordinary courage.

During her 4 years on my staff, she endured numerous, punishing treatments—none of which were subtle in their physical impact—even apologizing for having to go to doctor's appointments! Throughout it all, her attitude was unfailingly positive and gracious. Any of us would most certainly have excused Mary for any moodiness or bristling response, but the opportunity never arose. Rather, she was always more concerned for others than she was for herself.

With unfailing humor, she had a way of disarming even the most stressful of moments and deflating the small absurdities that creep into everyday life. The treats she baked and brought into the office—again, even when she was not feeling well—were a tangible gift from her heart. And while the rest of us would be affected by daily trials and tribulations of a much lesser nature, Mary was the one whose light shined into our lives and lifted our emotions. Indeed—her lifelong love of lighthouses was entirely appropriate, as she stood most firm when the seas were at their roughest . . . she was a beacon of brightness and hope . . . and her presence on the landscape of our lives will be enduring.

Particularly in our line of work, we have the opportunity to meet a great many people—some of high title, others who are the unsung heroes of our society. But the universe of those who truly change the course of our own lives by their example is much, much smaller. My staff and I will forever count Mary among those individuals.

In my own life, I have known adversity. And yet, Mary has taught me lessons in living I had not yet fully realized. I know it is the same for my staff—who, to a man and woman loved and respected Mary and the example for which she stood. All of us will now be the personal messengers of her indomitable spirit and, in turn, that part of Mary that lives on within all of us will continue to impact the world forever, for the better.

The measure of Mary's life will never be the crude yardstick of the number of years on earth, but rather the number of lives she touched while she was among us. In the words of the great American author Ralph Waldo Emerson, "to know even one life has breathed easier because you have lived—this is to have succeeded." I