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Senate

The Senate met at 9:30 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray:

Lord God Almighty, you have set Your glory above the heavens. Righteous and true are Your ways. You alone are the King of nations. Search our hearts and examine our motives so that we may walk in Your paths. Help us to put our mistakes and blunders behind us as we strive for Your ideal of sacrificial service. Remind us often of the price that was paid for our redemption.

Today, give our lawmakers the grace to glorify You. Bless them as they wrestle with the complicated issues of freedom. May their debates be characterized by candor and civility. In Your unfailing love, lead us all to paths of abundant liberty.

We pray this in Your Holy Name. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The acting majority leader is recognized.

SCHEDULE

Mr. ALLARD. Mr. President, today the Senate will be in a period of morning business throughout the day. The majority leader announced last night there will be no rollcall votes during today's session, but Senators are en-

couraged to come to the Senate floor to speak on the constitutional amendment regarding marriage, which has been slated for floor consideration early next week.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business with the first 4 hours equally divided between the two leaders or their designees.

As a Senator from Alaska, I ask I be notified if anyone makes a motion pertaining to any appropriations bill this morning.

PROPOSING AN AMENDMENT TO THE CONSTITUTION RELATING TO MARRIAGE

Mr. ALLARD. Mr. President, I rise today to start what I hope will be constructive debate on my amendment, S.J. Res. 40, the marriage amendment, which states:

Marriage in the United States shall consist only of the union of a man and a woman.

Neither this Constitution, nor the constitution of any State, shall be construed to require that marriage or the legal incidents thereof be conferred upon any union other than the union of a man and a woman.

Before making my formal comments I would also like to express my sincere gratitude to my colleagues who have cosponsored this amendment. It has taken countless hours of study and discussion to get to this point and each of our cosponsors has shown courage and commitment to protecting marriage.

I would like to express my appreciation to the majority leader for his commitment and leadership. Without the

support of Senate leadership, the public may never have had an opportunity to address this vitally important issue in a democratic body.

I also thank President Bush for his early commitment to the principles embodied in this amendment. Marriage, the union between a man and a woman, has been the foundation of every civilization in human history. The definition of marriage crosses all bounds of race, religion, culture, political party, ideology, and ethnicity. Marriage is embraced and intuitively understood to be what it is. Marriage is a union between a man and a woman.

As an expression of this cultural value, the definition of marriage is incorporated into the very fabric of civic policy. It is the root from which families, communities, and government are grown. Marriage is the one bond on which all other bonds are built.

This is not some controversial ideology being forced upon an unwilling populace by the Government. It is in fact the opposite. Marriage is the ideal held by the people and Government has long reflected this. The broadly embraced union of a woman and a man is understood to be the ideal union from which people live and children best blossom and thrive.

As we have heard in hours upon hours of testimony in various Senate committees over the last 2 years, marriage is a pretty good thing. A good marriage facilitates a more stable community, allows kids to grow up with fewer difficulties, increases the lifespan and quality of life of those involved, reduces the likelihood of incidences of chemical abuse and violent crime, and contributes to the overall health of the family. It is no wonder so many single adults long to be married, to raise kids, and to have families branching out in every direction.

Today there are numerous efforts to redefine marriage to be something that it isn't. When it comes to same-gender couples there is a problem of definition. Two women or two men simply do

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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not meet the criteria for marriage as it has been defined for thousands of years. Marriage is, as it always has been, a union between a man and a woman. American society has come to recognize the stability and commitment of same-gender couples in a way unimaginable in many other countries. In some State's partnership laws and civil union statutes have been created—contractual bonds among same-gender couples—to symbolize and codify these relationships. Some cities and States have elected to express this legal recognition while others have not. Some employers extend benefits to same-gender partners while others do not. In virtually every town and city, America's tolerance and respect for diversity is second to none in the world. I believe that our democracy continually, systemically expresses these values.

Marriage, however, is what it is. It is a union between a man and a woman. Gays and lesbians are entitled to the same legal protections as any one else. Gays and lesbians have the right to live the way they want to. But they do not have the right to redefine marriage.

I believe the Framers of the Constitution felt that this would never be an issue, and if they had it would have been included in the U.S. Constitution. Like the vast majority of Americans it would have never occurred to me that the definition of marriage, or marriage itself, would be the source of controversy. A short time ago it would have been wholly inconceivable that this definition—this institution that is marriage—would be challenged, redefined, or attacked. But we are here today because it is.

Traditional marriage is under assault. I say assault because the move to redefine marriage is taking place not through democratic processes such as State legislatures or the Congress or ballot initiatives around the Nation. This assault is taking place in our courts and often in direct conflict with the will of the people, State statute, Federal statute, and even State constitutions.

Activists and lawyers have devised a strategy to use the courts to redefine marriage. This strategy is a clear effort to override public opinion and the long standing composition of traditional marriage and to force same-sex marriage on society.

Over the course of the last 10 years, traditional marriage laws have been challenged in courts across the Nation. Alaska, Arizona, California, Florida, Hawaii, Indiana, Maryland, Massachusetts, Montana, Nebraska, New Jersey, New Mexico, New York, North Carolina, Oregon, Vermont, Washington, and West Virginia have all seen traditional marriage challenged in court. Cases are pending today in 11 of those States. But this is not a strategy based on tilting at windmills. It is a strategy that has been employed with a good deal of success.

The first success in this legal strategy was in Vermont in 1999. The

Vermont State Supreme Court ordered State legislators to either legalize same-sex marriage or create civil unions. The second, and to date the most widely covered success in the effort to destroy traditional marriage, came more recently in the State of Massachusetts where four judges forced the entire State to give full marriage licenses to same-sex couples.

This edict came despite the fact that the populace of Massachusetts opposed this redefinition of marriage and despite the fact that no law had ever been democratically passed to authorize such a radical shift in public policy. Proponents of same-sex marriage have shopped carefully for the right venues, exploited the legal system, and today stand ready to overturn any and all democratically crafted Federal or State statute that would stand between them and a new definition of humanity's oldest institution.

The question of process is very important in this debate—it is in fact the very heart of this debate. While recent court decisions handed down by activist judges may not respect the traditional definition of marriage, these decisions also highlight a lack of respect for the democratic process. No State legislature has passed legislation to redefine the institution of marriage. Not one.

Any redefinition of marriage has been driven entirely by the body of government that remains unaccountable and unelected—the courts.

Many colleagues do not feel we should be talking about marriage in the Senate. I say we must. Our government is a three-branch government. The Congress is the branch that represents the people most directly. We have a duty to, at the very least, discuss the state of marriage in America. If we do not take this up, if we do not overcome procedural hurdles and objections we abdicate our responsibility. We will allow the courts sole dominion on the state and future of marriage. This Senate, the world's most deliberative body, must provide a democratic response to the courts.

Legislatures across the country have joined Congress in recent years in affirming a 1996 law called the Defense of Marriage Act—DOMA. DOMA defines marriage at the Federal level as a union between a man and a woman and essentially prohibits one State from forcing its will on another on the question of marriage. This bipartisan legislation passed with the support of more than three-quarters of the House of Representatives and with the support of 85 Senators before being signed into law by then-President Bill Clinton. To date 38 States have enacted statutes defining marriage in some manner, and 4 States have passed State constitutional amendments defining marriage as a union of one man and one woman. These State DOMAs and constitutional amendments, combined with Federal DOMA, should have settled the question as to the democratic expression of the will of the American public. As I outlined before, these laws—these ex-

pressions of the public—have been ignored by the activist courts.

State court challenges in Massachusetts or Vermont or Maryland may seem well and good to those concerned with the rights of States to determine most matters, a position near and dear to my heart. These challenges, however, have spawned greater disrespect, even contempt, for the will of the other States than any of us could have predicted. It seems to me that there are long-term implications for both Federal DOMA and the rights of States to define unions through either state DOMA or the State constitutional amendment process. It is clear to me that we are headed to judicially mandated recognition of same-gender couples regardless of State or Federal Statute.

The same-sex marriage proponents achieved some success in Vermont and Massachusetts by forcing the hand of those States' legislatures.

The national effort to redefine marriage has also been buoyed by decisions made by the U.S. Supreme Court. In June 2003 the Court inferred that a right to same-sex marriage could be found in the U.S. Constitution in *Lawrence v. Texas*. A variety of experts, including Justice Scalia and Harvard Professor Lawrence Tribe, forecast that this decision points to the end of traditional marriage laws—including Federal and State DOMAs. The Massachusetts court relied heavily on the *Lawrence* decision to strike down the State's traditional marriage law in that *Goodridge* case. The court further specifically threatened and questioned the validity of DOMA and traditional marriage laws around the Nation.

When *Goodridge* took effect on May 17 of this year, same-sex couples became entitled to Massachusetts marriage licenses.

In anticipation of *Goodridge*, a handful of local officials in New York, California, and Oregon began issuing licenses to same sex couples in February and March. To date, through the combined efforts of lawless local officials and those licenses issued in Massachusetts, couples from at least 46 State shave received licenses in those jurisdictions and returned to their home States. These 46-plus States are State and Federal DOMA challenges just waiting to happen. A couple will file for recognition—sue for recognition—under the full faith and credit clause. What we know about the *Lawrence* decision, that all traditional marriage laws are unconstitutional, dooms those State DOMAs.

There is a case pending in Seattle today to force recognition of an Oregon marriage license. More of these cases are expected and we look forward to nothing less than a patchwork of marriage laws, crafted by judges and forced on to one State from another outside the democratic process, regardless of the will of the voters.

It is important to highlight what is going on in the State of Nebraska where an even more odious turn of events is unfolding. Nebraskans passed a State constitutional amendment, defining marriage as a union between a man and a woman, that passed with 70 percent of the vote. The ACLU and the Lambda Legal Foundation are now suing Nebraska in a Federal court to undo the will of the voters.

According to testimony in the Senate Judiciary Constitution Subcommittee, Nebraska Attorney General Jon Bruning, whose office moved to dismiss the case and was denied, the language in the court's order signals that Nebraska will very likely lose the case at trial. I find it chilling that the will of an entire State, expressed democratically, may be undone by a Federal judge in an unelected position and tenured for life.

So we find ourselves here today, seeking to debate an amendment to the United States Constitution that reads in its entirety as follows:

Marriage in the United States shall consist only of the union of a man and a woman. Neither this Constitution, nor the constitution of any State, shall be construed to require that marriage or the legal incidents thereof be conferred upon any union other than the union of a man and a woman.

Our amendment defines marriage as it has been defined for thousands of years in hundreds of cultures around the world. This text further defines that any establishment or non-establishment of civil unions or partnership laws be created democratically, by the States themselves, and not by courts.

I have said it time and time again and I say here today for the record, the amendment does not seek to prohibit in any way the lawful, democratic creation of civil unions. It does not prohibit private employers from offering benefits to same-gender partners. It denies no existing rights.

What our amendment does is to define and protect traditional marriage at an appropriate level, the highest possible level—the Constitution. Importantly, the consideration of this amendment in the Senate represents the discussion of marriage in America in a democratic body of elected officials. This is something too long denied this important topic.

I have heard from those who claim this amendment discriminates against people; that the very definition of marriage is somehow a tool for oppression.

To those who believe that our marriage protection amendment is discriminatory, I ask them this: Do you truly believe that marriage, the traditional and foundational union between a man and a woman, is discrimination? Is it discrimination to hold as ideal that a child should have both a mother and a father?

It is important to make clear that on the question of federalism and States' rights, I stand where I always have. While an indisputable definition of

marriage will be a part of our Constitution, all other questions will be left to the states. Gregory Coleman, former Solicitor General of the State of Texas, testified before the Senate Judiciary Subcommittee on the Constitution last September and made the following statement on this matter:

Some have objected to a proposed constitutional amendment on federalism grounds. These concerns are misplaced. The relationship between the states and the Federal government is defined by the Constitution and, a fortiori, a constitutional amendment cannot violate principles of federalism and States' rights.

A federal constitutional amendment is perhaps the most democratic of all processes—because it requires ratification by three-fourths of the states—and simply does not raise federalism concerns. The real danger to States' rights comes from the recognition of unenumerated constitutional rights in which the states have had no participation.

I share those sentiments and cannot express them any more clearly. We stand today at the commencement of the most democratic, most federalist process in all our government. Those around the country who have watched as activist courts have wildly disregarded these principles I say to you, watch the Senate; watch the House of Representatives, watch your elected officials and see where they stand on this most important debate.

This body and that on the other side of the Capitol represent the American people more fully and completely than any other and it is time we make this discussion truly national and truly democratic.

Those serving in the Congress understand that there is a great deal of emotion on both sides of this issue, and not every one of us will agree on this matter. It is my hope that we can agree that in matters concerning marriage, the most fundamental of all social institutions, this debate can not take place exclusively in the courts. The democratic process compels this Congress to discuss marriage and what is taking place—the judicial redefinition of marriage.

Marriage, the union between a man and a woman, has been the foundation of every civilization in human history. This definition of marriage crosses all bounds of race, religion, culture, political party, ideology, and ethnicity. It is not about politics or discrimination, it is about marriage and democracy. It is incumbent upon us to remember that and to move forward.

The PRESIDING OFFICER (Mr. CORNYN). The Senator from Oregon is recognized.

Mr. SMITH. Mr. President, I thank Senator ALLARD for his willingness to change and clarify the proposal he makes today so that it leaves open to the States the elbow room that is appropriate to define legal rights for non-traditional families, gays and lesbians, and others.

It is a fact that sociologists say marriage, as we have traditionally known and practiced it, is the ideal cir-

cumstance for the creation and rearing and nurturing of children. But it is a fact that not all children have the opportunity of a family with a mother and a father, though what marriage does as a legal institution is to say to children here and those yet unborn that there is a legal framework in which they can enjoy protection and have the society of a mother and a father.

It is clear as we wrestle with this sensitive issue, it is clear to the conscience of the American people that boys and girls need moms and dads. Not all get them, but the law has provided a framework for it. Those children who do not have it should also enjoy legal protections not unlike those that are enjoyed in the institution of marriage.

In all the time that I have been a U.S. Senator, I have been an advocate of gay rights. Yet throughout that time I also have believed it right to defend traditional marriage. I have tried hard to be clear, consistent, and careful about this issue and this debate. I know my position as being for gay rights but for traditional marriage is a disappointment to many of my gay and lesbian friends.

I also note for the record I get little credit from the right because I do advocate for many gay rights. Indeed, the other night on his radio program, Dr. James Dobson said to a national audience, which included many Oregonians, that I was not going to vote for traditional marriage. I wish he hadn't done that. I believe that is a form of bearing false witness because I have been clear and I have been consistent on this point. He may owe me no apology, but I wish he would make it clear to my constituents.

I make no apology for supporting many of the needs of gay and lesbian Americans. Issues of public safety, housing, employment, benefits: these are rights that we take for granted, rights which many of them have felt out of reach. So I have believed it is not just right to advocate for these things but it even be a part of my belief system to advocate for those who are oppressed and to show tolerance by helping those in need. Matthew Shephard comes to mind, and many others who have suffered hate crimes against them in the most vicious of fashion. I think our society is changing its heart on these issues in ways that Americans want to be tolerant, they want to be careful, they want to say to gays and lesbians that we love you, we include you, we care about you.

But in saying that, I think many feel intuitively to be careful on the issue of marriage. Marriage is a word. Words have meaning. Few words have more meaning to our culture and our future and our civilization than marriage because marriage ultimately is about more than just consenting adults. It is about the natural rearing and nurturing of children, preparing them for citizenship under the most ideal circumstances possible.

Senator ROBERT BYRD often comes to this Chamber, and I love it when he quotes Cicero, an ancient Roman Senator. So I quote Cicero this morning. Cicero said very long ago, "The first bond of society is marriage." I believe Cicero was right. He was not a religious man, he was a secular man. He was a nonbeliever. But he also saw the incredible benefit to building up citizens of Rome through this first bond of society which was then and is still marriage.

I suppose I take this position, a nuanced position, to be sure, because I am somewhat of an old-fashioned idealist. However imperfectly practiced by the American people, marriage still is a perfect ideal. I think the American people deserve a debate on this that is civil, that is respectful, and that includes all Americans.

Some have come to this floor, and will in the coming days, to hold up the Constitution. Here is a copy of it. They will say this is a sacred document, a document that should not be amended. I will admit to the Presiding Officer it would be better that we not have to do this, to even resort to a constitutional amendment. But this is what Article V of the Bill of Rights says:

The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution, or, on the Application of the Legislatures of two-thirds of the several States, shall call a Convention for proposing Amendments, which, in either Case, shall be valid to all Intents and Purposes, as part of this Constitution. . . .

It goes on.

They would not have included this Article V in the Bill of Rights if it were not intended that this be a living document. But they intended the Constitution to be a living document, and the United States has amended this Constitution 27 times.

Were it not a living document, this document would have failed. Were it not subject to amendment, the most egregious kinds of actions would have been put in place that would have made us ashamed forever.

For example, perhaps the most dreadful decision ever rendered under this Constitution was that of Dred Scott. Roger B. Taney, the Chief Justice of the Supreme Court, held that African Americans were not human and were the subject of property and could be controlled as property like any other chattel. That is a decision that goes down in infamy, if ever there was one. It took a Civil War and then the thirteenth and fourteenth amendments to the Constitution, which before was silent on the issue of slavery, to ultimately overcome this insidious practice in parts of the United States.

Some say: Well, that is a sacred thing that was done. And I agree, it was. I believe the Constitution is both sacred and secular, but living and improving, and open to debate.

I mentioned the last time the Constitution was amended was in 1992. It is the twenty-seventh amendment. It reads:

No law, varying the compensation for the services of the Senators and Representatives, shall take effect, until an election of Representatives shall have intervened.

That is the twenty-seventh amendment. It is about money. It is about salaries for Senators and Representatives. I suggest to you that may be appropriate to be in the Constitution because it went through the process, but there is nothing sacred about that.

So the question then becomes, Is it appropriate to put a definition of marriage into our Constitution? I would say, as a matter of preference, it is better not to put cultural issues in the Constitution, until you come to this question: Shall the Constitution be amended? And I tell everyone, the Constitution of the United States is about to be amended. The question is: By whom? Will it be done by a few liberal judges in Massachusetts, a lawless mayor in San Francisco, or clandestine county commissioners, or by the American people in a lawful, constitutional process, as laid out in our founding document?

You will hear lots of people beating on their chests and sounding very sanctimonious in this debate that: We should not do this or that. But the truth is, the Constitution is going to be amended. And I say: Include the American people.

Now, some also say: The issue of marriage has nothing to do with the Federal Government. Leave it to the States. My family has an interesting history in regard to leaving it to the States. My ancestors were, for the most part, Mormon pioneers who came from England in little boats, crossed the ocean, and walked across the country. They had a peculiar practice among them. It is found throughout the pages of the Bible, particularly in the Old Testament. They practiced a principle they called "plural marriage." The marriages practiced by Abraham, Isaac, and Jacob.

My great-grandfather David King Udall had two wives, one large, happy family. I am descended from the second. He came to America, helped found the State of Arizona, and spent time in prison because he violated a Federal law, the Edmunds-Tucker law from the 1870s, in which the Federal Government defined marriage as "one man and one woman." He was a great man, a great pioneer, had great sons and daughters who helped the desert of the West blossom as a rose.

He has a large posterity. He sacrificed much for the principle of his faith. But he paid a price because the Federal Government, long ago, defined what marriage was. Ultimately, Grover Cleveland pardoned him, and he named one of his sons Grover Cleveland Udall.

Some people would say this is enacting discrimination into the Constitution. Well, my progenitors were discriminated against, I guess, but the truth is, our country through a lawful process in the 1860s and 1870s defined marriage at the Federal level.

Now what is happening? What is happening in our country is we have elected officials and unelected judges reinterpreting the Constitutions of their States and of our Nation to find in it rights that are not mentioned in it. This has happened a lot in recent years. I have concluded it is better that these things be resolved with the American people than without them.

The American people have a sense of fairness and tolerance and justice and right and wrong. What is happening is their views, their values, their beliefs, their respect for law is being trampled upon by a few liberal elites. That is not right.

In my own State of Oregon, in 1862, Oregon passed its law on marriage. Mr. President, 142 years have transpired, 142 years of Oregon law and practice and custom. But what happened recently? Four or five county commissioners in one of our counties ignored 142 years of law, ignored 1,000 years and more of human history, and, without notice, without a public meeting, changed the law. To me, this is deeply disappointing and terribly undemocratic. Before this happens again, I think it is appropriate, on an issue this central to our country, to our civilization, to the future, we involve "we the people." The only way to do that is through a constitutional process.

Now, I wish this cup would pass from us. I do not like this. I love people. I believe in tolerance. But I believe in democracy. Many will tell you we should leave this alone. But if you leave this alone, you will leave it to others. And if you leave it to others, they will dictate to the American people what it has to be. The only recourse then available—when a Federal judge nullifies all State DOMA or constitutional provisions of the several States, finding an equal protection right to same-gender marriage—the only recourse then is through the constitutional process laid out by the fifth amendment in the Bill of Rights.

That is how you include the American people. I say public meetings, public notice, public debates, let people vote, let their elected representatives in the several States vote on it. If we are going to change it, let's change it with the American people, not at the American people. Unfortunately, that seems to be what many who will argue against this want to happen. They want to do this to us, not with us.

For the record, let me express to my gay and lesbian friends, I don't mean to disappoint you, but I can't be true to you if I am false to my basic beliefs. I believe that marriage, as we have known and practiced it in this country for hundreds of years now, is something that should be preserved. New structures can be created, new legal rights conferred, without taking down this word that represents an ideal—not about adults but including children. I mean to hurt no one's feelings in my position. I intend to be your champion on many issues in the future, if you

want me. But on this one, I have to be able to get up in the morning and look in the mirror and be true to myself.

I have spoken what I believe to be true this morning. I believe marriage is more profoundly important than we might now recognize. Before we let a few tell the many what it is going to be, I think we ought to debate it, carefully consider it, because while we debate issues of war and peace and recession and prosperity, some will say there are so many more important things to discuss than this.

I say to you, there probably isn't a more important issue to discuss than the legal structure that binds men and women together for the creation and the rearing and nurturing of future generations of Americans. I make no apology for my vote for this process, for an amendment that defines marriage, because that is where it is headed, because the courts will compel it. And our legal structure gives American citizens an avenue to be included. So with my vote, I say include we the people.

I yield the floor and suggest the absence of a quorum, and I ask unanimous consent that the time be equally divided between both sides.

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

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

SUICIDE EPIDEMIC ON INDIAN RESERVATIONS

Mr. DORGAN. Mr. President, yesterday on the Senate floor and this morning watching an interview on NBC's "Today Show" by my colleague from Oregon, Senator SMITH, there was a great deal of discussion about the issue of youth suicide. All of us in this Chamber, as part of the Senate family, have extended our hearts, thoughts, and prayers to the Smith family upon the loss of their son. It is devastating to lose a child. I lost a beautiful, wonderful daughter some while ago to heart disease.

Yesterday, as I listened to my colleague, Senator SMITH, describe the loss of his son and discuss the issue of suicide, I know that it adds a dimension to what is an almost unbearable burden of losing a child, to lose a child to suicide. So my thoughts and prayers have been with the Smith family, and I know, too, that what Senator SMITH has done in providing leadership for the legislation passed last evening is going to save lives.

We will not know their names, but there are going to be young people in this country whose lives are going to be saved because the grants and the resources that are going to be made available through the legislation

passed by the Senate last night. I am glad to be an original cosponsor of this bill. It is going to give kids who are despondent and have despair and depression hope, opportunity, and counseling. So what the Senate did last night is going to save lives, and we owe a great debt of gratitude to Senator SMITH. I hope the lives that are saved in the years ahead in some way are a memorial to the late son of Senator SMITH and his family.

I had come to the floor some 2 months or so ago intending to speak about a young girl on the Spirit Lake Nation Indian Reservation in North Dakota. When I came to the floor, I saw my colleague was in the Chair at that point and I decided that I really did not want to describe the circumstances of her death because she had committed suicide. I knew the burden the Smith family had been dealing with surrounding the loss of their son. So I did not describe that young girl's death in any detail, but I would like to today in light of the speech that was delivered and in light of the action the Senate took last evening, which has given me some hope.

I will describe this young girl. This young girl was named Avis Littlewind. She died a few months ago now. She took her own life. She was 14 years of age. She lived on the Spirit Lake Nation Indian Reservation. She was a seventh grader at the Four Winds Middle School. I am told she enjoyed riding horses, playing basketball, grooming her animals, and listening to music. The day after she died, someone told me about the plight of this little girl. So I called the reservation and talked to the psychologist and the social worker involved. Since that time, I have gone to that reservation, I have sat around in a circle for an hour visiting with her classmates in the seventh grade, talked to the counselors, talked to the school administrators, talked to members of the tribal council about what is happening on our Indian reservations. Because, although I am speaking today about Avis Littlewind, there is an epidemic of suicides on Indian reservations. The legislation that Senator SMITH, Senator DODD, and others offered in the Senate last evening will help address this epidemic by making tribal governments also eligible for grant funding for suicide prevention.

Avis Littlewind died just recently by her own hand. Her sister took her life 2 years ago. Her father took his life in a self-inflicted bullet wound 12 years ago. But it is more than that. The tragedy of suicides is not just a problem on the Spirit Lake Indian reservation—Just in North Dakota, I have gone on the same mission to talk to people at the Standing Rock Sioux Reservation when there was an epidemic of threats of suicide by young people.

In this case with Avis Littlewind, there were a lot of warning signs. This little seventh grade girl missed 90 days of school up until April. She was lying in her bed day after day in a near fetal position.

Tragically, she had an appointment to see the IHS social worker later the same day that she took her life. She did not live long enough to make that appointment.

When I called the reservation to talk to leaders about these issues and then subsequently went there to visit with them, this is what I discovered: The reservation has one psychologist and one social worker. They did not have nearly the capability to follow up with these cases. They just could not cope. They did not have the capability to give somebody a ride to the clinic. They have to borrow a car, beg somebody to give someone a ride to some medical help.

It is interesting to me, and tragic as well, that the Federal Government is directly responsible for the health care of only two groups of people. We have a trust responsibility for the health care of American Indians. That is a trust responsibility. That is not optional, that is our responsibility. And we have a responsibility for the health care of Federal prisoners.

Do you know that on a per capita basis we spend almost twice as much for health care for Federal prisoners as we do for health care for American Indians? So little girls like Avis Littlewind are found dead by suicide, and we don't have the mental health services to reach out and help these kids. The mental health services are not available. Just call around and ask.

There are kids who, for their own reasons, are desperate, are depressed, are reaching out, and yet the services are not available to them. We must do much better than that.

Let me describe the circumstances on our Indian reservations in this country because on many of them it looks as if you are visiting a Third World country. Alcoholism, seven times—not double, triple, quadruple—but seven times the rate of the national average; tuberculosis, seven times the rate of the national average; suicide, double the national average in this country; homicide, double; diabetes, four times. On the Fort Berthold Reservation, the rate of diabetes is 12 times the national average. We have to do much better. We have a responsibility.

I never met this young girl, but I met her classmates and they told me about her. She, like a lot of kids, was a wonderful young woman, but she lived in a circle of poverty in a family in which two other family members had taken their lives. Her cousin, incidentally, 2 weeks after Avis Littlewind's death, threatened suicide and had to be hospitalized.

But it is not just this family. It is an epidemic on our Indian reservations with young people. We need resources to deal with it. That is why I was so pleased last evening to hear the speech given by Senator SMITH, a speech that was obviously very difficult for him to give on the Senate floor. Then that was followed by legislation enacted by this Senate that will begin the long road to