

withstand doses of controlled substances that would kill a healthy person.

There are many examples that make it clear that interpretations after the fact by law enforcement give physicians great concern with respect to how these drugs are used. Second-guessing will deter physicians, even physicians who are opposed to assisted suicide, from moving into treating pain aggressively.

During the previous congressional effort to throw out my State's law, the *New England Journal of Medicine* editorialized against that attempt out of the very same concern I have reflected today about the impact on pain management. The *New England Journal of Medicine* said:

Many doctors are concerned about the scrutiny they invite when they prescribe or administer controlled substances and they are hypersensitive to drug-seeking behavior in patients. Patients as well as doctors often have exaggerated fears of addiction and the side effects of narcotics. Congress would make this bad situation worse.

That is what independent medical authorities said the last time there was an effort to pass legislation like the new bill, S. 3788, and it holds true as well today.

I have appreciated Senator SMITH's leadership, my colleague from Oregon on the other side of the aisle, who joins me with respect to the concern about pain management. He and I have introduced the Conquering Pain Act to help provide families, patients, and health professionals with assistance so that no patient would be left in excruciating pain waiting for a doctor's office to open up.

The reality is, as we saw during the debate involving the late Terri Schiavo, Americans have dramatically differing views on this issue, and those views are passionately held. But there can be efforts, successful efforts, to bring both sides together on this issue. I mentioned the Conquering Pain Act Senator SMITH and I have sponsored. I also believe there should be changes in the Medicare hospice benefit to extend opportunities for end-of-life care there. Right now, the Medicare law almost forces someone to give up hope for the prospect of recovery in order to get the hospice benefit, and I believe that is unfortunate.

I am almost finished with my remarks. I see my good friend from the State of Kentucky here. I would ask unanimous consent at this time—and see what is convenient for my colleague from Kentucky—for 5 additional minutes to wrap up my remarks, and if that is convenient with the Senator from Kentucky, I would make that unanimous consent request.

THE PRESIDING OFFICER (Mr. VOINOVICH). Without objection, it is so ordered.

Mr. WYDEN. Mr. President, again, just to complete that thought, there are ways that both sides in this end-of-life care debate can be brought to-

gether. I have mentioned several. What I think is clear, after the Terri Schiavo discussion, is that the American people don't want the Federal Government butting in, interfering, and preempting the ability of families and those in their last days to make these judgments. For the citizens of my State, the Death With Dignity Act has brought about improvement in many areas and encouraged conversations about a wide variety of end-of-life options. Those conversations probably wouldn't have even taken place if the people of my State hadn't voted for this twice. In my State, the end-of-life process has been decriminalized. Recognizing the deeply personal nature of this, the Federal Government should not decide again, as has been considered before, that this should be the province of the Federal Government and not left to individuals and families.

My State has chosen a unique path. Rather than the bitter and divisive debate over physician aid in dying—which this country would have, once again, if S. 3788 moved forward—I would offer that instead the Senate work together on a bipartisan basis to make the end of life a better period for all Americans.

So consistent with the policy I have held of publishing in the CONGRESSIONAL RECORD a statement whenever I put a hold on a piece of legislation, I am announcing today my intent to object to any unanimous consent agreement concerning S. 3788. The Senate should have learned during the debate over the tragic case of Terri Schiavo that the American people don't want the Government interfering during these very difficult days. S. 3788 would allow just this kind of interference, and that is why I will do everything I can to defend Oregon's law against this congressional overreaching and respect the message the American people sent during the Terri Schiavo debate that there ought to be a right to be left alone.

Mr. President, I yield the floor.

THE PRESIDING OFFICER. The Senator from Kentucky is recognized.

#### THE CRASH OF COMAIR FLIGHT 5191

Mr. MCCONNELL. Mr. President, it is difficult to put into words what the citizens of Kentucky are feeling. Nine days ago, tragedy struck the heart of our Commonwealth when Comair Flight 5191 crashed shortly after take-off at Blue Grass Airport, in Lexington, KY. Forty-nine people perished.

This single, devastating event is of course not one story but many. This crash has brought grief into scores of families and countless lives, all over Kentucky and beyond. Holes that cannot be filled have been created in places like Lexington, Georgetown, Somerset, London, Harrodsburg, and Richmond.

Funeral services have been conducted across Kentucky over recent days, and

I know I am joined by all Kentuckians in extending heartfelt sympathy for the families and loved ones of the victims.

After a catastrophe as great as the crash of Comair Flight 5191, sorrow can be overwhelming. Many people in my state are feeling that way now. And the entire state is struggling for answers in the face of such an unexpected tragedy that is so unbearable.

Since the crash I have been learning, as many Kentuckians have, about the lives of the victims, who they were and where they were going that day.

Four Kentuckians on the plane worked for Galls, a Lexington-based company that makes public safety equipment and apparel. Three of them were flying to New Orleans to help deliver new uniforms to New Orleans police officers after Hurricane Katrina.

Jonathan Hooker, 27, and Scarlett Parsley Hooker, 24, spent only hours together as husband and wife before they both boarded Flight 5191 to fly to California for their honeymoon. The Reverend Terry Gabbard married them the night before the flight in a beautiful evening ceremony in Lexington. One week later, he would speak at their funeral.

The deaths of these two newlyweds so soon after starting their lives together devastated many in their hometown of London, Kentucky. Jon had a lot of friends after attending London's North Laurel High School, where he was a star athlete.

He went on to pitch for the University of Kentucky baseball team from 1997 to 2001, and then to work as a professional minor-league baseball player. In the last few months of his life, he helped others as a substance-abuse counselor. He liked to play golf, and worked with a youth baseball league in London.

Scarlett, his wife, was a 2004 graduate of Centre College, in Danville, Kentucky, and was attending the University of Kentucky to pursue a master's degree in communication disorders. An avid swimmer, among the many friends she leaves behind are the members of a local London swim team she helped found: the Barracudas.

My friend Lee Todd, the president of the University of Kentucky, put it well when he said that this young couple "held all the promise that youth and love carry." Because of the tragedy of Flight 5191, we will never get to see that promise fulfilled.

A promise was also snuffed out in Lexington at the same time—the promise of a father to a young son to watch him grow up. Clarence Wayne Fortney II, called C.W. by his friends and 34 years old, died in Flight 5191, leaving behind his wife Sarah and their 16-month-old son Calvin James.

C.W. was flying to Atlanta to report for work as a pilot for AirTran Airlines.

C.W. grew up in Stanton, Kentucky, and always wanted to be a pilot. Both his father and his grandfather were private pilots. When he was 5, his mother

paid \$35 for his first ride in a prop jet plane. C.W. realized his dream after graduating from Eastern Kentucky University with an aviation degree.

A kind man, during his and Sarah's courtship, C.W. helped care for her father with terminal cancer. As a pilot, he received commendations from Federal Aviation Administration officials who flew on his plane. A few days before the crash, he and Sarah celebrated their 8-year wedding anniversary.

This past Sunday, at C.W.'s funeral, 300 mourners pinned on pairs of pilot's wings. Mourners also got to see Mr. Lamb, a tiny stuffed lamb that C.W. bought for his wife on a whim about 3-years ago at an airport gift shop. Now, their toddler son Calvin James takes Mr. Lamb everywhere.

Sarah has said that as she raises Calvin James, she will be sure to teach him the words his father took as his motto: "In dreams and in love, there are no impossibilities." We hope it is not impossible that one day, Calvin James will soar as high as his father did.

Last week's crash also robbed the world of Patrick Smith, 58, of Lexington. Pat's ultimate destination that morning was Gulfport, MS. That was only a short distance for him. Because of his volunteer work with Habitat for Humanity, Pat had traveled to Ghana, Sri Lanka, Northern Ireland, South Africa, Mexico, and India to build houses for those less fortunate than he.

Pat was a member of Habitat for Humanity International's Board of Directors, as well as the board of his local Lexington chapter, and had served with the organization for more than 15 years. He excelled at organizing fellow volunteers from Kentucky and leading them in their humanitarian efforts.

Under his direction, 80 Kentucky volunteers constructed 26 houses in small fishing villages in southern India for people who had lost everything in the tsunami of 2004.

He also helped those closer to home. Pat's final trip to Gulfport was to follow up on the work he had already done in 7 trips to Mississippi before, for a project to build 13 houses on South Carolina Avenue to replace the ones that were washed away by Hurricane Katrina.

Pat's wife Jean often accompanied him on his projects, although last Sunday on Flight 5191 Pat traveled alone. Pat had done so much good work for the organization that he was named Habitat's volunteer of the year in 2003.

Several of Pat's volunteer projects were sponsored by his church, Cathedral of Christ the King. He worked as a partner at a Lexington industrial automation company, Versa Tech Automation.

Pat once stated very simply the reason he had dedicated so much of his time and efforts to volunteer work: "We have an obligation to help." Now his wife, Jean, and their children and grandchildren will rely on the help of others as grief sets in.

I am glad that newspapers all across Kentucky have printed details like these about the victims of the terrible crash of Comair Flight 5191. This way we can know not just how these people died, but also how they lived.

I am also grateful that even in such dark times, the generosity and kindness of Kentucky continues to shine through. Local volunteers have been invaluable to the relief and recovery effort, and to the families that have been left behind to grieve.

Volunteers from local chapters of the Salvation Army served as chaplains and grief counselors. They also served more than 1,000 meals and over 6,000 snacks and drinks to relief workers at the crash site.

The Bluegrass Chapter of the American Red Cross fielded dozens of volunteers, who helped arrange memorial services for the victims' families. They also worked as grief counselors and provided meals. Both groups say they will stay as long as there are workers at the crash site.

Local businesses pitched in as well with food, and toys for kids like Calvin James Fortney and others who lost a parent.

The National Transportation Safety Board is currently conducting an investigation into the cause of this crash. I intend to do everything I can to ensure that investigation proceeds smoothly, and that all of the questions we have can be answered as thoroughly as possible.

Mr. President, I have only been able to talk about a few of the 49 souls that were lost on a Sunday morning. If there is no objection, I ask unanimous consent that the names of every person who died on Comair Flight 5191 be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

#### COMAIR FLIGHT 5191

Rebecca Adams, 47, Harrodsburg, Ky.  
 Lyle Anderson, 55, Ottawa, Ont.  
 Christina Anderson, 38, Inglewood, Ont.  
 Arnold Andrews, 64, Tampa, Fla.  
 Anne Marie Bailey, 49, Vancouver, B.C.  
 Bobbie Benton, 50, Stanford, Ky.  
 Jesse Clark Benton, 48, Stanford, Ky.  
 Carole Bizzack, 64, Lexington, Ky.  
 George Brunacini, 60, Georgetown, Ky.  
 Brian Byrd, Richmond, Ky.  
 Jeffrey Clay, 35, Burlington, Ky.  
 Diane Combs, Lexington, Ky.  
 Homer Combs, Lexington, Ky.  
 Fenton Dawson, Lexington, Ky.  
 Thomas Fahey, 26, Leawood, Kan.  
 Mike Finley, 52, London, Ky.  
 Clarence Wayne Fortney II, 34, Lexington, Ky.  
 Wade Bartley Frederick, 44, Danville, Ky.  
 Hollie Gilbert, Somerset, Ky.  
 Erik Harris, 28, Lexington, Ky.  
 Kelly Heyer, 27, Cincinnati area  
 Jonathan Hooker, 27, London, Ky.  
 Scarlett Parsley Hooker, 24, London, Ky.  
 Priscilla Johnson, 44, Lexington, Ky.  
 Nahoko Kono, 31, Lexington, Ky.  
 Tetsuya Kono, 34, Lexington, Ky.  
 Charles Lykins, 46, Naples, Fla.  
 Dan Mallory, 55, Bourbon County, Ky.  
 Steve McElravy, 57, Hagerstown, Md.  
 Lynda McKee, Richmond, Ky.

Bobby Meaux, Harrodsburg, Ky.  
 Kaye Craig Morris, Lexington, Ky.  
 Leslie Morris, Lexington, Ky.  
 Cecile Moscoe, 29, London, Ky.  
 Judy Ann Rains, Richmond, Ky.  
 Michael Ryan, Lexington, Ky.  
 Mary Jane Silas, 58, Columbus, Miss.  
 Pat Smith, 58, Lexington, Ky.  
 Tim Snoddy, 51, Lexington, Ky.  
 Marcie Thomason, 25, Washington, D.C.  
 Greg Threet, 35, Lexington, Ky.  
 Randy Towles, 47, Watertown, N.Y.  
 Larry Turner, 51, Lexington, Ky.  
 Victoria Washington, 54, Richmond, Ky.  
 Jeff Williams, 49, Centerville, Ohio  
 Paige Winters, 16, Leawood, Kan.  
 Bryan Woodward, Lafayette, La.  
 JoAnn Wright, 56, Cincinnati, Ohio  
 Betty Young, 74, Lexington, Ky.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. STEVENS. Will the Senator yield for a moment?

Mr. ALLEN. I yield.

Mr. STEVENS. Is there not an order to lay down the Defense bill now?

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

#### DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2007—Continued

Mr. STEVENS. What is the pending business?

The PRESIDING OFFICER. The Defense appropriations bill is pending.

Mr. STEVENS. May I ask what the Senator from Virginia intended to do?

Mr. ALLEN. Mr. President, I wanted to call up amendment No. 4883. I was waiting for our chairman to be here, and ask I be recognized to offer this amendment. It will take approximately 5 or 6 minutes to offer the amendment.

Mr. STEVENS. I might say to my friend from Virginia, when we left this bill, the understanding was Senator KENNEDY's amendment would come first. We will be happy to have the Senator offer his amendment with the understanding it will come up after the amendment of Senator KENNEDY, if that will be agreeable to Senator KENNEDY?

Mr. KENNEDY. That is fine.

Mr. STEVENS. Is Senator KENNEDY's amendment the pending amendment?

The PRESIDING OFFICER. There is no amendment pending.

Mr. KENNEDY. I have it ready to send to the desk.

Mr. STEVENS. I yield the floor to have the Senator propose his amendment and then Senator ALLEN propose his amendment and we will come back to his amendment.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

#### AMENDMENT NO. 4885

Mr. KENNEDY. Mr. President, I send an amendment to the desk on behalf of myself and our Democratic leader, Senator REID.

The PRESIDING OFFICER. The clerk will report the amendment.