

## VOTE EXPLANATION

Mr. BROWNBACK. Mr. President, I regret that I was unable to vote yesterday afternoon on the very significant amendment offered by my colleague from Texas. As my colleagues know, yesterday marked the 50th anniversary of the landmark Supreme Court decision *Brown v. Topeka Board of Education*. We in Kansas were very pleased that President Bush and Education Secretary Paige joined with us in Topeka to commemorate this important date. While I intended to arrive here in time for the vote following the special events of this day in Kansas, the plane I was riding was, unfortunately, delayed.

Truly, providing for the health needs of our military's cadets and midshipmen when they are placed in harm's way is a duty of this Nation. I am grateful to the Senator from Texas for raising this issue, and I am pleased that the Senate adopted this amendment to S. 2400, the fiscal year 2005 Department of Defense Authorization bill. Mr. President, I ask that the record reflect that, had I been here, I would have voted in favor of Senator HUTCHISON's amendment No. 3152 yesterday afternoon.

100TH BIRTHDAY OF LATE  
SENATOR JACOB JAVITS

Mr. SCHUMER. Mr. President, I rise today to remember and pay tribute to the late Senator Jacob Javits on what would have been his 100th birthday. I have the honor of currently serving in his Senate seat and I remember Jack with the deepest admiration and affection. We shared many passions, and one true love—New York and its citizens.

Jack did both jobs of Senator so well. He was a big thinker, a compassionate and visionary legislator, an important actor in global affairs. But when an ordinary citizen or a non-profit group or struggling company in New York needed his help, he was there. And that was his legacy; he made all our lives better.

Born in a tenement on the lower east side of Manhattan on May 18, 1904, Jack was the son of Jewish immigrant parents from Galicia and the Turkish Empire. He was educated in New York City's public schools, attended night classes at Columbia University and graduated from New York University Law School in 1926. From there he practiced law in New York City until joining the Army in 1941. Javits served in both Europe and the Pacific during World War II and was discharged as a lieutenant colonel in 1945. After the war, Jack resumed practicing law until he ran for office in 1946.

In 1946, Jack was elected to the U.S. House of Representatives in New York's traditionally Democratic 21st District, which included Manhattan's upper west side, home to Columbia University. He served in the House for 8 years and had a seat on the Foreign Affairs Committee. He then served as

New York's attorney general from 1954 to 1956. In 1956, Jack won election to the United States Senate, defeating New York City Mayor Robert F. Wagner, Jr. He would go on to serve 24 years in the Senate, tied with Senator Moynihan for the longest service of any New York Senator.

He served on the Senate Foreign Relations Committee in 1969, later attaining the position of ranking Republican member. His service on that committee would spur a lifelong interest and involvement with foreign affairs and particularly Israel. He also served as ranking member of the Labor and Human Resources Committee and the Committee on Governmental Affairs.

Although he had a long and distinguished Senate career, Jack was most beloved and admired for his courageous efforts in the civil rights struggle. From his very first days in the Senate, Jack was a courageous leader in the fight against segregation and racial discrimination. He campaigned passionately for passage of the 1957 Civil Rights Act and played a major role in the passage of the landmark Civil Rights Act of 1964 and in other civil rights legislation that followed.

During the Vietnam era, Jack became a major critic of the war, and subsequently, one of his major concerns became the question of who has the power to make war. Jack was a primary sponsor of the War Powers Resolution of 1973, which reestablished congressional responsibility, rather than presidential, to commit U.S. armed forces abroad in the absence of a formal declaration of war.

He was deeply troubled that the Congress had in many ways abdicated its proper role during the Vietnam War. I think many of us today share the very same concerns that Jack had some 30 years ago. For Jack cared deeply about the U.S. Senate, its debates, its constitutional authority. Its Members were his best friends. It did not matter whether he agreed with them or if they challenged or even attacked him—they were all his colleagues.

Jack once said of the Senate, "I was stimulated by the ebb and flow of debate and the philosophic tensions of the work we did—balancing lofty principles against sectional or selfish interests, welding together antagonistic human and economic and ideological forces into the coherent schemes of governance that we call laws." Jack respected the Members of the Senate with a full heart and his great affection for them was returned in full measure.

A 1981 New York Times article remarked, "whether or not you agreed with him on a given issue, you always knew that Mr. Javits was one of the brightest, hardest working and most effective elected officials in Washington in our time."

After leaving the Senate in 1980, Jack visited and corresponded with many of his former political colleagues and maintained his interest in foreign affairs. In 1981, he served as special advi-

sor on foreign policy issues of then Secretary of State Alexander M. Haig, Jr. He was a member of the American Jewish Commission on the Holocaust and wrote numerous articles on international matters in publications such as the New York Times, Newsday, and Foreign Affairs.

The last project of his final, heroic years combined those elements that meant most to him. Jack created the concept of the Javits Senate Fellowship, a program that made available to the Senate many of the finest graduate students in public policy that our country could produce.

He asked these students of outstanding academic background to carry out his commitment to excellence in public service, to learn firsthand about the Senate and to bring to their own lives the values and experience which they had gained in the Senate. Many of these young people have gone on to very distinguished careers and accomplishments.

Jack knew that, in truth, the best way to be remembered would be through the accomplishments of the next generation, through those who would carry forward his spirit, his commitment to public service, and his abiding respect for, and love of, the United States Senate.

We remember Jack with deep admiration on what would have been his 100th birthday. His accomplishments for New York and the Nation will long be honored and remembered.

NOMINATION OF MAJOR GENERAL  
DAVID H. PETRAEUS

Mr. BUNNING. Mr. President, I want to spend a few moments to talk about the nomination of Major General David H. Petraeus to be Lieutenant General in the U.S. Army.

I believe President Bush and Secretary Rumsfeld have made an excellent decision to promote General Petraeus and assign him to chief of the Office of Security Transition in Iraq. I congratulate General Petraeus and wholeheartedly support his nomination.

I am pleased that the Senate has moved so quickly on his nomination. We received it 2 weeks ago and he was confirmed yesterday. This is fitting because last Friday he transferred command of the 101st Airborne Division, Air Assault, to his successor at the helm of the Screaming Eagles.

General Petraeus led the 101st Airborne to stunning success in Iraq. His division performed superbly in combat, and is responsible for bringing Saddam Hussein's two ruthless sons to justice. Unfortunately, the division also suffered the largest number of combat casualties in Operation Iraqi Freedom.

Equally impressive to the combat performance of the division under General Petraeus were the successes in rebuilding the governing structures and the hope of the Iraqi people in a significant portion of the country. Six days

after occupying the northern part of Iraq the first meetings were held to set up Province Council elections and those elections were held one week later. The division worked with Iraqis to quickly restore power, water, fuel, transportation, and industry. They set the model for cooperating with the local leaders and population to create a stable and prosperous Iraq. This all happened because of the leadership of General Petraeus.

I visited General Petraeus and the Screaming Eagles in Iraq earlier this year. I saw firsthand the results of his careful preparation and skillful execution of a plan to bring order and governance to the people of northern Iraq. I was, and remain, impressed by what I saw.

Because he was so successful leading the 101st Airborne in Iraq, General Petraeus has been assigned back to Iraq for the transition of power to the interim Iraqi government. I have no doubts that he is the right man for the job and will help the Iraqi transition to self-government proceed smoothly.

Again, I want to congratulate General Petraeus and wish him well in his new assignment. He is blessed with a wonderful family at home who will be eagerly awaiting his return. I thank him for his service.

#### COMMENDING AUSTRALIA FTA

Mr. SMITH. Mr. President, today, May 18, 2004, is a historic day for U.S.-Australia bilateral relations. A landmark agreement on free trade was reached today between the United States and Australia.

I believe the U.S.-Australia Free Trade Agreement is good for America. An FTA with the world's 15th largest economy will bring substantial benefits to my state of Oregon and to the whole U.S. economy. Australia is an industrialized nation with a high standard of living that is already a large market for U.S. exports valued at over \$23 billion annually. The Australia FTA will boost U.S. manufacturing and create U.S. manufacturing jobs by reducing 99 percent of all Australian tariffs to zero. For the first time, the United States will have a significant advantage over European and Japanese competitors in the Australian market. U.S. goods and services will be able to compete fairly with other foreign exports in the lucrative Australian marketplace. This will be worth over \$2 billion a year to U.S. manufacturers.

U.S. agricultural exports to Australia will grow by \$700 million, as tariffs on all agricultural goods are zeroed out under the FTA; this is money in the bank for U.S. farmers.

Australia is an important market for my home State of Oregon. Australia is the 10th largest export market, and is particularly important for high quality manufactured goods. Western Star—a subsidiary of DaimlerChrysler—located in Portland, OR would save nearly \$2 million a year in eliminated tariffs and

duties that average \$4,000 per truck exported to Australia. This money could be reinvested in expanded production and opportunities for workers in my home State of Oregon.

Trade with Australia also supports numerous other high-paying jobs in areas such as transportation, finance and advertising. Furthermore, Oregon exports over \$39 million per year in computers and electronic products. Access to 19 million potential customers is no small deal for Oregon businesses.

Furthermore, Australia is the ideal trading partner for the United States. It is an advanced, efficient high wage economy with dependable legal and financial regimes. It has labor and environment standards comparable to the United States. A free trade agreement with Australia just simply makes good sense.

The FTA will only strengthen our relationship with a close ally. Australia and the United States have been true allies through good times and bad. We have fought together in every major conflict in the last 100 years to defend peace and security. We must stand steadfast with our ally, not only in the defense of peace, but also in the prospect and benefits of free trade.

#### ADDITIONAL STATEMENTS

##### JASON METCALFE

• Mr. NELSON of Florida. Mr. President, I rise today to commend an exceptional young Floridian, who is raising money to build an ALS clinic in Jacksonville. Jason Metcalfe may only be a fourth grader at Tynes Elementary school, but his story can teach us all—young and old alike—a lesson in the spirit of giving.

Jason's good friend and confidant, Mr. Chapman, was diagnosed with ALS, a debilitating condition commonly called Lou Gehrig's disease. After learning Mr. Chapman was stricken with the devastating disease, he took action.

Jason made a long-term goal to become a scientist and help find a cure for ALS. He has already improved his grades and is now receiving top marks in school. In addition to his commitment to education, Jason decided to help in the short term by collecting money to support ALS research and treatment facilities. He has been saving his allowance, selling candy and taking donations. And I am proud to report that he has already shattered his original goal of raising \$500 and has collected in excess of \$11,000.

Mr. Chapman passed away on February 1, 2004, but Jason's dream to become an ALS researcher and to build a clinic in Jacksonville lives on. Jason's hard work, determination and leadership is an example to us all. I am proud of the work he is doing to give back to people like Mr. Chapman, who suffer from ALS.

Thank you, Mr. President, for allowing me to recognize the efforts of an exceptional young Floridian.●

#### BRAIN INJURY RESEARCH

• Mr. CORZINE. Mr. President, I rise today to pay tribute to the Benigno family of Clinton, NJ, for their tireless efforts to advance the cause of brain injury research.

Nearly 20 years ago, Dennis and Rosalind Benigno's 15-year old son, Dennis John, was struck by a car while walking home from a football physical. Dennis John suffered severe, long-term brain injuries in the accident. Now 34, Dennis John cannot walk or talk. He communicates with his eyes and laughter, and seems to understand when his parents talk to him. Dennis and Rosalind have made a life of caring for their injured son.

Their personal tragedy, however, is not the end of the story. Mr. Benigno has turned tragedy into action. He has been a passionate advocate on behalf of his son, raising awareness and promoting research efforts that offer the prospect of a cure for traumatic brain injury. The Benigno's founded the Coalition for Brain Injury Research, which has donated more than \$125,000 in the past 2 years to the study of brain cell repair. They raise funds through walkathons and a lecture series, and Mr. Benigno has traveled throughout the country for research dollars.

Mr. Benigno has also turned to his elected representatives in New Jersey and Washington, DC. His efforts have led to the creation of the Congressional Brain Injury Task Force, co-chaired by my good friend Congressman BILL PASCRELL. For the last 6 years, Mr. Benigno has also lobbied local, State, and Federal legislators to support legislation that would create a dedicated source of funding for medical research into traumatic brain injuries.

His work has begun to pay off. On January 2 of this year, Governor McGreevey signed the Brain Injury Research Act into law. With this legislation, New Jersey becomes the first State in the Nation to create a funding stream for researchers devising treatments and cures for brain injuries. The act is expected to raise more than \$3 million a year for brain injury research from a \$1 surcharge on motor vehicle penalties.

Dennis John is one of more than 5.3 million Americans who currently suffer disabilities from brain injury, according to the Centers for Disease Control, CDC. Every year, 200,000 people sustain brain injuries, a number that exceeds the incidence of HIV/AIDS and breast cancer. Right now, there is no cure. In fact, brain injuries are the only catastrophic illness for which scientists have yet to readily identify a cure as their research goal. The Brain Injury Research Act, finally, offers hope to the hundreds of thousands who suffer from brain injuries that an effective therapy may be in sight.

While religious authorities, ethics scholars, and we here in the halls of government continue to debate the implications of stem and fetal cell research, the Benigno's remain focused