

The reason I talk about this is when I was Governor in 1996, I was able to sign, and happy to sign, this into law. It is a law that has commonsense provisions requiring the Pledge of Allegiance, but also with provisions to develop guidelines for reciting the pledge in public schools. That law has been the law since 1996.

The point is that the pledge is a patriotic exercise. Thomas Jefferson, again, who authored the Statute of Religious Freedom, had no intention of allowing Government to limit, restrict, regulate, or interfere with public religious practices.

Mr. Jefferson believed, along with our other Founders, that the first amendment had been enacted only to prevent Federal establishment of a national denomination. This patriotic pledge establishes no religious denomination. There is no establishment of any religious denomination. I would fight against any sort of effort, by any State, or by the Federal Government to establish any national denomination.

Understand the history of our country. There was an Anglican Church, the Church of England. There were people who were forced to pay tithes or contribute to this church, even if they did not believe in it. The Baptists were the ones who were the most upset. Mr. Jefferson sent a letter to the Baptists of Danbury, where he was espousing his views and where some of these misinterpretations may have occurred. The point is this is no establishment of religion.

This Federal judge, though, in California, and the Ninth Circuit Court of Appeals judges, are examples of Government overreach in a very different and harmful way. It is judicial activism at its very worst. It is activism by unelected judges. Through this decision and decisions such as this, they usurp the rights of the people, usurp the policymaking role given to this body and also to the people in the States. These are rights that are actually guaranteed to all of the people in the States in our Constitution.

I do not know what the next decision from Federal judges might be, especially if they are relying on this precedent from the Ninth Circuit Court of Appeals. Will they ban the singing of God Bless America in our schools? Who knows?

Will they redact, or force the editing of founding documents, which are some of the greatest documents in the history of mankind and civilization, because there are references to God or to our creator? Will the Congress, the Supreme Court, and State legislatures all across the land be prohibited from opening their sessions with the pledge because it might somehow offend the sensibilities of someone watching a legislative body opening with a Pledge of Allegiance, whether it is on a public access channel or C-SPAN or otherwise?

The fact is this is not an argument about God or no God. It is not an argu-

ment about the separation of church and State. It is not an argument about the establishment of any particular religious denomination. Saying the Pledge of Allegiance is no more of a religious act than buying food with currency that reads "In God We Trust." It is a patriotic act. If a student does not want to say it, he or she can sit quietly in the classroom. But that should not thwart the desire of the people, whether it is in counties in California or counties in cities and towns in the Commonwealth of Virginia or in the plains of Kansas or in the Rocky Mountains or anywhere else. If that is what they so desire, then the people ought to be able to have that in their public schools.

I sense that most Americans agree that the Pledge of Allegiance should remain in our schools and other public functions. As it is today, it should be voluntary and should be a matter of public conscience.

On this issue, similar to so many others, the Ninth Circuit Court of Appeals is out of touch with the people and flat-out wrong. This errant decision clearly points out the need to put, reasonable, well-grounded judges who have common sense on the Federal bench, rather than these delusional activists who ignore the will of the people of the United States. The promise of America is rooted in one idea, that the direction of our country is, and will always be, determined by the consent and the will of the people.

If there is anything to be understood from our Constitution, our Bill of Rights, it is that the Government is instituted by the people. They may have representative government through the States, but the Bill of Rights is there to protect our God-given rights. Some rights of ours are to have a government, with our consent, that reflects our values.

I hope, in this particular case, which is illustrative of others, that either the Ninth Circuit, or the United States Supreme Court will reverse this egregious decision that bans the Pledge of Allegiance in public schools. The will of the people ought to be respected.

I will close by saying this: God bless America; and I am glad I am still allowed to say it. I wish the kids were able to say the Pledge of Allegiance or God bless America in their schools, without worrying about some unelected Federal judge coming in and thwarting the will of the people, the decency and wholesomeness of the people of this country. I am hopeful we will soon have John Roberts as Chief Justice of the Supreme Court and other men and women, whether on the Ninth Circuit or other Federal courts, who understand the foundational principles of this country.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

#### CONCLUSION OF MORNING BUSINESS

Mr. REID. Mr. President, I ask morning business be closed.

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

#### AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2006—Continued

##### AMENDMENT NO. 1732

Mr. REID. Mr. President, I send an amendment to the desk on behalf of BEN NELSON of Nebraska, an amendment numbered 1732.

The PRESIDING OFFICER. Without objection the pending amendment will be set aside and the clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for Mr. NELSON of Nebraska, proposes an amendment numbered 1732.

Mr. REID. I ask unanimous consent the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To prohibit the use of funds for developing a final rule with respect to the importation of beef from Japan)

On page 173, after line 24, insert the following:

SEC. 7 \_\_\_\_\_. None of the funds made available under this Act shall be used by the Secretary of Agriculture for the purpose of developing a final rule relating to the proposed rule entitled "Importation of Whole Cuts of Boneless Beef from Japan", dated August 18, 2005 (70 Fed. Reg. 48494), to allow the importation of beef from Japan, unless the President certifies to Congress that Japan has granted open access to Japanese markets for beef and beef products produced in the United States.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

#### MR. RONALD W. KISER

Mr. McCONNELL. Mr. President, I rise today to recognize the outstanding service of a remarkable Kentuckian, Mr. Ronald W. Kiser. Mr. Kiser is the assistant chief of the Engineering Division for the Louisville District of the U.S. Army Corps of Engineers. He will retire from the Corps of Engineers this September 30 with over 36 years of dedicated service to our Nation.

A Louisville resident for decades, Mr. Kiser is originally a native of Charleston, WV. He began his career with the Corps of Engineers in the Huntington District, in West Virginia, upon graduation from the West Virginia University Institute of Technology, where he

earned a bachelor's degree in civil engineering. During his time with the Huntington District, Mr. Kiser's duties included evaluating buildings for safe refuge from nuclear fallout, overseeing relocations of railroads and highways at major flood-control projects and navigation projects, and participating in emergency disaster recovery.

In 1974, Mr. Kiser was selected to lead the Relocations Branch of the Engineering Division in the Louisville District. His work involved many aspects of civil-works projects, including the design of Zilpo Road at Cave Run Lake, in northeastern Kentucky, which is now featured in a register of America's most scenic highways. Over the next 10 years, Mr. Kiser not only served the Louisville District, but was solicited by the Pittsburgh District and the Europe Division, in addition to earning a master's degree in civil engineering from Ohio State University. While assisting the Pittsburgh District, Mr. Kiser led the relocations associated with the Stonewall Jackson Dam Project and the Monongahela River Locks Renovation Project. During his time with the Europe Division, he managed military operations and maintenance projects totaling approximately \$200 million a year.

Mr. Kiser returned to the Louisville District in 1983 and was selected as chief of the Army Section in the newly established Military Branch that had been formed to oversee the Louisville District's military mission. Thanks to his leadership, vision, and dedication to duty, the Louisville District gained a reputation for excellence in execution that it retains to this day. Among the many major military installations Mr. Kiser helped oversee are Fort Campbell and Fort Knox, both in Kentucky, and many Army Reserve facilities nationwide.

During this time, Mr. Kiser extended his leadership well beyond his assigned missions. He mentored Captains Robert Rowlette and Mike Pratt, who both went on to become Corps of Engineers District Commanders. He worked on the Standardized Design Program Committee for the Corps of Engineers Headquarters. He led the Louisville District to become the Centers of Expertise for Centralized Vehicle Wash Facilities, Bowling Centers, and Class 6 Beverage Stores. And he was a key player in organizing the first MILCON Conference, and developing the standard "partnering" clause for construction contracts.

Mr. Kiser continued his leadership role in the Louisville District's Engineering Division throughout the 1990s, in positions ranging from chief of the first environmental support program to his current position of assistant chief of the Engineering Division. His devotion to the U.S. Army Corps of Engineers over several decades has made for a stronger, safer, more prosperous Nation for his fellow Kentuckians, and for all Americans.

A good neighbor and a valued steward of our defense assets and natural

resources, Mr. Kiser will be remembered for his spirit of service, patriotism and dedication to his country. On the occasion of his retirement, I ask my colleagues to join me in extending best wishes to Mr. Ronald W. Kiser.

#### TRIBUTE TO ARTHUR "ART" EDWARD BERNARD

MR. REID. Mr. President, too often, the civil servants who make a State run properly do not get the recognition they deserve. Arthur "Art" Edward Bernard is one of those men. Today, I rise to honor a man who has left a lasting impact on Nevada through his work in government.

Art Bernard was raised in the mining camps of Utah before striking out on his own at the age of 16. His travels brought him to the Bristol Mine in Pioche, NV. There, he worked in the hardscrabble world of "mucking" or loading the ore carts. Mucking is all about brute strength, and Art won mucking contests throughout Nevada. The toughness and tenacity he showed as a miner served Art well in his appointment as State Mine Inspector in 1947. In this capacity, he worked to improve the safety standards of the mines.

His work was noticed by Governor Charles Russell, and Art was appointed warden of the Nevada State Prison in 1950. At first, Art had doubts about his new position because he had no previous experience in the prison system. Like any good miner, Art refused to become discouraged, and he embraced the new challenges of his position.

Art's tenure could not have come at a better time for the Nevada State prison; he navigated the tumultuous changes occurring in prisons across the country. Demanding better living conditions, prisoners across the country rioted and the Nevada State prison was no different. Rioting prisoners demanded to see the Governor, but Art refused to cave to their demands. Instead, he barricaded the prisoners in the prison yard for 3 days until the protest disbanded peacefully.

As part of the settlement, Art allowed a commission of three prisoners, called the "three wise men," to submit prison grievances directly to him. Art viewed the inmates as students at what he dubbed "Greystone U." Over the years, Art developed a close relationship with the inmates, and he made himself available to any inmate who wanted to see him during daily walks around the grounds. He worked to improve the quality of life at the prison by establishing a boxing program for the inmates and a prison orchestra.

Art's revolutionary ideas jump started the work program at the Nevada State prison. Art applied his mining background to prison life when he started a rock quarry for the prisoners. Each new prisoner was responsible for a certain quota from the quarry each day. In addition, Art allowed prisoners to work on local ranches and farms as

laborers, and the prison received local produce and supplies for the prison in exchange. The prison labor exchange was not the only way Art saved Nevada taxpayer dollars. He also used prison labor to build new facilities at the Nevada State prison.

Art served Nevada in a great time of need and helped modernize Nevada's prison operations with the strength and tenacity that he learned from mining camps across my State. Most importantly, Art sought to improve the lives and treatment of prisoners when other prison systems were languishing with inferior standards and facilities.

Art's contributions to Nevada did not stop after his retirement. Recently, Art finished interviews about his life with the Nevada Mining Oral History project. Future generations will be able to hear about Art's years spent in mines across Nevada, in addition to stories about prison life at "Greystone U." This oral history is another contribution to Nevada history from a man who helped to shape my State. Nevada is a better place because of men like Art Bernard, and he deserves recognition today before the Senate.

#### FETAL ALCOHOL SYNDROME DISORDERS

MR. DURBIN. Mr. President, last week, we marked National Fetal Alcohol Syndrome Awareness Day. Today, I rise to join Senators JOHNSON, MURKOWSKI, MURRAY and DODD as we introduce legislation to address the prevention and treatment of Fetal Alcohol Syndrome Disorders.

I have met with many families in Illinois who have made real for me the challenges, the frustrations and the hope that come with a fetal alcohol syndrome disorder. Vivian Botka brought a picture that her 22-year-old daughter Kristy had colored with crayons. Kristy requires around-the-clock care. Walt Teichen and his family are working to build an independent living home for young adults affected by fetal alcohol syndrome. They want to establish a home for young people such as their son Kevin, who craves independence from his parents yet needs the support and vigilance of adults who understand his limitations.

Last year, then-Minority Leader Tom Daschle proposed the most ambitious, comprehensive plan in America's history to advance FASD research, treatment, and prevention. I am honored to join my colleagues as we introduce this legislation because, as Senator Daschle says, it is easier to raise a healthy child than heal a broken adult. It is more compassionate and, in the end, more cost-effective to prevent FASD and help families living with it than it is to ignore it.

To decrease the occurrence of mental retardation and birth defects, we must address their most preventable cause—alcohol use during pregnancy. FASD affects an estimated 40,000 infants each year. That is 1 out of every 100 births