

by this problematical and, many believe, perhaps mostly hypothetical and politically motivated, provision.

We all know that this bill has repeatedly won the overwhelming approval of our colleagues in both Houses of Congress.

Before we began a conference meeting on an earlier version a few years ago I referred to that meeting as being the last leg of a legislative marathon. I was wrong then—but I hope, and I have every confidence, that this floor debate represents the final beginning of that last leg.

We succeeded in finally enacting the class action reform bill 2 weeks ago and I am hopeful that we can duplicate this success with the bankruptcy bill over the next several days.

As many have said, this is a compromise bill that enjoys broad bipartisan support among Democrats and Republicans, and conservatives and liberals.

Even after having worked for 8 years already, we agreed to make some additional compromises in the Judiciary Committee during mark-up 2 weeks ago to satisfy some concerns of our colleagues on the other side of the aisle. Those compromises were difficult to make, but we have made them.

I should add that there are some on our side of the aisle, such as Senator CORNYN, who would like to make additional changes in this bill. He has a very substantial proposal addressing the issue of venue reform. It is an area in which he has special expertise from his experiences with some important bankruptcies that affected many citizens of Texas but were litigated out of State.

There are things I would like to see changed in the bill.

But I also recognize that many have cooperated and compromised in order to reach the state where this legislation is today. Given the extensive and lengthy history of this bill, I think it best for my colleagues to refrain from offering controversial amendments on this vehicle at this time—and I will do so because I know that any further amendments might scuttle this bill.

This bill provides new consumer protections, helps children in need of child support, and makes other necessary reforms to a system that is open to abuse.

I want to stress the fact that this legislation does not make it more difficult for people to file for bankruptcy, but it does eliminate some of the opportunities for abuse that exist under the current system.

This is a good bill. We should pass it promptly and send it to the House.

It is possible that during this debate that some may falsely suggest that this bill unfairly treats low-income persons. Let me tell you at the outset that the poor are not affected by the means test. The legislation provides a safe harbor for those who fall below the median income, so they are not subjected to the means test at all. What

the means test is designed to do, and what it will do, is to prevent abuse by those who can and should pay a portion of their debts with future earnings. It will stop the fraud. It will stop the abuse of a system that has been going on through some of these unscrupulous lawyers and bankruptcy helpers.

Another misconception that I have heard again and again from opponents of the bill is that this legislation will not let people file for bankruptcy relief when they need it. The fact is that this legislation does not deny anyone access to bankruptcy relief, it just requires those who have the means to repay their debts based on their income and ability to pay.

It is that simple. It is fair. It is a long overdue change for the better.

Some opponents of this legislation have also claimed that it somehow hurts women and children. This falsehood is particularly disturbing for me to hear, because I have had a long history of advocating for children and families in Congress, and I have worked tirelessly, provision by provision, to make this legislation dramatically improve the position of children and ex-spouses who are entitled to domestic support. I have already told you in some detail why these allegations are baseless and how this bill works to help women and children.

I look forward to participating in this debate.

This is a very good bill.

It represents years of bipartisan, bicameral work. It is time we pass this bill. This President will sign this bill.

I hope that we will not get sidetracked by nonrelevant or counterproductive, controversial amendments on a consensus bill that has been so long in the making.

I hope there will not be any frivolous amendments or amendments designed to kill the bill or message amendments trying to make political points rather than solve the problems we have regarding bankruptcy.

Let us pass this bill for the fourth and final time and get on to other business.

I urge all of my colleagues to support S. 256, the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

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

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

MORNING BUSINESS

Mr. FRIST. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each.

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

COMMENDING HOWARD BAKER

Mr. HATCH. Mr. President, just before we went into recess on February 17, the distinguished majority leader introduced, and the Senate passed by unanimous consent, a resolution commending the public life of our dear former colleague, Senator Howard Baker. I did not have the opportunity to speak to this resolution then, and I wish to add a few words today.

I commend the current majority leader for taking a few moments from our busy Senate schedule that Friday to introduce and pass a resolution commending a former majority leader, my former colleague and dear friend, Howard Baker, for his lifetime of public service. All of us who know Ambassador Baker, or have had the great pleasure of serving under him, on either side of the aisle, will see this as certainly the least controversial act this Senate will pass this year.

I have known Howard Baker my entire Senate career—there are very few here who came to this body before Senator Baker did, back in 1966. And to know Howard Baker is to know consummate Southern grace and manners, to know a man who it is almost as much a pleasure to disagree with as it is to agree with. In my many years serving with Senator Baker, and under him, as my Republican Leader, when I first arrived, and as the majority leader, during the first 6 years of the Reagan administration, I had a few occasions where we stood on different sides of an issue, but many more where we did the people's business side-by-side. Our cause was always stronger when we had the intelligence and perseverance of Howard Baker on our side, and, on the few occasions where we did disagree, my arguments always had to be stronger because of the scrutiny and deliberation of my colleague's same intelligence and perseverance.

Majority Leader Baker did such a superb job during the first 6 years of the Reagan administration that President Reagan wisely chose him as his Chief of Staff for the last, often difficult, 2 years of his administration. It was a wise choice.

A few years later, Howard Baker made his own very wise choice. After being widowed, he married another one of our most distinguished colleagues, former Senator Nancy Landon Kassebaum. I can honestly say that I have never seen a better collaboration between two Senators I hold in the highest regard.

As we all know, our distinguished former colleague's service to the Nation was not over yet. He served our Nation with great distinction in one of the most important ambassadorial positions we have, the United States Ambassador to Japan.

Mr. President, when they teach civics in our primary and secondary schools

today, the textbook writers would be wise to have a lesson on the career of Howard Baker. His character and example, and the policies he advanced, would be admired by all who, unlike some of us, have not had the opportunity to know this man in person. The textbook writers should wait a while longer, however, as I hope and expect that Howard Baker's life of public service continues, for the good of the Nation and the good of all of us. I heartily co-sponsor this resolution and offer my warmest congratulations to former Senator Baker, and his wife, former Senator Kassebaum.

AFRICAN-AMERICAN HISTORY MONTH

Mr. SARBANES. Mr. President, it is especially appropriate that this year the theme of African-American History Month should be the Niagara Movement, for 100 years ago, in July 1905, the Niagara Movement convened for the first time. It brought together a distinguished group of twenty-nine thinkers, writers, educators, attorneys, ministers and businessmen in the African-American community; among them was the Reverend George Freeman Bragg, for many years the pastor of St. James' Episcopal Church in Baltimore and the author of *Men of Maryland*, a history of African Americans in Maryland from the earliest days of the colony. Although the participants were scheduled to meet in Buffalo they were unable to find hotel accommodations in that city, and as a consequence they moved to Fort Erie, on the Canadian side of the Falls.

The Niagara Movement symbolized a "mighty current" of protest against all the disabilities and indignities of second-class citizenship to which African-Americans were subjected. It rejected the pernicious "separate but equal" doctrine set out 9 years earlier by the Supreme Court in *Plessy v. Ferguson*, and all the political, social and economic consequences of that decision. The prospect that African-American citizens of this Nation would at last be guaranteed all the rights and protections of the Constitution had already begun to fade with the end of Reconstruction, in 1876, and *Plessy* seemed to affirm that although African-Americans might no longer be enslaved, they should never aspire to be full citizens of the Republic. Within the African-American community voices arose urging accommodation and acquiescence; the most prominent, Booker T. Washington's, counseled against seeking political and social rights.

John Hope, an academic who subsequently became one of the founders of the Niagara Movement, offered a ringing rebuttal to this advice:

In this republic, we shall be less than freemen if we have a whit less than that which thrift, education and honor afford other freemen. If equality, political, economic and social is the boon of other men in this great country of ours, then equality, po-

litical, economic and social is what we demand.

When the Niagara Movement met for the first time, it adopted a manifesto that formally rejected accommodation and courageously asserted:

We claim for ourselves every single right that belongs to a freeborn American, political, civil and social; and until we get these rights we will never cease to protest and assail the ears of America. The battle we wage is not for ourselves alone but for all true Americans.

The movement faced truly daunting challenges. It was met by the public at large with alarm, skepticism and outright hostility—and on the part of the press, by a wall of silence. The annual meeting shifted from one place to another—from Buffalo to Harper's Ferry, to Boston and then to Oberlin, and in its last year to Sea Girt, NJ. Membership never numbered more than a few hundred; and plans to establish chapters in all thirty States were never fully realized. The movement's financial resources were painfully inadequate to the challenge it faced, and its efforts to organize were met by hostility and, worst of all, silence on the part of the press.

Although the movement sank into obscurity, a small number of scholars and commentators have recognized its importance. Among them is John Bambacus, whose 1972 master's thesis, "W.E.B. DuBois and the Niagara Movement," remains a valuable introduction to the subject. Today John Bambacus serves both as the mayor of Frostburg, in Maryland's Allegany County, and also as a member of the faculty of Frostburg State University, where he is an Associate Professor and Director of Frostburg's Public Affairs Institute and Internship Program.

It is clear today that the Niagara Movement was indeed the beginning one hundred years ago of the "mighty current" that became the great civil rights movement of the 20th century and transformed this Nation. And when after a few years the movement faltered, the NAACP emerged in its place.

For Marylanders, the NAACP has very special significance. It is not only that the NAACP, with a membership of some 500,000, nearly 2,000 branch chapters and hundreds of college and youth chapters, has its headquarters in Baltimore. It is not only that the NAACP has worked ceaselessly since its founding 95 years ago to ensure that African-Americans will have access to all the rights and opportunities our country offers, and that by doing so it has made our country a better place for all our people. It is not just the brilliant programs the NAACP has designed and implemented over the years—among them, the historic voter registration projects and the Voter Empowerment Program that grew out of them, the critically important economic empowerment program, and the Academic, Cultural, Technological and Scientific Olympics program that sets a high standard of achievement for

young people and challenges them to meet it.

It is also the legacy of Thurgood Marshall, who was born and raised in Baltimore, who received his high-school diploma from Frederick Douglass High School in Baltimore, and who returned to Baltimore after law school at Howard University. It was at Howard, where he was class valedictorian, that Thurgood Marshall became a member of the brilliant team that Dean Charles Hamilton Houston assembled for the express purpose of sweeping away "separate but equal" and establishing the right of African-Americans to full participation in every aspect of American life. Within a year of returning to Baltimore Thurgood Marshall joined the staff of the Baltimore branch of the NAACP. He went on to become the NAACP's chief legal officer and also director of the NAACP Legal Defense and Educational Fund.

In that capacity he led the team that successfully argued the landmark case of *Brown v. Board of Education* in the Supreme Court, thereby laying the indestructible foundation for transforming the principles set out by the Niagara Movement into the reality of American life.

Marshall did not rest with his triumph in the *Brown* case. President Kennedy appointed him to the 2nd Circuit Court of Appeals, where of Judge Marshall's 112 rulings that were appealed, every one was later upheld by the Supreme Court. Subsequently President Johnson appointed him to be Solicitor General, and then to sit on the Supreme Court as the Nation's first African-American Justice. Justice Marshall's colleague on the Supreme Court, Justice Brennan, called him—the voice of authority . . . the voice of reason . . . [a]nd a voice with an unwavering message: that the Constitution's protections must not be denied to anyone . . .

Thurgood Marshall was a leader among the brilliant and courageous members of the African-American community who dedicated their efforts—and in many cases their lives—to the fundamental principles of equality and respect that were set out in Buffalo 100 years ago by the Niagara Movement. We have come far, but yet we have far to go.

No one has put this more eloquently than Dr. Martin Luther King, Jr. As we approach the end of African-American History Month 2005 we should remember what he told us nearly 50 years ago, in "Facing the Challenge of a New Age":

. . . our world is geographically one. Now we are faced with the challenge of making it spiritually one. Through our scientific genius we have made of the world a neighborhood; now through our moral and spiritual genius we must make of it a brotherhood. We are all involved in the single process. Whatever affects one directly affects all indirectly. We are all links in the great chain of humanity.

Mr. PRYOR. Mr. President, today marks the end of Black History Month. Each year, we take this opportunity to