

potentially unleashing a worldwide flu epidemic. If we do not address this threat now, tens of millions of people could die as a result, and we are dangerously behind.

The flu vaccine shortage last winter underscores the fragility of our vaccine supply in this country and indeed around the world. It underscores our need to bolster Federal and State preparedness whether in the event of a bioterror attack or emerging infectious disease. We have had this discussion before. We need to take action.

There are now only five major vaccine manufacturers worldwide that have production facilities in the United States. That is for all vaccines. Only two are U.S. companies. Over the past 2 decades, the number of manufacturers that made vaccines for children has dwindled from 12 now down to 4. Only two of the four manufacturers that make lifesaving vaccines for children are in the United States of America.

Early this year, Republican leadership unveiled the Protecting America in the War on Terror Act of 2005. This legislation contains critical new provisions to strengthen our public health infrastructure, stabilize the vaccine industry, and encourage advanced research and development. It encourages the development of countermeasures against a biological, radiological, or nuclear attack as well as emerging infectious diseases. It does not address routine childhood immunizations.

This legislation incorporates recommendations from top health officials, industry experts, and infectious disease specialists. I urge my colleagues to support these long overdue measures to keep America safe.

I am gratified by my colleagues' efforts in the House to press this public safety issue. Indeed, in a few minutes the House Subcommittee on Labor, Health and Human Services, Education and Related Agencies is holding a hearing on pandemic preparedness and influenza vaccine supply. Officials from the CDC, NAID, and the Office of the Secretary of Health and Human Services will offer testimony this morning on the status of our public health security.

We cannot afford to be complacent. Experts tell us that the emergence of the worldwide flu pandemic is not a mere possibility but an all too frightening probability. Millions of lives could be lost if we fail to act. We must continue to search for preventions and cures to the new diseases on the horizon.

Most recently, thanks to the success of U.S. immunization efforts, the Centers for Disease Control and Prevention announced that rubella is no longer a major health threat in the United States. However, Dr. Julie Gerberding, director of the CDC, stresses:

We have to remain vigilant because, as we say in public health, our network is only as strong as the weakest link . . . [We] have to sustain our commitment to immunization. We have to strengthen all of the links in the

network, and we have to do everything possible to protect the health of children here within our country, as well as beyond.

We have come a long way since the famed Ernest William Goodpasture helped pioneer the development of vaccines. His work at Vanderbilt University helped create the vaccines that protect us from chickenpox, smallpox, yellow fever, typhus, Rocky Mountain fever, and many other viral diseases. I am confident that we possess the ingenuity. America has been the engine of countless lifesaving discoveries and global health efforts. Now it is time for us to demonstrate our resolve once again for the safety of our fellow citizens and millions of people around the globe.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Delaware is recognized.

Mr. CARPER. Mr. President, we have been joined this morning by the Senator from Colorado, and I yield to him such time as he may consume.

The ACTING PRESIDENT pro tempore. The Senator from Colorado is recognized.

#### JUDICIAL CONFIRMATION PROCESS

Mr. SALAZAR. Mr. President, I thank the great and wonderful Senator from Delaware for yielding me the time.

I rise to speak briefly about the bipartisan action taken by the Senate yesterday when it confirmed the nomination of Paul Crotty to be U.S. district judge for the southern district of New York.

I commend my colleagues for their willingness to put aside their partisan differences and to make sure that the judicial confirmation process worked in the case of Judge Crotty. I commend them for acting so obviously for the good of the American people.

Even more importantly, it is my hope that this example will prove to be an enduring one for all of us as we move forward with the subject of judicial nominations in the future. Our duty to evaluate Presidential judicial nominations and to confirm or reject nominees is a particularly solemn obligation under our Constitution. Our 871 article III Federal judges hold positions of great respect and great power. They put criminals in jail. They decide our most important private disputes and they explain what our laws mean. Our constitutional duty to evaluate judicial nominees is doubly important because judges are appointed for life. If we make a mistake, our country is stuck with a bad judge for years and sometimes decades.

On March 1, 2005, I sent a letter to President George Bush concerning judicial nominations. I respectfully suggested to the President that there are many well-qualified candidates to serve on the Federal bench, men and women who unquestionably would gain

the consensus and approval of this body. The fact that the Senate reached consensus on 205 of the President's 215 judicial nominations over the past 4 years demonstrates the willingness, indeed the strong desire, of the majority and minority in the Senate to achieve this consensus.

Let me repeat that statistic one more time: 205 of the 215 nominations of President Bush have been confirmed by this body. That is a 95-percent confirmation approval rating. When there is that kind of approval of the President's nominees, this body is doing its job and not being, as some people have suggested, an obstructionist body.

Judge Crotty is an example of the way judicial nominations should be pursued in order to be successful under our Constitution. His nomination resulted first from consultations and then from an agreement among Senator SCHUMER, Governor Pataki of New York, and the White House. That kind of collaborative consensus approach to making sure there are no problems with the confirmation of judges who are nominated by the White House is exactly what ought to be pursued in other judicial vacancies that occur in our country.

Partisanship in this particular appointment played no role whatsoever, and it should play no role. Judge Crotty was a consensus choice, a nominee without extreme ideologies or any troubling factors in his background. Judge Crotty's qualifications to sit in judgment of others were apparent to all Senators, Democrats and Republicans alike.

Our duty runs to all the people of our Nation, whether they are Republicans, Democrats, Independents, or something else. At the end of the day, I plead with my colleagues in this Chamber, which has been so much a part of our constitutional history, to avoid moving forward with the so-called nuclear option that has the potential of shutting down the work of this body on behalf of the people of the United States.

At the end of the day, I suggest to the President of the United States and to our leadership in this body that there are issues which are of much greater importance for all of us to work on on behalf of the people. The people's work should be about having a national and homeland security program that works to protect our homeland and protect our Nation. The people's business should be about making sure that we pass energy legislation that addresses our overdependence on foreign oil today. The people's business should be about how we deal with the problem of health care which is strangling so many Americans and so many businesses across our country.

There are so many issues that are important to take care of the people's business that we ought not allow ourselves to get into the distracting avenue of dealing with the controversial issue of the few judges who historically have been rejected by the Senate. I

suggest to all of my colleagues that it is important we move forward in the collaborative, cooperative approach that was taken in the nomination and in the confirmation of Judge Crotty to be a Federal district judge for the State of New York.

I yield the floor and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, would you inform me how much time is remaining in morning business on the Democratic side?

The ACTING PRESIDENT pro tempore. There remains 17 minutes 24 seconds.

#### CONSIDERATION OF TIMELY ISSUES

Mr. DURBIN. Mr. President, I rise in morning business to speak to several issues which I believe are timely in the consideration of the business of the Senate.

We are still in this national debate relative to Social Security. President Bush has proposed a plan to privatize and change Social Security, creating the possibility of so-called personal accounts. The President has taken this message on the road, saying that he would visit 60 cities in 60 days to talk about this issue. What we found is a reaction across America opposed to the President's proposal.

What we find is when the people of this country hear the details of President Bush's privatization plan, they are very skeptical. The reason is obvious. Even the President concedes that his privatization plan for Social Security will not strengthen Social Security. Today, left untouched, the Social Security Program would, for the next 36 or 37 years at a minimum, make every payment to every retiree every year with a cost-of-living increase.

If the President had his way and privatized Social Security, we have asked how much longer would the Social Security plan last. The answer is it would not only not extend the life of Social Security, it would shorten the life of Social Security because the President's plan is to reach into the Social Security trust fund to take out money that could be invested in the stock market. As you take money out of the trust fund, there is less money, obviously, to pay retirees. So the President's approach is going to weaken Social Security, not strengthen it.

Second, the President's approach involves dramatic cuts in benefits for senior citizens. If you take the money out of the Social Security trust fund, there is less to pay. The President's

White House memo that was leaked a few weeks ago discloses that they would change the index by which people are paid Social Security benefits. That index decides what increase will come each year in Social Security. The President would reduce that index, so you would find in 10 or 20 years that retirees in America would get 40 percent less when it comes to their Social Security benefits. That would drive many seniors, who have paid into Social Security for a lifetime, into a position where they would be below the poverty line. So the second aspect of President Bush's privatization plan is not only that it does not strengthen Social Security, but there are dramatic benefit cuts to those who have paid a lifetime into Social Security, driving more seniors into poverty, making them vulnerable to a life that is much different than they had anticipated as they went to work every day and paid into Social Security.

The final point is one of the more important ones as well. President Bush's privatization of Social Security is going to add dramatically to America's national debt. In fact, the estimates from the President's own agencies say that this plan of his to privatize will add \$2 trillion to \$5 trillion to the national debt. That is a dramatic increase in the mortgage of America that our children will have to pay off. Who will hold the mortgage of America? Right now, the people holding the mortgage happen to be Japan, China, Taiwan, Korea, OPEC. So we will find ourselves more in debt to those who are financing America's national deficit, and our children will have to pay them off. We will have to dance to their tune. If they lose confidence in the American dollar, we will have to raise interest rates in order to entice them to buy our debt. Raising interest rates to lure China and Japan onto our side means raising interest rates at home.

So President Bush's privatization plan on Social Security has run into a firestorm of criticism. It is a plan which does not strengthen Social Security; it threatens massive benefit cuts and adds dramatically to our national debt.

I see my colleague from Delaware is on the floor, so I will speak very briefly.

I ask unanimous consent to have printed in the RECORD an article from the Washington Post of April 9.

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

[From the Washington Post, Apr. 9, 2005]

AND THE VERDICT ON JUSTICE KENNEDY IS:  
GUILTY

(By Dana Milbank)

Supreme Court Justice Anthony M. Kennedy is a fairly accomplished jurist, but he might want to get himself a good lawyer—and perhaps a few more bodyguards.

Conservative leaders meeting in Washington yesterday for a discussion of "Remedies to Judicial Tyranny" decided that Ken-

nedy, a Ronald Reagan appointee, should be impeached, or worse.

Phyllis Schlafly, doyenne of American conservatism, said Kennedy's opinion forbidding capital punishment for juveniles "is a good ground of impeachment." To cheers and applause from those gathered at a downtown Marriott for a conference on "Confronting the Judicial War on Faith," Schlafly said that Kennedy had not met the "good behavior" requirement for office and that "Congress ought to talk about impeachment."

Next, Michael P. Farris, chairman of the Home School Legal Defense Association, said Kennedy "should be the poster boy for impeachment" for citing international norms in his opinions. "If our congressmen and senators do not have the courage to impeach and remove from office Justice Kennedy, they ought to be impeached as well."

Not to be outdone, lawyer-author Edwin Vieira told the gathering that Kennedy should be impeached because his philosophy, evidenced in his opinion striking down an anti-sodomy statute, "upholds Marxist, Leninist, satanic principles drawn from foreign law."

Ominously, Vieira continued by saying his "bottom line" for dealing with the Supreme Court comes from Joseph Stalin. "He had a slogan, and it worked very well for him, whenever he ran into difficulty: 'no man, no problem,'" Vieira said.

The full Stalin quote, for those who don't recognize it, is "Death solves all problems: no man, no problem." Presumably, Vieira had in mind something less extreme than Stalin did and was not actually advocating violence. But then, these are scary times for the judiciary. An anti-judge furor may help confirm President Bush's judicial nominees, but it also has the potential to turn ugly.

A judge in Atlanta and the husband and mother of a judge in Chicago were murdered in recent weeks. After federal courts spurned a request from Congress to revisit the Terri Schiavo case, House Majority leader Tom DeLay (R-Tex.) said that "the time will come for the men responsible for this to answer for their behavior." Sen. John Cornyn (R-Tex.) mused about how a perception that judges are making political decisions could lead people to "engage in violence."

"The people who have been speaking out on this, like Tom DeLay and Senator Cornyn, need to be backed up," Schlafly said to applause yesterday. One worker at the event wore a sticker declaring "Hooray for DeLay."

The conference was organized during the height of the Schiavo controversy by a new group, the Judeo-Christian Council for Constitutional Restoration. This was no collection of fringe characters. The two-day program listed two House members; aides to two senators; representatives from the Family Research Council and Concerned Women for America; conservative activists Alan Keyes and Morton C. Blackwell; the lawyer for Terri Schiavo's parents; Alabama's "Ten Commandments" judge, Roy Moore; and DeLay, who canceled to attend the pope's funeral.

The Schlafly session's moderator, Richard Lessner of the American Conservative Union, opened the discussion by decrying a "radical secularist relativist judiciary." It turned more harsh from there.

Schlafly called for passage of a quartet of bills in Congress that would remove courts' power to review religious displays, the Pledge of Allegiance, same-sex marriage and the Boy Scouts. Her speech brought a subtle change in the argument against the courts from emphasizing "activist" judges—it was, after all, inaction by federal judges that doomed Schiavo—to "supremacist" judges. "The Constitution is not what the Supreme Court says it is," Schlafly asserted.