

In the 1965 landmark decision of *Griswold v. Connecticut*, the Supreme Court recognized the right of married couples to obtain contraception and reproductive counseling. This was a watershed moment in public health—indeed such that the CDC has recognized that our subsequent progress in family planning constitutes one of the ten greatest public health achievements of the last century.

Women have faced great obstacles in family planning. While the average woman desires two children, with more than thirty years of fertility a woman's health and the welfare of her family is compromised without modern contraception.

We know that family planning has been practiced throughout history, but the methods used were certainly not always safe and effective. Today we take for granted both the access to modern contraceptives and the individual's right to make reproductive decisions. Among our noblest intentions is that every child is wanted, and that parents will have the resources to ensure their child's health and success. Following the *Griswold* decision, we have come far closer to that goal.

We certainly can see the results. The maternal death rate in the U.S. is only one third what it was back in 1965. The same is true for infant survival. The health outcomes are indisputable.

The lives of women have also been improved in so many ways. Four times more women are now college educated. This is so vital in an age where a more competitive world demands so much more of American families. It is essential that women can better themselves and ensure the security of their families.

As we commemorate the recognition by the Supreme Court that individuals have a right to that most basic part of life—the planning of their families—we recognize that there is still a great deal of progress to be made. Legal access does not equate to affordability. Certainly we must adequately fund Medicaid, title X, and other programs which provide family planning services. Such access reduces unwanted pregnancies, promotes the economic stability of families, and improves the health of both mother and child, yet we need to do more.

We simply must assure that access to contraceptives is equitable—that a lack of coverage by health plans does not place one of our most effective public health measures out of reach for millions of women. To achieve this aim, I will again introduce the Equity in Prescription Insurance and Contraceptive Act with Senator REID later this week. I invite my colleagues to join us in supporting this legislation to realize the full promise of *Griswold v. Connecticut*—healthier mothers, healthier children, and healthy, stable families.

Mr. OBAMA. Mr. President, today marks the 40th anniversary of the U.S. Supreme Court decision in *Griswold* v.

Connecticut, which struck down Connecticut laws that prohibited reproductive counseling and the use of contraception. In recognizing a constitutional right to privacy, this landmark decision secured the right of married women to use contraception and laid the groundwork for widespread access to birth control for all American women.

The availability and use of contraceptives has had a profound impact on the health and lives of women across the Nation. Widespread use of birth control has led to dramatic reductions in national rates of sexually transmitted infections, unintended pregnancies, and abortion. Contraceptive use has also significantly improved maternal and infant health outcomes, and reduced maternal and infant mortality rates. Since 1965 maternal and infant mortality rates have declined by more than two-thirds.

The impact of contraception on the professional lives of women has been equally profound. The ability of women to control fertility has allowed them to successfully achieve educational and career goals that would've been impossible a century ago. Women are critical to this nation's economic success, comprising up to one half of the total U.S. labor force.

In 1999, the Centers for Disease Control and Prevention recognized the significant impact of birth control on American society and included family planning in their list of the "Ten Great Public Health Achievements in the 20th Century." However, despite considerable progress in this area, much work remains. The United States has one of the highest rates of unintended pregnancies and sexually transmitted infections among industrialized nations, which in part reflects lack of access to basic preventive health care, including contraception.

A growing number of women—almost 17 million currently—must rely on publicly supported contraceptive care. Between 2000 and 2002, this number increased by 400,000 alone, because of the rising number of uninsured women. Yet, even those women with health insurance are not guaranteed access to contraceptives because some health plans choose not to cover these medications and procedures as they would other basic preventive health measures. And we are increasingly hearing about pharmacists and other providers who refuse to prescribe or fill contraceptive prescriptions, or refer women to those who will, because of their own personal beliefs.

This 40th anniversary of the *Griswold* decision provides a perfect opportunity to reflect upon the critical importance and impact of this decision on the health and professional lives of millions of women. We must ensure that policy decisions about contraception services remain health decisions and not political ones, and work to ensure that all women have access to contraception when they need it.

#### AUTHORITY FOR COMMITTEES TO MEET

##### COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. DEMINT. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to conduct a hearing during the session of the Senate on Tuesday, June 7, 2005 at 9:30 a.m. in SD-106. The purpose of this hearing will be to review the Dominican Republic-Central America Free Trade Agreement: Potential Impacts on the Agriculture and Food Sectors.

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

##### COMMITTEE ON ARMED SERVICES

Mr. DEMINT. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on June 7, 2005, at 9:30 a.m., in open session to receive testimony on the Department of Defense Inspector General's Management Accountability Review of the Boeing KC-767A Tanker Program.

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

##### COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. DEMINT. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on June 7, 2005, at 10 a.m., to conduct a hearing on "International Monetary Fund Oversight."

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

##### COMMITTEE ON FINANCE

Mr. DEMINT. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session on Tuesday, June 7, 2005, at 10 a.m., to hear testimony on "Preventing the Next Pension Collapse: Lessons from the United Airlines Case".

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

##### COMMITTEE ON FOREIGN RELATIONS

Mr. DEMINT. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, June 7, 2005 at 10:30 a.m. to hold a hearing on Nominations.

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

##### COMMITTEE ON FOREIGN RELATIONS

Mr. DEMINT. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, June 7, 2005 at 2:30 p.m. to hold a hearing on China.

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

##### SELECT COMMITTEE ON INTELLIGENCE

Mr. DEMINT. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the

Senate on June 7, 2005 at 2:30 p.m. to hold a mark-up.

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

SUBCOMMITTEE ON RETIREMENT SECURITY AND AGING

Mr. DEMINT. Mr. President, I ask unanimous consent that the Subcommittee on Retirement Security and Aging, be authorized to hold a hearing during the session of the Senate on Tuesday, June 7, 2005 at 10 a.m. in SD-430.

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

SUBCOMMITTEE ON TERRORISM, TECHNOLOGY AND HOMELAND SECURITY

SUBCOMMITTEE ON IMMIGRATION, BORDER SECURITY AND CITIZENSHIP

Mr. DEMINT. Mr. President, I ask unanimous consent that the Subcommittee on Terrorism, Technology and Homeland Security and the subcommittee on Immigration, Border Security and Citizenship be authorized to meet to conduct a joint hearing on "The Southern Border in Crisis: Resources and Strategies to Improve National Security" on Tuesday, June 7, 2005 at 2:30 p.m. in Dirksen 226.

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

PRIVILEGES OF THE FLOOR

Mr. BROWNBACK. Mr. President, I ask unanimous consent that Mike Carney, Megan Martin, and Charles Kane, interns on my Judiciary Committee staff, be granted floor privileges for the duration of today's proceedings.

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

APPOINTMENTS

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to 22 U.S.C. 276h-276k, as amended, appoints the following Senators as members of the Senate Delegation to the Mexico-U.S. Interparliamentary Group during the First Session of the 109th Congress: the Senator from Alabama, Mr. SESSIONS, and the Senator from Idaho, Mr. CRAPO.

The Chair, on behalf of the Vice President, pursuant to 22 U.S.C. 276h-276k, as amended, appoints the following Senator as a member of the Senate Delegation to the Mexico-U.S. Interparliamentary Group during the First Session of the 109th Congress: the Senator from Rhode Island, Mr. REED.

ORDERS FOR WEDNESDAY, JUNE 8, 2005

Mr. FRIST. I ask unanimous consent that when the Senate resumes the nomination at 10 a.m. tomorrow morning, the time from 10 to 11 be under the control of the majority leader or his designee, the time from 11 to noon be under the control of the Democratic leader or his designee, provided further that the time rotate in that order until

the hour of 4 p.m. I further ask that the time from 4 to 4:10 be under the control of Senator LEAHY or his designee, from 4:10 to 4:20 reserved for Senator SPECTER or his designee, 4:20 to 4:40 for the Democratic leader, and 4:40 to 5 be reserved for the majority leader.

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

Mr. FRIST. I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m. on Wednesday, June 8. I further ask that, following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and that the Senate then return to executive session and resume consideration of the nomination of Janice Rogers Brown to be a U.S. circuit judge for the DC Circuit.

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

PROGRAM

Mr. FRIST. Mr. President, tomorrow the Senate will resume consideration of the nomination of Janice Rogers Brown to be a U.S. circuit judge for the DC Circuit. Earlier today, cloture was invoked by a vote of 65 to 32, and under an earlier agreement we will have an up-or-down vote at 5 p.m. tomorrow. Therefore, tomorrow we will continue with debate on the nomination as provided under the previous agreement. Following that vote, we will immediately proceed to the cloture vote on the nomination of William Pryor to be a U.S. circuit judge for the Eleventh Circuit. We will also consider additional nominations during this week, so Senators can expect votes each day until our executive business is finished.

ORDER FOR ADJOURNMENT

Mr. FRIST. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent the Senate stand in adjournment under the previous order, following the remarks of the Senator from South Carolina for up to 10 minutes.

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

The Senator from South Carolina.

NOMINATION OF JANICE ROGERS BROWN

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. GRAHAM. Mr. President, I thank the majority leader for allowing me to have this time. I acknowledge all his hard work to bring us to having votes. And that is true of the minority leader. The Senate is back in business and we are voting in the fashion of 214 years of our history and some good people are getting voted on. That is all we can ask or hope for.

I rise to speak on behalf of Justice Janice Rogers Brown. I intend to vote for her tomorrow when the vote is called. Being from the South, being from South Carolina, about to turn 50, I can say it is a long way from Greenville, AL, as a daughter of a sharecropper to the Supreme Court of California; an African-American female who grew up in the segregated South, daughter of a sharecropper in Greenville, AL, growing up, listening to stories from a grandmother about famous NAACP lawyer Fred Gray, who defended Martin Luther King and Rosa Parks.

It is a long way—and most of it is uphill. But she made it. And we ought to all be proud of the fact that someone such as Janice Rogers Brown has accomplished so much in her life. Not only did she go from Greenville, AL, to the Supreme Court of California, she served with distinction.

California has a unique system in the sense that the voters can decide whether they want to retain a judge. The last time she was up for retention vote in California she received 76 percent of the vote. We can talk about this as long as we would like, and apparently 30 hours is as long as we are going to talk about it. I find it hard to believe that someone could be out of the mainstream to the point they are a right-wing judicial fanatic and still get 76 percent of the vote in California. The last time I checked, it is not exactly the haven of rightwing people.

The reason she received 76 percent of the vote in California is because nobody made a big deal about her being a judge. The fact is, she decided a lot of cases with a variety of issues and a consistent manner that made it so that people who came before her did not feel the need to go out and try to get her beat. Only after the fact, only when she gets in this political whirlwind we are in now, where every Federal court nominee is getting attacked in a variety of different ways, mainly on the lines that you are out of the mainstream because you happen to be conservative, only then has she gotten to be a problem.

This is politics, pure and simple, because if it was about competency, if it was about professional qualifications, she would never have been on the Supreme Court in California to start with. She would not have stayed 7 or 8 years, and she would not have gotten 76 percent of the vote. To say otherwise defies common sense.

We are going to take a vote tomorrow. She is going to be confirmed to the Federal bench on the court of appeals. She is a good candidate for that position. Not only is the California Supreme Court a good training ground for such a position, her story as a person is a great reservoir for her to call upon.

The idea that she cannot relate to people who suffer and who have been dealt a difficult time is absurd given her life circumstance. She will be an ideal court of appeals judge because