

the United States in a way that looks to this alternative of civilian nuclear energy but at the same time makes sure that the dangers of proliferation are reduced to a minimum.

THE KELO DECISION

Mr. CORNYN. Mr. President, the main reason I wanted to come to the floor today was to talk about the important issue of private property rights. Today marks the 1-year anniversary of one of the most controversial decisions ever handed down by the U.S. Supreme Court, and that is the case of *Kelo v. the City of New London*. In that decision, the Court held by a 5-to-4 vote that the government may seize private property, whether it be a home or small business or other private property, for the purpose—not of public good but, rather, to transfer that same property to another private owner simply because the transfer would create an increased economic benefit to that community.

What made this such a profoundly alarming decision was that it represented a radical departure both from what the Constitution says—that the power of government to condemn private property should be used only for public use—and it represented a radical departure from the decisions handed down interpreting that constitutional provision over the last 200 years.

After all, protection of homes and small businesses and other private property against government seizure or unreasonable government interference is a fundamental principle of American life and really a distinctive aspect of our form of government. Indeed, private property rights rank among the most important rights outlined by the Founding Fathers when this country was created. Thomas Jefferson wrote that the protection of such rights is:

... the first principle of association, "the guarantee to every one of a free exercise of his industry, and the fruits acquired by it."

These protections were enshrined in the fifth amendment to the U.S. Constitution which specifically provides that private property shall not "be taken for public use without just compensation." The fifth amendment thus provides an essential guarantee of liberty against the abuse of power by eminent domain by permitting the government to seize private property only for "public use" and only upon paying just compensation.

The Court's decision in *Kelo* was sharply criticized by Justice Sandra Day O'Connor in her dissent, in which she wrote:

[The Court] effectively [has] ... deleted the words "for public use" from the Takings Clause of the fifth amendment and thereby "refuse[d] to enforce properly the Federal Constitution."

Under the Court's decision in *Kelo*, Justice O'Connor warns:

... the specter of condemnation hangs over all property. Nothing is to prevent the State from replacing any Motel 6 with a

Ritz-Carlton, any home with a shopping mall, or any farm with a factory.

She further warns that, under *Kelo*, under the Supreme Court's decision just 1 year ago "any property may now be taken for the benefit of another private party," and she said, "the fallout from this decision will not be random."

Indeed, as noted in a friend-of-the-court brief filed by the National Association for the Advancement of Colored People and the AARP and other organizations:

[a]bsent a true public use requirement, the takings power will be employed more frequently. The takings that result will disproportionately affect and harm the economically disadvantaged and, in particular, racial and ethnic minorities and the elderly.

Again, that is the brief of the National Association for the Advancement of Colored People and AARP and others.

Suffice it to say that the *Kelo* decision was a disappointment. What I find particularly troubling is that the *Kelo* case is just one of many examples of the abuse of the power of eminent domain throughout our Nation. Its use for private development is now widespread. The Institute for Justice has documented more than 10,000 properties either seized or threatened with condemnation for private development during the 5-year period between 1998 and 2002. Despite the fact that so many abuses of that power were already occurring, the *Kelo* decision is particularly alarming, and local governments, the condemning authorities most often, have become further emboldened to take property for private development.

As this pattern has continued elsewhere, courts very quickly used this decision to reject challenges by owners to the taking of their property for other private parties. In 2005, for example, a court in Missouri relied upon *Kelo* in reluctantly upholding the taking of a home so that a shopping mall can be built. As the judge commented:

The United States Supreme Court has denied the Alamo reinforcements. Perhaps the people will clip the wings of eminent domain in Missouri, but today in Missouri it soars and devours.

I firmly believe legislative action is appropriate and necessary, and I am not alone in that belief. Several State legislatures have taken immediate action. Indeed, my home State of Texas passed legislation that was signed into law by the Governor last summer that protects private property from seizure for purposes of economic development. But it is also necessary and appropriate that Congress take action consistent with our authority under the Constitution to restore the vital protections of the fifth amendment. That is why the week after the Court handed down its decision I introduced S. 1313 entitled "the Protection of Homes, Small Businesses, and Private Property Act of 2005." I am delighted that other Senators have joined in that in broad and bipartisan support, including

the immediate support shortly after it was filed of the Senator from Florida, Mr. BILL NELSON.

Today I am happy to report that a total of 31 of our colleagues have joined me as cosponsors of this important bill. This bill would ensure that the power of eminent domain is exercised only for public uses, consistent with and guaranteed by the fifth amendment of the Constitution. Most important, though, it would make sure the power of eminent domain would not simply be used to further private economic development interests.

The act would apply the standard to two areas of government action which are clearly within Congress's authority to regulate: No. 1, all exercises of the power of eminent domain by the Federal Government itself; and No. 2, all exercises of the power of eminent domain by State and local governments using Federal funds.

While we work to protect private property rights, we are mindful that the language we craft could have far-reaching implications. There is no question that where appropriate, eminent domain can play an important role in ensuring that true public uses are preserved. But now, just 1 year after the Supreme Court shut the door on *Suzette Kelo* and her fellow homeowners in New London, CT, it is imperative that Congress act soon to ensure that private property remains free from the long arm of government so that no American will have to worry about the Federal Government being involved in taking their private property for private development.

Chairman SPECTER of the Senate Judiciary Committee, on which I am proud to serve, is working with me on legislation that I hope he will choose to move soon through the committee. I look forward to working with him and my other colleagues to develop a solution that reaffirms our commitment to the protection of private property rights, one that will help stem the tide of egregious abuses of private property rights that we have seen throughout the Nation by the illegitimate use of the power of eminent domain.

I yield the floor.

The PRESIDENT pro tempore. The Democratic leader is recognized.

STEM CELL RESEARCH

Mr. REID. Mr. President, just a few days ago U.S. researchers at the National Institutes of Health announced they were able to help paralyzed rats move again by using embryonic stem cells from mice. This study is evidence that these stem cells will likely treat and cure people with spinal cord injuries or nerve-destroying illnesses such as Lou Gehrig's disease, MS—multiple sclerosis—muscular dystrophy, and other things.

On this breakthrough, Dr. Elias Zerhouni, Director of the National Institutes of Health, issued the follow statement:

This work is a remarkable advance that will help us understand how stem cells might be used to treat injuries and disease and begin to fulfill their great promise. A successful demonstration of functional restoration is proof of the principle and an important step forward. We must remember, however, that we still have a great distance to go.

The doctor is right. There is no question that much work remains to be done before science will know if they can apply his advances to human beings. We have, as the doctor said, a great distance to go, and if the Senate doesn't expand the President's stem cell research policy, it will only make this great distance even longer.

Under the President's stem cell policy, Federal research funds can be used only on a small number of these stem cell lines that were created before August 9, 2001. This restriction excludes newer and more promising stem cell lines. These limitations only serve to further delay progress for research that could ultimately benefit a broad range of diseases and conditions.

One year and one month ago, the House of Representatives passed H.R. 810, the Stem Cell Research Enhancement Act. This legislation would expand President Bush's 2001 policy for Federal funding for stem cell research and permit Federal researchers at the National Institutes of Health, with the strongest oversight in the world, to finally explore the many possibilities stem cell research holds.

Over the past year, I have repeatedly asked the distinguished majority leader to find time to consider this bill, but my requests have been met by inaction.

As a result, millions of Americans who could benefit from the cures offered by stem cell research have been forced to wait. They have waited through weeks dedicated to issues such as defining marriage. They have waited through weeks dedicated to issues such as the estate tax. They have waited through weeks dedicated to special interests and the majority's well-connected friends. And next week, I am told we are going to spend it on flag burning. They even waited through a Health Week that had nothing to do with getting America health care. How we could have a Health Care Week in the Senate and not consider stem cell research is very difficult for the American people to understand.

A month ago, the 1-year anniversary of the passage of the House bill, Senator FRIST once again said he would find time for the Senate to consider stem cell this summer. Summer is here. We have had time for marriage, we have had time for the estate tax, and we are going to have time next week for flag burning. Shouldn't we have time for stem cell legislation? But here we are on June 23. Another month has passed, and still we don't have a commitment to take up stem cell research legislation. That is not acceptable. The news this week that scientists were able to regrow damaged

nerves in rats using embryonic stem cells is more evidence of the great promise of this research.

We need a new direction. We need to bring this legislation to the Senate floor and give hope to victims of Lou Gehrig's, diabetes, Parkinson's, muscular dystrophy, lupus, and other diseases that could possibly be cured by stem cell research.

Every day, I hear from Nevadans who want the Senate to act on the issue of stem cell research so our researchers may fully explore the great promise of stem cells. Here is one example of what I hear. It is from one woman from Henderson, NV. She wrote me a letter expressing the hope that stem cells offers her and her family.

Her letter says, among other things:

... My 22-year-old son was in a diving accident just two weeks after graduating from high school and is now a quadriplegic. So instead of heading off to college on a soccer scholarship that autumn, he found himself being fitted for a wheelchair and a life of total dependency on others... while they [stem cells] may not cure him to the point of walking again, they will certainly provide him with an opportunity to improve the quality of his life. He wants to be able to feed himself, brush his own teeth, wash his hands and face when he wants to... I know you support stem cell research but I just wanted to give you my support and the support of our entire family as you fight the fight for those who can't fight for themselves....

Think of the hope of this mother when she heard on the news this week that research has shown that animals can regenerate the cells to bring back neurological functions. Think of how she must have felt when that gave her hope.

There are a number of very important issues which this body needs to consider this summer and this session. There is nothing more important to the American people and to this mother than stem cell research.

In the days ahead, everyone should be on notice that we are going to do everything we can to have a debate on stem cell research. If we can't find floor time for this, we will have to force it upon this body. We must do this. There is limited time. We have to go forward. We have waited far too long. The distinguished majority leader is a man of his word. He said he would bring this to the Senate floor. I am confident and extremely hopeful that he will do that. Lacking that, we will have to figure out a way to do it ourselves.

Thank you, Mr. President.

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

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

TRIBUTE TO TERRY MEINERS

Mr. MCCONNELL. Mr. President, I rise today to commend Terry Meiners, a fellow Louisvillian and well-known radio personality. Mr. Meiners is not just a local institution on Kentucky's airwaves, but also a loving father.

This fall, for the first time both of Terry's two sons will leave home for college: eldest son Max, 20, will return to Western Kentucky University, and younger son Simon, 17, will enroll at the University of Kentucky. Terry has a great relationship with both of his sons and he has done an excellent job of preparing them for adulthood.

As we have just celebrated Father's Day, I thought it appropriate to share with my colleagues the story of Terry Meiners and his two sons. On June 18 of this year, the Louisville Courier-Journal published an article highlighting Terry's family life, career, and accomplishments, as well as his importance in the Louisville community. I ask unanimous consent that the full article be printed in the RECORD.

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

[From the Courier-Journal, June 18, 2006]

WHAT KIND OF DAD IS TERRY MEINERS?

(By Angie Fenton)

It's 8:30 a.m., and Terry Meiners sits solemnly on a high-backed metal chair looking out over the lush greenery surrounding his pool.

He doesn't utter any of the quick-witted comebacks and zany ramblings that are his trademark on his afternoon drive-time show on WHAS radio. Instead, on this morning, he soaks up the silence, broken only by the soft sound of a manmade waterfall that cascades nearby and the sharp chirps from a pair of cardinals flitting among the trees.

Soon, Meiners knows, the silence will reach painful proportions when his eldest son, Max, 20, returns to Western Kentucky University in the fall and his younger son, Simon, 17, starts his freshman year at the University of Kentucky.

"I cried like a baby when Max rolled out of here (as a freshman) at WKU," recalled Meiners, 49. "It was torturous, but I realized what a great passage it is for a kid to roll out of his dad's driveway and into a wide open space."

Once Meiners could no longer see Max's car careening down the road, "I sat in his room and let the tears roll—and let it ride," he said.

After all, that's the way Meiners lives life, as if it were one big ride with unexpected adventures, where heartbreak is a part of the journey you've got to take in stride.

"My dad is like a carpe diem kind of guy," Simon said, as his brother poured milk into a bowl of cereal. "He tries to lead by example."

One of the most beneficial lessons Meiners' young men have learned from him is "preparedness—and don't ever depend on anyone," Max said.

Meiners also has taught his sons to laugh often.

The threesome share an affinity for "The Simpsons." They crack jokes, talk politics and quip easily with one another.

"I've learned from my dad to live life to the fullest," Simon said, before admitting that he's been guilty of trampling that fine line between full and full of it.

In May, Simon surprised his dad on-air by admitting that he would walk at Manual