

He hopes to convey that those who desire a family unit can obtain one through positive means. Since there is a shortage of police officers, he encourages young people to consider a career in law enforcement, which allows individuals to focus on making their communities a positive place to live. There are more prisons being built in our country than schools; and Hayes would like to do his part to see that change, by keeping kids out of the criminal justice system.

Hayes encourages young people to be themselves. "Don't try to be like someone else, don't try to emulate what you hear in rap music; don't try to do what you see basketball players doing. Pick a goal and each and every day, do something to try to accomplish that goal. Hard work, dedication, and sacrifice are the formula for success!"

The extremely popular basketball star, businessman, and reserve deputy sheriff believes that in life you should "continuously look for challenges." The reserve deputy position is another way for him to set a positive example for young people. Not everyone can be a professional athlete, a rapper, or actor, but everyone can give back to the community.

I am proud to recognize my friend, Elvin Hayes for his accomplishments on and off of the basketball court. He is a role model for us all, and a shining example of hard work, determination, and service to the community.

That's just the way it is.

PROVIDING FOR CONSIDERATION  
OF H.R. 3685, EMPLOYMENT NON-  
DISCRIMINATION ACT OF 2007

SPEECH OF

**HON. TODD TIAHRT**

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 7, 2007*

Mr. TIAHRT. Madam Speaker, I rise today in opposition to H.R. 3685, the Employment Non-Discrimination Act (ENDA). H.R. 3685 would extend existing employment-discrimination provisions of Federal law, including those in Title VII of the Civil Rights Act of 1964, to establish "a comprehensive Federal prohibition of employment discrimination on the basis of sexual orientation."

Although I join with all my colleagues in abhorrence to bigotry and discrimination, this disingenuous and vaguely-constructed overhaul of labor law is inconsistent with the free exercise of religion and weaken the fundamental Defense of Marriage Act.

The right to the free exercise of religion found in the Constitution, and as codified by Congress in the Religious Freedom Restoration Act (RFRA), must be firmly upheld. It is a cornerstone of our Nation's founding and our future. Our Government must not take any action that unduly burdens the free exercise of religion. Unfortunately, the ENDA does not live up to this constitutional standard. America's churches, synagogues, and religious non-profit organizations must maintain the right to employ those that share their particular religious or moral worldview. Although the sponsors of this act claim that the religious exemptions found in the legislation are adequate, they are simply not strong enough to pass constitutional muster or fulfill legislative intent in the RFRA.

Madam Speaker, ENDA would also weaken the landmark Defense of Marriage Act (DOMA) by giving Federal statutory significance to same-sex marriage rights under State law. Federal law states that marriage is between one man and one woman. Maintaining DOMA is essential in defending the sanctity of marriage. However, the passage of ENDA will provide activist judges around the country the legal ammunition to undermine state and federal marriage laws. Courts in New Jersey, Vermont, and Massachusetts have all used state legislation similar to ENDA as a springboard for mandating same-sex marriage or civil unions. In 2005 Kansas overwhelmingly passed the Traditional Marriage Amendment by 70 percent. The people of Kansas have spoken. With the path is so clearly defined in history, it would be irresponsible for Congress to pass ENDA.

Madam Speaker, bigotry and discrimination is clearly wrong. However, tampering with such bedrock legal and constitutional standards such as the freedom of religion and DOMA is not the right solution. I urge my colleagues to join with me in opposing this legislation.

TRIBUTE TO WESTCHESTER ELE-  
MENTARY AND TO CONWAY ELE-  
MENTARY

**HON. W. TODD AKIN**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 13, 2007*

Mr. AKIN. Madam Speaker, I rise today to congratulate Westchester Elementary in the Kirkwood School District and Conway Elementary in the Ladue School District of St. Louis, Missouri. These two schools were recently awarded the prestigious title of No Child Left Behind Blue Ribbon Schools.

As many of my colleagues know, the No Child Left Behind-Blue Ribbon Schools Program honors public and private K-12 schools that are either academically superior in their states or that demonstrate dramatic gains in student achievement.

In 2007, only 5 Missouri schools and 287 nationwide have earned the high honor of Blue Ribbon Schools.

It is the efforts and demand for excellence exemplified by Westchester and Conway Elementary that will pave the way for the successful futures of our Nation's children.

I applaud the dedication of teachers and staff at Westchester and Conway. I sincerely hope their high standards of teaching are emulated by other schools in Missouri.

I am pleased to be able to honor Westchester and Conway Elementary today. They are remarkable examples of the great teachers we have in Missouri and I ask my colleagues to join me in wishing them the best in their future endeavors as educators in Missouri.

TRIBUTE TO THE BLESSED  
SACRAMENT SCHOOL

**HON. GEOFF DAVIS**

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 13, 2007*

Mr. DAVIS of Kentucky. Madam Speaker, I rise today to recognize the academic achievements of Blessed Sacrament School in Ft. Mitchell, KY.

Recently, Blessed Sacrament was announced by the U.S. Department of Education as a recipient of the 2007 Blue Ribbon Award.

The Blue Ribbon Award was presented to 287 distinguished schools nationwide and I am pleased that Blessed Sacrament School was 1 of 4 from Kentucky's Fourth Congressional District.

Blessed Sacrament has worked hard in advancing its curriculum and performance of its students to ensure that they are some of the best and brightest in our Nation. This is an accomplishment that deserves great praise for the students, parents and teachers. In a world where we are facing competition from abroad and we frequently hear that our students are lagging behind, Kentucky's Blue Ribbon recipients are forging ahead.

I would like to acknowledge Blessed Sacrament's ardent dedication to developing a well-rounded learning environment for each of its students. There is no place more deserving of the motto "Where Kids Come First" than Blessed Sacrament School. Aside from an exceptional classroom learning experience, Blessed Sacrament also promotes spiritual growth in each of its students. Every day, the teachers and faculty at Blessed Sacrament strive to help its students achieve their goals in the hopes of giving them a bright future. The teachers, students and parents at Blessed Sacrament should be applauded for their hard work in becoming a Blue Ribbon recipient. In Blessed Sacrament, the Commonwealth of Kentucky has a fine educational institution that will serve our communities for years to come.

ON THE OCCASION OF THE 50TH  
ANNIVERSARY OF NATIONAL  
KEY DEER REFUGE

**HON. ILEANA ROS-LEHTINEN**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 13, 2007*

Ms. ROS-LEHTINEN. Madam Speaker, this year, members of the conservation community, Keys residents, and nature enthusiasts celebrate the 50th Anniversary of the National Key Deer Refuge. This federally protected area is home to the imperiled tropical hardwood hammock and 22 endangered and threatened species of plants and animals, five of which are found nowhere else on the planet.

As the Member of Congress representing all four of the Florida Keys National Wildlife Refuges, I am well aware of the vital role these refuges play in preserving our natural habitats, promoting scientific research and technology, and educating our communities as to the importance of conserving endangered and threatened fish, wildlife and plants.

Of the endangered and threatened species in the area, the Key Deer have tremendously

benefited from the creation of the Refuge. Thanks largely to the incredible efforts of local leaders, volunteers, and the dedicated Refuge staff—especially Jack Watson and Anne Morkill—the Key Deer population has been rescued from almost certain extinction.

While much has been accomplished in the last 50 years, a great task still lies ahead. The call to protect our natural habitats should be a responsibility shared by all members of our community. The Refuge's new administration building a structure rebuilt following the devastating storms of 2005—will play an important role in further educating the public as to the importance of this area to our Keys ecosystem but our global ecology, as well.

I look forward to working with you all to accomplish yet another successful 50 years of wildlife conservation on the National Key Deer Refuge. By working together, we can ensure that our Refuge remains a staple of Keys conservation efforts and an area for future generations to explore and enjoy.

OPPOSING THE PRESIDENT'S VETO  
OF THE LABOR-HHS-EDUCATION  
APPROPRIATIONS BILL

**HON. CHRIS VAN HOLLEN**

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 13, 2007*

Mr. VAN HOLLEN. Madam Speaker, I am disappointed that the President chose today to veto important funding for our domestic priorities. After seven years of unrestrained spending and a ballooning deficit, the President has, under the guise of fiscal responsibility, rejected a \$6.2 billion funding increase for education, health care, and workforce development, even as he requests nearly \$200 billion in unbudgeted, no strings attached funding to continue the Iraq War for another year. That is no way to balance America's checkbook.

Under the budget passed by the new Democratic Congress, we can take care of America at home—increase funding for our schools, offer more student assistance for college, invest in biomedical research at NIH, expand health care access, and help Americans compete in the global economy—and balance the budget by 2012. These priorities are America's priorities. It is time for Congress to come together, stand up for the American people and override this veto.

EDUCATION AND LABOR COM-  
MITTEE STAFF DOES EXCEL-  
LENT JOB ON ENDA REPORT

**HON. BARNEY FRANK**

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 13, 2007*

Mr. FRANK of Massachusetts. Madam Speaker, during the debate on the Employment Non-Discrimination Act, critics of the bill—both those who objected that it did too little and those who claimed that it did too much—made a number of arguments about the bill that were flatly wrong. Fortunately, under the leadership of the chairman of the committee, the gentleman from California Mr. MILLER, and the Chairman of the sub-

committee, the gentleman from New Jersey Mr. ANDREWS, the staff of that committee did a first-rate report rebutting those inaccurate criticisms. Often, reports of this sort, while reflecting a great deal of work, are ignored. In this case, Professor Dale Carpenter, a law professor who has been an excellent source of accurate information about the true meaning of the legislation, called attention to the committee staffs work in a recent internet posting.

Madam Speaker, as Professor Carpenter points out, "This sort of legislative history does not dispose of controversies over the meaning of ENDA. But it does offer a reasonable and persuasive interpretation of the bill that will likely play a role in future litigation. The committee legal counsel who worked on this report anticipated many of the objections to ENDA from President Bush's advisors and from transgender and gay activists . . . They did an extraordinary job walking the fine line between an interpretation of ENDA that is unduly crabbed and one that is objectionably expansive."

Madam Speaker, in the interest of disseminating in the widest possible way the accurate interpretation of ENDA that is reflected in this report, the importance of which is underlined by Professor Carpenter, I ask that the part of Professor Carpenter's posting dealing with the report be printed here.

Excerpt from Professor Dale Carpenter's internet posting:

Little noticed in the run-up to the House vote was the Labor Committee report that accompanied the bill. The report was prepared by attorneys who work for the committee. Much of the report is devoted to recounting the history of the numerous attempts over the past 33 years—beginning with the first bill introduced by Bella Abzug in 1974—to get Congress to deal with anti-gay employment discrimination. That history tells a story of painfully slow political progress made in each session of Congress, with more co-sponsors backing an anti-discrimination bill in every session. Other parts of the report document the prevalence of anti-gay job discrimination, as well as the economic and psychological impact of such discrimination.

In the section-by-section analysis of the committee report, I noticed a couple of passages relevant to the recent controversy over adding "gender identity" to the bill. On p. 31, the report notes that ENDA forbids discrimination based on "actual or perceived sexual orientation." Thus, "ENDA creates a cause of action for any individual—whether actually homosexual or heterosexual—who is discriminated against because that individual is 'perceived' as homosexual due to the fact that the individual does not conform to the sex or gender stereotypes associated with the individual's sex." Obviously, this interpretation of ENDA offers some protection to those employees whose gender non-conformity leads others to assume they're gay or lesbian and then suffer discrimination on that basis. It doesn't protect transsexuals or crossdressers as fully as adding "gender identity" to the bill would have, but the bill moves in that direction.

Additionally, on p. 33, the report puts to rest any fears that stripping "gender identity" from the bill would lead federal courts to conclude that Congress meant to impliedly reverse *Price Waterhouse v. Hopkins*, a 1989 case in which the Supreme Court held that sex stereotyping violates Title VII. The report concludes that Section 15 of ENDA, entitled "Relationship to Other Laws":

Preserves provisions in other Federal, state, or local laws that currently provide protection from discrimination. For example, Congress does not intend to overrule, displace, or in any other way affect any U.S. Supreme Court or other federal court opinion that has interpreted Title VII in such a way that protects individuals who are discriminated against because they do not conform to sex or gender stereotypes. See, e.g., *Price Waterhouse v. Hopkins*, 490 U.S. 228 (1989) (female plaintiff brought successful Title VII claim after she was denied partnership in an accounting firm because she did not conform to female sex stereotype); *Nichols v. Azteca Rest. Enters.*, 256 F.3d 864 (9th Cir. 2001) (male plaintiff brought successful Title VII claim after he was subjected to a hostile work environment because he failed to conform to a male stereotype)."

This sort of legislative history does not dispose of controversies over the meaning of ENDA. But it does offer a reasonable and persuasive interpretation of the bill that will likely play a role in future litigation. The committee legal counsel who worked on this report anticipated many of the objections to ENDA from President Bush's advisors and from transgender and gay activists disappointed that the bill isn't more comprehensive. They did an extraordinary job walking the fine line between an interpretation of ENDA that is unduly crabbed and one that is objectionably expansive.

ENDA is the product of decades of work by gay advocates whose efforts once seemed quixotic. In 1974, Abzug's bill had only four co-sponsors and was completely ignored by the House Judiciary Committee. Yesterday 235 members of the House backed the same basic idea.

TRIBUTE TO VILLA MADONNA  
ACADEMY

**HON. GEOFF DAVIS**

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 13, 2007*

Mr. DAVIS of Kentucky. Madam Speaker, I rise today to recognize the academic achievements of Villa Madonna Academy Elementary and Junior High School in Villa Hills, KY.

Recently, Villa Madonna was announced by the U.S. Department of Education as a recipient of the 2007 Blue Ribbon Award.

The Blue Ribbon Award was presented to 287 distinguished schools nationwide and I am pleased that Villa Madonna Academy was one of four from Kentucky's Fourth Congressional District.

Villa Madonna has worked hard in advancing its curriculum and performance of its students to ensure that they are some of the best and brightest in our Nation. This is an accomplishment that deserves great praise for the students, parents, and teachers. In a world where we are facing competition from abroad and we frequently hear that our students are lagging behind, Villa Madonna is forging ahead.

I would especially like to acknowledge Villa Madonna's commitment to its enrichment program, which works to ensure its students have a diversified experience in art, music, physical education, and world cultures. This program, coupled with its academic excellence, is why the Villa Madonna Academy continues to exemplify greatness in Kentucky's schools.