

Reed Charles O'Connor, of Texas, to be United States District Judge for the Northern District of Texas.

Amul R. Thapar, of Kentucky, to be United States District Judge for the Eastern District of Kentucky.

\*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BURR (for himself and Mrs. DOLE):

S. 2357. A bill to amend the Wild and Scenic Rivers Act to designate the Perquimans River and the tributaries of the Perquimans River in Perquimans County, North Carolina, for study for potential addition to the National Wild and Scenic Rivers System, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BROWNBACK (for himself, Ms. LANDRIEU, Mr. BURR, Mr. COBURN, Mr. COLEMAN, Mr. CORKER, Mr. CRAIG, Mr. DEMINT, Mrs. DOLE, Mr. ENSIGN, Mr. INHOFE, Mr. KYL, Mr. MARTINEZ, Mr. THUNE, Mr. VITTER, Mr. VOINOVICH, and Mr. MCCAIN):

S. 2358. A bill to amend title 18, United States Code, to prohibit human-animal hybrids; to the Committee on the Judiciary.

By Mr. MARTINEZ (for himself and Mr. NELSON of Florida):

S. 2359. A bill to establish the St. Augustine 450th Commemoration Commission, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. MARTINEZ:

S. 2360. A bill to develop a national system of oversight of States for sexual misconduct in the elementary and secondary school system; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BROWN:

S. 2361. A bill to ensure the privacy of wireless telephone numbers, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. BAYH (for himself, Mr. FEINGOLD, Ms. STABENOW, Mr. NELSON of Nebraska, and Mr. BIDEN):

S. 2362. A bill to amend the Internal Revenue Code of 1986 to provide an additional standard deduction for real property taxes for nonitemizers; to the Committee on Finance.

By Mrs. HUTCHISON (for herself, Mr. MCCONNELL, Mr. BENNETT, Mr. CRAIG, and Mr. BROWNBACK):

S. 2363. A bill making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; read the first time.

By Mr. BURR (for himself and Mrs. DOLE):

S. 2364. A bill to adjust the boundaries of Pisgah National Forest in McDowell County, North Carolina; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. GRAHAM (for himself, Mr. INHOFE, Mr. BROWNBACK, Mr. DEMINT, Mr. ENSIGN, and Mr. COBURN):

S. 2365. A bill to require educational institutions that receive Federal funds to obtain

the affirmative, informed, written consent of a parent before providing a student information regarding sex, to provide parents the opportunity to review such information, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. VITTER:

S. 2366. A bill to provide immigration reform by securing America's borders, clarifying and enforcing existing laws, and enabling a practical verification program; to the Committee on Finance.

By Mr. JOHNSON (for himself and Mr. BINGAMAN):

S. 2367. A bill to provide for the issuance of bonds to provide funding for the construction of schools of the Bureau of Indian Affairs, and for other purposes; to the Committee on Finance.

By Mr. PRYOR (for himself and Ms. LANDRIEU):

S. 2368. A bill to provide immigration reform by securing America's borders, clarifying and enforcing existing laws, and enabling a practical employer verification program; to the Committee on the Judiciary.

By Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. LEVIN, Mr. WYDEN, Mr. OBAMA, and Mr. BINGAMAN):

S. 2369. A bill to amend title 35, United States Code, to provide that certain tax planning inventions are not patentable, and for other purposes; to the Committee on the Judiciary.

By Mr. BINGAMAN (for himself and Mr. DOMENICI):

S. 2370. A bill to clear title to certain real property in New Mexico associated with the Middle Rio Grande Project, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. KENNEDY:

S. 2371. A bill to amend the Higher Education Act of 1965 to make technical corrections; considered and passed.

By Mr. SMITH (for himself and Ms. CANTWELL):

S. 2372. A bill to amend the Harmonized Tariff Schedule of the United States to modify the tariffs on certain footwear; to the Committee on Finance.

By Mr. SALAZAR (for himself and Mr. KERRY):

S. 2373. A bill to amend the Internal Revenue Code of 1986 to provide for residents of Puerto Rico who participate in cafeteria plans under the Puerto Rican tax laws an exclusion from employment taxes which is comparable to the exclusion that applies to cafeteria plans under such Code; to the Committee on Finance.

By Mr. BAUCUS (for himself and Mr. GRASSLEY):

S. 2374. A bill to amend the Internal Revenue Code of 1986 to make technical corrections, and for other purposes; to the Committee on Finance.

By Mrs. LINCOLN (for herself, Ms. SNOWE, Mr. BINGAMAN, Mr. SCHUMER, and Mr. HATCH):

S. 2375. A bill to amend the Internal Revenue Code of 1986 to modify and make permanent the election to treat certain costs of qualified film and television productions as expenses; to the Committee on Finance.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. REID (for Mr. OBAMA (for himself, Mr. BROWN, and Mr. VOINOVICH)):

S. Res. 383. A resolution honoring and recognizing the achievements of Carl Stokes, the first African-American mayor of a major American city, in the 40th year since his

election as Mayor of Cleveland, Ohio; to the Committee on the Judiciary.

By Ms. LANDRIEU (for herself, Mr. COLEMAN, Mrs. LINCOLN, Mr. INHOFE, Mr. CRAIG, Mr. BROWNBACK, Mr. CASEY, Mrs. CLINTON, Mr. DEMINT, Mr. JOHNSON, Mr. THUNE, Mr. KERRY, Mr. CONRAD, Mr. LEVIN, Mrs. HUTCHISON, Mr. DURBIN, Mr. INOUE, and Mr. KENNEDY):

S. Res. 384. A resolution expressing support for the goals of National Adoption Day and National Adoption Month by promoting national awareness of adoption and the children awaiting families, celebrating children and families involved in adoption, and encouraging Americans to secure safety, permanency, and well-being for all children; considered and agreed to.

## ADDITIONAL COSPONSORS

S. 22

At the request of Mr. WEBB, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 22, a bill to amend title 38, United States Code, to establish a program of educational assistance for members of the Armed Forces who serve in the Armed Forces after September 11, 2001, and for other purposes.

S. 380

At the request of Mr. WYDEN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 380, a bill to reauthorize the Secure Rural Schools and Community Self-Determination Act of 2000, and for other purposes.

S. 505

At the request of Ms. COLLINS, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 505, a bill to amend the Internal Revenue Code of 1986 to increase the above-the-line deduction for teacher classroom supplies and to expand such deduction to include qualified professional development expenses.

S. 814

At the request of Mr. SPECTER, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. 814, a bill to amend the Internal Revenue Code of 1986 to allow the deduction of attorney-advanced expenses and court costs in contingency fee cases.

S. 988

At the request of Ms. MIKULSKI, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 988, a bill to extend the termination date for the exemption of returning workers from the numerical limitations for temporary workers.

S. 1159

At the request of Mr. HAGEL, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1159, a bill to amend part B of the Individuals with Disabilities Education Act to provide full Federal funding of such part.

S. 1169

At the request of Mr. FEINGOLD, the name of the Senator from Ohio (Mr.

BROWN) was added as a cosponsor of S. 1169, a bill to ensure the provision of high quality health care coverage for uninsured individuals through State health care coverage pilot projects that expand coverage and access and improve quality and efficiency in the health care system.

S. 1275

At the request of Mr. SCHUMER, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 1275, a bill to amend the Public Health Service Act and title XIX of the Social Security Act to provide for a screening and treatment program for prostate cancer in the same manner as is provided for breast and cervical cancer.

S. 1627

At the request of Mrs. LINCOLN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1627, a bill to amend the Internal Revenue Code of 1986 to extend and expand the benefits for businesses operating in empowerment zones, enterprise communities, or renewal communities, and for other purposes.

S. 1661

At the request of Mr. DORGAN, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 1661, a bill to communicate United States travel policies and improve marketing and other activities designed to increase travel in the United States from abroad.

S. 1924

At the request of Mr. CARPER, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 1924, a bill to amend chapter 81 of title 5, United States Code, to create a presumption that a disability or death of a Federal employee in fire protection activities caused by any of certain diseases is the result of the performance of such employee's duty.

S. 1930

At the request of Mr. WYDEN, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 1930, a bill to amend the Lacey Act Amendments of 1981 to prevent illegal logging practices, and for other purposes.

S. 1965

At the request of Mr. STEVENS, the names of the Senator from Minnesota (Mr. COLEMAN) and the Senator from Kansas (Mr. ROBERTS) were added as cosponsors of S. 1965, a bill to protect children from cybercrimes, including crimes by online predators, to enhance efforts to identify and eliminate child pornography, and to help parents shield their children from material that is inappropriate for minors.

S. 1986

At the request of Mr. ALLARD, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 1986, a bill to authorize the Secretary of Treasury to prescribe the weights and the compositions of circulating coins, and for other purposes.

S. 1991

At the request of Mr. BUNNING, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 1991, a bill to authorize the Secretary of the Interior to conduct a study to determine the suitability and feasibility of extending the Lewis and Clark National Historic Trail to include additional sites associated with the preparation and return phases of the expedition, and for other purposes.

S. 1992

At the request of Mrs. MCCASKILL, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 1992, a bill to preserve the recall rights of airline employees, and for other purposes.

S. 2051

At the request of Mr. CONRAD, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 2051, a bill to amend the small rural school achievement program and the rural and low-income school program under part B of title VI of the Elementary and Secondary Education Act of 1965.

S. 2181

At the request of Ms. COLLINS, the names of the Senator from Rhode Island (Mr. WHITEHOUSE) and the Senator from New Hampshire (Mr. SUNUNU) were added as cosponsors of S. 2181, a bill to amend title XVIII of the Social Security Act to protect Medicare beneficiaries' access to home health services under the Medicare program.

At the request of Mr. LEAHY, his name was added as a cosponsor of S. 2181, *supra*.

S. 2228

At the request of Mr. LUGAR, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 2228, a bill to extend and improve agricultural programs, and for other purposes.

S. 2289

At the request of Mr. ALEXANDER, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 2289, a bill to amend chapter 111 of title 28, United States Code, to limit the duration of Federal consent decrees to which State and local governments are a party, and for other purposes.

S. 2305

At the request of Mr. WHITEHOUSE, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 2305, a bill to prevent voter caging.

S. 2324

At the request of Mrs. MCCASKILL, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 2324, a bill to amend the Inspector General Act of 1978 (5 U.S.C. App.) to enhance the Offices of the Inspectors General, to create a Council of the Inspectors General on Integrity and Efficiency, and for other purposes.

S. 2334

At the request of Mr. BARRASSO, the names of the Senator from Louisiana

(Mr. VITTER) and the Senator from Georgia (Mr. CHAMBLISS) were added as cosponsors of S. 2334, a bill to withhold 10 percent of the Federal funding apportioned for highway construction and maintenance from States that issue driver's licenses to individuals without verifying the legal status of such individuals.

S. 2347

At the request of Mr. WHITEHOUSE, his name was added as a cosponsor of S. 2347, a bill to restore and protect access to discount drug prices for university-based and safety-net clinics.

At the request of Mr. TESTER, his name was added as a cosponsor of S. 2347, *supra*.

S. 2348

At the request of Mr. CORNYN, the names of the Senator from Georgia (Mr. CHAMBLISS) and the Senator from Arizona (Mr. MCCAIN) were added as cosponsors of S. 2348, a bill to ensure control over the United States border and to strengthen enforcement of the immigration laws.

S.J. RES. 22

At the request of Mr. CRAPO, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S.J. Res. 22, a joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Centers for Medicare & Medicaid Services within the Department of Health and Human Services relating to Medicare coverage for the use of erythropoiesis stimulating agents in cancer and related neoplastic conditions.

S. RES. 367

At the request of Mr. LIEBERMAN, the names of the Senator from New York (Mr. SCHUMER), the Senator from Louisiana (Ms. LANDRIEU) and the Senator from Louisiana (Mr. VITTER) were added as cosponsors of S. Res. 367, a resolution commemorating the 40th anniversary of the mass movement for Soviet Jewish freedom and the 20th anniversary of the Freedom Sunday rally for Soviet Jewry on the National Mall.

AMENDMENT NO. 3502

At the request of Mr. WYDEN, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of amendment No. 3502 intended to be proposed to H.R. 2419, a bill to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes.

AMENDMENT NO. 3634

At the request of Ms. CANTWELL, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of amendment No. 3634 intended to be proposed to H.R. 2419, a bill to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes.

AMENDMENT NO. 3635

At the request of Ms. CANTWELL, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of

amendment No. 3635 intended to be proposed to H.R. 2419, a bill to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes.

#### AMENDMENT NO. 3658

At the request of Mr. DURBIN, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of amendment No. 3658 intended to be proposed to H.R. 2419, a bill to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes.

#### AMENDMENT NO. 3674

At the request of Mr. GREGG, the names of the Senator from New Hampshire (Mr. SUNUNU) and the Senator from Colorado (Mr. ALLARD) were added as cosponsors of amendment No. 3674 intended to be proposed to H.R. 2419, a bill to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes.

### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BROWNBACK (for himself, Ms. LANDRIEU, Mr. BURR, Mr. COBURN, Mr. COLEMAN, Mr. CORKER, Mr. CRAIG, Mr. DEMINT, Mrs. DOLE, Mr. ENSIGN, Mr. INHOFE, Mr. KYL, Mr. MARTINEZ, Mr. THUNE, Mr. VITTER, Mr. VOINOVICH, and Mr. MCCAIN):

S. 2358. A bill to amend title 18, United States Code, to prohibit human-animal hybrids; to the Committee on the Judiciary.

Mr. BROWNBACK. Mr. President, I rise today to introduce the Human-Animal Hybrid Prohibition Act, joined by Senator LANDRIEU and 15 other cosponsors.

A healthy imagination is a good thing in a young child. Children may dream of becoming a firefighter or an astronaut. In the case of really young children—especially when they love animals—they may even imagine being a horse or a dog. I don't see any harm in this . . . as long as there is a general attachment to reality as the child matures.

However, today, we are starting to see such wildly imaginative dreams being transformed into reality in a few rogue science labs in this country and abroad. Efforts are being marshaled to push us in the direction of experiments to create human-animal hybrids. Amazingly, here at the dawn of the 21st century, the Island of Dr. Moreau is becoming more than a fiction.

The legislation that we introduce today is very modest in scope. Though a few researchers may argue that it goes too far, there are many more who argue that it does not go far enough. I believe that the legislation that we offer today, hits just the right chord to be in tune with our society's needs. We do not want to stifle legitimate science. We only want to stop the efforts of mad scientists. In short, this

bill only bans the creation of organisms that truly blur the line between humans and animals.

For instance, the legislation is so modest that it does not view all human-animal mixes as "hybrids." This is because we recognize that some procedures—which currently use such techniques—do not blur the line between species. For example, a human with a replacement pig heart valve—such as our former colleague, Senator Jesse Helms is not considered a hybrid under this bill. Additionally, mixes that do not blur the line between human and animal—such as a mouse created with a human immune system, on which drugs could be tested for AIDS patients would not be banned. Again, this is because there is no blurring of the identity of the creatures involved.

What is banned is the creation of hybrid creatures that blur the line between species. For instance, creating an animal with human reproductive organs or a primarily human brain would be prohibited because such a creature blurs the lines between the species. Additionally banned are the creation of hybrids through experimental cloning techniques and/or the fusion of human and animal gametes. With this common sense bipartisan legislation, we are basically going with the most modest of bans in order to ensure that we do not infringe upon legitimate scientific research.

This ban would only hinder the efforts of mad scientists and rogue researchers. Legitimate scientists should have nothing to fear from the enactment of this legislative proposal.

There are many different reasons to support this legislation. This is reflected in the diverse groups that support this bill. On the right are groups such as the Family Research Council and Concerned Women for America; on the left are groups like Friends of the Earth and the International Center for Technology Assessment. Both sides have different but equally valid reasons for supporting the Human-Animal Hybrid Prohibition Act.

For now though, I would like to focus my attention on what I believe is the central ethical question: Why should we be opposed to human-animal hybrids?

I would submit that it is much more than what some have termed, "the Yuck Factor." Rather, the reason to oppose human-animal hybrids is embedded in our very fabric as human beings. The reason to oppose the creation of human-animal hybrids is that the creation of such entities is a grave violation of human dignity and a de-filement of the human person.

Human beings have a fundamental right to be born fully human. To create a human-animal hybrid whose identity as a member of the species *Homo sapiens* is in doubt is a violation of that human dignity and a grave injustice.

Think about this for a minute. What if—beyond your control—some mad sci-

entist were to have created you as only 80-percent or 50-percent human. That would not be fair to you, but it would be something that you could not change and it would be something that you would have to live with for the whole of your existence on earth.

The fundamental issue is the dignity of the human person, but it does quickly move into other issues, such as the creation of a sub-human servant class, or maybe even a super-human class that comes to dominate humanity.

In the year 2000, one of the first attempts at human-animal hybrids was made. It was a vanguard attempt, which was shamed back into the silence of the mad scientist laboratory from which it came; but now as some scientists are trying to bring human-animal hybrids more into the mainstream, an essay on the year 2000 attempt is worth considering again. The essay, entitled, "The Pig-Man Cometh" appeared in the October 23, 2000, *Weekly Standard*, and from this piece I will quote extensively. In the piece, J. Bottum wrote:

On Thursday, October 5, it was revealed that biotechnology researchers had successfully created a hybrid of a human being and a pig. A man-pig. A pig-man. The reality is so unspeakable, the words themselves don't want to go together.

Extracting the nuclei of cells from a human fetus and inserting them into a pig's egg cells, scientists from an Australian company called Stem Cell Sciences and an American company called Biotransplant grew two of the pig-men to 32-cell embryos before destroying them. The embryos would have grown further, the scientists admitted, if they had been implanted in the womb of either a sow or a woman. Either a sow or a woman. A woman or a sow.

There has been some suggestion from the creators that their purpose in designing this human pig is to build a new race of sub-human creatures for scientific and medical use. . . .

But what difference does it make whether the researchers' intention is to create sub-humans or superhumans? Either they want to make a race of slaves, or they want to make a race of masters. And either way, it means the end of our humanity.

You can't say we weren't warned. This is the island of Dr. Moreau. This is the brave new world. This is Dr. Frankenstein's chamber. This is Dr. Jekyll's room. This is Satan's Pandemonium, the city of self-destruction the rebel angels wrought in their all-consuming pride.

But now that it has actually come—manifest, inescapable, real—there don't seem to be words that can describe its horror sufficiently to halt it. May God have mercy on us, for our modern Dr. Moreaus—our proud biotechnicians, our most advanced genetic scientists—have already announced that they will have no mercy.

It's true that Stem Cell Sciences and Biotransplant have now, under the weight of adverse publicity, decided to withdraw their European patent application and modify their American application. But they made no promise to stop their investigations into the procedure. We simply have to rely upon their sense of what is, as Mountford put it, "ethically immoral"—a sense sufficiently attenuated that they could undertake the design of the pig-man in the first place. The elimination of the human race has loomed into clear sight at last.