wounding a sheriff's deputy and another person. The gunman then retreated into a church, where he apparently killed a church sexton and then took his own life.

The attack at the courthouse in Idaho is another reminder of the need to provide resources and protections crucial to our Federal and State courts. It was 2 years ago when the mother and husband of Judge Joan Lefkow of Chicago were murdered in their home. Judge Lefkow's courageous testimony in our committee hearing in May 2005 is something none of us will forget. Later that year a Georgia State court judge was killed at a courthouse in Atlanta and there was an attack on a State judge in Nevada.

Last month, by a vote of 97–0, the Senate passed S. 378, the bipartisan Court Security Improvement Act of 2007. I introduced this measure in January along with Senator SPECTER, the majority leader, Senator DURBIN, Senator CORNYN and others. House Judiciary chairman JOHN CONYERS introduced an identical measure in the House also with bipartisan support.

Among the bill's many protections are provisions expanding the access of State courts to grant programs for their security. The additional resources provided by this bill may not have prevented what occurred this weekend, but we must do what we can. I wish this legislation had been enacted last year. Despite our efforts, despite Senate passage of this measure twice last year, the House last Congress did not take up and pass these measures to improve court security. I expect that the new House soon will take up and pass S. 378 in this Congress. It should not be a struggle to enact these measures to improve court security.

Our Nation's Founders knew that without an independent judiciary to protect individual rights from the political branches of Government, those rights and privileges would not be preserved. The courts are the ultimate check and balance in our system. We need to do our part to ensure that the dedicated women and men of the Federal and State judiciary have the resources, security, and independence necessary to fulfill their crucial responsibilities. This weekend serves as another tragic reminder that we owe it to our judges and those protecting our courthouses to better protect them and their families from violence and to ensure that they have the peace of mind necessary to do their vital and difficult jobs.

VOTE EXPLANATION

Mr. BROWNBACK. Mr. President, I regret that I was unable to vote the afternoon of May 9 on the confirmation of the nomination of Debra Ann Livingston, of New York, to be U.S. circuit judge for the Second Circuit of New York. I wish to address this confirmation so that the people of the great State of Kansas, who elected me to serve them as U.S. Senator, may know my position.

Regarding vote No. 158, I support the confirmation of Debra Ann Livingston. My vote would not have altered the outcome of this confirmation.

Mr. BROWNBACK. Mr. President, I regret that on May 2, 3, 7, and 9 I was unable to vote on certain provisions and passage of S. 1082, the prescription drug user fee amendments of 2007. I wish to address these votes, so that the people of the great State of Kansas, who elected me to serve them as U.S. Senator, may know my position.

Regarding vote No. 148, on amendment No. 982, I would have voted in favor of this amendment. My vote would not have altered the final result of this vote.

Regarding vote No. 149, on amendment No. 1022, I would have voted in favor of this amendment. My vote would not have altered the final result of this vote.

Regarding vote No. 150, on amendment No. 990, I would not have voted in favor of this amendment. My vote would not have altered the final result of this vote.

Regarding vote No. 151, on amendment No. 1010, I would have voted in favor of this amendment. My vote would not have altered the final result of this vote.

Regarding vote No. 152, on the motion to invoke cloture on the committee substitute as modified and amended to S. 1082, I would have voted in favor of this motion. My vote would not have altered the result of this motion.

Regarding vote No. 154, on amendment No. 1039, I would not have voted in favor of this amendment. My vote would not have altered the final result of this vote.

Regarding vote No. 155 on amendment No. 998, I would not have voted in favor of this amendment. My vote would not have altered the final result of this vote.

Regarding vote No. 156 on amendment No. 1034, I would not have voted in favor of this amendment. My vote would not have altered the final result of this vote.

Regarding vote No. 157, on passage of S. 1082, the prescription drug user fee amendments of 2007, I would have voted in favor of passage of this bill. My vote would not have altered the final result of this vote.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

CIVIL RIGHTS ACT

• Mr. OBAMA. Mr. President, the struggle to protect the civil rights of all Americans remains an unfinished project, but we have come a long way. I am proud of our country's progress, and I am proud to be an original cosponsor of the Civil Rights Act of 1964 Commemorative Coin Act, which marks the 50th anniversary of one of the most significant civil rights victories in American history.

The Civil Rights Act of 1964 provided affirmation to Americans who knew this country could do better. This legislation outlawed discrimination based on sex, national origin, color, race, and religion. Access to offices, schools, housing, the voting booth, and public spaces would no longer depend on the color of one's skin or the country of one's birth. Heeding President Kennedy's call for ''the kind of equality of treatment which we would want for ourselves,'' this historic legislation affirmed that all Americans were equal under before law. Years passed before the Civil Rights Act was enforced fully, but its passage represented a necessary step in the advancement of civil rights.

Passage of the Civil Rights Act was possible because of the persistent, nonviolent efforts of countless Americans. Heroes like Dr. Martin Luther King, Rosa Parks, and JOHN LEWIS inspired a generation, and the marches, sit-ins, freedom rides, and individual acts of civil disobedience reminded our country's leaders that the time to act had arrived. All Americans are indebted to these patriots for their courage and success, and we honor them with this legislation.

In addition to marking the Civil Rights Act in word, this bill also commemorates the act in deed. Proceeds from the sale of these coins will go to the United Negro College Fund, UNCF, an organization that embodies the spirit of the Civil Rights Act. The United Negro College Fund works to uproot the core causes of discrimination by providing minorities with opportunities that discrimination stole from them. Education provides students the opportunity to fulfill their potential and overcome stereotypes and, indeed, discrimination. Frederick Douglass described education as ''the pathway from slavery to freedom.'' The days of slavery have passed, but education still enables young people to take advantage of their faculties and their freedom.

The United Negro College Fund achieves this aim by providing support to more minority students and higher institutions than any other organization in the country. Since its founding in 1944, UNCF has helped hundreds of thousands of students attend college. It includes in its alumni some of the foremost leaders in American history, including Dr. King and Congressman LEWIS. Today, the United Negro College Fund raises money for operating funds for member colleges and universities, provides access to new technology to historically Black colleges and universities, and provides assistance to young people who hope to further their careers and their lives by going to college.

This legislation commemorates historic sacrifices and victories and reminds us that we must continue to work for a more equal America.•

SAFETY OF AVANDIA

Mr. GRASSLEY. Mr. President, I am here today to talk about another potential failure by the FDA that may have endangered the lives of millions of Americans. Avandia is a drug that was approved by the FDA in 1999. It is a diabetes drug and is used to lower blood sugar. This is important because lowering a diabetic's blood sugar can help prevent or at least postpone two of the biggest killers among diabetics: heart attacks and strokes.

But today, Dr. Steven Nissen, the chairman of Cardiovascular Medicine at the Cleveland Clinic and the immediate past president of the American College of Cardiology, and his colleague, Ms. Kathy Wolski, reported in the New England Journal of Medicine that there is a serious problem with Avandia. Avandia, according to Dr. Nissen and Ms. Wolski is increasing the likelihood that a diabetic will have a heart attack and maybe even die. I want everyone to pay attention to the fact that the New England Journal of Medicine accepted this analysis of Avandia on a ''fast track'' review. The New England Journal of Medicine did that because it was requested by the authors and because in its opinion, the analysis of adverse effects related to Avandia suggests serious patient health risks.

Dr. Nissen and Ms. Wolski based their finding on an analysis of 42 clinical trials.

FDA also decided to say something to the American people today in response to Dr. Nissen's analysis. Around 1 p.m. today, the FDA told the American people that they intend to call for an advisory board meeting to discuss Avandia and that they could not yet reach a ''firm conclusion'' on what to recommend to people taking Avandia. It was interesting to listen to the call because Dr. Dal Pan, who is the head of the Office of Surveillance and Epidemiology, didn't say a word, although he is in charge of postmarketing surveillance. I guess the FDA thinks that the decision to go to an advisory committee meeting takes the heat off what looks like another failed decision-making process. We will see.

Avandia has a long history. It has been on the market for about 8 years. Tens of millions of prescriptions have been written for Avandia, and Medicare and Medicaid have paid hundreds of millions of dollars for this drug.

There have been many clinical trials involving Avandia over the years and there have been numerous post-marketing changes to Avandia's label. I also understand that FDA has known about the possibility of problems with this drug since about October 2005. That is about 19 months ago.

The article appearing today in the New England Journal of Medicine raises a lot of serious questions for me about the real story behind the safety of Avandia. When I couple that article with the FDA conference call that ducked lots of questions I become very suspicious.

Over the last 3 years, my investigations into the FDA showed that the agency was too cozy with the drug industry and did not always put safety of the American people first. The FDA is supposed to regulate the drug industry, but in the case of Vioxx, just to name one debacle, American lives were endangered unnecessarily.

My question today is, Do we have another Vioxx on our hands with Avandia? I am not sure, but I intend to find out. In fact, today Senator BAUCUS and I sent out several document requests including one to the FDA and one to the drug sponsor. We want to understand what did FDA know about this drug, when did it know it, and what did it do about it?

The authors of the New England Journal of Medicine article report a 43 percent increase in the risk of myocardial infarction/heart attack and potentially a 64 percent increase in the risk of cardiovascular death. I need the FDA to tell me why a diabetic would take a drug that may increase the risk of the very thing they are trying to avoid—a heart attack. I also want to know why the FDA did not require the drug sponsor to conduct long-term safety studies instead of small, short-term trials that resulted in few adverse cardiovascular events or death. I want to know what the FDA has been doing for the last 18 months. We want to know the same from the drug sponsor.

Interestingly, in an editorial that accompanied the study, two other veterans of the Vioxx controversy—Dr. Bruce Psaty of the University of Washington and Dr. Furberg of Wake Forest University—write that: ''. . . the rationale for prescribing rosiglitazone at this time is unclear.'' Additionally they call for the FDA to take regulatory action and note that bigger and better long-term studies of long-term treatments for conditions such as diabetes should be completed as soon as possible after a drug is approved.

Let me also say something else to all those FDA employees trying to do their job who probably know the answers to many of my questions: Please feel free to call the Finance Committee if you have any information about this drug and how the FDA handled the situation. You can also call or contact us anonymously if you want. If you want to fax information to me, here is my fax number: 202–228–2131. We welcome your help and insight because I know that many of you want to protect the American public first and foremost and sometimes that is not as easy as it should be at the FDA.

You will also remember that just a few weeks ago I came before the Senate several times to talk about drug safety. I told everyone then—as we were discussing S. 1082, a bill that was intended to dramatically improve post-marketing drug safety, that I was concerned that the bill would not do that. In my mind and in light of all the work I have done over the past 3 years on the FDA, I told everyone that the litmus test for me was whether or not the new drug safety bill would prevent another Vioxx.

My position has consistently been that S. 1082 did not go far enough and would not prevent another Vioxx. That was why I proposed and insisted on a vote giving joint authority between the office that approves new drugs for the market and the office that is responsible for postmarket safety. Forty-six Senators listened to what I had to say, but I was one vote short and the amendment did not pass.

Drs. Psaty and Furberg also said in their editorial, and I quote, ''On May 10, 2007, the Senate passed the Food and Drug Administration Revitalization Act. Although the Senate bill has many strengths, including the allocation of new authority to the FDA, none of its provisions would necessarily have identified the cardiovascular risks of rofecoxib or rosiglitazone in a timely fashion.''

The drug industry has brought us miracle drugs. These drugs have vastly improved the lives of millions throughout the world. At the same time, we all know that drugs have risks and benefits. Each of us tries to consider those risks and benefits when we consult with our doctors to make the best decision for ourselves or our family members as to whether we will take a particular drug. But we can't do what is best for ourselves or our family members if we don't know all the relevant information in a timely manner.

ISLANDER AMERICAN HERITAGE MONTH

Mrs. FEINSTEIN. Mr. President, during the month of May we celebrate Asian Pacific Islander American Heritage Month. I would like to join the Nation in honoring the many contributions of Americans of Asian Pacific Islander descent and pay tribute to their efforts in strengthening and nourishing our history, commerce, cultural identity, and resolve.

This month-long tribute would not be complete without recognizing the visionaries who founded Asian Pacific Islander American Heritage Month: U.S. Senator DANIEL INOUYE, former U.S. Senator Spark Matsunaga, former Secretary of Transportation Norman Y. Mineta, and former U.S. Representative Frank Horton. As a result of their steadfast leadership, a joint resolution established Asian Pacific American Heritage Week in 1978, and the celebration was later expanded to an entire month in 1992.

This celebration takes place in May to mark the first Japanese immigrants' arrival in America in 1843, as well as the completion of the Transcontinental Railroad in 1869 which would not have been finished without the hard work and dedication of Chinese laborers.

This month is also a time to honor the Japanese-American survivors of the forced internment camps established during World War II. The internment of Japanese Americans during