

# APPOINTMENT OF CONFEREES— H.R. 2419

The PRESIDING OFFICER. Under the authority of the order of December 14, 2007, the chair appoints the following conferees on the part of the Senate to H.R. 2419: Mr. HARKIN, Mr. LEAHY, Mr. CONRAD, Mr. BAUCUS, Mrs. LINCOLN, Ms. STABENOW, Mr. CHAMBLISS, Mr. LUGAR, Mr. COCHRAN, Mr. ROBERTS, and Mr. GRASSLEY conferees on the part of the Senate.

## PRESERVATION OF EXISTING JUDGESHIPS

Mr. SANDERS. I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 556, S. 550.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 550) to preserve existing judgeships on the Superior Court of the District of Columbia.

There being no objection, the Senate proceeded to consider the bill.

Mr. SANDERS. I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and any statements be printed in the RECORD.

The bill (S. 550) was ordered to a third reading, was read the third time, and passed, as follows:

S. 550

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. COMPOSITION OF SUPERIOR COURT.

Section 903 of title 11 of the District of Columbia Code is amended by striking "fifty-eight" and inserting "61".

## PROVIDING FOR THE APPOINTMENT OF JOHN W. MCCARTER

Mr. SANDERS. I ask unanimous consent that the Rules Committee be discharged from further consideration of S.J. Res. 25 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the joint resolution by title.

The legislative clerk read as follows:

A joint resolution (S.J. Res. 25) providing for the appointment of John W. McCarter as a citizen regent of the Board of Regents of the Smithsonian Institution.

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. DURBIN. Madam President, I rise to support the appointment of John W. McCarter, Jr., to serve on the Smithsonian Institution's Board of Regents.

The Board of Regents is vested with authorities typically given to boards of trustees of not-for-profit and educational institutions throughout the United States. The Board considers a variety of issues related to the Smithsonian Institution, including budgets, planning documents, proposed pro-

grams and construction, appointments to Smithsonian advisory boards, and legislative initiatives. Given the variety and importance of the Board's responsibilities in managing the tone of America's most cherished cultural institutions, members of the Board of Regents serve a critical leadership role for the Smithsonian Institution.

That is why I am pleased to support John McCarter's appointment. He currently serves as president and chief executive officer of the Field Museum, one of the greatest cultural attractions in Chicago. The Field Museum attracts over 1 million visitors each year. The museum was originally founded to house the biological and anthropological collections assembled for the World's Columbian Exposition of 1893. The original collection has been expanded to include some 20 million specimens, due in part to its continued worldwide expeditions and associated research.

Under John McCarter's leadership, the Field Museum has undertaken a series of projects to rebuild and restore the museum. Research activities have expanded along with the physical structure—the Field Museum is an international leader in evolutionary biology and paleontology in addition to archaeology and ethnography.

Before he joined the Field Museum in 1996, John McCarter was with Booz Allen & Hamilton as a senior vice president and was president of the DeKalb Corporation. He has also worked in government, serving as budget director for the State of Illinois in 1969 and as a White House Fellow during the LBJ administration.

John McCarter brought this diverse work experience to the not-for-profit museum he now leads. During his tenure at the Field Museum, John has created several new permanent and traveling exhibits, including the "Evolving Plant" exhibit in March 2006, the exhibit of Sue, the T. rex, in 2000, and the "Tutankhamen and the Golden Age of the Pharaohs" exhibit in 2006. These exhibits drew huge crowds to the Field Museum, expanding the reach of the museum's rich cultural experiences to new and diverse audiences. John's leadership has led to a new emphasis on developing museum exhibits that tell stories. This approach attracts more visitors and better educates those who are drawn in. The museum has also formalized its educational role in the community, establishing partnerships with science teachers in the community and organizing activities for inner-city schools.

It is my honor to support the appointment of John McCarter. His extensive experience in the government, private, and nonprofit sectors make him a great addition to the Smithsonian Institution's Board of Regents.

Mr. SANDERS. I ask unanimous consent that the joint resolution be read three times, passed, and the motion to reconsider be laid on the table, with no intervening action or debate, and any statements be printed in the RECORD.

The joint resolution (S.J. Res. 25) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S.J. RES. 25

*Resolved by the Senate and House, of Representatives of the United States of America in Congress assembled,* That, in accordance with section 5581 of the Revised Statutes (20 U.S.C. 43), the vacancy on the Board of Regents of the Smithsonian Institution, in the class other than Members of Congress, occurring because of the expiration of the term of Walter E. Massey of Georgia, is filled by the appointment of John W. McCarter of Illinois, for a term of 6 years, effective on the date of the enactment of this resolution.

## CONGRATULATING THE NEW YORK GIANTS ON THEIR VICTORY IN SUPER BOWL XLII

Mr. SANDERS. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 441, submitted earlier today by Senator SCHUMER.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 441) congratulating the New York Giants on their victory in Super Bowl XLII.

There being no objection, the Senate proceeded to consider the resolution.

Mr. SCHUMER. Madam President, I have asked for time because I rise to speak about something that happened in Arizona yesterday.

I rise to congratulate the New York Giants on their much deserved Super Bowl victory last night, which very few thought would happen. But we Giants always knew we could prevail; we just couldn't pick the circumstances.

Mr. President, I will also be offering on behalf of myself, my colleague from New York, Senator CLINTON, and my two colleagues from our neighboring State of New Jersey, in which the Giants stadium is located, Mr. LAUTENBERG and Mr. MENENDEZ, this resolution.

The Big Blue, for the few of you who missed the game—I heard it had one of the biggest TV ratings we have had in a long time—the Big Blue defeated the heavily favored New England Patriots in what will go down as not only one of the greatest Super Bowl upsets in history but one of the most exciting and closely contested games in all of sports history.

Today, I am wearing the red, white, and blue. I usually enjoy wearing the red, white, and blue because I love America, but today I am particularly enjoying wearing those colors because I love the Giants.

Under enormous pressure, facing one of the most talented, methodical teams ever assembled, the Giants came from behind, battling back twice, to take that title.

Since the beginning of the season, the chattering class said the Patriots were an unstoppable force that would march untouched to a comfortable,

some even said “large,” Super Bowl victory, with the Giants a mere afterthought, a stepping stone on their road to greatness.

Well, the Giants proved them wrong again and today we are world champions. Now, I have been a Giant fan since I was 5 years old. I remember “Chuckin” Charlie Connerly and Sam Huff and Frank Gifford and Alex Webster. Back then the two most important Roosevelts to me were Brown and Grier.

The Giants have won Super Bowls before. But this victory, coming from behind and defying the odds, makes this win to Giants’ fans the sweetest of all.

The Giants showed the grit and determination New York is known for. They would not be denied at any point in the game, keeping the pressure on through all four quarters. Throughout the game, the Giants excelled on both sides of the ball. I am particularly amazed and impressed with that Giant defense. The Patriots have one of the best offenses in football ever, certainly the best this year. But the Giant front—Michael Strahan, Osi Umenyora, Justin Tuck—stifled them. They put the pressure on Tom Brady so he actually missed passes. That did not happen very much, and the usually unflappable quarterback was back on his heels for most of the game.

And then the Giant offense. The doubters of Eli Manning were silenced for good—Two touchdown passes, that game-winning drive at the end, where no one thought the Giants could do it. And what a catch by David Tyree. He used his helmet, his face mask, his shoulder pads, and his chest gear to catch that ball and pave the way for that final touchdown.

Tom Coughlin, though bruising at times, kept the team together and focused, proving yet again that it ain’t over until it is over. The hard-fought win sent shockwaves through the football establishment and sent New Yorkers cheering into the streets until the wee hours of the evening.

New Yorkers certainly deserve every minute of sweet celebration, and we look forward to that great tickertape parade I hope I will be able to go to if the voting schedule works out.

I spoke to Commissioner Goddell today and congratulated him on an exciting Super Bowl. It was not only a great day for New York football but a great day for football in general.

Just a note. Two members of the Giant family were lost in recent years: Wellington Mara, the heart and soul of a team if there ever was one, and Bob Tisch, a good friend of mine. And their steadfastness led to this success. I am sure they are looking down from heaven and smiling.

So I, on behalf of all New Yorkers, and the Senate, or at least most of the Senate, congratulate the New York football Giants for winning Super Bowl XLII and celebrating their extraordinary victory. I would like to send congratulations to my New York col-

league, Senator CLINTON, who, of course, is on the campaign trail today. But I know she was thrilled about the victory, as were my colleagues from New Jersey, Senators LAUTENBERG and MENENDEZ.

Mr. LAUTENBERG. Madam President, I thank the Senator from Arizona, Mr. KYL, for his statement about the Super Bowl game that was played yesterday, and his congratulations to the Giants. And notice, I did not say the New York Giants, though that is the name, and we are as proud of that team as we in New Jersey could be.

But pride in my birthplace, my home all my life, the State I am privileged to serve in the Senate, forces me to remind everyone that though we treasure our neighbors’ interests in New York, the Giants’ home is in New Jersey, many of the players live in New Jersey, the home games are played in New Jersey, and there cannot be any doubt about the fan loyalty and the attendance of our proud New Jersey residents.

But to take nothing away from that smashing victory—that wonderful game, by the way, that was said by everyone I have met and talked to—even though our pride, our hopes were with the Giants, the fact is, it was a wonderful football game, and we cannot take away the greatness also of the New England Patriots football team.

After a tremendous season, a remarkable run through the playoffs, and a miraculous achievement against the AFC’s best—the New England Patriots—our Giants are now the Super Bowl champions for the third time in history.

Last night, the Giants did what those of us in New Jersey and across the country believed they could do: They took the crown from the king. To capture the crown, they made key plays under pressure. The game started with a field goal, but the Patriots came right back and held the lead for much of the game. But with 2 minutes left, and their backs against the wall, the Giants came from behind to score the winning touchdown. The team showed guts and strength and courage, as they had throughout the season and through the playoffs. Last night, we saw them at their best. By winning the Super Bowl, our Giants are truly nominated to be the best team in the NFL, and they brought the Super Bowl trophy right back to its rightful place in New Jersey. From their home turf in East Rutherford, NJ, to the Super Bowl win in Arizona—and it was a wonderful setting and an outstanding opportunity to display our Giant greatness—the Giants stood tall and showed that against all odds they were champions.

What a pleasure it was to see the quarterback, Eli Manning, show his championship colors by hanging on as the Patriot defense came after him time and time again. What a wonderful family place that is to have two sons who are such expert football players. But Eli finally was able to come out of

the shadow and take his place alongside his brother’s great play.

David Tyree, a New Jersey native, scored the first touchdown and had an incredible catch with barely a minute left in play, falling back and pinning the ball tight against his helmet as he fell to the ground. He was holding onto that ball, and nothing could pull it from his arms.

Plaxico Burress caught the game-winning touchdown.

The offensive line, anchored by Rutgers University alumnus and New Jersey resident Shaun O’Hara, showed the way.

And don’t forget, they say that defense wins championships. We saw a lot of that yesterday. The defensive line, led by Michael Strahan, also a New Jersey resident, stopped the record-setting Patriot offense in its tracks. It was no minor accomplishment.

In fact, our defense allowed only 14 points against a team that averaged more than 36 points a game during the regular season—an incredible accomplishment.

The Giants ran and passed, and they sacked their way to a championship and into the record books. The Giants have long had a place in the hearts and minds of New Jerseyans.

While the team does bear the New York name, their home has been in New Jersey for more than 30 years. Right now, one can see—if you pass the area where the Meadowlands in New Jersey is—they are building a brandnew stadium to keep them playing and winning in New Jersey for many years to come.

From Rutgers University to the Giants and the Jets, we have a proud and deep tradition of winning football in the Garden State. I am so proud the tradition lives on.

I congratulate the Mara and Tisch families, Tom Coughlin, the rest of the coaching staff, and the entire Giants team for an incredible Super Bowl victory. Giant fans cannot wait to bring the trophy back home.

On behalf of all New Jerseyans and our fans across the country, I am pleased—so pleased—to be able to call our Giants “champions.”

The play that was displayed was magnetic, was fascinating. It will go down as one of the great Super Bowl games in history.

So we note, once again, just a reminder: Do not always call them the New York Giants. Just say Giants. That is enough. While we are under full cover of our pride and our allegiance, we call them the “Jersey Giants.”

Mr. SANDERS. Madam President, even though I supported the New England Patriots, I will not object.

I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements related to the resolution be printed in the RECORD.

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

The resolution (S. Res. 441) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 441

Whereas, on Sunday, February 3, 2008, the New York Giants defeated the New England Patriots by a score of 17-14 to win Super Bowl XLII;

Whereas the Giants, who were double-digit underdogs, overcame overwhelming odds to defeat the Patriots;

Whereas Giants owners John K. Mara and Steve Tisch have built the Giants organization into a championship caliber team;

Whereas Eli Manning, having led a game-winning drive for 83 yards at the end of the fourth quarter, was named the game's Most Valuable Player;

Whereas David Tyree's game-breaking catch will forever go down in Super Bowl history as one of the greatest plays ever;

Whereas the relentless onslaught of the Giants defensive line, highlighted by spectacular plays by Justin Tuck, Osi Umenyiora, and team Captain Michael Strahan, sacked Patriots quarterback Tom Brady 5 times;

Whereas the Giants capped off an amazing playoff run by winning all 4 playoff games on the road as underdogs;

Whereas Giants head coach Tom Coughlin, in his first appearance in the Super Bowl, lead his team to victory from the wild card spot;

Whereas this marks the third time in franchise history that the Giants have won the Super Bowl;

Whereas the Giants attract fans from New York, New Jersey, and Connecticut to their home games in East Rutherford, New Jersey, and to away games across the country; and

Whereas Giants fans from across the tri-state region have rallied together to cheer the Giants for coming from behind to win in the biggest upset in Super Bowl history: Now, therefore, be it

*Resolved*, That the Senate congratulates the New York Giants on their victory in Super Bowl XLII.

COMMEMORATING THE LIFE OF A.  
LEON HIGGINBOTHAM, JR.

Mr. SANDERS. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 442, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 442) commemorating the life of A. Leon Higginbotham, Jr.

There being no objection, the Senate proceeded to consider the resolution.

Mr. SANDERS. Madam President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to this measure be printed in the RECORD.

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

The resolution (S. Res. 442) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 442

Whereas the late A. Leon Higginbotham, Jr., dedicated his life to eliminating racial barriers in the society of the United States;

Whereas, having grown up during the Great Depression and the era of Jim Crow laws, A. Leon Higginbotham, Jr., overcame a childhood marked by economic hardship and segregation;

Whereas, having personally experienced the effects of racism, A. Leon Higginbotham, Jr., sought an education and career in law during which he fought institutionalized racism in the United States judicial system;

Whereas A. Leon Higginbotham, Jr., began his legal career as a law clerk to Justice Curtis Bok of the Superior Court of Pennsylvania and soon became the youngest and first African-American Assistant District Attorney in the city of Philadelphia;

Whereas, in 1954, when African Americans were largely excluded from professional opportunities, A. Leon Higginbotham, Jr., became a founding member of Norris, Schmidt, Green, Harris, & Higginbotham, the first African-American law firm in Philadelphia;

Whereas, while still in private practice, A. Leon Higginbotham, Jr., served as Special Deputy Attorney General for the Commonwealth of Pennsylvania, Special Hearing Officer in the Department of Justice, President of the Philadelphia chapter of the National Association for the Advancement of Colored People, a member of the Executive Board of the Governor's Committee of One Hundred for Better Education, Commissioner of the Pennsylvania Fair Employment Practices Commission, Commissioner of the Pennsylvania Human Rights Commission, and a member of the board of directors for various legal, political, and nonprofit organizations within Pennsylvania;

Whereas, having been appointed by President John Fitzgerald Kennedy to the Federal Trade Commission in 1962, A. Leon Higginbotham, Jr., became not only the first African American to serve on a Federal regulatory commission but also the youngest person to be named as a Commissioner of the Federal Trade Commission;

Whereas, having recognized A. Leon Higginbotham, Jr.'s gifts as both a lawyer and a public servant, both President Kennedy and President Lyndon Baines Johnson nominated A. Leon Higginbotham, Jr., as a Federal judge on the United States District Court for the Eastern District of Pennsylvania;

Whereas, upon confirmation as a Federal judge at the age of 35, A. Leon Higginbotham, Jr., became the youngest person appointed to the United States District Court for the Eastern District of Pennsylvania and one of the youngest ever appointed to a Federal bench;

Whereas, in his role as a Federal judge, A. Leon Higginbotham, Jr., served as a mentor to numerous young attorneys, affording them the opportunity to gain critical exposure to the legal profession;

Whereas A. Leon Higginbotham, Jr., played an extraordinary role in the civil rights movement as an advisor to President Johnson after the tragic assassination of Dr. Martin Luther King, Jr., and as a member of the National Commission on Causes and Prevention of Violence;

Whereas, as the first African-American member of the Yale University Board of Trustees, A. Leon Higginbotham, Jr., successfully fought to allow women to enroll as undergraduates in Yale College;

Whereas, in 1977, President Jimmy Carter acknowledged A. Leon Higginbotham Jr.'s work as both a judge and a scholar and appointed him to the United States Court of Appeals for the Third Circuit;

Whereas A. Leon Higginbotham, Jr., sat on the Court of Appeals for 16 years and served as Chief Judge from 1989 until 1991 and as Senior Judge through the completion of his public career in 1993;

Whereas, through his rulings and subsequent writing, A. Leon Higginbotham, Jr., vigorously fought racial bias and prejudice;

Whereas, upon retirement from the bench, A. Leon Higginbotham, Jr., became the Public Service Jurisprudence Professor at Harvard University, dedicating the remainder of his life to educating and empowering future generations to continue the pursuit of equal justice under the law;

Whereas, A. Leon Higginbotham, Jr., served as the chairman of an American Bar Association panel that in 1993 issued the landmark report "America's Children at Risk: A National Agenda for Legal Action", studying the status of children in the society and legal system of the United States;

Whereas, in 1993, A. Leon Higginbotham, Jr., served as counsel to the law firm of Paul, Weiss, Rifkind, Wharton, & Garrison, where he litigated a host of pro bono matters, including voting rights in Louisiana, and advocated free elections in South Africa;

Whereas, A. Leon Higginbotham, Jr., brought his passion for equal justice into the international arena as a consultant to the President of South Africa, Nelson Mandela, on the formation of the Constitution of South Africa, and as an advocate for grass roots democracy education in South Africa;

Whereas, in 1995, A. Leon Higginbotham, Jr., continued his commitment to public service when appointed by President William Jefferson Clinton to the United States Commission on Civil Rights;

Whereas, as an author and contributor to more than 100 publications and academic works, A. Leon Higginbotham, Jr., left a legacy as a renowned scholar of racial and social justice issues in the United States;

Whereas, A. Leon Higginbotham, Jr.'s critically acclaimed historical works, including "In the Matter of Color: The Colonial Period", published in 1978, and "Shades of Freedom: Racial Politics and Presumptions in the American Legal Process", published in 1996, continue to provide invaluable insight into the history of race relations in the United States;

Whereas, as a sought-after public speaker, after his retirement A. Leon Higginbotham, Jr., delivered more than 100 speeches annually to motivate the next generation of people in the United States to continue the fight for racial justice;

Whereas A. Leon Higginbotham, Jr., received numerous honors and awards during his lifetime, including the Presidential Medal of Freedom, the Raoul Wallenberg Humanitarian Award, the National Association for the Advancement of Colored People Spingarn Medal, the American Civil Liberties Union Medal, the Lifetime Achievement Award from the Philadelphia Bar Association, the Silver Gavel Award from the American Bar Association, America's Ten Outstanding Young Men of 1963 from the United States Junior Chamber of Commerce, and honorary degrees from more than 60 universities; and

Whereas A. Leon Higginbotham, Jr.'s work as an esteemed jurist, scholar, and public servant helped transform the Nation's perception of race: Now, therefore, be it

*Resolved*, That the Senate—

(1) commemorates the life of the late A. Leon Higginbotham, Jr.;

(2) salutes the lasting legacy of A. Leon Higginbotham, Jr.'s achievements; and

(3) encourages the continued pursuit of A. Leon Higginbotham, Jr.'s vision of eliminating racial prejudice from all aspects of our society.