

most decorated ethnic group in the history of our military, and we are deeply grateful for their contributions to our Nation's defense.

Hispanic Americans have made invaluable contributions to every part of American society, from the arts, to medicine to politics to our economy. We are a richer nation in every sense because of those contributions, and because of what they represent—a country that draws strength from its great diversity.

But as we celebrate Hispanic Heritage Month, it is also time to address the challenges that face the Hispanic community, such as lack of access to education and health care, inadequate working conditions, racial profiling and, for many, the difficulty of keeping their families together while working to become legal, permanent residents of this great country.

This celebration should serve as a call to action for Congress. We must ensure that Hispanic Americans have access to educational and economic opportunities as they pursue the American dream. I have long fought attempts to cut funding for important programs such as Pell grants, the High School Equivalency Program, and College Assistance Migrant Program. I have cosponsored the DREAM Act—the Development, Relief, and Education for Alien Minors Act—which would provide higher education opportunities for children who are long-term U.S. residents of good moral character, and who came to this country illegally as children through no fault of their own.

Another crucial piece of legislation is AgJOBS—the Agricultural Job Opportunities, Benefits, and Security Act. This proposal would enable undocumented agricultural workers to legalize their status, and would reform the H2-A agricultural worker visa program so that growers and workers will not continue to rely on illegal paths to employment in the future.

Congress must also continue working toward establishing a realistic immigration system that has adequate opportunities for people to come to the United States legally. In Wisconsin, businessowners have come to rely on foreign workers for their economic success. Simply imposing new border security measures alone, which some have advocated, is not enough.

In closing, I want to express my hope that Congress will work to address these issues and other urgent matters for Hispanic Americans across the country. We should not limit our celebration of Hispanic Heritage to one month but rather work all year long to ensure that all Hispanic Americans can equally participate in, and contribute to, the progress of our great Nation.

TRAGEDY STRIKES AGAIN

Mr. LEVIN. Mr. President, it is unfortunate that it sometimes seems to

require high profile tragic school shootings to focus the Nation's attention on the easy access to guns by young adults and children. Sadly, we find ourselves once again examining the subject in the aftermath of not one, but two shootings.

On April 27, 1999, we paused in the Senate to observe a moment of silence in tribute to those who died at Columbine High School and to express our sympathy for their loved ones. Since that tragedy, tens of thousands of people have been killed by guns and, according to the Brady Campaign, there is an unlocked gun in one of every eight family homes.

On September 13, 2006, a 25-year-old man opened fire in the cafeteria at Dawson College in Montreal, Canada. He began firing randomly at students killing one and injuring 19 others. Five of those injured are in critical condition. Wielding a rapid-fire rifle in addition to two other weapons, the shooter walked through the halls of the college shooting indiscriminately. Prior to the incident, the shooter had openly expressed his fondness for the events surrounding the 1999 slaughter at Columbine High School. While this episode took place in Canada, similar incidences have occurred all too frequently in the United States.

On September 17, 2006, five Duquesne University basketball players were shot while leaving a school dance. So far, two young men have been arraigned on charges of attempted homicide, aggravated assault, criminal conspiracy and weapons-related offenses. A 19-year-old woman has been arrested on charges of reckless endangerment, carrying a firearm without a license and criminal conspiracy. One player, remains in critical condition with one bullet and fragments of another in his head.

It is impossible to come to terms with these or any of the other shooting tragedies that have claimed the lives of far too many young people. Yet after such tragedies, we ask ourselves if they might have been prevented. The answer, of course, at least in part is yes. Congress can and must work to keep guns out of the hands of young people.

What will it take to pass legislation that requires firearms to be sold or transferred with storage or safety devices? What will it take to pass child access prevention legislation, which would require adults to store firearms safely and securely in places that are reasonably inaccessible to children? Congress and the President should work to enact these and other common-sense gun safety reforms that will keep our young people alive and safe.

PHYSICIAN REIMBURSEMENT

Mr. ALLARD. Mr. President, I come to the floor today to speak about an issue that would greatly impact this

country's physicians and our constituents ability to access care. The issue of physician reimbursements under Medicare is important to me and my Colorado constituents. Congress was able to take steps to address the reimbursement issue for 2006, but once again physicians are faced with the possibility of a decreased reimbursement for 2007. Many physicians and physician groups have contacted Congress, requesting that the problem be addressed.

Ellice Zirinski, who works in Family Practice in Arvada, CO, wanted Congress to know that she would strongly urge them to take action and increase Medicare reimbursement to physicians. Should reimbursement decline as legislated, she could no longer afford to give care to her patients and stay in practice. She does not want to jeopardize her patients' access to care. We need to find a way to provide physicians with a positive reimbursement before January 2007. For some time, physicians in Colorado have been concerned with the possibility of a reduction in their reimbursement schedule.

I am greatly concerned with the fact that hospitals, nursing homes, and other Medicare providers continue to receive positive updates, while private physicians are forced to no longer accept Medicare patients, or, even worse, forced out of practice. Tom Mino, a Doctor of Osteopathy in Broomfield, CO, told me, "I may have to consider a change in occupation—or at least move away from solo practice." This trend could result in more physicians practicing in an institutional setting instead of private practice. This concerns me greatly.

I have heard time and time again that Colorado's rural physicians will have no other choice than to stop accepting Medicare patients. Mark Laitos, an M.D. in Longmont, CO, said, "I live in a small town. My patients are my friends and my friends are my patients. We go to church together. I won't abandon them, but my biggest worry is that my practice will be overrun with new Medicare patients as more and more of my colleagues make the decision to stop seeing Medicare patients." That means that my rural constituents will no longer have access to care.

The final conference agreement on the Deficit Reduction Act of 2005, S. 1932, approved February 1, 2006, overrode the mandatory 4.4 percent decrease for 2006 by freezing payments at the 2005 levels. A freeze in the physician reimbursement rate for 2007 is not enough. We need to take steps to ensure that physicians receive a positive reimbursement update.

The issue of physician reimbursement affects the entire United States and all of our constituents. Because of this, I urge my colleagues to take the necessary action to ensure that physicians receive a positive Medicare reimbursement update for 2007.

RELIGIOUS LIBERTY AND CHARITABLE DONATION CLARIFICATION ACT OF 2006

Mr. HATCH. Mr. President, I rise today in support of the Religious Liberty and Charitable Donation Clarification Act of 2006. My distinguished colleague from Illinois, Senator OBAMA, and I have worked diligently and quickly to clarify the treatment of charitable contributions in chapter 13 of the Bankruptcy Code. As many of my colleagues know, a bankruptcy court in the Northern District of New York recently upheld an objection to the confirmation of a chapter 13 plan due to the inclusion of a charitable contribution in the disposable income calculation. Shortly after learning of the decision I, along with Senators GRASSLEY and SESSIONS, sent a letter to the Department of Justice expressing my concern about the treatment of charitable contributions in the Chapter 13 context, and while I believe the Department of Justice will affirm its policy of allowing charitable contributions that are consistent with the Religious Liberty and Charitable Contribution Protection Act of 1998, I do not want the religious practices and beliefs of individuals subject to the vagaries of judicial interpretation.

As a whole, the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005, BAPCPA, was—and still is—a good bill. However, like many large bills, it was not perfect. As a key architect of the recent bankruptcy reforms, I can say without equivocation that Congress intended to preserve the Religious Liberty and Charitable Contribution Protection Act of 1998 in BAPCPA. Unfortunately, the Northern District of New York thought differently.

I do not like impromptu legislative responses to judicial decisions, particularly ones with limited precedential value; however, I believe that Senator OBAMA and I have put together a narrowly-tailored clarification that leaves little doubt about Congress' intent when it passed BAPCPA. I want to make it very clear that this bill does not, in any way, affirm the Northern District of New York Bankruptcy Court's reasoning in *In re Diagostino*. I agree with the Department of Justice's position that charitable contributions consistent with the requirements of the 1998 Religious Liberty and Charitable Contribution Protection Act should be allowed under the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005. The bill that Senator OBAMA and I introduced is meant to simply clarify existing law in furtherance of the Department's interpretation and Congress's intent.

HONORING AMERICAN INDIAN
CODE TALKERS

Mr. JOHNSON. Mr. President, I wish to speak today of the Code Talkers Recognition Act, which passed the Sen-

ate last week with 79 cosponsors. This bill would present commemorative medals to Sioux, Comanche, Choctaw, Sac and Fox, and any other Native American code talkers that served during World War I and World War II in recognition of the contributions of their service to the United States.

Earlier this summer, I, along with Senator JOHN THUNE, were able to present Clarence Wolf Guts, our last remaining Lakota code talker, with a star quilt on behalf of the National Indian Education Association. Mr. Wolf Guts is now 83 years old and is of Ogala and Rosebud descent. Mr. Wolf Guts attended St. Francis Indian School in Marty, SD, and spent most of his life living on the Pine Ridge Reservation. He now lives in a state veteran's home in Hot Springs, SD.

In his late teens, Mr. Wolf Guts enlisted in the Marines and served as a radio operator during World War II. He has become a spokesman among tribal elders and traditional leaders about the importance of keeping native languages alive for future generations. He is very proud to be a veteran, a full-blooded Lakota, and a Lakota speaker.

Earlier this year, another Lakota code talker, Charles Whitepipe, passed away. Mr. Whitepipe, a Sicangu Lakota from the Rosebud tribe, valiantly served in the Army as a Code Talker in World War II. He served as a "Forward Observer" on Japanese-held islands in the South Pacific, communicating by radio with a ship-based partner, using the Lakota language to direct artillery fire from ships at sea onto the islands.

Other Lakota code talkers that will also be recognized in this legislation include Eddie Eagle Boy, Simon Brokenleg, Iver Crow Eagle, Sr., Edmund St. John, Walter C. John, John Bear King, Phillip "Stoney" LaBlanc, Baptiste Pumpkinseed, and Guy Rondell.

During World War II, these men were Army radio operators who used their native Lakota, Nakota, and Dakota dialects to transmit strategic messages to foil enemy surveillance in both the Pacific and European theaters. There is no doubt that the bravery and the courage of Mr. Whitepipe and Mr. Wolf Guts, as well as the other code talkers, helped to make the United States the free and proud place it is today. While Navajos have received the most recognition, it is important to remember that members of at least 17 other tribes also served as code talkers in World War I and World War II.

The syntax and tonal qualities of the native languages were so complex that no message transmitted by any code talker was ever decoded by the enemy. However, for the code talkers who returned home, there were no parades or special recognition, as they were sworn to secrecy, an oath they kept and honored but one that robbed them of the accolades and place in history that they rightfully deserved.

The accomplishments of the code talkers were even more heroic, given

the cultural context in which they were operating. Subjected to alienation in their homeland and discouraged from speaking their native languages, they still stepped forward and developed the most significant and successful military code of their time. That spirit of military service continues today. Native Americans make up a higher percentage of servicemen and servicewomen in the Armed Forces than any other ethnic group in America. They have served with honor in all of America's wars, beginning with the Revolutionary War and on through our current operations in Iraq.

I commend the work of Senators INHOFE, GRASSLEY, HARKIN and THUNE for their work in moving this bill forward, as well as the leadership of the Banking Committee, Senators SHELBY and SARBANES. It is now time to honor all of our native code talkers that have contributed to the safety of our Nation.

TELEPHONE RECORDS AND
PRIVACY PROTECTION ACT OF 2006

Mr. LEAHY. Mr. President, we have recently been reminded of the tremendous threat to consumer privacy posed by what is known as phone pretexting—the use of fraud and deception to acquire consumer phone records. The investigation into pretexting at Hewlett-Packard is just the latest example of why there is a need to enact legislation to safeguard the privacy and security of Americans' sensitive personal data.

Consumer telephone records have become a hot commodity and this information is a treasure trove for those who would misuse it to make a profit or who exploit it for harmful purposes. More and more, this sensitive personal information is being collected, stored and disseminated without our knowledge or consent.

Last Spring, the Senate Judiciary Committee unanimously reported a bipartisan bill that would protect the privacy interests of millions of American consumers who use cell phones, by making the act of pretexting illegal. The Telephone Records and Privacy Protection Act—TRAPP Act—S. 2178, clarifies that it is illegal to use deception and fraud to obtain and sell confidential phone records. The bill ensures that the Department of Justice has the legal authority to seek criminal penalties and up to 10 years imprisonment for anyone who engages in pretexting. The legislation also preserves the rights of State and local governments to enforce their own privacy laws, to best protect the privacy rights of consumers.

In April, the House unanimously passed an essentially identical phone pretexting bill, H.R. 4709. The language used in that bill was worked out with Senators from both sides of the aisle before it was considered by the House, so that when adopted by the Senate it could be sent directly to the President