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 COMMITTEE STAFF DOES EXCELLENT 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 subcommittee, 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 nonconformity 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.