

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 Og-lala 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

for his signature. I have worked for months now to make progress on that bill and it has been cleared for passage twice by all Democratic Senators. First, we cleared it with an amendment that would have also passed the Second Chance Act and consensus court security measures. When Senate Republicans refused to clear that measure, Senate Democrats also cleared the bill for passage in the identical form that it passed the House and without any amendments. An anonymous Republican hold on the measure is preventing its passage.

I know of no legitimate reason for this delay. The Senate could pass this bill today and send it to the President to be signed into law. Instead of passing this bipartisan privacy legislation, it appears this Republican-led Congress will recess without acting on this bill—forcing millions of Americans to continue to play Russian roulette with their sensitive personal information.

This week the former chair of Hewlett Packard, Patricia Dunn, called on Congress to pass bright-line laws regarding phone pretexting to avoid a repeat of the fiasco at HP. The TRAPP Act would do exactly that. This bill would help shut down the growing black market for consumer telephone records.

I support this bill and I commend the bill's lead cosponsors in the Senate and the House—Senators SPECTER, SCHUMER and DURBIN, and Representatives LAMAR SMITH and JOHN CONYERS—for their leadership on this privacy issue. I hope whoever is objecting on the Republican side will stop the needless delay of this legislation. If there is a legitimate concern, come forward and work with us.

The Senate should also act on a more comprehensive privacy bill that Chairman SPECTER and I have cosponsored—the Personal Data Privacy and Security Act, S. 1789. This important measure was favorably reported by the Judiciary Committee last November. But, the Republican Senate leadership would not allow this bill to be considered by this Congress either.

Our bill requires companies that have databases with sensitive personal information about Americans to establish and implement data privacy and security programs. The bill also requires data brokers to provide notice to consumers when their sensitive personal information has been compromised.

We have a bill that significantly advances the ball in protecting the privacy of all Americans, and I will continue to work to move this legislation toward passage.

#### U.N. SUPPORT OF THE CYPRIOT PEACE PROCESS

Mr. BIDEN. Mr. President, the country of Cyprus has occupied a special place in my heart for many years. My admiration for the island and its people grew in recent months as Cypriots opened their arms to assist the thou-

sands of American citizens who fled from Lebanon during this summer's fighting between Hezbollah and Israel. This exceptional display of Hellenic hospitality has reaffirmed Cyprus's importance as a safe harbor amid the unsettled waters of the eastern Mediterranean and a key partner for the United States.

For far too long, however, Cyprus has existed as an island divided. An invasion by Turkey in 1974 needlessly separated the island's ethnically Greek and Turkish citizens—two communities that had successfully coexisted for centuries. A generation has now grown to adulthood on either side of a Green Line that segregates Cypriots from both their peaceful shared history and their promising shared destiny. Mr. President, I believe we must correct this wrong before another generation endures a similar fate.

In 2004, United Nations Secretary General Kofi Annan presented a plan to reunite the island's two communities. The Annan plan certainly wasn't perfect, but it brought the island closer to reunification than any peace initiative in the past three decades. After the plan failed to gain the support of the Greek Cypriot community in an April 2004 referendum, the drive to unify the island largely stagnated, and the U.N. closed its "good offices" mission in Nicosia that had worked to facilitate peace negotiations.

Over the summer, I have been encouraged by the first real signs of movement toward a settlement since the Annan plan was rejected. Ibrahim Gambari, the United Nations Under Secretary General for Political Affairs, visited Cyprus in July and presided over a joint meeting between the President of the Republic of Cyprus, Tassos Papadopoulos, and the head of the Turkish Cypriot community, Mehmet Ali Talat. The two leaders reaffirmed their commitment to seek a political settlement in an agreement signed on July 8. They are now poised to begin a new round of technical talks that I hope will move the peace process forward.

Mr. President, others have rightly stated that Cypriot problems need Cypriot solutions, but I am convinced that those solutions won't be forthcoming without the forceful support of the international community. For years, the United Nations has played a critical role in Cyprus, maintaining a ceasefire and facilitating a political settlement. Under Secretary Gambari will report to the U.N. Security Council in the beginning of December, and the Security Council and Secretary General will subsequently decide whether to renew the mandate of UNFICYP, the U.N. Peacekeeping mission in Cyprus, and reopen the Secretary General's good offices mission in Nicosia.

Greek and Turkish Cypriot leaders should take advantage of this window of opportunity and launch the technical talks they committed to as part

of the July 8 agreement. Once they do, the international community should be ready to support them. I am convinced that given the right conditions and adequate international backing, a solution in Cyprus is both possible and attainable. I hope that members of the Security Council will reach the same conclusion and act accordingly when the issue is before them, and that the new U.N. Secretary General will build on Secretary General Annan's leadership to facilitate a peaceful resolution of this long-running conflict.

When it finally happens, the reunification of Cyprus will have significance far beyond the shores of the Mediterranean. A united Cyprus will stand as an example to the world of how different ethnic groups can overcome past wrongs, bridge differences, and live together as neighbors. At a time when too many countries are beset by demons of ethnic and sectarian hatred, it is more important than ever to find an answer to the Cyprus question. If the United States and other members of the international community are willing to act as catalysts for a political settlement, I am confident that future generations of Cypriots can enjoy the peace they rightly deserve.

#### PROSTATE CANCER AWARENESS MONTH

Mr. JOHNSON. Mr. President, September is Prostate Cancer Awareness Month, and I would like to take advantage of this opportunity to remind men and the women who love them that early detection saves lives.

Prostate cancer is the most commonly diagnosed nonskin cancer in American men and it is one of the leading causes of cancer-related death among men. Approximately one out of every six men will develop it at some point in their lives. In fact, according to the American Cancer Society, more than 230,000 new cases of prostate cancer are diagnosed each year in the United States and, sadly, about 27,000 sons, fathers, brothers and husbands will die of the disease. Fortunately, through early detection and treatment, fewer men are dying and more men are living long and healthy lives following their diagnosis.

A simple blood test, the prostate-specific antigen, or PSA, test can detect prostate cancer, and is usually administered by your regular doctor. Health experts recommend that doctors offer men yearly screening beginning at age 50. However, men with one or more high risk factors should consider starting yearly testing at age 45 or earlier and some may choose to take a PSA test at age 40, to establish a baseline level for future comparison.

Each year my wife Barbara and I sponsor a cancer booth at the South Dakota State Fair in Huron, SD. For many years, we have been able to provide free PSA tests to hundreds of men, and several people have returned to the booth to tell us that the PSA test they