

rule option, but it is nothing radical, and it is, indeed, in keeping not only with the traditions of the Senate but also in keeping with the Constitution and laws of the United States.

The Constitution is abundantly clear when supermajorities are required in order to perform a certain function. For example, to amend the Constitution, it talks explicitly about the requirement of a two-thirds majority and ratification by three-quarters of the States. It is also very clear that a supermajority is required to ratify treaties. But nowhere within that document, that foundation of our laws, the Constitution, is it suggested that more than a majority rule is required in order to provide advice and consent when it comes to the President's judicial nominees.

I appreciate the opportunity and the patience of my friend, the Senator from Georgia, who I know is going to speak next, allowing me to correct the record and I hope better inform the American people and our colleagues about exactly what is going on. What is going on is that we are required to do what the people of our respective States have sent us here to do, and that is to vote. We have a tradition of lengthy debate and opportunity for any Senator to speak their mind on any subject that they care to speak on, but ultimately we are obligated by our oath and by the Constitution that governs all Americans to have an up-or-down vote, especially when a bipartisan majority stands ready to confirm, which is the case here. No Senator, no person, no collection of persons has any right to demand anything more.

Unfortunately, this has gone on for too long. Good and distinguished nominees of this President have not only been denied the opportunity to have an up-or-down vote but unfortunately have been smeared as part of the process far too often. I believe what we need is a fresh start. We need a fair process, one that will apply to Democrats as well as Republicans, and one that will reflect the kind of honor that should be reflected on this institution. Unfortunately, that has not been the case. We have somehow allowed ourselves to veer off the path that the Constitution lays out for us. But we do have a chance, if necessary, if the Democratic leadership is going to persist in this unconstitutional blockade and obstruction of the President's nominees, for us to correct what has gone on for too long. Indeed, I hope that will not be necessary. Ultimately the decision is going to be theirs.

We have been patient. We have explained our position. We have listened carefully to their arguments. We have listened to their objections. Frankly, we find them to be firmly planted on both sides of this issue.

I hope those listening and colleagues in the Chamber will now understand a

little bit better about why it is so important for us to reinstate this more than 200-year tradition, indeed this constitutional mandate that binds all of us as Americans to majority rule restoration.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. ISAKSON. Mr. President, I ask unanimous consent to address the Senate as in morning business.

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

TILLIE FOWLER

Mr. ISAKSON. Mr. President, at this precise minute and this precise hour in Jacksonville, FL, countless friends and admirers are gathering to pay tribute to Tillie Fowler. It is only fitting and proper that in this Chamber this Congress do the same.

For me personally, it is more than just the loss of a colleague. I served with Tillie's dad, Culver Kidd, a State senator in Georgia for years when I served in the legislature—colorful and distinguished, a leading citizen. Her brother Rusty is a warm and trusted friend. Her daughter Tillie worked for me the first 4 years I served in the House of Representatives. I honor, admire, and respect her loving husband Buck who, together with Tillie, has meant so much to me personally in my career.

I know the bible teaches us in the book and chapter of Ecclesiastes that there is a time for everything, a time to live and a time to die. But there are some times that it is so difficult to accept, the loss of one so vibrant and so important, not only to their community but to their country. Such is the case with Tillie Fowler.

I know that her family, gathered today at this moment in Jacksonville, FL, would want us in the Senate and in this Congress, in this building today, to pay tribute to the legacy of Tillie Fowler: an accomplished attorney, a loving wife, a devoted mother, a committed servant of the people she represented, an honored Member of the United States House of Representatives, a lady who became the highest elected woman in leadership in the Congress of the United States at the time she ascended to the position of vice chairman of the Republican conference in the majority of the House, respected by both sides of the aisle as the most formidable and knowledgeable member of the Armed Services Committee in the House, one who had the temperament and the ability to calm the waves of partisanship and point to the direction that we all knew we should go, and one that would also stop to help, regardless of the need of an individual.

In fact, on Tuesday of this week, just one day after she was stricken, I was to have had an appointment in my office in the Russell office building with Tillie Fowler. Obviously, because of

her illness, she could not come. But the person she was going to introduce me to could. Only a Tillie Fowler would have sent to me the new director of the largest public and charitable hospital in Georgia and the largest trauma center in our State because she was spending part of her time trying to see to it that those that help others got help themselves.

It was an honor for me to serve in the House with Tillie Fowler. It is a privilege for me to stand here today in the Senate and pay tribute to our colleague. On behalf of all the Members of this Senate, we extend our deepest sympathy and condolences to her husband Buck, her daughter Elizabeth, her daughter Tillie, and all of her extended family.

Mr. NELSON of Florida. Mr. President, it was with great sadness that I learned of the passing of Tillie Fowler, a great friend, dedicated public servant, and remarkable woman.

It is difficult to think about Florida politics without thinking about Tillie Fowler. She was a woman with strong values, political acumen and honor. I was lucky to have known her and, more importantly, Florida was lucky to have had her represent us in the U.S. House of Representatives.

She is an inspiration to Floridians and all Americans, and she will be greatly missed.

MORNING BUSINESS

Mr. ISAKSON. Mr. President, I ask unanimous consent that there now be a period of morning business with Senators permitted to speak for up to 10 minutes each.

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

LOCAL LAW ENFORCEMENT ENHANCEMENT ACT OF 2005

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. Each Congress, Senator KENNEDY and I introduce hate crimes legislation that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society. Likewise, each Congress I have come to the floor to highlight a separate hate crime that has occurred in our country.

Late last year, two gay men were attacked when attempting to leave a night club in Tampa, Florida. The men were repeatedly punched and kicked in the head by two assailants. Authorities in Florida have designated this case as a hate crime because the apparent motivation for the vicious attack was the sexual orientation of the two victims.

I believe that the Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement

Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

THE MONEY FOLLOWS THE PERSON ACT OF 2005

Mr. SMITH. Mr. President, yesterday I introduced the Money Follows the Person Act of 2005, along with Senator HARKIN.

My job as a Senator is to help protect and defend the freedoms of all Americans. One of the most important freedoms we enjoy is the freedom to choose where we live. For example, many people overlook the importance of being able to choose to live among family and friends and not among strangers.

All too often this basic freedom is denied to older Americans and Americans with disabilities. Currently, we are unnecessarily isolating people with disabilities from their communities, friends, families and loved ones by placing them in institutional care facilities. Many of these Americans should not be in a nursing home or institutional setting. A disabled person can often be better served and integrated into their community by living in community-based homes.

However, recent data indicates that 70 percent of Medicaid dollars are spent on institutional care and only 30 percent are spent on community services for the disabled. This is because Medicaid currently requires that States provide nursing home care for Americans with disabilities, but does not require the same for community-based services. Due to this inequity in Medicaid law many individuals with disabilities and older Americans are forced to live in isolated settings.

In order to preserve the freedoms of our friends and loved ones in the disabled community, we must do something to reverse this trend. It is my privilege today to join my distinguished colleague from Iowa as a co-sponsor of the Money Follows the Person Act of 2005. Under this legislation, Oregon's effort to help an individual move out of an institutional facility and into a community home would be 100 percent federally funded for one year. After that first year, the Federal Government would pay the state's normal Medicaid rate.

These incentives can help reintegrate countless older Americans and Americans with disabilities into a setting where they can be more active citizens. Americans everywhere realize the value of integrating persons with disabilities into their communities. It is unfair and unjust to needlessly isolate productive citizens from their communities, regardless of their condition. It is time we work to reintegrate disabled Americans back into our communities. I urge my colleagues on both sides of

the aisle to support this important bill and to support the freedom of choice for Americans with disabilities.

THE "DECADE OF ROMA INCLUSION"

Mr. BROWNBACK. Mr. President, last month, the Prime Ministers of eight Central and Southern European countries met in Sofia, Bulgaria, for their first meeting in what has been dubbed "the Decade of Roma Inclusion." This initiative is designed to spur governments to undertake intensive engagement in the field of education, employment, health and housing with respect to Europe's largest, most impoverished and marginalized ethnic minority, the Roma. The Open Society Institute, the World Bank, the European Commission and the United Nations Development Program—all supporters of this initiative—hope that this effort will result in meaningful improvements over the course of a 10-year period.

In December, a donors' conference pledged \$42 million for a Roma Education Fund. But the real goal is to get governments to give more help to their own people from their own budgets, as well as to make better use of the funds already available from organizations like the EU.

The fact is, Romani riots in Plovdiv, Bulgaria, in 2002 and in eastern Slovakia last year should be a wake up call for governments with significant Romani communities. These countries cannot afford to ignore the crushing impoverishment and crude bigotry that so many Roma face on a daily basis. The Decade of Romani Inclusion is all well and good, and I commend the governments that are participating in this initiative. But much more needs to be done to truly advance Romani integration. It must start with a message of tolerance and inclusion from the highest levels of government.

Unfortunately, too often the voices that are heard are those spreading crude stereotypes and inter-ethnic hatred. I am particularly alarmed by what appears to be an increase in anti-Roma statements in Bulgaria.

Last summer, the head of one of Bulgaria's leading trade unions, Konstantin Trenchev, broadly characterized all Roma as criminals—and then called for the establishment of vigilante guards to deal with them. More recently, Ognian Saparev, a Member of Parliament from the Bulgarian Socialist Party, dismissed the significance of reports that the Mayor of Pazardzhik has trafficked Romani girls for the benefit of visiting foreigner diplomats. Saparev reportedly claimed that the statutory rape of these girls shouldn't be considered a crime because Romani girls are "mature" at age 14. Significantly, Saparev also gained headlines last year for pub-

lishing an inflammatory article about Roma in which he argued they should be forced to live in ghettos.

Even worse statements have come from Russia. Yevgenii Urlashov, a city official in Yaroslavl, recently characterized all Roma as drug dealers and called for them to be deported. Not to be outdone, fellow municipal legislator, Sergei Krivnyuk, said, "residents are ready to start setting the Gypsies' houses on fire, and I want to head this process."

Although nongovernmental human rights groups have condemned this anti-Romani rhetoric, other leaders in Bulgaria and Russia have largely remained silent. But it is critical that public leaders, from all walks of life, speak out against such hate mongering.

Speaking on the occasion of the 60th anniversary of the liberation of Auschwitz, Polish President Kwasniewski noted that "complete extermination was also [intended] to be the fate of the Roma community." It will not do, 60 years after the liberation of Auschwitz, to stand by in silence while Roma are crudely caricatured as criminals, just as they were by the Nazis. And we must not stand by in silence when a member of Parliament dismisses the criminal act of trafficking of children, simply because they are Romani.

BELARUS—OUTPOST OF TYRANNY

Mr. BROWNBACK. Mr. President, over the course of the last few months, we have witnessed dramatic events in one of Europe's largest countries, Ukraine. The Orange Revolution has clearly shown that people power can bring about peaceful democratic change some thought was not possible in a former Soviet state. As a result, and with the support of the United States, Europe and international organizations such as the Organization for Security and Cooperation in Europe OSCE, Ukraine is on the path to freedom and democracy. Notwithstanding the formidable challenges that remain to overcome the legacy of the past, Ukraine now has a real chance at consolidating its democracy and further integrating into the Euro-Atlantic community.

Unfortunately, the news out of Belarus, Ukraine's neighboring fellow eastern Slavic country to the north stands in stark contrast to the encouraging news coming out of Ukraine. Secretary Rice, in her confirmation testimony, characterized Belarus, along with North Korea, Iran, Cuba, Burma, and Zimbabwe as an outpost of tyranny and asserted that America stands with oppressed people on every continent. Belarus, under Alexander Lukashenka's now 10-year repressive rule, has the worst human rights record of any country in Europe. Lukashenka's regime has increasingly violated human rights and freedoms and